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LABOUR REGULATION IN THE MARITIME SECTOR IN INDIA

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Abstract:

The maritime industry, a sector vital to global trade is often marked by legal ambiguity and worker exploitation. This article examines the diverse categories of maritime labour—including seafarers, dockworkers, offshore energy workers, and fishers—and the risks they face, such as poor working conditions, wage theft, and mental health issues. The Indian legal framework, while aligned with international conventions like the Maritime Labour Convention (MLC), 2006, suffers from weak enforcement and fragmented oversight. The use of Flags of Convenience (FOC) further complicates jurisdictional accountability, making it difficult for workers to seek justice. The article also reviews the role of international bodies such as the IMO and ILO in setting standards and supporting seafarers. Real-world case studies highlight the failure of authorities to protect Indian maritime workers abandoned in foreign ports. The article concludes with policy recommendations including tighter regulation of manning agents, port welfare desks, gender inclusion, and legal harmonisation. Ultimately, it calls for stronger coordination between domestic and international stakeholders to safeguard the rights and dignity of maritime workers.

Keywords: Maritime industry, labour, challenges, law.

Introduction:

The maritime sector serves as the backbone of global trade, facilitating the movement of over 90% of international cargo. Behind this massive machinery of commerce are millions of maritime workers who endure long hours, dangerous conditions, and legal ambiguity to keep the global supply chain running. Labour in the maritime sector spans a wide spectrum, from seafarers navigating international waters to dockworkers and shipyard employees. Despite their pivotal role, maritime workers face a myriad of challenges that often go unnoticed. This essay delves into the nature of the maritime industry, legal frameworks governing maritime labour in India, and the major issues workers face within this sector.

Maritime Industry:

The maritime industry encompasses all activities related to the sea and shipping. This includes shipping and logistics, port operations, offshore energy, fishing, and maritime services like insurance and legal support. It is a labour-

intensive sector involving various categories of workers such as seafarers, dockworkers, engineers, and support staff. India, with its long coastline and strategic location, is a significant player in the global maritime domain and a major supplier of seafarers to international fleets.

Global Maritime Labour Market

The global maritime labour market heavily relies on workers from developing countries like the Philippines, India, and Indonesia. The industry has witnessed a rise in the use of "Flags of Convenience" (FOC), where ships are registered in countries with lenient labour and safety laws to cut costs. While this boosts profitability for shipping companies, it often results in poor enforcement of labour standards and jurisdictional ambiguity when disputes arise.

Types of Labour in the Maritime Sector

- **Seafarers:** They are responsible for navigation, maintenance, and operation of

vessels. They often work in isolation under demanding conditions. Many spend long durations at sea, far from family and support systems.

- **Dock and port workers:** They handle loading, unloading, and maintenance tasks in ports. Their work is physically demanding and prone to accidents. Many are employed on a casual or contract basis with limited benefits.
- **Offshore energy workers:** These employees work on oil rigs and renewable energy installations. They face high risks due to harsh environments and technical hazards. Long shifts and remote locations intensify occupational stress.
- **Fishers and coastal workers:** Typically engaged in small-scale, often informal, fishing operations. They lack legal protections and social security coverage. Exploitation and hazardous working conditions are common.
- **Women in maritime:** Women are a minority in the industry and often face discrimination. Challenges include lack of proper sanitation facilities and safety measures. They also have fewer opportunities for advancement.

Labour Law Framework and Issues in India

a. Key Indian Laws and International Conventions

- **Merchant Shipping Act, 1958:** It is the primary law that regulates employment, safety, and certification of Indian seafarers. It incorporates provisions aligned with international maritime standards.
- **Dock Workers (Regulation of Employment) Act, 1948:** This act regulates the employment and conditions of service of dock workers, ensuring fair practices and protection.
- **Seamen's Provident Fund Act, 1966:** This act provides for the establishment of a provident fund for seamen, ensuring their financial security during and after their service.

- **Indian Ports Act, 1908:** This Act governs port operations and port trust functions across Indian ports. It provides basic guidelines for port labour but lacks detailed worker protection provisions. Many operational issues are left to the discretion of individual port authorities.
- **Maritime Labour Convention (MLC), 2006:** India ratified the MLC to comply with international standards for seafarer welfare. It mandates decent working and living conditions aboard ships. Enforcement remains patchy, especially on foreign-flagged vessels.
- **Labour Codes:** The recent consolidation of labour laws into four major codes aims to streamline compliance and improve protections. These codes—on Wages, Social Security, and Occupational Safety—can extend to onshore maritime workers.
- **Directorate General of Shipping (DGS):** The DGS regulates training, licensing, and welfare of Indian seafarers. It plays a critical role in enforcing MLC provisions and conducting inspections.

b. Challenges with Legal Implementation

Enforcement of maritime labour laws remains weak and inconsistent across jurisdictions. Many workers, especially those employed via contractors or informal arrangements, are excluded from labour protections. There is poor coordination between the Ministry of Labour, Ministry of Shipping, and port authorities, and grievance redressal mechanisms are fragmented and ineffective.

Key Labour Issues in the Maritime Industry

- **Working conditions at sea:** Seafarers often endure long working hours, fatigue, isolation, and poor living conditions. Mental health issues, including depression and even suicide, are increasingly reported among crew members.
- **Recruitment and manning problems:** Workers frequently fall prey to unscrupulous recruitment agents who charge exorbitant fees and provide forged contracts. Many workers receive little to no training before deployment.

- iii. Crew abandonment and wage theft: Indian seafarers have often been stranded in foreign ports without food, water, or wages. Legal remedies are complicated by jurisdictional issues, especially on FOC ships.
- iv. Occupational health and safety risks: Seafarers face harsh environments, risk of injuries, and inadequate emergency preparedness. Many vessels fail to comply with international safety norms.
- v. Lack of unionisation and bargaining power: Contractual and migrant workers find it difficult to unionise. The right to strike or demand collective bargaining is severely limited at sea.
- vi. Gender-based discrimination: Women are significantly underrepresented. Those employed face harassment, lack of adequate sanitation facilities, and limited career progression opportunities.
- vii. Impact of COVID-19: The pandemic led to crew change crises, contract extensions, and abandonment. Crew members were stranded for months without relief or healthcare support.
- viii. Flag of Convenience (FOC): Ships registered under FOCs often operate outside the reach of strict labour laws. These flags allow owners to reduce costs but make it nearly impossible for workers to seek redress for grievances, including wage theft and unsafe conditions. Indian authorities face limitations in acting against such vessels.

Judicial precedents

In the case of *In Re: MV Sea Success I* (2002)³⁶⁵, the Indian judiciary upheld the rights of seafarers in disputes concerning wages and employment conditions. The court ruled that seafarers should not be subjected to unfair treatment or delayed payments, thereby affirming their entitlement to timely and just compensation under Indian maritime laws.

In *D.G. Shipping v. MLC* (2013)³⁶⁶, the court emphasized India's commitment to

international labour standards under the Maritime Labour Convention (MLC). The ruling called for the government to align national maritime regulations with global standards, urging reforms to enhance working conditions and welfare measures for maritime workers.

The case of *Abdul Rahiman v. State of Kerala* (2019)³⁶⁷ addressed the grave issues of human trafficking and forced labour in the maritime sector. The Kerala High Court found that the petitioners had been coerced into inhumane working conditions aboard vessels and ruled that such exploitation violates both national and international labour laws. The court mandated stricter enforcement of anti-trafficking regulations, fair documentation, and proper wages, thereby reinforcing the fundamental rights of maritime workers.

In *M.V. Elizabeth v. Harwan Investment and Trading Pvt. Ltd.* (1993)³⁶⁸, the Supreme Court of India recognized the jurisdiction of Indian courts over foreign vessels in matters affecting Indian seafarers. The court held that Indian nationals working aboard foreign ships have the right to seek legal redress in Indian courts when their rights are violated. This landmark ruling extended the reach of Indian legal protections to maritime workers serving under foreign flags and underscored India's commitment to safeguarding labour rights in the maritime sector.

On the international front, *The Arctic Sunrise Case* (2013)³⁶⁹, heard by the International Tribunal for the Law of the Sea (ITLOS), involved the unlawful detention of Greenpeace activists by Russian authorities. The tribunal ruled that Russia had breached international law by seizing the vessel and detaining its crew, asserting that maritime workers enjoy protection under the United Nations Convention on the Law of the Sea (UNCLOS). This case reaffirmed the duty of flag states to respect

³⁶⁵ 2002(2) BOMCR 537

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https://dgshipping.gov.in/writercaddata/News/201311221059313580428dgs_order23_2013.pdf

³⁶⁷ <https://indiankanoon.org/doc/50236949/> last accessed on 1st April 2025 at 9:27pm

³⁶⁸ 1993 AIR 1014

³⁶⁹ <https://www.itlos.org/en/main/cases/list-of-cases/case-no-22/> last accessed on 3rd April 2025 at 4:20am

international legal standards and the rights of seafarers on board vessels.

In the historic UK case *Ralli Bros v. Compania Naviera Sota Y Aznar* (1920)³⁷⁰, the court addressed issues of fairness in contractual obligations for maritime workers. The judgment established that shipping contracts must conform to reasonable and just labour conditions, and exploitative terms would not be legally enforceable. This decision underscored the principle that shipowners bear the responsibility of providing fair wages and decent working conditions, laying down a legal foundation for equitable treatment of maritime labourers globally.

Role of International Organizations

• International Maritime Organisation (IMO):

The IMO is a specialized agency of the United Nations responsible for regulating shipping and ensuring the safety, security, and environmental performance of international shipping. It develops various conventions and regulations to improve seafarers' working conditions, such as the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) which sets training and certification standards. Another important instrument is the International Convention for the Safety of Life at Sea (SOLAS), which enhances the safety and welfare of ships and their crews. The IMO works collaboratively with other organizations, including the International Labour Organisation, to promote the enforcement of maritime regulations and the protection of seafarers' rights.

• International Labour Organisation (ILO):

The ILO is a UN agency that sets international labor standards and promotes rights at work, social protection, and job opportunities for all, including seafarers. It adopted the Maritime Labour Convention (MLC) in 2006, which establishes comprehensive rights and protections for seafarers' working and living

conditions, including aspects such as wages, hours of work, and accommodation. The ILO also engages in efforts to combat forced labor and ensure decent work across maritime industries. Its conventions, including those pertaining to forced labor and discrimination, are crucial in safeguarding the rights of seafarers and improving their overall welfare.

Suggestions

- i. Establish stricter compliance measures including regular inspections and stronger penalties for violations of labour rights to ensure adherence to international conventions like the Maritime Labour Convention (MLC), 2006.
- ii. Specialised tribunals or fast-track systems should be established to promptly resolve cases of wage theft, abandonment, and abuse.
- iii. Ports and vessels must implement gender-sensitive infrastructure, safety protocols, and grievance redressal systems to support women workers.
- iv. Governments and employers should provide mental health support through helplines, onboard counselling, and awareness programmes to address stress, isolation, and depression among maritime workers. Dedicated welfare desks should offer legal aid, medical care, and emergency support to maritime workers at all major ports.

Conclusion

Maritime workers are the unsung heroes of global trade, yet their contributions are undermined by unsafe conditions, legal neglect, and systemic exploitation. In India, while legal frameworks exist, their implementation is fragmented and often ineffective. A coordinated national and international effort is needed to ensure fair treatment, robust protections, and sustainable practices for maritime labour. As the seas grow more digital and globalised, so must our commitment to protecting those who navigate them.

³⁷⁰ <https://www.i-law.com/ilaw/doc/view.htm?id=135016> last accessed on 3rd April 2025 at 4:44am

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