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THE DEVELOPING LEGAL VISION IN INDIA'S MARITIME SECTOR

Introduction

1. Since time immemorial, ports have served as strategic gateways for import and export, and is a key driver of economic connectivity. India's maritime trade has surged to almost double in the last decade, as per reports of the Ministry of Ports, Shipping and Waterways **(Ports Ministry)** owing to, *inter alia,* expansion of port capacity, ship turnaround time and unlocking of new logistical corridors.

2. The very nature of maritime trade being transnational and with the rise in international competitiveness, a pivotal overhaul was required to align India's maritime industry with global standards. Pertinently, a need arose to replace the century-old port legislation with a modern and dynamic framework.

3. In 2025, Parliament enacted the Indian Ports Act, 2025 **(2025 Ports Act)**. Concurrently, the Maritime India Vision 2030 **(MIV2030)** was also released which sets a strategic roadmap for port infrastructure and logistics over the next decade. Together, these reforms aim to modernize port governance, align with international norms and strengthen dispute-resolution mechanisms in the sector.

Governance and Regulatory Reforms in the 2025 Ports Act vis a vis Indian Ports Act, 1908, (1908 Ports Act)

1. The 2025 Ports Act introduces sweeping changes from the 1908 Ports Act, including, among others, the following key anchors:

   a. State Maritime Boards: For the first time, the law statutorily recognizes State Maritime Boards for non-major (state) ports. Each coastal state must establish a board to plan and develop port infrastructure, grant licenses and concessions, fix port tariffs, and enforce safety, security and environmental standards. This replaces the previous mechanism where states had varying regulations.

   b. Maritime State Development Council **(MSDC)**: A central MSDC (chaired by the Union Ports Minister) will issue guidelines on data standards, port tariff transparency and advise the central government on national planning.

   c. Port Officers and Conservator: The Bill redefines port officials' roles. A "conservator" (appointed by the state for each port or group of ports) becomes the senior port official, with expanded powers. Conservators may direct ship movements, prevent disease spread, and even adjudicate penalties for port violations. Such executive powers however must be applied with necessary safeguards.

   d. Digitalization: The legislation enshrines the Maritime Single Window (to coordinate clearances) and data-sharing protocols. All port processes are required to be digitized aiming to improve *Ease of Doing Business* in logistics sector in India.

2. The reforms aim at substantially altering port governance and balancing local autonomy with national coordination. The steps taken in implementation of the reforms will further reduce discretionary bottlenecks and boost investor confidence.

The Maritime India Vision 2030 & Arbitral Developments

1. MIV2030 is government's ten-year strategic plan for port-led growth and coastal development. It aims to secure India's place at the forefront of the global maritime sector and pro-actively accelerate growth. The idea of MIV2030 is based on ten key themes, including – development of port infrastructure, enhancing use of technology and innovation, strengthening policy and institutional framework, enhancing maritime co-operation, etc.

2. MIV2030 expressly recognizes that India currently has limited maritime dispute resolution capability vis-à-vis global centers. In such view, it proposes the idea of Indian Maritime Arbitration Association **(IMAA)**.

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3. The government has explicitly invoked the "Resolve in India" initiative, urging that domestic maritime disputes be resolved within India. The criticality of MIV2030 lies in its promotion of India as an arbitration hub. Prior to the specific developments in maritime arbitration, under the Indian law, arbitration in maritime and other commercial disputes was governed by the Arbitration and Conciliation Act, 1996 (modelled on the UNCITRAL Model Law) **(Arbitration Act)**.

4. Thereafter, in 2024, the Ports Ministry launched the India International Maritime Dispute Resolution Centre **(IIMDRC)** in Mumbai, in partnership with the India International Arbitration Centre, IIAC. The IIMDRC is India's first specialized maritime arbitration center, intended to handle international shipping cases. It has been described as "a major milestone" to make India a global venue for maritime disputes.

5. Further specialisations have been introduced in the ever-developing subject area whereunder a distinctive feature of the 2025 Ports Act is the creation of port-specific dispute mechanisms. The Bill mandates each coastal state to appoint a Dispute Resolution Committee **(DRC)** comprising experts to hear disputes involving state ports, concessionaires, port users and service providers. Orders of the DRC are appealable only to the High Court and ordinary civil courts are barred from deciding such matters. This specialized forum is intended to deliver quicker, sector-knowledgeable adjudication.

6. In addition, under "Resolve in India", Indian parties are encouraged (and in some government contracts now required) to use the IIMDRC instead of falling back on foreign forums. The establishment of IIMDRC exemplifies how MIV2030 envisions building dispute-resolution infrastructure: by combining legislative reform with capacity-building in arbitration institutions.

7. Although domestically, the Indian Council of Arbitration (ICA) has promulgated Maritime Arbitration Rules in 2022 for shipping disputes and the Mumbai Centre for International Arbitration (MCIA) has been promoting institutional arbitration in India, however, neither body is widely recognized internationally as a leading maritime venue.

8. It is required in making arbitration clauses mandatory for public port contracts and favouring India as seat.

CONCLUSION

1. India's stride through the 2025 Bill and the MIV 2030 aims at addressing the dilapidated statutory governance of Indian ports for a better strategic growth and to pave way for India to join the status of an arbitration hub for maritime disputes.

2. A domestic maritime alternative dispute resolution ecosystem would reduce litigation costs for Indian parties and attract new business. To seize this, India must ensure its courts uphold arbitration awards reliably and that its tribunals meet international standards of fairness and efficiency.