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# Working Conditions of Indian Ship Workers: An Analysis under Maritime Labour Laws

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## ABSTRACT

*The maritime sector occupies a central place in India's economy, both because it sustains international trade and because it creates livelihoods for thousands of seafarers. Despite the national and international legal arrangements already in place, Indian ship workers continue to encounter difficulties connected with wages, excessive working hours, workplace safety, medical support, social security and contract-based employment. The nature of maritime work, which involves long periods at sea and restricted access to legal remedies, leaves workers exposed to unfair treatment and to violations of their labour rights. This study examines the working conditions of Indian ship workers through the lens of maritime labour law, and in particular the Maritime Labour Convention, 2006, the Merchant Shipping Act, 1958 and the Merchant Shipping Act, 2025, together with related domestic and international instruments. It considers how far Indian maritime law corresponds to international labour norms and what legal and practical obstacles arise in implementation, with particular attention to occupational health and safety, living conditions on board, welfare measures, grievance redressal routes and the role of regulatory authorities in safeguarding seafarers' rights. India has incorporated a number of international standards into its own legal framework, but enforcement and monitoring remain weak in practice. The study argues for stronger regulatory oversight, improved inspection mechanisms, stricter compliance by shipowners, better access to legal remedies for workers, and greater awareness among seafarers of the rights they hold. It is intended to contribute to the current discussion on maritime labour reform by advancing proposals that would secure decent working conditions and stronger protection for the rights and wellbeing of Indian ship workers, consistently with international labour standards.*

**Keywords:** Maritime Labour Law, Labour Standards, Social Security, Maritime Safety, International Labour Organization, Seafarers, Merchant Shipping Act 2025

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## I. INTRODUCTION

The maritime sector lies at the heart of global trade, with close to ninety per cent of international commerce moving by sea.<sup>1</sup> India, with its long coastline and strategically significant geographical position, has emerged as a major maritime nation, and it provides employment to thousands of seafarers who serve on both Indian and foreign-flagged vessels. Ship workers are essential to the uninterrupted movement of cargo and to the functioning of the global supply chain. The occupation nevertheless carries distinctive risks: long working hours, precarious working environments, physical strain and mental stress, prolonged isolation, and restricted access to legal remedies while at sea.

In recognition of these challenges, both international and domestic legal frameworks have developed to protect the rights and welfare of seafarers. The *Maritime Labour Convention, 2006*, frequently described as the "Seafarers' Bill of Rights", prescribes minimum standards governing conditions of employment, wages, accommodation, medical care, occupational safety, social security and grievance redressal.<sup>2</sup> India ratified the Convention on 9 October 2015 and it entered into force for India on 9 April 2016.<sup>3</sup> Domestically, maritime labour was for decades governed by the Merchant Shipping Act, 1958. In order to modernise that framework and to bring it into line with contemporary international expectations, Parliament enacted the Merchant Shipping Act, 2025, which is intended to strengthen the regulation of seafarers' employment, welfare, safety and working conditions.<sup>4</sup>

Despite these legislative steps, a number of practical difficulties persist for Indian ship workers. Complaints of excessive working hours, delayed wages, substandard onboard living arrangements, occupational hazards, mental health concerns, limited access to medical facilities and ineffective enforcement of labour standards remain significant. The distance between statutory promise and actual implementation is what makes a broader and more comprehensive examination of the existing maritime labour regime necessary.

This doctrinal study analyses the legal framework governing the working conditions of Indian ship workers by reference to national legislation, international conventions, judicial decisions,

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<sup>1</sup> IJLLR Journal, *Human Rights and Rights of Seafarers under Admiralty Laws of India*, INDIAN JOURNAL OF LAW AND LEGAL RESEARCH (May 24, 2026), <https://www.ijllr.com/post/human-rights-and-rights-of-seafarers-under-admiralty-laws-of-india>.

<sup>2</sup> INTERNATIONAL LABOUR ORGANIZATION, *Maritime Labour Convention, 2006* (adopted 23 February 2006, entered into force 20 August 2013), [https://normlex.ilo.org/dyn/nrmlx\\_en/f?p=NORMLEXPUB:91:0::NO::p91\\_section:MLCA\\_AMEND\\_A5](https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:91:0::NO::p91_section:MLCA_AMEND_A5).

<sup>3</sup> INTERNATIONAL LABOUR ORGANIZATION, *Ratifications of the Maritime Labour Convention, 2006: India* (ratified 9 October 2015; entered into force for India 9 April 2016), NORMLEX Information System on International Labour Standards.

<sup>4</sup> The Merchant Shipping Act, 2025, No. 24 of 2025, Acts of Parliament, 2025 (India).

government policy and scholarly literature. The conventional body of international maritime law that governs international shipping is built largely upon older trading traditions, and many of the legal concepts and industrial practices that emerged in that period had no true counterpart in the land-based economy. One of the principal reasons for the development of maritime law was the need to protect seafarers and to secure a measure of certainty in their position.<sup>5</sup>

The study evaluates how effectively the present provisions operate and compares the reforms introduced by the Merchant Shipping Act, 2025 with the framework they replaced. It identifies the practical obstacles that arise in implementation and proposes measures to strengthen the protection of seafarers' rights.

Taken as a whole, the analysis is intended to contribute to the construction of a more effective and more rights-oriented maritime labour system, one that secures decent working conditions and promotes the welfare of Indian ship workers in line with international labour standards.

## II. DEFINITION OF SHIP WORKERS (SEAFARERS)

A seafarer is any person who is employed, engaged or works in any capacity on board a sea-going vessel. The expression covers the master, the officers, engineers, ratings, catering staff and other personnel whose ordinary place of work is on board a ship. Seafarers are entitled to statutory protection in respect of wages, hours of work, occupational safety, medical assistance, accommodation, social security and repatriation under both international and domestic maritime labour law.<sup>6</sup>

### Statutory references

#### Maritime Labour Convention, 2006

Article II(1)(f) defines a seafarer as "any person who is employed or engaged or works in any capacity on board a ship to which this Convention applies".<sup>7</sup> Article II(2) provides that, except as expressly provided otherwise, the Convention applies to all seafarers.<sup>8</sup>

#### Merchant Shipping Act, 2025

Section 3(56) defines a "seafarer" as any person who is employed or engaged or works in any capacity onboard a sea-going vessel, but excludes a person employed, engaged or working in any capacity on a warship or on a Government vessel used for military or non-commercial

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<sup>5</sup> THOMAS J. SCHOENBAUM & JESSICA L. MCCLELLAN, *ADMIRALTY AND MARITIME LAW* (West, St. Paul, Minn., 2011).

<sup>6</sup> *Maritime Labour Convention, 2006*, *supra* note 2, Titles 1 to 4; *The Merchant Shipping Act, 2025*, *supra* note 4, §§ 59 to 75.

<sup>7</sup> *Maritime Labour Convention, 2006*, *supra* note 2, art. II(1)(f).

<sup>8</sup> *Id.* art. II(2).

purposes, as well as any other person whom the Central Government may specify by notification.<sup>9</sup>

### III. MARITIME LABOUR LAW

Maritime labour law is the branch of law that regulates the employment, welfare, safety and everyday working conditions of seafarers employed on board ships. It is a composite of international conventions, domestic legislation and subordinate rules, and it covers recruitment, the formation of employment agreements, wages, hours of work and rest, accommodation, food and catering, occupational safety and health, medical care, social security, repatriation and dispute resolution. Its object is to secure decent working and living conditions for seafarers while promoting maritime transport that is safe, stable and efficient.

The central international instrument in this field is the Maritime Labour Convention, 2006. It was adopted by the INTERNATIONAL LABOUR ORGANIZATION on 23 February 2006 and has been in force since 20 August 2013.<sup>10</sup> Commonly described as the "Seafarers' Bill of Rights", it lays down minimum international benchmarks for seafarers' working arrangements, wages, accommodation, occupational safety and health, medical attention, welfare and social protection, together with mechanisms for effective enforcement by flag States and port States.

In India, maritime labour was historically regulated under the Merchant Shipping Act, 1958. In order to modernise that framework and to align Indian law with international maritime standards, Parliament enacted the Merchant Shipping Act, 2025. The 2025 Act strengthens the legal architecture governing seafarers by recasting the provisions on employment, certification, welfare, safety, dispute resolution and digital administration, and by improving consistency with international conventions. Although the Act has been enacted, its operation is still being carried forward through a body of rules being framed under it.

Pursuant to the Merchant Shipping Act, 2025, the Government has notified and placed in the public domain a series of Merchant Shipping Rules, 2026. These include the Merchant Shipping (Appeal against Penalties and Miscellaneous Matters) Rules, 2026, the draft Merchant Shipping (Radio Communication) Rules, 2026 and the draft Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2026.<sup>11</sup> Collectively, these rules establish the procedural routes

<sup>9</sup> The Merchant Shipping Act, 2025, *supra* note 4, § 3(56).

<sup>10</sup> *Maritime Labour Convention, 2006*, *supra* note 2, art. VIII (entry into force).

<sup>11</sup> MINISTRY OF PORTS, SHIPPING AND WATERWAYS, *Draft Merchant Shipping (Recruitment and Placement of Seafarers) Rules*, 2026, [https://shipmin.gov.in/sites/default/files/Draft%20Merchant%20Shipping%20\(Recruitment%20and%20Placement%20of%20Seafarers\)%20Rules,%202026.pdf](https://shipmin.gov.in/sites/default/files/Draft%20Merchant%20Shipping%20(Recruitment%20and%20Placement%20of%20Seafarers)%20Rules,%202026.pdf); MINISTRY OF PORTS, SHIPPING AND WATERWAYS, *Draft Merchant Shipping (Radio Communication) Rules*, 2026,

for enforcement, regulatory oversight, appeals, technical compliance and the day-to-day administration of maritime legislation. They reflect India's continuing attempt to upgrade maritime governance and to align domestic law with international labour norms and safety requirements.

An important decision in Indian jurisprudence is *M.V. Elisabeth v. Harwan Investment and Trading Pvt. Ltd.*<sup>12</sup> The Supreme Court held that the High Courts in India, as courts of unlimited civil jurisdiction, possess admiralty jurisdiction to arrest and detain a foreign vessel found within Indian waters in respect of maritime claims, and that the absence of an enabling statute does not curtail that jurisdiction. The dispute before the Court concerned the misdelivery of cargo carried out of an Indian port rather than the conditions of the crew. Its significance for maritime labour is nevertheless considerable, because the reasoning establishes that claims arising out of the operation of a foreign-flagged ship, including claims brought by seafarers, may be pursued before Indian courts irrespective of the flag the vessel flies.

Judicial interpretation has also widened the category of claims that may be enforced against a ship. In *M.V. "Sea Success I" v. Liverpool & London Steamship Protection & Indemnity Association Ltd.*, the Bombay High Court held that unpaid protection and indemnity insurance calls amount to "necessaries supplied" to a vessel and are therefore enforceable as a maritime claim.<sup>13</sup> That conclusion was affirmed by the Supreme Court, which adopted a broad and purposive reading of what constitutes a maritime claim in a changing commercial environment.<sup>14</sup> The expansive construction matters for ship workers, because seafarers' wage claims fall within the same category of claims enforceable *in rem* against the vessel.

At the administrative level, the DIRECTORATE GENERAL OF SHIPPING has given effect to the Convention within the Indian flag State regime through a series of executive orders. DGS Order No. 4 of 2013 revised the format of the Articles of Agreement so as to conform to the requirements of the Maritime Labour Convention, 2006, and DGS Order No. 23 of 2013 carried that revised format into operation for Indian ships.<sup>15</sup> These measures illustrate that compliance

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[https://shipmin.gov.in/sites/default/files/Draft%20Merchant%20Shipping%20\(Radio%20Communication\)%20Rules,%202026.pdf](https://shipmin.gov.in/sites/default/files/Draft%20Merchant%20Shipping%20(Radio%20Communication)%20Rules,%202026.pdf).

<sup>12</sup> *M.V. Elisabeth v. Harwan Investment and Trading Pvt. Ltd.*, AIR 1993 SC 1014 (India).

<sup>13</sup> *M.V. "Sea Success I" v. Liverpool and London Steamship Protection and Indemnity Association Ltd.*, 2002 (2) Bom. C.R. 537 (Bom. H.C.) (India).

<sup>14</sup> *Liverpool and London S.P. and I Association Ltd. v. M.V. Sea Success I*, (2004) 9 SCC 512 (India).

<sup>15</sup> DIRECTORATE GENERAL OF SHIPPING, DGS Order No. 23 of 2013 (implementation of the revised format of the Articles of Agreement for Indian ships in conformity with the *Maritime Labour Convention, 2006*); see also DIRECTORATE GENERAL OF SHIPPING, DGS Order No. 4 of 2013 (1 March 2013).

with the Convention in India has been advanced as much through executive instruction as through legislation.

#### **IV. THE MERCHANT SHIPPING ACT, 2025**

The Merchant Shipping Act, 2025 (Act No. 24 of 2025) is the principal legislation governing merchant shipping in India. It was enacted to repeal and replace the Merchant Shipping Act, 1958, with the object of updating India's maritime legal framework and aligning it with international maritime standards, and it received the assent of the President on 18 August 2025.<sup>16</sup> The Act deals with a wide range of matters, among them the registration of vessels, maritime safety, protection of the marine environment, certification of seafarers, and the rights and overall welfare of ship workers.

The Act also incorporates important principles of the Maritime Labour Convention, 2006 by making detailed provision for seafarers' employment, wages, occupational safety and health, medical care, accommodation, social security, repatriation and grievance redressal. In this way the Merchant Shipping Act, 2025 operates as the core legal scaffolding for securing decent working conditions and for protecting the rights and wellbeing of Indian ship workers.

##### **Minimum Age for Seafarers (Section 59)**

Section 59 provides that no person under the age of sixteen years shall be engaged, employed or permitted to work on board any vessel.<sup>17</sup> The provision is directed at eliminating child labour in the maritime sector and at ensuring that only persons of sufficient physical and mental maturity are employed on board ships. It corresponds to the minimum age requirement laid down in Regulation 1.1 of the Maritime Labour Convention, 2006.

##### **Medical Certificate (Section 60)**

Section 60 prohibits the engagement or carriage to sea of any seafarer to work in any capacity on a vessel unless the seafarer holds a certificate, granted in the prescribed form and by the prescribed authority, certifying that he is medically fit to be employed in that capacity. The requirement protects both the health of the individual seafarer and the safety of the vessel, since it prevents medically unfit persons from entering maritime service.

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<sup>16</sup> The Merchant Shipping Act, 2025, *supra* note 4 (assented to on 18 August 2025).

<sup>17</sup> The Merchant Shipping Act, 2025, *supra* note 4, § 59. All section references in this Part are to the Merchant Shipping Act, 2025.

**Training and Qualifications (Section 61)**

Section 61 empowers the Central Government to direct that seafarers, generally or by category, shall not be engaged or carried to sea unless each of them possesses the qualifications specified by the Director-General in accordance with the Safety Convention and the Standards of Training, Certification and Watchkeeping for Seafarers Convention. It further obliges the ship owner to ensure that seafarers do not work on the vessel unless they are trained, certified as competent or otherwise qualified to perform their duties and have successfully completed training for personal safety on board, such training and certification being in accordance with the mandatory instruments adopted by the INTERNATIONAL MARITIME ORGANIZATION. The provision ensures that only properly qualified and genuinely competent persons are employed, which improves navigational safety and reduces maritime accidents, and it aligns Indian law with international norms on the certification and training of seafarers.

**Recruitment and Placement of Seafarers (Section 62)**

Section 62 regulates the recruitment and placement of seafarers. A seafarer may be engaged only by a recruitment and placement service agency holding a licence granted under the Act or, in the case of an Indian vessel, by the owner of that vessel. No person other than the owner of an Indian vessel may carry on the business of recruitment and placement without a valid licence, and no seafarer may be engaged unless he holds a continuous discharge certificate and seafarer's identity documents. The section prohibits the demanding or receiving of any remuneration, fee or other charge, directly or indirectly, from a seafarer or from a person seeking onboard training or employment, save for the limited costs expressly permitted, the cost of visas remaining with the ship owner. It also prohibits discrimination in recruitment on the ground of membership or non-membership of a union purporting to represent seafarers, or on the basis of the training institute at which the seafarer trained or the place at which his continuous discharge certificate was granted. Service obtained in contravention of the section is not recognised for the purposes of certification, and the Director-General may suspend or withdraw the certificates of a seafarer who knowingly obtains employment in violation of the section, after affording him a reasonable opportunity of being heard.

**Agreement with Seafarers (Section 63)**

Section 63 requires the master or owner of every Indian vessel, or the recruitment and placement service agency, to enter into a written agreement with each seafarer engaged. Before signing a seafarers' employment agreement, the seafarer must be given an opportunity to examine the agreement and to seek advice on it, so as to ensure that he enters into it freely and with sufficient

understanding of his rights and responsibilities. The requirement is directed at transparency in the employment relationship and at protecting seafarers from arbitrary contractual terms.

### **Wages (Sections 64 and 79)**

Section 64 requires every ship owner of an Indian vessel to ensure that full payments due to seafarers are made at intervals not exceeding one month and that a monthly account of payments due and amounts paid, including wages and additional payments, is furnished. Where an amount payable under a seafarers' employment agreement is not paid within that interval, the seafarer becomes entitled to wages at the rate last payable for every day on which the amount remains unpaid, together with interest at the prescribed rate, unless the failure was due to a reasonable mistake, a *bona fide* dispute as to liability, the act or default of the seafarer, or some other cause not attributable to the wrongful act or default of the person liable to pay. Section 79 supplements this by preserving the seafarer's entitlement to wages where his service is terminated before the agreed date by reason of the wreck, loss or abandonment of the vessel, or by reason of his being left ashore outside India on a certificate of unfitness or inability to proceed on the voyage; by providing that a seafarer is not disentitled to wages for a period during which he was incapable of performing his duty because of illness, hurt or injury; and by conferring a right to compensation, recoverable as wages, where a seafarer is discharged otherwise than in accordance with the terms of his agreement, without fault on his part and without his consent. Together these provisions secure the financial interests of seafarers and reduce the incidence of wage disputes.

### **Hours of Rest (Section 65)**

Section 65 requires every ship owner to ensure that each seafarer in his employment is given the prescribed hours of rest. The purpose is to prevent the accumulation of fatigue and to preserve the mental and physical wellbeing of the crew, and in doing so to reduce occupational risk and strengthen maritime safety more broadly. Adequate rest is treated as an essential component of decent working conditions under international maritime labour standards.

### **Entitlement to Leave (Section 66)**

Section 66 requires every ship owner of an Indian vessel to ensure that seafarers are allowed paid annual leave, subject to the prescribed conditions. Leave entitlements protect the physical health and mental state of seafarers by securing adequate recovery after long periods of service at sea.

**Repatriation (Section 67)**

Section 67 confers on seafarers the right to be repatriated at no cost to themselves in the prescribed circumstances, and requires every ship owner of an Indian vessel to provide financial security to ensure that repatriation is duly effected. Where the service of a seafarer is terminated without his consent at a port outside India before the expiry of the period for which he was engaged, the master, ship owner or agent must make adequate provision for his maintenance according to his rank or rating and for his return to a proper return port. If they fail to do so, expenses defrayed by the seafarer are recoverable as wages due to him, and expenses defrayed by an Indian ambassador constitute a debt due to the Central Government. The provision exists so that seafarers are not left stranded in a foreign port but are given reliable passage home.

**Compensation for Loss or Foundering of the Vessel (Section 68)**

Section 68 provides that, in the case of the loss or foundering of a vessel, the ship owner shall pay to each seafarer on board the prescribed indemnity against the unemployment resulting from that loss or foundering. It protects seafarers from financial hardship where employment comes to an end because of a maritime casualty.

**Manning Levels (Section 69)**

Section 69 requires every vessel to employ the prescribed number of seafarers so that the vessel is operated safely and efficiently, with due regard to security in all conditions and taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage. Proper manning prevents excessive workloads and fatigue, reduces the incidence of accidents, and gives effect to international maritime safety standards.

**Accommodation and Recreational Facilities (Section 70)**

Section 70 requires every ship owner to provide and maintain the prescribed accommodation and recreational facilities for seafarers working or living on board, consistent with promoting their health and wellbeing. Adequate living conditions support both the physical health and the psychological balance of the crew and improve the working environment on board.

**Food and Catering (Section 71)**

Section 71 requires every ship owner to provide food and drinking water of a quality, nutritional value and quantity that adequately covers the requirements of the seafarers on board, taking into account their differing cultural and religious backgrounds. Food and water must be supplied free of charge during the period of engagement, and the ship owner must ensure that seafarers engaged as cooks are trained, qualified and found competent as specified by the Director-

General. Proper nutrition is central to preserving the health, effectiveness and output of seafarers during long voyages.

### **Medical Care (Section 72)**

Section 72 imposes on the ship owner the duty to take the prescribed measures for the protection of health and for medical care, at no cost to the seafarers employed on board the vessel. The obligation extends to the provision of treatment and the necessary healthcare facilities, so that the health of seafarers is safeguarded throughout their employment.

### **Ship Owners' Liability (Section 73)**

Section 73 requires the ship owner to ensure that seafarers employed on his vessels are provided with a right to material assistance and support in respect of the financial consequences of sickness, injury or death occurring while serving under a seafarers' employment agreement or arising out of employment under such an agreement. The section expressly preserves any other legal remedy available to a seafarer under any other law for the time being in force, so that employers remain answerable for their statutory duties towards ship workers.

### **Health and Safety Protection and Accident Prevention (Section 74)**

Section 74 requires every ship owner to ensure that seafarers working on board the vessel are provided with occupational health protection and that they live, work and train on board in a safe and hygienic environment, in accordance with such guidelines as the Director-General may specify by order. The provision is intended to reduce workplace injuries and to embed safer working practices on board.

### **Social Security (Section 75)**

Section 75 provides that all seafarers shall have access to such branches of social security protection as may be prescribed. It seeks to secure financial protection for seafarers together with welfare benefits that extend to their families.

### **Complaint and Dispute Resolution (Sections 83 to 95)**

Sections 83 to 95 establish the machinery for resolving disagreements over wages, working conditions, discharge and other labour matters.<sup>18</sup> The shipping master may adjudicate disputes involving seafarers, and an award passed by him is enforceable under the Code of Civil Procedure, 1908 in the same manner as a decree of court, the Arbitration and Conciliation Act, 1996 being expressly excluded from application to such proceedings. The shipping master may

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<sup>18</sup> The Merchant Shipping Act, 2025, *supra* note 4, §§ 83 to 95.

require the ship owner, agent, master or seafarer to produce logbooks, papers and other documents relevant to the proceedings, and may require the attendance of and examine those persons. The remaining provisions govern restrictions on suits for wages outside India, summary proceedings for wages, the master's remedies for wages and disbursements, the reference of disputes between seafarers and employers to a Tribunal, the recovery of wages of seafarers lost with a vessel, the relief and maintenance of abandoned seafarers, the provision of replacement crew on board abandoned vessels, inspection by the shipping master, special protection for seafarers in litigation, and facilities for making complaints. Taken together, they improve access to justice and strengthen the enforcement of maritime labour rights.

## V. CHALLENGES FACED

Seafaring is widely regarded as one of the most hazardous occupations because of the distinctive physical, psychological and environmental risks associated with working at sea.<sup>19</sup> Unlike most land-based professions, seafaring requires extended periods away from family in isolated and confined environments and under demanding conditions.

Even after the reforms introduced by the Merchant Shipping Act, 2025, the implementation of maritime labour law does not proceed as smoothly as the statute intends, and a number of practical and legal obstacles remain. The most immediate concern is that the statutory provisions are not enforced with sufficient rigour, largely because inspection mechanisms are limited and the resources available are inadequate. Routine ship inspections and continuous monitoring of compliance with labour standards require well-trained personnel and close coordination among the various regulatory agencies. Where enforcement remains weak, the legal entitlements relating to wages, occupational safety, medical care, living arrangements and general welfare may not materialise at all, or may be realised only in part.

A further problem, and one of equal importance, is the regulation of recruitment and placement agencies. Although the Act lays down standards for recruitment services, cases of fraudulent recruitment, excessive service charges, contract substitution that alters the terms workers believed they had agreed to, and misleading employment practices continue to occur. It is therefore essential to improve licensing, to strengthen supervision and to build firmer accountability for recruitment agencies, so that exploitation is prevented and seafarers are given a fairer and more transparent recruitment process.

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<sup>19</sup> Maria Hubilla, *An Analytical Review of the Treatment of Seafarers under the Current Milieu of the International Law Relating to Maritime Labour and Human Rights* (2008) (WORLD MARITIME UNIVERSITY DISSERTATIONS).

The implementation of occupational safety and health standards raises further practical difficulties. Seafarers continue to work in hazardous settings marked by long working hours, fatigue, adverse weather, heavy machinery and sustained physical as well as psychological exposure. Maintaining strict compliance with safety standards, accident prevention measures and onboard health protocols remains a continuing challenge for shipowners and regulatory authorities alike, even where the applicable requirements are well understood.

Abandonment of seafarers occurs where a shipowner fails to discharge his core duties towards the crew, whether by not paying wages, by not providing food and water, by not arranging medical care or by not effecting repatriation, with the result that the crew is left stranded on board or in a foreign port.<sup>20</sup> Abandonment is treated as a grave breach of maritime labour rights, and it typically arises where shipowners become insolvent, disappear, or simply neglect their responsibilities.<sup>21</sup>

Under the Maritime Labour Convention, 2006, seafarers are entitled to financial security and to repatriation in the event of abandonment. In India, the Merchant Shipping Act, 2025 addresses the problem directly through Section 91, which provides for the relief and maintenance of abandoned seafarers, and Section 92, which empowers the provision of replacement crew on board abandoned vessels.<sup>22</sup> The Act also defines an abandoned seafarer as one whose shipowner has failed to cover the cost of repatriation, has left him without the necessary maintenance and support, or has otherwise unilaterally severed ties with him, including by failing to pay contractual wages for a period of at least two months.

Abandonment produces acute financial distress, serious psychological strain and real dangers to safety. Firm enforcement of maritime labour law is therefore essential if seafarers are to remain protected and their welfare respected.

Another obstacle is the limited awareness among seafarers of their legal rights. Many crew members are unfamiliar with what they may claim in respect of wages, repatriation, medical care, social security, grievance redressal and compensation. As a result, violations of labour rights frequently go unreported and unresolved. Periodic awareness programmes and accessible legal education initiatives are needed so that seafarers can assert their statutory rights with confidence.

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<sup>20</sup> Asunción López Arranz et al., *The Abandonment of Ships: Consequences for the Crew and for the Ship*, in PROCEEDINGS OF THE 25TH PAN-AMERICAN CONFERENCE OF NAVAL ENGINEERING (COPINAVAL) (2019).

<sup>21</sup> Veronica Bajaj, *Labour Rights of the Seafarers*, SSRN ELECTRONIC JOURNAL (2023).

<sup>22</sup> The Merchant Shipping Act, 2025, *supra* note 4, §§ 91 to 92; *id.* § 3(1) (defining "abandoned seafarer").

Enforcement is further complicated by the fact that the shipping sector operates across multiple jurisdictions. A ship may be registered in one country, owned by companies in another, and crewed by nationals of several others. These cross-border arrangements generate jurisdictional complexity and can delay the enforcement of labour standards, particularly where foreign-flagged vessels are involved. Meaningful cooperation between flag States, port States and the wider international maritime authorities is therefore indispensable.

Although the Merchant Shipping Act, 2025 aligns Indian law with the Maritime Labour Convention, 2006, its success depends on more than the wording of the statute. It depends on the timely notification of subordinate rules, efficient administrative machinery, regular inspection and strict adherence by shipowners. If implementation is weak or monitoring is not continuous, the objective of securing safe, fair and decent working conditions for Indian seafarers will not be fully achieved.

## **VI. DISCRIMINATION FACED BY WOMEN SEAFARERS**

Although the maritime industry has seen a gradual rise in the participation of women, women seafarers continue to face serious discrimination in recruitment, employment, career progression and day-to-day working conditions. Women constitute only a small fraction of the global seafaring workforce, which itself indicates how persistent the gender imbalance within the sector remains.

One of the most significant difficulties arises at the point of recruitment, where gender bias is common. Employers may prefer male candidates on the strength of long-standing stereotypes about maritime work being physically demanding.<sup>23</sup> Women seafarers also tend to receive fewer opportunities for promotion, have narrower access to command roles and leadership posts, and may encounter pay differentials across segments of the shipping industry.

The available statistics confirm a significant underrepresentation of women in the maritime sector. According to the Seafarers' Rights International Centre, approximately 1.5 million seafarers serve on a global fleet of more than 100,000 ships, which carries over ninety per cent of global trade. The INTERNATIONAL LABOUR ORGANIZATION estimates that more than 1.2 million of those seafarers are engaged in operating ships. Data from the INTERNATIONAL TRANSPORT WORKERS' FEDERATION, however, indicate that women constitute only around two per cent of the worldwide maritime workforce.<sup>24</sup>

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<sup>23</sup> M. Mgeladze and N. Phutkaradze, *The Maritime Industry and the Role of Women Seafarers: A Legal Regulatory Framework* 250 to 257 (2019).

<sup>24</sup> Mgeladze and Phutkaradze, *supra* note 23, at 250 to 257.

Harassment and bullying are serious concerns for women working at sea. Many women experience sexual harassment, verbal abuse, intimidation and openly hostile working environments, in large part because the maritime field remains heavily male dominated. Fear of retaliation, coupled with the absence of confidential reporting channels, leaves many women hesitant to complain. The prolonged isolation of life at sea compounds the difficulty, so that incidents often go unreported for extended periods.

Women seafarers may also encounter inadequate onboard provision, such as accommodation that offers no separate space or sanitation arrangements that are not designed with their needs in mind. Privacy is sometimes limited and hygiene facilities may be insufficient or unsuitable. Long periods away from family, together with concerns about pregnancy and maternity protection, weigh heavily on their wellbeing. Limited access to healthcare compounds the position, leaving women less able to cope with stress, injury or illness when it arises.

International instruments, and the Maritime Labour Convention, 2006 in particular, require equal treatment, decent conditions of service, occupational safety, medical attention and protection from discrimination for all seafarers. The Violence and Harassment Convention, 2019 (No. 190) of the INTERNATIONAL LABOUR ORGANIZATION recognises the right of every worker to a world of work free from violence and harassment, including gender-based violence and harassment.<sup>25</sup> The INTERNATIONAL MARITIME ORGANIZATION and the INTERNATIONAL LABOUR ORGANIZATION have further urged shipping companies to adopt policies that promote diversity, inclusion, fair opportunity and workable grievance channels.

In order to address these problems, shipping companies and maritime administrations should adopt gender-sensitive policies, ensure equal opportunity in recruitment and promotion, and establish safe and confidential channels for reporting harassment. They should also upgrade onboard facilities, put maternity protection measures in place, and conduct regular training on gender sensitivity. Measures of this kind are what will build a more inclusive maritime workplace and ensure that women seafarers enjoy the same rights, dignity and protection as their male colleagues.

## **VII. INTERNATIONAL HUMAN RIGHTS FRAMEWORK ON EQUALITY, NON-DISCRIMINATION AND SOCIAL SECURITY**

Equality and non-discrimination are foundational elements of international human rights law and serve as the underlying basis for the protection of workers' rights, including those of women

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<sup>25</sup> INTERNATIONAL LABOUR ORGANIZATION, *Violence and Harassment Convention, 2019* (No. 190) (adopted 21 June 2019, entered into force 25 June 2021).

seafarers. Article 14 of the European Convention on Human Rights, 1950 secures the enjoyment of the rights and freedoms set out in the Convention without discrimination on any ground such as sex, race, religion or other status.<sup>26</sup> Although the Convention is regional in scope and India is not a party to it, it has exercised a considerable influence on the development of international human rights standards concerning equality and fair treatment.

The International Covenant on Civil and Political Rights, 1966 reinforces the principles of equality and non-discrimination through Articles 2(1), 3 and 26.<sup>27</sup> These provisions require State Parties to respect and ensure the rights recognised in the Covenant without discrimination and to secure the equal protection of the law for all persons. Article 3 imposes a specific duty on States to guarantee the equal enjoyment of civil and political rights by men and women alike.

The International Covenant on Economic, Social and Cultural Rights, 1966 strengthens gender equality directly by requiring States to ensure that men and women enjoy equal rights in the economic, social and cultural spheres.<sup>28</sup> Articles 2(2) and 3 prohibit discrimination in the exercise of the rights set out in the Covenant, in substance as well as in form. Articles 6, 7 and 9 address the right to work, the right to just and favourable conditions of employment, including fair wages, equal pay for work of equal value, safe and healthy working environments and equal opportunity for advancement, and the right to social security.

These provisions matter particularly for maritime workers, because they establish international benchmarks for fair employment and labour protection that bear not only on entitlement in the abstract but on how work is to be organised and safeguarded in practice.

The Convention on the Elimination of All Forms of Discrimination against Women, 1979 is among the most important international instruments on gender equality.<sup>29</sup> Article 1 defines discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women of their human rights and fundamental freedoms on a basis of equality with men. Article 11 is more specific, requiring State Parties to eliminate discrimination in employment by securing equal opportunity, equal remuneration, social security benefits,

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<sup>26</sup> *Convention for the Protection of Human Rights and Fundamental Freedoms*, art. 14, 4 November 1950.

<sup>27</sup> *International Covenant on Civil and Political Rights*, arts. 2(1), 3, 26, 16 December 1966.

<sup>28</sup> UNITED NATIONS GENERAL ASSEMBLY Res. 2200A (XXI), *International Covenant on Economic, Social and Cultural Rights*, arts. 2(2), 3, 6, 7, 9 (16 December 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

<sup>29</sup> UNITED NATIONS GENERAL ASSEMBLY, *Convention on the Elimination of All Forms of Discrimination against Women*, arts. 1, 11 (New York, 18 December 1979).

maternity protection and safe working conditions. These provisions speak directly to the difficulties faced by women seafarers in a sector that remains traditionally male dominated.

The Universal Declaration of Human Rights, 1948 likewise recognises the importance of social security and of decent work.<sup>30</sup> Articles 22 and 23 affirm that every person has the right to social security, the right to work and the right to free choice of employment, together with the right to just and favourable conditions of work, equal pay for equal work and protection against unemployment. Taken together, these international human rights instruments establish a broad legal framework that promotes equality, prohibits discrimination and protects labour rights and social security. That framework supplies the normative basis for protecting the rights and wellbeing of seafarers, and of women employed in the maritime industry in particular.

### VIII. INTERNATIONAL PERSPECTIVE

The maritime industry is among the most globalised sectors of the world economy. Vessels routinely pass through the territorial waters of many States and frequently carry multinational crews. Unlike most land-based occupations, the work of seafarers cannot be confined within a single national jurisdiction. The protection of ship workers therefore requires a harmonised international legal framework capable of laying down uniform labour standards that operate across borders, so that all seafarers, whatever their nationality and whatever the flag State of the vessel, benefit from minimum levels of employment conditions, occupational safety, welfare and social security.

The international legal framework for maritime labour has been shaped principally by the INTERNATIONAL LABOUR ORGANIZATION and the INTERNATIONAL MARITIME ORGANIZATION, both specialised agencies of the United Nations. The former formulates international labour standards and safeguards worker rights; the latter concentrates on maritime safety and security, environmental protection and the efficient operation of shipping. Together these bodies have constructed a broad legal regime governing almost every aspect of a seafarer's professional life, from recruitment and employment through to safety, training, medical care and welfare arrangements.

The principal object of the international maritime labour regime is to promote decent work at sea by setting internationally agreed minimum standards for employment agreements, the payment of wages, hours of work and rest, occupational safety and health, accommodation, food and catering, medical care, social security, repatriation, recruitment practices and dispute

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<sup>30</sup> UNITED NATIONS, *Universal Declaration of Human Rights*, arts. 22, 23 (10 December 1948), <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

resolution. These norms protect the dignity and welfare of seafarers, but they also support maritime safety, improve operational efficiency, reduce incidents attributable to fatigue or insufficient training, and prevent unfair competition among shipowners by maintaining a level playing field across the global shipping market.

The cornerstone of this framework is the Maritime Labour Convention, 2006, adopted by the INTERNATIONAL LABOUR ORGANIZATION on 23 February 2006 and in force since 20 August 2013. Frequently described as the "Seafarers' Bill of Rights", it consolidates and updates more than sixty-five earlier international labour instruments concerning maritime work within a single comprehensive legal text. It lays down baseline standards for virtually every aspect of employment and daily life at sea: minimum age, medical certification, recruitment and placement services, seafarers' employment agreements, payment of wages, hours of work and rest, paid annual leave, repatriation, onboard medical care, accommodation, food and catering, occupational safety and health, social security protection and onboard complaint procedures.

The Convention is organised into five Titles: Minimum Requirements for Seafarers to Work on a Ship; Conditions of Employment; Accommodation, Recreational Facilities, Food and Catering; Health Protection, Medical Care, Welfare and Social Security Protection; and Compliance and Enforcement.<sup>31</sup> These five pillars together constitute the global benchmark for decent working conditions at sea.

Complementing the Maritime Labour Convention,<sup>32</sup> several conventions adopted by the INTERNATIONAL MARITIME ORGANIZATION form the other principal supports of the international maritime legal regime. The International Convention for the Safety of Life at Sea, 1974 is generally regarded as the key international treaty on maritime safety.<sup>33</sup> It prescribes detailed standards for ship construction, fire protection, life-saving appliances, safety of navigation, radio communications, emergency preparedness and safety management systems, and so protects passengers and crew members alike.

The Standards of Training, Certification and Watchkeeping for Seafarers Convention, 1978 establishes common international standards for what seafarers must learn, how they are trained and certified, and what is expected of them in the discharge of watchkeeping

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<sup>31</sup> *Maritime Labour Convention, 2006*, *supra* note 2, Titles 1 to 5.

<sup>32</sup> Aruno Raj Singh and Anish Barod, *An Interface of Maritime Law and Labour Laws: A Critical Study*, INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (2025).

<sup>33</sup> *International Convention for the Safety of Life at Sea*, 1 November 1974 (entered into force 25 May 1980), INTERNATIONAL MARITIME ORGANIZATION.

responsibilities.<sup>34,35</sup> By prescribing minimum competence requirements for officers and crew members, the Convention seeks to raise professional standards, reduce human error and improve maritime safety worldwide. It has been amended on several occasions, most notably by the Manila Amendments of 2010, to keep pace with technological change and shifting operational requirements.

A further instrument of note is the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978.<sup>36</sup> It lays down international rules directed at preventing pollution from vessels arising from oil, chemicals, sewage, garbage and air emissions. Although the Convention is primarily concerned with environmental protection, its implementation indirectly benefits the health and safety of seafarers by supporting safer shipboard practices and steadier working conditions.

The Maritime Labour Convention, the Safety of Life at Sea Convention, the Standards of Training, Certification and Watchkeeping Convention and the Pollution Prevention Convention are conventionally described as the four pillars of the global regulatory framework for quality shipping. One addresses labour rights, another maritime safety, a third competency standards and the fourth environmental protection, and together they form a single interconnected legal arrangement for the regulation of global shipping.

India, as a member of both the INTERNATIONAL LABOUR ORGANIZATION and the INTERNATIONAL MARITIME ORGANIZATION, has undertaken to implement these obligations through its domestic legal framework. The Merchant Shipping Act, 2025 gives expression to that commitment.<sup>37</sup> It contains provisions on the engagement of seafarers, occupational safety, medical support, social security, welfare, certification and regulatory compliance. Read together with the rules framed under it, the Act demonstrates a continuing effort to ensure that Indian ship workers receive legal protection commensurate with global maritime labour standards.

## IX. CONCLUSION AND SUGGESTIONS

The analysis suggests that the Merchant Shipping Act, 2025 marks a meaningful shift in India's maritime legal framework. It replaces the Merchant Shipping Act, 1958 and brings the domestic position closer to international expectations, and to the Maritime Labour Convention, 2006 in

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<sup>34</sup> *International Convention on Standards of Training, Certification and Watchkeeping for Seafarers*, 7 July 1978 (entered into force 28 April 1984), INTERNATIONAL MARITIME ORGANIZATION.

<sup>35</sup> INTERNATIONAL TRANSPORT WORKERS' FEDERATION, STCW: A GUIDE FOR SEAFARERS, TAKING INTO ACCOUNT THE 2010 MANILA AMENDMENTS.

<sup>36</sup> *International Convention for the Prevention of Pollution from Ships*, 2 November 1973, as modified by the Protocol of 1978 (entered into force 2 October 1983), INTERNATIONAL MARITIME ORGANIZATION.

<sup>37</sup> The Merchant Shipping Act, 2025, *supra* note 4, §§ 55 to 95.

particular. The new statute is not merely a technical consolidation. It seeks to tighten the legal protection available to Indian seafarers through a wider set of provisions on employment agreements, wages, hours of work and rest, occupational safety and health, medical assistance, accommodation and general welfare, and it further addresses social protection and repatriation, which in practical terms can move the maritime sector towards decent work standards. The statute will nevertheless deliver real effects only if it is implemented in good time and enforced seriously, rather than complied with on paper.

Accordingly, the Government should ensure that all subordinate rules are notified without delay and should then put in place stronger inspection and monitoring systems, with clearer compliance pathways. It should regulate recruitment and placement agencies more tightly and apply strict penalties where maritime labour rules are breached, so that deterrence is genuine. Continuous capacity building and awareness campaigns should be organised for shipowners, employers and seafarers, so that each understands the rights and duties arising under the Act and under the Maritime Labour Convention, 2006. Women seafarers should be given equal opportunity in recruitment, advancement, training and remuneration, free from gender discrimination. Shipping companies must also ensure that the workplace is safe, which requires effective measures against sexual harassment, decent onboard facilities and comprehensive maternity protection consistent with international labour standards.

In addition, grievance redressal should be readily accessible, social security coverage should be broadened, and mental health and welfare services for seafarers should be improved. If these steps are adopted consistently, India can ensure that its maritime labour framework not only satisfies its international obligations but also improves life on board in a measurable, day-to-day manner.

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