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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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MARITIME GOVERNANCE AND FEDERALISM: A STUDY OF THE INDIAN PORTS BILL, 2025

AUTHORED BY - KARAN SACHDEVA
LLM, Panjab University, Chandigarh

ABSTRACT

The Indian Ports Bill, 2025, introduced in Lok Sabha, marks a significant modernisation of India's maritime governance, replacing the colonial-era Indian Ports Act, 1908. Through the establishment of the Maritime State Development Council (MSDC) and empowered State Maritime Boards (SMBs), the legislation proposes an integrated framework for national and regional port development. It mandates compliance with international environmental conventions such as MARPOL and the Ballast Water Management Convention, and introduces pollution control, disaster preparedness, and tariff transparency norms. The Bill also streamlines ports' operational efficiency by introducing Digitalisation, Dispute Resolution Committees (DRCs), and greater ease of doing business (EoDB) through institutional reform and reduced logistics costs. However, concerns include executive power imbalances, federal tensions, and lack of appeals mechanisms. This paper analyses the Bill's historical context, provisions, sectoral impacts, and implementation challenges.

KEYWORDS: Ports, Union list, Concurrent list, MARPOL, Maritime State Development Council, State Maritime Boards, Dispute Resolution Committee, The Indian Ports Bill of 2025.

1. INTRODUCTION

The Indian Ports Bill, 2025, introduced in the Lok Sabha on March 28, 2025, marks a major overhaul of India's port governance structure. Its enactment signifies the government's intent to replace the outdated Indian Ports Act, 1908, a relic that governed India's ports for over a century with a forward-looking regulatory framework. The Bill is grounded in a modern vision of maritime policymaking—promoting integrated port development, boosting trade efficiency, and aligning with international best practices for sustainability and federal collaboration. It reflects Prime Minister's "Ports for Prosperity"¹ ambition, amplifying India's global maritime

¹ Et government, available at <https://government.economicstimes.indiatimes.com/news/governance/indian-ports-bill-2025-a-game-changer-for-indias-maritime-sector/123258355>

competitiveness by 2047. Key pillars of the Bill include institutional reforms—the creation of the Maritime State Development Council (MSDC) and statutory recognition of State Maritime Boards (SMBs)—to facilitate strategic planning and decentralised port governance. Operational enhancements such as transparent tariff publication, environmental compliance as per MARPOL and Ballast Water Convention, disaster management, and digitalisation underscore a commitment to sustainability and streamlined logistics. Central to the Bill is the ambition to reduce logistics costs, expedite cargo movement, empower exporters and MSMEs, elevate port competitiveness, and foster multimodal integration with inland waterways and road-rail networks. This paper critically examines the Bill's rationale and historical background; detail key provisions and institutional frameworks; assess economic, governance, and environmental implications; and address challenges inherent in its implementation. Through this analysis, the paper assesses how effectively the Bill lays groundwork for a robust and modern maritime sector.

2. OBJECTIVES OF THE STUDY

1. To analyze the key provisions and policy changes introduced in the Indian Ports Bill, 2025, and evaluate their implications on port governance and regulatory frameworks in India.
2. To assess the potential impact of the Bill on the development, modernization, and ease of doing business at major and non-major ports across the country.
3. To examine the role of federalism and center-state relations in port management under the new legislative framework.

3. RESEARCH METHODOLOGY

The research methodology employed in this study is doctrinal, focusing on an in-depth analysis of existing legal frameworks, statutes, case laws, and scholarly literature related to prostitution and women trafficking in India. Doctrinal research primarily involves a comprehensive review of legal texts, judicial pronouncements, and academic writings to understand the current state of law and its implications on the ports maintained by the ports authorities.

4. HISTORICAL BACKGROUND & RATIONALE

The Indian Ports Act, 1908, enacted under British colonial rule, governed both major and non-major ports along with navigable rivers. It focused on basic safety provisions, port charges, and port operations—adequate for early 20th-century needs but anachronistic today. India's

coastline hosts 12 major ports and 217 non-major ports as of 2023–24². Major ports handled 53% of the cargo traffic (819 million tonnes), while non-major cargo ports (66 of them) accounted for 47% (724 million tonnes), with Mundra and Sikka contributing 11% and 8% respectively.

Rapid growth of non-major ports, increased private sector participation, and emerging port-city integration required a coherent regulatory framework with modern governance instruments.

India's obligations under international agreements such as MARPOL and Ballast Water Convention are unmet under the 1908 Act and a new law was needed to operationalise such norms and align with global shipping standards.

4.1 Centre–State Coordination and Federal Dynamics

Major ports are under the Union list³, and are administered exclusively by the central government. The Major Port Authorities Act, 2021⁴ sets up a Board of Major Port Authority for the administration of each major port. Non-major ports are under the Concurrent List⁵, which implies that both the centre and states can make laws on them. However, they are primarily administered by state governments Non-major ports residing under the Concurrent List, leading to jurisdictional ambiguities and inefficiencies. States had set up their State Maritime Boards operationally, but lacked statutory recognition .States feared central overreach. Initial drafts of the Bill proposed strong central control over non-major ports, prompting pushback from states over fears of diminishment in autonomy. The final version accommodates those concerns by ensuring consultation structures like MSDC and vesting mandatory adherence to its guidelines, while leaving operational control of non-major ports with SMBs.

² Basic Port Statistics of India, 2023-24, Ministry of Ports, Shipping and Waterways
<https://shipmin.gov.in/sites/default/files/Revised%20Basic%20port%20Statistics%20of%20India%202023-24.pdf>

³ Union List: Entry 27, Constitution of India

⁴ The Major Ports Authority Act, 2021 https://www.indiacode.nic.in/handle/123456789/16956?view_type=browse

⁵ Concurrent List: Entry 31, Constitution of India

5. OVERVIEW OF THE INDIAN PORTS BILL, 2025

The Indian Ports Bill, 2025, is part of a broader parliamentary initiative, including reforms like the Merchant Shipping Act, 2025 and the Carriage of Goods by Sea Act, 2025, designed to modernize India's maritime legal framework comprehensively. On February 19, 2025, Cabinet approved the Bill, following modifications to address state concerns over federal authority. The Bill was introduced in Lok Sabha by Minister Sarbananda Sonowal on March 28, 2025. The bill was introduced to overhauling a 117-year-old law to adopt streamlined port governance, digitisation, and ease of doing business by creating a consultative yet binding structure through MSDC and SMBs. The bill also tried to encourages digital processes, transparent tariffs, reduced logistics cost, for MSME and exporter's benefits. The Indian Ports Act, 1905⁶ covers all ports and parts of navigable rivers leading to the ports while the new Indian Ports bill, 2025 is expanded to include all aircrafts, while on water, making use of any part of port.

5.1 Core Institutional Reforms

Maritime State Development Council (MSDC) The bill proposes to establish a Maritime State Development Council⁷ (MSDC) which will be Chaired by the Union Minister for ports, shipping and waterways and other members includes ministers in charge of ports in each state, high-level representatives generally secretaries in Indian Navy and Coast Guard, Secretary of Union for Ministry of ports, shipping and waterways. This Council will act as a bridge between the state authorities dealing with the working of ports and the union authorities dealing with the same. The objective of this council is 2 fold, firstly it will issues mandatory guidelines on data collection, data dissemination and tariff transparency, and secondly give advice to union government on national perspective planning related to establishment of ports and carrying out various maritime trade exercises, legislative recommendations, port efficiency and port connectivity which ultimately help the Central government to fulfill its object of creating a Sagarmala (a way of connecting the major ports and creating a seamless way for transforming goods through waterways).

State Maritime Boards (SMBs): This act provides Statutory recognition to all the state maritime boards already established as according to the third schedule⁸ of this bill. If any state does not have any such authority, then it can establish a state maritime board within six months

⁶ The Indian Ports Act, 1908, https://www.indiacode.nic.in/handle/123456789/2344?view_type=browse

⁷ The Indian Ports Bill, 2025, PRS, https://prsindia.org/billtrack/the-indian-ports-bill-2025#_edn1

⁸ Ibid

from the date commencement of this act. These state maritime boards deals with functions related to licensing procedure, infrastructure planning, tariff-setting, collection of fee. and compliance enforcement. These boards also issues guidelines related to navigation of sea vessels and providing them safer sea routes while doing supervision of port works such as construction activities, maintenance of these ports. These boards fix tariffs at non-major ports or authorise concessionaires to do so and these tariffs must be electronically published for transparency. They also oversee compliance with environmental, safety, and navigational regulations. These SMBs inherit ongoing government liabilities (debts, contracts) and are expected to provide robust governance for a diverse range of non-major port activities. The tariff for a major port will be fixed by the: (i) Board of Major Port Authority, or (ii) Board of Directors of a port registered as a company. For non-major ports, the State Maritime Board or a concessionaire authorised by it will fix the tariff.

Dispute Resolution Committee (DRC): Each state government must establish a DRC i.e. Dispute Resolution Committee to adjudicate port-related disputes between parties such as port users, port service providers, state government and port concessionaries and between any of them. The disputes referred to dispute resolution committee must be adjudicated within six months of application to it. An appeal to the decision of DRC lies directly to the High Court. The Dispute Resolution Committee has explicit jurisdiction over the matters related to disputes as specified in the act, the civil courts are excluded from such disputes to ensure expedited resolution.

Port officers

According to the bill, the state government appoints the conservator as a port officer for each port or group of ports and the conservator will have authority over all other port officers such as harbour master and a health officer⁹. The Bill retains the traditional powers of conservator under the Act to give instructions to any vessel on berthing, anchoring, moving within port boundaries, clearing obstructions, and collecting fees and charges. The Bill gives the conservator additional authority to give orders to stop the spread of infectious diseases, evaluate damage to port property, and adjudicate penalties.

⁹ The Indian Ports Bill, 2025, PRS, https://prsindia.org/billtrack/the-indian-ports-bill-2025#_edn1

Environmental, Safety & Sustainability Measures

The Ports must develop a waste reception and handling infrastructure and pollution control plans.

According to this plan every vessel on its arrival to the port must handover its waste to the waste reception centre of the port who will dispose it off according to the instructions made in this regard. All vessels are directed to report any pollution incident which comes to their sight otherwise failure to report will lead to penal consequences. Renewables and shore power are promoted to reduce the carbon footprint of port operations. For the first time, the Bill brings MARPOL¹⁰ and the Ballast Water Management Convention into enforceable Indian law. The bill penalises actions which endanger safety such as injuring buoys, discharging firearms, and boiling combustible materials on board. For environmental protection, the Act prohibits discharging ballast or rubbish at port.. The Ports are expected to align with broader national sustainability objectives and maritime environment protection frameworks. These initiatives collectively enhance the environmental performance and resilience of India's ports—a critical step for sustainable maritime growth. This bill mandates to prepare and implement comprehensive pollution control and emergency response plans and to submit periodic audits by the central government to ensure operational compliance and readiness.

Offences, Penalties & Decriminalisation

The bill criminalizes certain offences with punishment of imprisonment or fine under the Second Schedule of the Bill¹¹. Offences with potential imprisonment (up to six months) or fines (₹1 lakh) or both, include compromising/endangering vessel safety or disturbing waterbed or geophysical structures without permission of the concerned authority. New grounds for penalties include unapproved port operations commencement without notification by the central/state government, and failure of port to report incidents involving threat of pollution to coastal waters. These are few offences which can attract a penalty upto rupees 1 lakh. Certain offences such as vessels entering or exiting a port without a pilot, harbour master or a port officer on board and failure to furnish information or suppression of required documents are punishable with penalty upto two lakh rupees. Any contravention of the provisions of this bill for which penalty has been provided may be compounded for the first contravention by such

¹⁰ International Convention for the Prevention of Pollution from Ships (MARPOL)
[https://www.imo.org/en/about/conventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-\(marpol\).aspx](https://www.imo.org/en/about/conventions/pages/international-convention-for-the-prevention-of-pollution-from-ships-(marpol).aspx)

¹¹ The Indian Ports bill, 2025,
https://prsindia.org/files/bills_acts/bills_parliament/2025/Text_Indian_Ports_Bill_2025.pdf

officer.

6. ECONOMIC IMPACT & STAKEHOLDER BENEFITS

Ease of Doing Business (EoDB) and Digitalisation- The Bill accelerates digitalisation through mandated electronic tariff publishing, streamlined licensing via SMBs, and unified data collection via MSDC, facilitating efficiency and transparency. A resilient, transparent, and efficient port ecosystem can catalyse regional economic development, and enhance global trade competitiveness.

MSMEs & Exporters- With simplified procedures and improved infrastructure, small exporters and MSMEs can expect greater access¹² to port services and reduced transaction costs. Logistics costs are expected to drop due to faster cargo handling, reduced berth delays, and integrated hinterland linkages.

Investment, PPPs & Multimodal Integration- The Bill encourages public–private partnerships and foreign investment in port infrastructure. It aligns with policies like Sagarmala and supports integrated planning across transport modes—ports, road, rail, canals, and Inland Water Transport (IWT).

7. CHALLENGES, CRITICISMS & GAPS

Executive Power Imbalance & Appeals- The Conservator now adjudicates penalties when the entities fail to electronically publish port tariffs, these entities also includes port authorities despite being subordinate to port authorities which raise concerns about conflict of interest and lack of higher-level appeal mechanisms. The Bill does not provide pathways for appealing against the decision of conservator imposing penalties, unlike newer laws that include such safeguards. The Port officers can enter and inspect vessels, but no procedural safeguards—such as written reasons, electronic recording, witness presence are mandated in the bill.

Ambiguous 'Mega Port' Status- Although the Central Government may designate any port (major or non-major) as a mega port based on notified criteria. However, the Bill lacks further elaboration on the purpose or implications of such classification, raising concerns over

¹² Et government, available at <https://government.economictimes.indiatimes.com/news/governance/indian-ports-bill-2025-a-game-changer-for-indias-maritime-sector/123258355>

regulatory clarity.

Federal–State Tensions Persist- Despite mechanisms for consultation, states may still perceive an implicit central dominance particularly as MSDC guidance is binding. The balance between federal authority and state autonomy may challenge implementation.

Implementation Difficulties- Establishing functional SMBs and DRCs across 217 non-major ports within six months is daunting. The building capacity for audits, enforcement, and data systems requires significant resources and human capital.

8. CONCLUSION

The Indian Ports Bill, 2025 lays a transformative foundation for India’s maritime sector—modernising governance, enhancing environmental safeguards, and enabling economic efficiency. Through the creation of MSDC, SMBs, transparent tariffs, dispute resolution mechanisms, and international compliance, it steers India toward globally competitive port infrastructure aligned with the "Ports for Prosperity" vision and Prime Minister’s target of maritime prominence by 2047 .Yet, achieving this vision depends on effective implementation: ensuring institutional onboarding, capacity building, clear procedural safeguards, and balancing federal interests with local control. With strategic execution and continued policy support, the Bill can help sculpt a resilient, sustainable, and thriving maritime ecosystem—propelling India into a leadership role in global shipping and trade.

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