

# Decoding Legal Provisions – Recent Maritime Incidents off the Indian Coast

*Mayank Mishra, Legal Consultant, CMEC (RIS)*

## **Introduction**

Two recent incidents off the coast of Kerala – involving two separate vessels MSC ELSA 3 and MV Wan Hai 503 – have brought into focus the legal provisions that can address adverse marine impact arising out of mishaps at sea.

This report examines the provisions of applicable Indian and International law with respect to these incidents. The analysis separates issues of punishment and compensation/damages, and outlines the relevant legal provisions applicable to both.

The details of these incidents, gathered from official press releases and other media reportage for the purpose of this analysis, are outlined below. (Legal proceedings remain underway, and legal fact-finding remains a matter for the relevant agency/agencies tasked for the same.)

## **MSC ELSA 3 Incident**



Image 1: Containers of MSC ELSA 3 washed ashore

Source: PIB, 2025b



Image 2: MSC ELSA 3 Listing at Sea

Source: PIB, 2025g.



Image 3: Capsized MSC ELSA 3

Source: Matrubhumi, 2025.

According to multiple press releases by the Press Information Bureau (PIB), the details of the MSC ELSA 3 incident are as follows – Liberian container vessel MSC ELSA 3 (IMO No. 9123221) sank off the Kochi coast at around 0750 hrs on 25<sup>th</sup> May 2025, due to flooding. **The vessel went down with 640 containers, including 13 with hazardous cargo and 12 containing calcium carbide. It was also loaded with 84.44 MT of Diesel and 367.1 MT of Furnace oil.**

The incident began on 24<sup>th</sup> May 2025 when MSC ELSA 3, en-route from Vizhinjam to Kochi, developed a 26-degree starboard list approximately 38 nautical miles southwest of Kochi and lost stability. An ICG Dornier aircraft, ICG patrol ships, and merchant vessels MV Han Yi and MSC Silver 2, joined to assist. By late evening of 24<sup>th</sup> May 2025, 21 of the 24 crew, including nationals from Russia, Ukraine, Georgia, and the Philippines, were rescued. Three senior crew members remained onboard to assist with salvage arrangements. However, the vessel's condition deteriorated overnight and it sank approximately 15 nautical miles southwest of Alappuzha, Kerala on 25<sup>th</sup> May 2025. Within hours of the vessel's submergence, ICG surveillance aircraft detected an oil slick at the site. ICG Ship Saksham, already stationed in pollution response configuration, was deployed immediately. An ICG Dornier aircraft conducted aerial assessments and dispersed Oil Spill Dispersant (OSD) across the affected zone. As of 27<sup>th</sup> May 2025, about 46 cargo containers had washed ashore across three coastal districts of Kerala, and more debris was expected. (PIB 2025a) (PIB 2025b) (PIB 2025c)

### MV Wan Hai 503 Incident



Image 4: Fire onboard MV Wan Hai 503

Source: PIB, 2025d.



Image 5: Insertion of salvage team on MV Wan Hai 503

Source: PIB, 2025d.

As per multiple press releases by the Press Information Bureau (PIB) and other media reportage, the details of the MV Wan Hai 503 incident are as follows – On 9<sup>th</sup> June 2025, Singaporean container vessel ‘MV Wan Hai 503’ caught fire approximately 44 nautical miles off the Kerala coast. The vessel reported an internal container explosion and a resultant major fire onboard. INS Surat and a Dornier aircraft were deployed by the Indian Navy to render necessary assistance. **The vessel was carrying 2,128 metric tonnes of fuel and hundreds of containers, including hazardous cargo**, posing a serious risk to the marine environment and regional shipping routes. The Indian Coast Guard, held the vessel away from the Kerala coast for several days, but sudden deterioration in weather conditions and strong westerly winds caused it to dangerously drift toward the shoreline. On 13<sup>th</sup> June 2025, salvage team members embarked onboard, through a Naval helicopter dropping the team on the vessel. The salvage team was winched down, and connected up tow with the salvage Tug Offshore Warrior. After connection of the tow, the salvage team was successfully evacuated by the Naval helicopter from the vessel. The towing operations of the vessel commenced thereafter. (The Hindu, 2025) (PIB, 2025d) (PIB, 2025e) (PIB, 2025f) (DD News, 2025).

## Decoding Legal Provisions

In the aftermath of such incidents at sea, multiple issues arise – of jurisdiction, civil and criminal liability, contractual remedies for losses suffered by cargo owners, compensation, damages, etc.

There exist multiple instruments and provisions in domestic as well as international law to address the fallout of these two incidents. Tables 1-2 below outline them separately.

**Table 1:** Relevant legal provisions in domestic law

**Source:** Author's compilation

<b><u>Name of Law</u></b>	<b><u>Overview</u></b>	<b><u>Specific Provisions</u></b>
Merchant Shipping Act, 1958 (including Rules framed thereunder)	<p>This is a comprehensive legislation dealing with merchant shipping in India. It contains 461 sections, dealing with various aspects like ship registration of Indian ships, certification of officers, navigation, security of ships and port facilities, etc. Various amendments to this Act have been made from time to time to enact the International Maritime Organization conventions ratified or acceded to by India, like the SOLAS Convention 1974 and STCW Convention 1978.</p> <p>The Act declares that it is an Act “to foster the development and ensure the efficient maintenance of an Indian mercantile marine in a manner best suited to serve the national interests and generally to amend and consolidate the law relating to merchant shipping.”</p>	<ul style="list-style-type: none"><li>a. Part XB – Civil Liability for Oil Pollution Damage</li><li>b. Part XC – International Oil Pollution Compensation Fund</li><li>c. Part XIA – Prevention and Containment of pollution of the sea by oil</li></ul>
Environment Protection Act, 1986 (including Rules framed thereunder)	<p>This Act consists of 26 sections in 4 chapters, which <i>inter alia</i> empower the Central Government to establish authorities (under section 3(3)) charged with the mandate of preventing environmental pollution in all its forms and to tackle specific environmental problems that are peculiar to different parts of India. It declares that it is an Act “to provide for the protection and improvement of</p>	<ul style="list-style-type: none"><li>a) Chapter III – Prevention, Control, and Abatement of Environmental Pollution</li><li>b) Section 16 – Offences by Companies</li><li>c) Section 19 – Cognizance of Offences</li></ul>

	<i>environment and for matters connected therewith.”</i>	
The Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017	<p>This Act repeals (through section 17 (1)) various outdated laws relating to the admiralty jurisdiction of Indian High Courts.</p> <p>It consists of 18 sections in 4 chapters, and declares that it is an Act <i>“to consolidate the laws relating to admiralty jurisdiction, legal proceedings in connection with vessels, their arrest, detention, sale and other matters connected therewith or incidental thereto.”</i></p>	<p>a) Section 3 – Admiralty jurisdiction</p> <p>b) Section 4 – Maritime claim</p>
The Territorial waters, Continental shelf, Exclusive economic zone and other maritime zones act, 1976	<p>This Act consists of 16 sections, and declares that it is an Act <i>“to provide for certain matters relating to the territorial waters continental shelf, exclusive economic zone and other maritime zones of India.”</i></p>	<p>a) Section 6(3)(d) - The Union of India has in the continental shelf exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution.</p> <p>b) Section 7(4)(d) – In the EEZ, the Union of India has exclusive jurisdiction to preserve and protect the marine environment and to prevent and control marine pollution; and such other rights as are recognised by International Law.</p>
National Green Tribunal Act, 2010	<p>This is an Act <i>“to provide for the establishment of a National Green Tribunal for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto.”</i></p> <p>The Act has 38 sections under 5 chapters. It also has 3 schedules.</p>	<p>a) Section 2(1)(a) – Definition of “accident”</p> <p>b) Section 15 – Relief, compensation, and restitution.</p> <p>c) Section 17 - Liability to pay relief or compensation in certain cases.</p> <p>d) Schedule II – Heads under which compensation or relief for damage may be claimed.</p>



Bharatiya Nyaya Sanhita, 2023 (BNS 2023)	<p>The Bharatiya Nyaya Sanhita (BNS) was introduced on August 11, 2023 to replace the Indian Penal Code 1860.</p> <p>It is an Act <i>“to consolidate and amend the provisions relating to offences and for matters connected therewith or incidental thereto.”</i></p>	Chapter XV – On Offences affecting the public health, safety, convenience, decency, and morals
Calcium Carbide Rules, 1987	These Rules regulate the storage, transportation, and handling of calcium carbide in India.	<p>a) Chapter IV – Transportation of Carbide</p> <p>b) Chapter V – Storage of Carbide</p>
The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989	The Government of India has promulgated these rules under the Environment (Protection) Act, 1986. They seek to manage the safety and environmental aspects of hazardous chemicals in India.	a) Schedule 1, Part II – List of hazardous and toxic chemicals

**Table 2:** Relevant legal provisions - International law

**Source:** Author’s compilation

<u>Name of Law</u>	<u>Overview</u>	<u>Specific Provisions</u>
International Convention on Civil Liability for Oil Pollution Damage, 1992 (Civil Liability Convention of 1992)	This Convention was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships.	<p>a) This Convention has been incorporated into the Merchant Shipping Act, 1958 (Section 352H(b) of Merchant Shipping Act, 1958)</p> <p>b) This Convention is applicable to ships which actually carry oil in bulk as cargo.</p>
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (1992 Fund Convention)	This Convention establishes a regime for compensating victims when compensation under the Civil Liability Convention of 1992 is not available or is inadequate. The International Oil Pollution Compensation Fund, 1992 (1992 Fund) was set up under this Convention.	<p>a) This Convention is supplementary to the Civil Liability Convention of 1992.</p> <p>b) This Convention has been incorporated into the Merchant Shipping Act, 1958 (Section 352S(d) of the Merchant Shipping Act, 1958)</p>
Nairobi International Convention for the Removal of Wrecks, 2007	This Convention provides the legal basis for States to remove, or have removed, shipwrecks that may have the potential to affect adversely the	a) India has acceded to this Convention on 23 <sup>rd</sup> March, 2011.

	safety of lives, goods and property at sea, as well as the marine environment.	b) Section 234(b) in the Merchant Shipping Bill 2024 incorporates this Convention into the Merchant Shipping Bill 2024.
International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (Bunker Oil Convention)	<p>The Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers.</p> <p>The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties.</p> <p>The bunkers convention provides a free-standing instrument covering pollution damage only.</p>	<p>a) India has acceded to this Convention.</p> <p>b) Section 197(a) of the Merchant Shipping Bill 2024 incorporates this Convention into the Merchant Shipping Bill 2024.</p>
International Convention on Salvage, 1989 (Salvage Convention)	This Convention establishes the main international legal framework dealing with salvage operations and environmental protection.	<p>a) India has acceded to this Convention.</p> <p>b) Section 3(53) of the Merchant Shipping Bill 2024 incorporates this Convention into the Merchant Shipping Bill 2024.</p> <p>c) Section 248(b) of Merchant Shipping Bill 2024 deals with reward, remuneration or compensation due under the Salvage Convention.</p>



International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (HNS Convention)	<p>The HNS Convention was adopted by an international conference in 1996 and is based on model of the Civil Liability and Fund Conventions which cover pollution damage caused by spills of persistent oil from tankers.</p> <p>The HNS Convention will establish a two-tier system for compensation to be paid in the event of accidents at sea, in this case, involving hazardous and noxious substances such as chemicals. However, it goes further in that it covers not only pollution damage but also the risks of fire and explosion, including loss of life or personal injury as well as loss of or damage to property.</p>	<p>a) This Convention was superseded by the 2010 HNS Protocol.</p> <p>b) As per IMO's website, this Convention (or the 2010 HNS Protocol) is not in force. (IMO, 2025)</p> <p>c) India has not ratified this Convention.</p>
United Nations Convention on the Law of the Sea (UNCLOS), 1982	<p>The United Nations Convention on the Law of the Sea (UNCLOS 1982) was adopted in 1982 and entered into force in 1994. It lays down a comprehensive regime of law and order for the world's oceans, establishing rules for the allocation of States' rights and jurisdiction in maritime spaces, the peaceful use of the oceans and the management of their resources. The Convention also provides a framework for the further development of specific areas of the law of the sea, including through the work of competent international organizations such as IMO.</p>	<p>a) Part XII - Protection and preservation of the marine environment.</p> <p>b) Article 192 - States have the obligation to protect and preserve the marine environment.</p> <p>c) Article 211 – Pollution from vessels.</p> <p>d) Article 220 – Enforcement by Coastal States.</p> <p>e) Article 229 – Institution of civil proceedings</p> <p>f) Article 235 – Responsibility and Liability</p>

### **Judicial Outlook**

Not surprisingly, the Kerala High Court, while hearing public interest litigation connected to the two incidents, observed – *“The point we wish to emphasize is that there exist various legal instruments under which the State and Central Government can proceed to take action.... When various courses of action have been provided under the aforementioned statutes and international conventions, both the Central and the State Governments are expected to exercise those powers, any delay or failure to act may give rise to an argument by an offender in future that a precedent is being set.”* (Kerala High Court, 2025.)

As mentioned above, legal proceedings pertaining to the two incidents are underway in Kerala, and their outcome is awaited. Nevertheless, the next section suggests the way-forward on the specific issue of compensation and damages for the fallout of mishaps like these.

### **Way forward**

Tables 1 and 2 show that there are adequate legal provisions in domestic and international law to address the fallout of incidents like these, and such provisions need to be invoked and enforced by authorities. This is true for both kinds of pollution – that caused by oil, and that caused by hazardous chemicals. Separate legal proceedings can be initiated for both kinds of damage.

The analysis herein also shows that punishment, and compensation or damages, are two separate issues. While the first can be addressed through criminal proceedings under BNS 2023, the issue of compensation or damages is better addressed through other Indian legislation.

Two Indian laws are relevant here. A maritime claim can be filed under section 4 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. Under Section 4, the relevant High Court may exercise jurisdiction to hear and determine any question on a maritime claim, against any vessel, arising out of any:

- a. Loss or damage caused by the operation of a vessel;
- b. Salvage services, including, if applicable, special compensation relating to salvage services in respect of a vessel which by itself or its cargo threatens damage to the environment;
- c. Damage or threat of damage caused by the vessel to the environment, coastline or related interests; measures taken to prevent, minimize, or remove such damage; compensation for such damage; costs of reasonable measures for the restoration of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; or any other damage, costs, or loss of a similar nature to those identified in this clause;
- d. Costs or expenses relating to raising, removal, recovery, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such vessel, and costs or expenses relating to the preservation of an abandoned vessel and maintenance of its crew.

It is true that the language of section 3 appears to limit the Admiralty jurisdiction of Hon'ble High Courts *"up to and including the territorial waters of their respective jurisdictions in accordance with the provisions contained in [the Admiralty] Act."* However, section 3 is subject to the provisions of section 4, which allows maritime claims against *any* vessel. Furthermore, the seeming jurisdictional restriction in section 3 must also be interpreted *"in accordance with the provisions contained in"* the [larger] Admiralty Act. It will thus be interesting to see how Hon'ble High Courts deal with cases where the fire/sinking may have occurred beyond territorial waters, but its effects and aftermath reach Indian coast(s) and coastal populations. Already, as per media reports, the Government of Kerala has informed the Kerala High Court that it intends to file an Admiralty suit against MSC Mediterranean Shipping Company SA, the owner of vessel MSC ELSA 3. (CNBC TV18, 2025).

Alternatively, relief and compensation for pollution and other environmental damage can also be sought before the National Green Tribunal under section 15 of the National Green Tribunal Act, 2010. Per section 15, the National Green Tribunal may, by an order and as it may think fit, provide, -

- a) relief and compensation to the victims of pollution and other environmental damage arising under specified enactments dealing with environmental protection (including accident occurring while handling any hazardous substance);
- b) for restitution of property damaged;
- c) for restitution of the environment for such area or areas.

## References

CNBC TV18, 2025. "Kerala plans to file admiralty suit against MSC over sunken ship: Report." Retrieved on 26<sup>th</sup> June 2025 from <https://www.cnbctv18.com/india/kerala-plans-to-file-admiralty-suit-against-msc-over-sunken-ship-report-19623718.htm>

DD News. 2025. "Indian Navy, Coast Guard praised for swift rescue after fire on MV Wan Hai 503." Retrieved on 26<sup>th</sup> June 2025 from <https://ddnews.gov.in/en/indian-navy-coast-guard-praised-for-swift-rescue-after-fire-on-mv-wan-hai-503/>

IMO, 2025. "International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS)." Retrieved on 26<sup>th</sup> June 2025 from <https://www.imo.org/en/About/Conventions/Pages/International-Convention-on-Liability-and-Compensation-for-Damage-in-Connection-with-the-Carriage-of-Hazardous-and-Noxious-.aspx>

Kerala High Court. 2025. "Order in WP (PIL) NO. 50 of 2025(S)." Retrieved on 26<sup>th</sup> June 2025 from <https://s3.courtbook.in/2025/06/kerala-high-court-directs-urgent-action-for-compensation-environmental-protection-after-another-ship-mishap.pdf>

Matrubhumi. 2025. "Container ship MSC ELSA 3 capsizes after flooding; 640 containers onboard, 13 containing hazardous cargo." Retrieved on 26<sup>th</sup> June 2025 from <https://english.mathrubhumi.com/news/kerala/msc-container-ship-elsa-3-capsizes-rapidly-reportedly-due-to-flooding-says-indian-coast-guard-gt171v3g>

PIB. 2025a. "ICG along with Indian Navy Rescues all 24 Crew members as Liberian container Vessel with Hazardous Cargo Sinks off Kerala Coast." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleseDetailm.aspx?PRID=2131073>

PIB. 2025b. "ICG-Led Response Mitigates Oil Spread After Liberian Container Vessel Sinking; 46 Containers Wash Ashore in Kerala." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2131849>

PIB. 2025c. "Oil Slick Detected after Liberian Container Vessel Sinks off Kerala Coast; ICG Leads Pollution Response." Retrieved on 26<sup>th</sup> June 2025 from [https://mod.gov.in/sites/default/files/Oil-Slick-Detected-after-Liberian-Container\\_0.pdf](https://mod.gov.in/sites/default/files/Oil-Slick-Detected-after-Liberian-Container_0.pdf)

PIB. 2025d. "Indian Navy undertakes daring aerial insertion of salvage team onboard MV Wan Hai 503." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2136309>

PIB. 2025e. "ICG, Navy & IAF Execute High-Risk Operation to Stabilise Fire-Hit Singaporean Vessel Off Kochi." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleaseDetailm.aspx?PRID=2136319>

PIB. 2025f. "ICG Intensifies Operations as Burning Container Vessel Drifts Off Kerala Coast." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=2135826>

PIB. 2025g. "Liberian Container Vessel Lists off Kochi; ICG Leads Rescue Operations to aid 24 Crew Members." Retrieved on 26<sup>th</sup> June 2025 from <https://www.pib.gov.in/PressReleasePage.aspx?PRID=2130988>

The Hindu. 2025. "Singapore-flagged cargo ship fire: Police file case against owner, captain and crew of MV Wan Hai 503." Retrieved on 26<sup>th</sup> June 2025 from <https://www.thehindu.com/news/national/kerala/singapore-flagged-cargo-ship-fire-police-register-case-against-owner-captain-and-crew-of-mv-wan-hai-503/article69707368.ece>