

DRAFT

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the _____ 2026

G.S.R. _____(E). — *In exercise of the powers conferred by sub-section (2) of section 282, sub-section (1) of section 304, sub-section (1) of section 311, section 317, section 319 and sub-section (1) of section 323 of the Merchant Shipping Act, 2025 (24 of 2025), and in supersession of the Merchant Shipping (Appeal) Rules, 2024, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules, namely: –*

CHAPTER I
Preliminary

1. Short title and commencement. - (1) These rules may be called the **Merchant Shipping (Appeal Against Penalties and Miscellaneous Matters) Rules, 2026.**

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. - (1) In these rules, unless the context otherwise requires. _

(a) "Act" means the Merchant Shipping Act, 2025 (24 of 2025);

(b) "appellant" means a person aggrieved with an order of the Principal Officer and prefers an appeal before the Director-General under sub-section (4) of section 282 of the Act;

(c) "appellate authority" means the Director-General appointed under section 7 of the Act;

(d) "e-Samudra portal" means electronic portal maintained by the Director-General of Maritime Administration for the purposes of filing, creation, issuance, receipt, maintenance and retrieval of any form, application, document, certificate, licence, approval, endorsement, fee, charges or any

other particulars or documents required to be filed under the Act or the rules made thereunder.

(e) "form" means a Form appended to these rules;

(f) "penalty" means the penalty prescribed under sub section (1) of 282 of the Act and rules made under the Act.

(2) The words and expressions used in these rules and not defined, but defined in the Act, shall have the same meaning as assigned to them in the Act.

CHAPTER II

Appeals against order of Principal officer imposing penalty.

3. **Appeal.** ____ (1) Any person aggrieved by an order of the Principal Officer under sub-section (1) of section 282 of the Act, may prefer an appeal to the Appellate Authority under sub-section (2) of section 282 of the Act in the format specified as Form-I.

(2) The appeal shall be filed with the Appellate Authority within a period of thirty days from the date of receipt of the order.

(3) The appeal shall be accompanied by a copy of the order of the Principal Officer under sub-section (4) of section 282 of the Act with mention of a clear statement of facts appealed against, the grounds for appeal, and the relevant section of the Act.

4) The appeal shall be filed in triplicate by the appellant in person or by his duly authorized representative in writing or by an advocate duly appointed in this behalf, or by registered post or speed post or through electronic means.

(5) The appeal sent by post shall be deemed to have been filed to the Appellate Authority on the day it is received by the office of Appellate Authority.

(6) If on scrutiny, the appeal is found to be in order, it shall be admitted and in case the appeal is found to be defective, the Appellate Authority shall intimate the appellant about the defects and allow him to rectify the defects within a period of fifteen days and if the appellant fails to rectify such defects within the time-period, the Appellate Authority may by order and reasons to be recorded in writing, decline to register such appeal and communicate such refusal to the appellant within a period of seven days from the date of refusal.

(7) A copy of the appeal along with notice shall be served by the Appellate Authority on the respondent, by hand or by registered post or speed post or through electronic means.

(8) Respondent may, within a period of seven days of service of notice of appeal, file a reply to the Appellate Authority.

(9) The Appellate Authority may call for the records relating to the proceedings from the respective Principal Officer.

(10) The Appellate Authority may, after giving the parties to the appeal an opportunity of being heard, pass such orders as it may consider appropriate.

(11) The Appellate Authority shall dispose of the appeal within a period of thirty days from the date of receipt of the appeal.

4. Order and penalties. - (1) Every order under these rules, shall be in writing with reasons, dated, signed and affixed with the seal of Appellate Authority before it is communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Consolidated Fund of India.

5. Orders passed by the Appellate Authority. - (1) Subject to rule 3, the Appellate Authority may –

(a) confirm or modify or set aside or reverse the orders appealed against under sub-section (2) of section 282 of the Act;

(b) confirm or reduce or enhance or set aside the penalty imposed by the order or impose any penalty in accordance with the Act where no penalty was imposed by the principal officer.

Provided that no order imposing an enhanced penalty shall be made unless the appellant has been given a reasonable opportunity of making a representation against such enhanced penalty and reasons for such enhancement have been duly recorded in writing; and

(c) pass such orders as it may deem fit in the circumstances of the case.

(2) Any penalty shall not exceed the amount of the maximum penalty provided under sub-section (2) of section 281 of the Act.

6. Effect of orders passed by the Appellate Authority. - Every order passed by the Appellate Authority under sub-rule (10) of rule 3 shall be final.

CHAPTER III

Appeal against imposition of penalty passed by the notified Authority for transparency of charges

7. Appeal. ____ (1) Any person aggrieved by an order of the authority notified under sub-section (3) of section 317 of the Act, may prefer an appeal to the before the officer notified under sub-section (4) of section 317 of the Act in the format specified as Form-II.

(2) The appeal shall be filed within a period of thirty days from the date of receipt of the order.

(3) The appeal shall be accompanied by a copy of the order passed by the authority notified under sub-section (3) of section 317 of the Act with mention of a clear statement of facts appealed against, the grounds for appeal, and the relevant section of the Act.

4) The appeal shall be filed in triplicate by the appellant in person or by his duly authorized representative in writing or by an advocate duly appointed in this behalf, or by registered post or speed post or through electronic means.

(5) The appeal sent by post shall be deemed to have been filed to the officer notified under sub-section (4) of section 317 on the day it is received by the office of said officer.

(6) If on scrutiny, the appeal is found to be in order, it shall be admitted and in case the appeal is found to be defective, the officer notified under sub-section (4) of section 317 shall intimate the appellant about the defects within seven days and allow him to rectify the defects within a period of fifteen days and if the appellant fails to rectify such defects within the time-period, the saif officer may by order and reasons to be recorded in writing, decline to register such appeal and communicate such refusal to the appellant within a period of seven days from the date of refusal.

(7) A copy of the appeal along with notice shall be served by the officer notified under sub-section (4) of section 317 on the respondent, by hand or by registered post or speed post or through electronic means.

(8) Respondent may, within a period of seven days of service of notice of appeal, file a reply to the officer notified under sub-section (4) of section 317.

(9) The officer notified under sub-section (4) of section 317 may call for the records relating to the proceedings from the authority notified under sub-section (3) of section 317.

(10) The officer notified under sub-section (4) of section 317 may, after giving the parties to the appeal an opportunity of being heard, pass such orders in writing with reasons as it may consider appropriate.

(11) The officer notified under sub-section (4) of section 317 shall dispose of the appeal within a period of thirty days from the date of receipt of the appeal.

8. Order and penalties. - (1) Every order under these rules, shall be dated, signed and affixed with the seal of officer notified under sub-section (4) of section 317 before it is communicated to all the parties.

(2) All sums realised by way of penalties under these rules shall be credited to the Consolidated Fund of India.

9. Orders passed by the officer notified under sub-section (4) of section 317.

- (1)

Subject to rule 7, the officer notified under sub-section (4) of section 317 may _

(a) confirm or modify or set aside or reverse the orders appealed against under sub-section (3) of section 317 of the Act;

(b) confirm or reduce or enhance or set aside the penalty imposed by the order or impose any penalty in accordance with the Act where no penalty was imposed by the officer notified under sub-section (4) of section 317.

Provided that no order imposing an enhanced penalty shall be made unless the appellant has been given a reasonable opportunity of making a representation against such enhanced penalty and reasons for such enhancement have been duly recorded in writing; and

(c) pass such orders as it may deem fit in the circumstances of the case.

(2) Any penalty shall not exceed the amount of the maximum penalty provided under sub-section (2) of section 317 of the Act.

10. Effect of orders passed by the officer notified under sub-section (4) of section 317. - Every order passed by the officer in the appeal under sub-rule (10) of rule 7 shall be final.

CHAPTER IV
Miscellaneous Matters.

11. Taking charge of vessel without nationality. – As per section 304 (1)

(1) Where it is established that a vessel within India or her coastal waters is not legally entitled to fly the flag of a state or has lost such right, the Central Government may direct any commissioned officer of the Indian Navy or Indian Coast Guard or any port officer, police, pilot, harbour master, conservator of port or customs commissioner, as it may consider appropriate to detain the vessel.

(2) The officer directed under sub-rule (1) shall take immediate steps to detain the vessel till its release is ordered by the Central Government.

(3) The information of detention shall be given to the nearest Port and Principal Officer by such officer.

12. Cost or expenses etc in respect of abandoned vessels.-

The costs or expenses incurred by Central Government or any authority or agency for taking measures in respect of abandoned vessels under sub-section (1) of section 311 shall be determined and reimbursed in the following matter:

- (a) The cost or expenses incurred by Central Government or any authority or agency shall be examined and assessed by a committee of 03 experts to be appointed by Central Government having experience on matters related to operation of vessel, prevention of marine pollution and sale-purchase of vessels.
- (b) The report of the committee shall contain assessment of cost or expenses referred under clause (a) and assessment of sale of vessel or its cargo.
- (c) The report shall be furnished to the Central Govt within a period of 60 days.
- (d) The Central Government shall pass an order for sale of vessel or its cargo for the recovery of cost or expenses.
- (e) The central Government shall nominate an agency or organisation for sale of vessel or its cargo and to deposit the sale proceeds with the Central Government.

13. Electronic records.-

- (1) Every application, form or document as may be required to be filed, created, delivered, served or issued under the Act, or the rules made thereunder, shall be filed in electronic form on E- Samudra Portal.
- (2) Where, in exceptional circumstances, any application, form or document required to be filed, created, delivered, served or issued is unable to be filed on the e-Samudra portal, the same may be submitted by electronic mail.
- (3) Any fee, charge or amount payable under the Act or the rules made thereunder for the purpose of payment for filing, creation or issue of any electronic form or document shall be paid electronically through the Bharatkosh portal www.bharatkosh.gov.in or the payment gateway integrated with the electronic.
- (4) An electronic receipt generated through E Samudra Portal shall constitute valid proof of payment of such fee or charge.

14. Protection of interest of Indian shipping.-

The person who is subjected to measures referred to under sub-section (1) of section 323 shall inform the Central Government in the following manner:

- (a) The information shall be submitted to the Director General
- (b) The information shall have the information as per FORM III.

FORM-I
APPLICATION TO THE APPELLATE AUTHORITY

(See sub-rule (1) of rule 3)

1. Details of the Appellant:

1.1. Name of the Appellant:

1.2. Designation of the Appellant:

1.3. Address of the Appellant:

1.4. Telephone/ Mobile No. of the Appellant:

1.5. Email Id. of the Appellant:

1.6. Name, Address, Telephone/Mobile No. and Email Id.

of the Legal Representative of the Appellant, if any:

2. Details of the Order appealed against under sub-section (4) of section 282 of the Merchant Shipping Act, 2025:

2.1. Date:

2.2. Number:

2.3. Name of Principal Officer:

2.4. Address of the Mercantile Marine Department:

2.5. Section of the Merchant Shipping Act, 2025 to which the contravention has reference:

2.6. Penalty imposed by the principal officer:

3. Details of Appeal:

3.1. Statement of Facts : *(Provide a concise statement of facts in a chronological order and with paragraph numbers containing an elaboration of issues, including the questions of the law arising in the appeal, each paragraph should deal with as far as possible a separate issue).*

3.2. Description of Grievance: *(Provide a concise description of grievance elaborating issues with the order of the principal officer under sub-section (4) of section 282 of the Merchant Shipping Act, 2025).*

3.3. Grounds of Appeal: *(Provide clear grounds of the appeal and concise description of the appeal and the relevant legal provisions, if any, relied upon. See sub-rule (3) of rule 3).*

3.4. Evidence: *(Provide evidence for the justification/ grounds for appeal and in case of more than one evidence, an indexed chronological list thereof).*

3.5. Prayer: *(Clearly stipulate the reliefs sought).*

Place:

Date:

(Signature of Appellant)

APPLICATION TO THE APPELLATE AUTHORITY

(See sub-rule (1) of rule 7)

1. Details of the Appellant:

1.1. Name of the Appellant:

1.2. Designation of the Appellant:

1.3. Address of the Appellant:

1.4. Telephone/ Mobile No. of the Appellant:

1.5. Email Id. of the Appellant:

1.6. Name, Address, Telephone/Mobile No. and Email Id.

of the Legal Representative of the Appellant, if any:

2. Details of the Order appealed against under sub-section (3) of section 317 of the Merchant Shipping Act, 2025:

2.1. Date:

2.2. Number:

2.3. Name of officer notified under sub-section (3) of section 317:

2.4. Address of the officer notified under sub-section (3) of section 317:

2.5. Section of the Merchant Shipping Act, 2025 to which the contravention has reference: 317

2.6. Penalty imposed by the officer notified under sub-section (3) of section 317:

3. Details of Appeal:

3.1. Statement of Facts : *(Provide a concise statement of facts in a chronological order and with paragraph numbers containing an elaboration of issues, including the questions of the law arising in the appeal, each paragraph should deal with as far as possible a separate issue).*

3.2. Description of Grievance: *(Provide a concise description of grievance elaborating issues with the order of the officer notified under sub-section (3) of section 317 of the Merchant Shipping Act, 2025).*

3.3. Grounds of Appeal: *(Provide clear grounds of the appeal and concise description of the appeal and the relevant legal provisions, if any, relied upon. See sub-rule (3) of rule 7).*

3.4. Evidence: *(Provide evidence for the justification/ grounds for appeal and in case of more than one evidence, an indexed chronological list thereof).*

3.5. Prayer: *(Clearly stipulate the reliefs sought).*

Place:

Date:

(see rule 14)

1.Name of Person/company/etc_____

2.Address_____

3.Name of country which undertook the measures:

4.Details of Measures taken by other country:

5.Copy of order of that country:

6.Inputs on intervention needed by Central Govt.

7.Any other suggestion/inputs.

Place:

Date:

(Signature of person submitting information)