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Adv. Joy Thattil, in his capacity as Secretary General of the Dubai Shipping Agents Association (DSAA), was invited as a distinguished panellist for a discussion organised by the Institute of Chartered Shipbrokers on 1st July 2025 at Hotel Dusit Thani, Dubai.

The session, held under the theme "Mentorship Matters: Elevate Organisational Success," was moderated by Mr Vincent O'Brien and featured esteemed panellists including Dr Meena Mathews, Mr Ravi Shankar, and Mr Cameron Livingstone.

Representing DSAA, Adv. Thattil shared insightful

Moderator
Mr. Vincent O'Brien FICS (Hon)

- Panellists*
- 1) Dr. Meena Mathews
 - 2) Mr. Ravi Shankar FICS
 - 3) Adv. Joy Thattil
 - 4) Mr. Cameron Livingstone



perspectives on the significance of mentorship in nurturing future leaders and enhancing organisational performance. His remarks

highlighted the crucial role of experienced professionals in guiding emerging talent within the maritime and shipping sectors. ■



THOUGHT for the MONTH

The greatest threat to our planet is the belief that someone else will save it

ROBERT SWAN



OIL SPILL IN ARABIAN SEA; LEGAL & ENVIRONMENTAL IMPLICATIONS OF THE MV ELSA & MV WAN HAI OIL SPILLS



The waters off Kerala have long been a sanctuary of life—an expanse where fish migrate, corals thrive, and fishermen carve their livelihoods from the tides. Yet, on May 25, 2025, tragedy struck as MV Elsa sank beneath these waves, releasing 450+ tonnes of fuel and hazardous cargo into the ocean. Less than two weeks later, another disaster followed - the MV Wan Hai caught fire, spilling potentially an estimated 100 tonnes of bunker oil into Kerala's coastal waters. What was once a thriving marine ecosystem now fights for survival against the thick slicks of pollution, the toxic fumes curling into the monsoon skies, and the wreckage of environmental negligence.

The data paints a grim reality: the oil spills reduce marine biodiversity by up to 50% in affected areas, suffocating fish populations, damaging coral reefs, and disrupting plankton cycles, the very foundation of oceanic food webs. Studies show that coastal pollution can reduce tourism revenue by as much as 30%, a harsh blow to Kerala's economy, which depends heavily on its pristine beaches. The environmental distress deepens with the cargo of MV Elsa, suspected to contain chemical contaminants, further exacerbating the toxicity of the waters.

Cleanup operations face the unpredictable fury of the monsoon, leaving both marine life and the legal system grappling with the consequences.

The ocean, once indifferent to human affairs, now waits for accountability—not just from those who navigated these vessels, but from a global maritime system whose legal frameworks must rise to meet the urgency of environmental preservation. If laws like MARPOL, UNCLOS, and India's Merchant Shipping Act stand to protect these waters, their enforcement must match the scale of the devastation. The question remains: Will justice arrive before the waves forget what was lost?

Insight into International Governance of Pollution Control - The governance of pollution control at the international level is shaped by a complex interplay of legal frameworks, policy contexts, and cooperative agreements, all aimed at

ensuring environmental accountability across borders. The MARPOL Convention (1973/78) remains the cornerstone of maritime pollution regulation, imposing stringent controls on oil discharge, spill prevention, and emergency response under Annex I, while Annex VI addresses air pollution by limiting sulfur emissions from ships. However, beyond MARPOL, the Civil Liability Convention (CLC) 1969 & 1992 Protocol establishes strict liability for shipowners in cases of oil pollution damage, mandating insurance coverage to facilitate compensation claims. The International Oil Pollution Compensation (IOPC) Fund further reinforces financial accountability, ensuring that victims receive compensation when shipowners fail to meet their obligations.

The United Nations Convention on the Law of the Sea (UNCLOS) expands the scope of pollution governance by granting coastal states jurisdiction to enforce environmental protections within their Exclusive Economic Zones (EEZs), a crucial mechanism for addressing transboundary pollution. Additionally, the Oil Pollution Preparedness, Response and Cooperation (OPRC) Convention (1990) mandates the development of national oil spill response plans, fostering international collaboration in pollution emergencies. Recent discussions on international liability for pollution emphasize the need for enhanced enforcement mechanisms, as pollution incidents often transcend national boundaries, necessitating multilateral cooperation and shared responsibility. The Paris Climate Agreement and regional emission targets further integrate pollution control within broader climate change mitigation efforts, highlighting the interconnected nature of environmental governance.

As pollution continues to pose global challenges, the effectiveness of these legal instruments depends on compliance, enforcement, and technological advancements in

pollution monitoring. Strengthening international partnerships and refining liability frameworks will be essential in ensuring that maritime operators adhere to environmental safeguards while enabling affected states to seek redress for ecological damage.

Indian Laws & Pollution Control Measures

India has established a comprehensive legal framework to regulate environmental pollution, holding polluters accountable through statutory provisions and judicial precedents. The Merchant Shipping Act, 1958 (Amended), particularly Chapter XIA, governs the prevention and containment of pollution from ships, aligning with international conventions such as MARPOL and UNCLOS. The National Oil Spill Disaster Contingency Plan (NOS-DCP), administered by the Indian Coast Guard, mandates monitoring, emergency response, and liability enforcement in cases of maritime pollution. Additionally, the Environmental Protection Act, 1986, empowers authorities to prosecute polluters, imposing fines, imprisonment, or both for violations.

Judicial intervention has played a pivotal role in enforcing environmental accountability. In *Indian Council for Enviro-Legal Action v. Union of India* (1996), the Supreme Court held that polluters must bear the cost of environmental damage, reinforcing the Polluter Pays Principle. Similarly, in *Vellore Citizens Welfare Forum v. Union of India* (1996), the Court recognized the Precautionary Principle, directing industries to adopt preventive measures against pollution. The *Sterlite Industries Case* (2019) saw the Madras High Court ordering the closure of a copper smelting plant due to excessive environmental violations, emphasizing corporate liability in pollution control. Furthermore, the National Green Tribunal (NGT) has imposed stringent penalties on industries violating environmental norms, as seen in *M.C. Mehta v. Union of India* (Ganga Pollution Case, 1985),

where the Court directed closure of polluting tanneries along the Ganges.

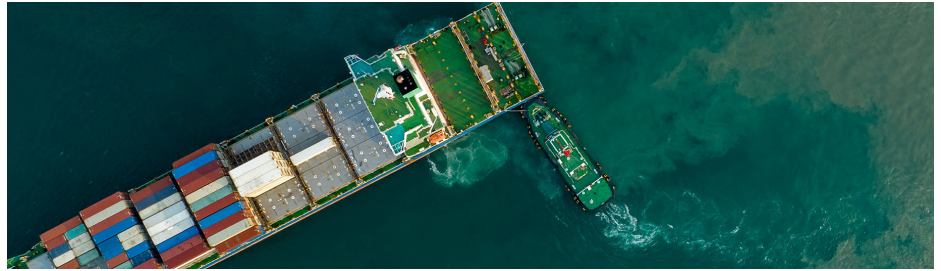
India has witnessed several oil spill incidents that have tested its legal and environmental response mechanisms.

- **Chennai Oil Spill (2017):** A collision between two ships off Kamarajar Port resulted in a major oil spill, causing irreversible environmental damage. The Tamil Nadu Pollution Control Board (TNPCB) imposed fines on the responsible shipping companies, highlighting regulatory enforcement in oil spill cases.
- **Mumbai Oil Spill (2010):** A collision between MSC Chitra and MV Khalijia led to 800 tonnes of oil leaking into the Arabian Sea. The Bombay High Court directed compensation for affected communities, reinforcing judicial intervention in maritime pollution cases.
- **Sundarbans Oil Spill (2014):** An oil tanker sank in the Sela River, affecting the eco-sensitive Sundarbans region. The Indian government collaborated with Bangladesh to implement cross-border cleanup efforts, demonstrating international cooperation in oil spill management.

The enforcement of pollution control measures is further strengthened through port reception facilities, ensuring compliance with waste disposal regulations. Ships undergo annual and surprise inspections to verify adherence to pollution prevention equipment. The Public Liability Insurance Act, 1991, mandates compensation for victims of hazardous substance exposure, reinforcing corporate accountability. Despite these legal safeguards, challenges persist in implementation and enforcement, necessitating stricter regulatory oversight and enhanced judicial intervention to uphold environmental integrity.

Comparison to Major Oil Spill Incidents

The Kerala oil spills, while smaller in scale, have similar legal and environmental consequences to past major oil spills. Below is a comparative analysis:



| Oil Spill | Amount Spilled | Cause | Environmental Impact | Legal Actions |
|--------------------------------|---------------------------------------|--------------------------------|--|---|
| MV Wan Hai Oil Spill (2025) | Potential 100 tonnes of bunker oil | Fire aboard cargo ship Wan Hai | Risk to marine life, coastal pollution | Indian Coast Guard monitoring, compensation claims being prepared |
| MV MSC Elsa III Sinking (2025) | 450+ tonnes of fuel & hazardous cargo | Shipwreck off Kochi coast | Oil slicks, toxic cargo contamination | Kerala High Court directed compensation claims |
| Deepwater Horizon (2010) | 4.9 million barrels of crude oil | Explosion at offshore BP rig | Massive biodiversity loss, long-term pollution | BP faced \$20 billion in settlements |
| Exxon Valdez (1989) | 11 million gallons of crude oil | Tanker ran aground in Alaska | Coastal devastation, persistent oil residue | U.S. passed Oil Pollution Act (1990) |
| Bonga Spill (Nigeria, 2011) | 40,000 barrels of crude oil | Pipeline rupture | Oil contamination in fishing zones | Legal battles over compensation |

Legal Action & Cleanup Efforts- The MV Elsa and MV Wan Hai oil spills have triggered legal scrutiny and enforcement measures, necessitating adherence to Indian maritime pollution laws and international conventions. The Merchant Shipping Act, 1958 (Amended), read in conjunction with the Environmental Protection Act, 1986, establishes liability for marine pollution, empowering authorities to initiate civil and criminal proceedings against polluters. The Kerala High Court, in response to the MV Elsa spill, directed the shipping company to bear the cost of environmental restoration, reinforcing the Polluter Pays Principle, as upheld in *Indian Council for Enviro-Legal Action v. Union of India* (1996). Similarly, the Wan Hai spill has prompted investigations by the Indian Coast Guard, invoking provisions under the National Oil Spill Disaster Contingency Plan (NOS-DCP) to ensure containment and mitigation efforts.

Cleanup operations have been hampered by monsoon conditions, necessitating specialized oil spill response techniques, including mechanical recovery, dispersant application, and shoreline protection measures. The Bombay High Court's ruling in *MSC Chitra v. Union of India* (2010) set a precedent for compensation claims in maritime pollution cases, directing shipping operators to finance cleanup efforts. In the *Chennai Oil Spill* (2017), the Tamil Nadu Pollution Control Board (TNPCB) imposed fines on responsible entities, reinforcing corporate liability in environmental disasters. The National Green Tribunal (NGT), vested with jurisdiction under the National Green Tribunal Act, 2010, has been instrumental in adjudicating environmental disputes, ensuring swift legal recourse for affected communities. The Indian Coast Guard, designated as

the central coordinating agency for oil spill response, has deployed pollution control vessels and aerial surveillance to monitor the spread of contaminants. The Public Liability Insurance Act, 1991, mandates compensation for victims of hazardous substance exposure, reinforcing corporate accountability in maritime pollution cases. Despite these legal safeguards, challenges persist in implementation and enforcement, necessitating stricter regulatory oversight, enhanced judicial intervention, and international cooperation to uphold environmental integrity and maritime safety.

Conclusion- The MV Elsa & MV Wan Hai oil spills serve as stark reminders that maritime disasters are not just fleeting environmental events—they leave behind a trail of irreversible ecological damage, economic distress, and legal challenges. As nations and governing bodies rush to contain the

consequences, the fate of marine ecosystems and coastal livelihoods hinges on the effectiveness of legal enforcement. Courts, regulatory agencies, and international conventions must hold polluters accountable through strict liability, compensation frameworks, and environmental restitution measures. The legal system must not merely react to crises but proactively safeguard oceans against future environmental violations.

The ocean, once indifferent to human affairs, now waits for accountability—not just from those who navigated these vessels, but from a global maritime system whose legal frameworks must rise to meet the urgency of environmental preservation. If laws like MARPOL, UNCLOS, and India's Merchant Shipping Act stand to protect these waters, their enforcement must match the scale of the devastation. The question remains: Will justice arrive

before the waves forget what was lost?

The answer lies in the commitment of legal institutions, the strength of environmental policies, and the collective will of nations to enforce stringent maritime laws. As the tide turns, only decisive action will determine whether future generations inherit waters rich in life—or remnants of legal failures etched upon a polluted sea ■

MARITIME ARBITRATION IN THE UAE: A NEW HUB FOR GLOBAL DISPUTE RESOLUTION

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Over the past decade the United Arab Emirates, a GCC country, has made significant efforts in establishing itself as a global maritime hub. Strategic improvements are being made in infrastructure, port facilities and legal framework, the country is positioning itself as a leading centre for maritime arbitration. As the volume and complexity of maritime disputes increase alongside international trade, arbitration has emerged as the preferred method of dispute resolution. In line with this global trend, the UAE is proactively developing itself as a neutral, accessible, and arbitration-friendly jurisdiction to attract international stakeholders.

Moreover, maritime disputes often involve parties from different jurisdictions, therefore arbitration offers several key advantages over traditional litigation. For one, it allows parties to tailor procedures to suit their specific needs, from selecting expert arbitrators to defining rules of evidence and timelines. The proceedings are private and confidential, offering protection from public scrutiny unless

the parties agree otherwise. Dispute Resolution also tends to be faster and more cost-effective than litigation, particularly given the often-lengthy appeals process in court systems. Importantly, arbitral tribunals typically offer more focused and specialized adjudication, especially in technical fields like shipping and offshore logistics. For companies operating in maritime, logistics, and related sectors, these advantages are critical.

Another major benefit is that arbitral awards made in the UAE can be enforced in over 170 countries under the 1958 New York Convention, which includes countries like India, Singapore, the UK, and Hong Kong. The treaty ensures that awards rendered in the country can be enforced in over 170 countries and vice versa, giving foreign parties greater confidence in selecting the UAE as the seat of arbitration - Arbitral awards from the UAE can be enforced through the local courts in other countries as well as awards from those countries can also be enforced in the UAE.

This mutual recognition gives

international businesses more confidence in choosing the UAE as a reliable place for resolving maritime disputes. The establishment of the Emirates Maritime Arbitration Centre (EMAC) in 2016 laid the groundwork for specialized maritime arbitration. In 2022, it was merged into the Dubai International Arbitration Centre (DIAC), which adopted new rules including provisions specific to maritime disputes. This consolidation has streamlined arbitration services and strengthened the UAE's overall dispute resolution framework, along with the courts in support for arbitration.

Therefore complementing these legal advancements, Dubai's position as a logistical and financial hub enhances its appeal as an arbitration centre. With world-class infrastructure, the city offers unmatched convenience for global participants. The presence of globally recognized institutions and seasoned arbitrators also contributes to a growing reputation for neutrality and professionalism. In a significant move to enhance its dispute resolution mechanisms, Dubai has launched a new initiative under

the name “Reconciliation is better” aimed at expediting dispute resolution by broadening the use of amicable settlement procedures. This initiative seeks to streamline the resolution process, reduce litigation costs, and promote a culture of conciliation and mediation. By fostering a more efficient and user-friendly dispute resolution environment, Dubai aims to attract international businesses and reinforce its position as a leading arbitration hub.

In conclusion, the United Arab Emirates

has rapidly emerged as a global center for maritime arbitration. Through significant legal reforms such as Federal Law No. 6 of 2018 and the strategic consolidation of EMAC into DIAC, the country has established a modern, arbitration-friendly framework tailored to the complexities of maritime disputes. Combined with its world-class infrastructure, strategic geographic location, and a growing pool of specialized professionals, the country offers an efficient forum for resolving

international maritime conflicts.

Initiatives like “Reconciliation is better” further reinforce the country’s progressive approach, promoting amicable settlement and reducing litigation burdens. As international trade continues to expand, the UAE is well-positioned to become a preferred seat for maritime arbitration on the global stage ■

GLOBAL ENGAGEMENTS

DRYCON 2025 – A GATEWAY TO THE FUTURE OF DRY BULK TRADE

M/s Callidus Legal had the privilege of attending the 11th Asia Dry Bulk Cargo Summit (DRYCON 2025), held on 12th June 2025 at the Holiday Inn, Mumbai. Organized by The Shipping Tribune, the summit has, over the past 11 years, evolved into a leading platform for knowledge exchange and collaboration within the dry bulk cargo industry.

This year’s event brought together stakeholders from across the maritime value chain, including shipowners, charterers, commodity traders, brokers, insurers, legal advisors, and government authorities. The day featured insightful sessions addressing the latest trends, challenges, and opportunities in the dry bulk cargo sector.

The conference commenced with a welcome address, followed by **Session 1**, which offered a comprehensive view of the sea transportation landscape. Key speakers included Mr. Ashok Jain (Diamond Shipbrokers), Capt. Rajiv Tetarbe (Chellaram Shipping), and Mr. Rudra Pratap Dhalsamant (BainBridge Navigation). A keynote address by Shri Unmesh Sharad Wagh, Chairperson of the Jawaharlal Nehru Port Authority, set the tone for the day.

Session 2 explored emerging opportunities in West African trade, Indian coastal shipping, and the transformative role of AI in maritime operations. **Session 3** shifted focus to the supporting pillars of the trade, with topics like marine biofuels, AI-driven decision-making, and legal concerns related to hazardous cargo.

The summit concluded with an interactive Open Forum in **Session 4**, where a distinguished panel of experts discussed the way forward for the dry bulk ecosystem. The event ended with a thank-you note by Capt. Virendra N Mishra, CEO of The Shipping Tribune.

For Callidus Legal, the event reaffirmed the integral role of legal and regulatory support in the evolving maritime landscape and offered valuable insights and networking opportunities ■



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