

Following are some of the changes between the 2012 and 2026 notifications.

1. Overall change in scope

2012

The 2012 Rules were principally concerned with non-Indian vessels of 300 GT or more entering/sailing from Indian ports, terminals, anchorages, seeking port facilities or Indian offshore facilities in Indian territorial waters.

2026

The scope is substantially wider:

- Applies to all Indian ships.
- Applies to all non-Indian ships operating in or navigating through Indian coastal waters.
- This applies whether or not the ship subsequently enters a port, anchorage, offshore facility or other place in India.
- Thus, merely transiting/operating in Indian coastal waters brings a foreign ship within the Rules.

2. Insurance requirement

2012

The foreign vessel had to have:

- insurance against maritime claims;
- specifically, a valid P&I insurance policy;
- insurance covering maritime claims subject to the 1976 LLMC Convention;
- minimum insurance amount linked to the maximum limitation amount under the 1996 Protocol.

The 2012 Rules essentially focused on the existence and adequacy of P&I cover.

2026

The 2026 Rules provide a much more elaborate insurance framework.

Insurance may be from:

1. an International Group P&I Club;
2. an insurer authorised by the Central Government under the new Rules; or
3. another Indian insurer as may be specified.

The definition of "insurance" expressly includes P&I insurance covering third-party liabilities of the shipowner, operator or charterer arising from ship operations.

3. IG P&I Clubs receive an express recognition

Under Rule 9

- insurance issued by an International Group P&I Club is recognised;
- a non-IG insurer must obtain Central Government authorisation as either a Designated Insurer or Accepted Insurer.

The 2026 Rules consequently distinguish between:

- IG P&I Clubs, which are recognised; and
- non-IG insurers, which have to pass the prescribed regulatory criteria.

This was not developed in this manner under the 2012 Rules.

4. Class requirement — age thresholds have changed.

2012 thresholds

The 2012 Rules required class for foreign vessels above:

- 20 years — oil/chemical tankers;
- 25 years — general cargo ships, bulk carriers, offshore support vessels, passenger vessels and other cargo vessels;
- 30 years — LNG/LPG tankers.

2026 thresholds

The 2026 Rules reduce these considerably:

- >10 years — oil product tanker / chemical tanker;
- >10 years — general cargo ship, bulk carrier, offshore support vessel, passenger ship and other cargo ships;
- >15 years — LNG/LPG tanker;
- >10 years — other types of ships.

The age is calculated from the date of delivery recorded in the Safety Construction Certificate.

5. The new class requirement potentially follows the vessel even when it doesn't enter port

Because Rule 5 is linked to ships "entering or operating within coastal waters", and Rule 6 applies to foreign ships transiting/operating in coastal waters, the class requirement is no longer simply an Indian port-entry issue.

6. Salvage contract and Marine Pollution Response Contract at must

Under Rule 6, a foreign ship must maintain:

1. valid insurance;
2. valid certificate of class; and
3. a valid salvage contract and marine pollution response contract with an authorised salvor.

The First Schedule declaration also specifically requires the operator/agent to declare that these contracts are in force.

There was no equivalent three-part requirement in the 2012 Rules.

7. 48-hour submission requirement

2012

The operator/agent had to submit copies of insurance policy and Certificate of Class 48 hours before entering the port/offshore facility/territorial waters, with the wording also referring to whichever event occurred earlier.

2026

The operator/agent of a foreign ship seeking port entry must submit the documents at least 48 hours before entry into the port limits.

But the 2026 requirement is broader because the documentation now covers compliance with insurance, class, salvage contract, marine pollution response contract.

8. 2026 introduces a 3-month insurance validity rule

This is a significant change. The port authority must verify that the insurance certificate is valid on the date of entry and remains valid for at least 3 months from entry, or the anticipated duration of the ship's stay in Indian coastal waters, whichever is longer.

There is an important proviso i.e. if the insurance is subject to annual renewal and less than three months remain, the port authority may permit entry if the operator gives a written undertaking to renew before expiry and subsequently provides proof of renewal.

9. Port authorities have express electronic verification mechanisms

Under 2026:

Port authorities may maintain documents physically, electronically or in another manner specified by Administration.

For insurance verification, they can rely on insurer's official website, written confirmation from insurer or authorised correspondent or another method specified by Administration.

This is much more in line with the present online systems than the 2012 system, which contemplated physical / original / certified documents being available onboard.

10. New obligation placed directly on insurers to maintain website information

This is another substantial new requirement. Insurers must display on their official website validity status, relevant remarks where the three-month validity requirement isn't met, limitations, qualifications or deviations from the specified period of cover.

11. Cancellation/suspension of insurance

Both regimes deal with cancellation/suspension of P&I cover.

But 2026 expressly provides that if insurance has been cancelled, been suspended or otherwise ceased to be in force, the operator must immediately obtain new/renewed insurance and submit it to the nearest port authority. If this is not done the port authority may detain the ship or refuse port clearance.

12. New marine casualty provisions

The 2026 Rules specifically address what happens following a marine casualty / incident. They say that disputes between shipowner, H&M insurer and P&I insurer, including disputes over coverage, apportionment of costs, quantum must not impede or delay emergency response measures.

The insurer is expected to promptly respond, cooperate, facilitate emergency response, coordinate with shipowner, H&M insurer and authorities. This is a new statutory overlay on casualty response.

13. Government can act if Insurer does not respond

If an insurer fails to respond or unreasonably delays cooperation, the Administration can, after following the specified procedure

- cease recognising an IG Club;
- suspend/withdraw authorisation of an Accepted/Designated Insurer; or
- cease recognition of another specified insurer.

14. Uninsured vessel / uncontactable insurer — new emergency powers

If a casualty involves a vessel where, there is no insurance, the certificate is fraudulent, insurance has lapsed/cancelled, insurance is otherwise invalid or insurer/financial security provider cannot be identified/contacted within 24 hours, the Administration can arrange emergency response measures. The costs become a statutory debt due to

the Central Government, recoverable from the shipowner and potentially from the proceeds of sale of the ship/cargo.

15. Shipping agent's responsibility is considerably increased

Under 2012, the agent could submit documents on behalf of the operator with a declaration.

Under 2026, the agent's responsibility is much more explicit. The agent making the application must ensure compliance with the Rules. If the agent fails to ensure compliance or submits a false/misleading declaration, the port authority may refuse to accept further declarations from that agent until corrective measures are taken.

16. New formal declaration

The 2026 First Schedule creates a prescribed declaration by the owner/operator through the shipping agent. It covers:

- appointment of agent;
- valid insurance;
- valid class certificate;
- salvage contract;
- marine pollution response contract;
- truthfulness of submitted information;
- authority of the person making the declaration.

The compliance process becomes much more formalised.

17. Port authority's powers become stronger

The 2026 Rules expressly allow the Central Government to direct the proper officer to deny entry, detain the ship or move the ship where the prescribed requirements aren't met or where the vessel poses a threat/harm to the coast/coastal waters.

The 2012 Rules mainly contemplated reporting non-compliance to DG Shipping for appropriate action.

18. Penalty regime is expressly provided

The 2026 Rules state that contravention is subject to penalties under the Merchant Shipping Act, 2025.

Where no specific penalty exists, the penalty may extend to INR 50,000, plus INR 5,000 per day for a continuing breach.

19. New exemption power given to DGMA

The 2026 Rules allow the Administration, with prior Central Government approval, to exempt a ship/category of ships from a specific requirement for a specified period, subject to conditions.

The exemption cannot conflict with India's international convention obligations and requires equivalent safety/environmental protection.

This was not structured in the same manner in the 2012 Rules.

20. Change in definition of "operator"

The 2026 definition is more detailed.

"Operator" includes the shipowner or another organisation/person such as manager or bareboat charterer, who has assumed responsibility for operation under the ISM Code. This potentially makes the compliance obligations more directly relevant to the ISM-responsible entity, rather than simply the registered owner.