

DRAFT**MINISTRY OF PORTS, SHIPPING AND WATERWAYS****NOTIFICATION**

New Delhi, the _____ 2026

GSR____(E) “In exercise of the powers conferred by sub-section (7) of section 133, clause (f) of sub-section (2) of section 143, sub-section (1) of section 143, clause (n) of sub-section (2) of section 143 of the Merchant Shipping Act, 2025 (24 of 2025), 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 (Dumping of Wastes and Other Matter at Sea) Rules, 2026.**
 - (2) They shall come into force on the date notified by the Central Government.
- 2. Application.**

- (1) These rules shall apply for matters related to dumping in coastal water including internal waters by vessel, port, platform or other man-made structures at sea.
- (2) These rules do not apply to marine installations deployed for a purpose other than the mere disposal of matter, such as ocean-energy devices, subsea or floating data centres, scientific observatories, seawater air-conditioning systems, and subsea power or telecommunications cables which are permitted to be placed or installed, with necessary permissions granted by the Director General or such officer authorised in this behalf, provided that no other wastes or matter are disposed of at sea.

Explanation: For the purposes of these Rules, nothing in this sub-rule shall be interpreted to permit end-of-life or abandonment of marine installations or its properties.

- (3) Administrative extent and demarcation:- These rules shall operate only within the functional remit of the Director General under the Act,

namely in relation to vessels, aircraft, platforms or other man-made structures at sea, and within port limits (including approaches and navigational channels as notified); for Coastal and internal waters beyond port limits and for environmental appraisal, site designation, trigger levels, and permitting functions not incidental to vessel or port control, the Environmental Authority shall be the competent authority, and nothing in these rules shall be construed to extend the jurisdiction of the Director General beyond that provided under the Act.

3. Definitions.

- (1) In these rules, unless the context otherwise requires, -
 - (a) "Act" means the *Merchant Shipping Act, 2025*;
 - (b) "Administration" so far as the Republic of India is concerned, means the Ministry of Ports, Shipping, and Waterways or the Director General; and in relation to foreign flag vessels, mean the respective Government or the designated authority appointed by such Government;
 - (c) "Environmental Authority" means the Ministry of Environment, Forest and Climate Change or Central Pollution Control Board/State Pollution Control Boards or an agency authorised by them for the functions assigned to it under these rules;
 - (d) "Competent Authority" means the Director General within the remit set out in rule 2(3) and the Environmental Authority within its remit set out in rule 2(3)
 - (e) "IMO" means International Maritime Organisation;
 - (f) "Internal waters" mean waters on the landward side of the notified baseline;
 - (g) "Permit" means an authorization for dumping or for placement issued under these rules and includes an emergency permit;

(h) "Permit holder" means a person or entity holding a valid permit under this rule for dumping or for placement of permitted materials;

(i) "placement" means any deliberate emplacement of matter at sea for a purpose other than the mere disposal thereof, and which shall be subject to rule 9;

(j) "positive list" means the list of materials eligible to be considered for dumping, as set out in the First Schedule;

(k) "Vessel" includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, Mobile Offshore Drilling Units, Mobile Offshore Units, or of any other description, and, for the purposes of these rules, includes any craft engaged in loading, transport for dumping, dumping or scuttling operations, whether or not fitted with mechanical propulsion;

(l) "Waste Assessment Framework" (WAF) means the procedure for assessment of wastes or other matter that may be considered for dumping, as specified in the Second Schedule;

(m) "wastes or other matter" includes any material or substance of any kind, form or description.

(2) Words and expressions used and not defined herein but defined in the Act shall have the meanings respectively assigned to them in the Act.

(3) Words and expressions used in these rules or Schedules but not defined herein and not defined in the Act shall bear the meanings in the London Convention, 1972 and the 1996 London Protocol, as amended, and, where adopted under rule 31, in relevant IMO instruments;

CHAPTER II — GENERAL OBLIGATIONS AND PROHIBITIONS

4. **General obligation.** (1) Every owner, master and person in charge of such operation or project, shall comply with section 133 of the Act and these rules to prevent, reduce and, where practicable, eliminate pollution of the marine environment by dumping at sea.
(2) These rules shall be applied consistently with India's obligations under **applicable international instruments given effect under section 134**; where a stricter measure is needed to protect the marine environment, the Director General may so require.
5. **Prohibitions and controls.**
 - (1) No person shall undertake dumping except under and in accordance with a permit obtained under this rule.
 - (2) Dumping of any wastes or other matter listed in the First Schedule is not eligible to be considered for dumping under any circumstances.
 - (3) Export of wastes or other matter to other States for dumping at sea is prohibited.
 - (4) Only materials listed in the positive list of the First Schedule or materials as may be notified by the Government of India under section 133 (7) of the Act from time to time may be considered for dumping, subject to assessment under rule 12 and conditions notified under rule 31.
 - (5) The Central Government may impose stricter controls or refuse a permit where necessary to protect human health, living resources and marine ecosystems.
6. **Internal waters controls.** (1) To ensure an equivalent level of protection, the Director General shall, in consultation with the Ministry of Environment, Forest and Climate Change (MoEFCC), apply these rules to internal waters **within** the port limits.
(2) For internal waters beyond port limits, the Ministry of Environment, Forest and Climate Change (MoEFCC) shall specify the areas and modalities for application of these rules by general or special order.

7. Emergency situations.

- (1) Where there is a risk to human life or the safety of a vessel, aircraft, platform or structure at sea, and where it is likely that damage would be caused which would be unacceptable in view of the aims of these rules, the Director General may issue an emergency permit under Chapter IV for dumping, subject to minimisation and reporting requirements and, where practicable, prior consultation with the (IMO) and administrations which are likely to be affected by such dumping.
- (2) Dumping under sub-rule (1) shall be conducted to minimise the likelihood and damage to human or marine life and shall be reported to the Director General at the earliest moment.
- (3) Notwithstanding anything contained in subrule (1) above, where dumping is carried out without prior permission solely to avert an imminent threat to life or the safety of a vessel and there was no practicable opportunity to obtain such permission, the master or person in charge shall **report to the Director General as early as possible but not later than 48 hours** from the act, and the Director General may grant post-facto approval subject to conditions as specified.

CHAPTER III — COMPETENT AUTHORITY, FUNCTIONS AND POWERS

8. Functions.

- (1) Subject to rule 2(3), and within the functional remit of the Director General under the Act, the Director General shall,
 - (a) receive and determine permit applications;
 - (b) monitor the activities carried out by the permit holders under the provisions of the Act and these rules;
 - (c) issue directions necessary to prevent or mitigate pollution from any proposed or ongoing dumping or placement operation, including denying entry, ordering departure, or directing movement of a vessel under section 137;

- (d) maintain a register of permits and designated dump sites;
- (e) report annually to the IMO on permits issued and activities conducted;
- (f) coordinate with environmental authorities and coastal States, where appropriate;
- (g) coordinate and cooperate with administrations for preventing pollution of marine environment by dumping of wastes and other matters;
- (h) inform administrations which are likely to be affected by the decisions taken by the Director General;
- (i) perform such other functions which are necessary and incidental for the implementation of the provisions of the Act and these rules.

(2) In order to specify environmental matters, the Environmental Authority shall by notification or order, specify environmental standards, criteria, Action Lists, sites, procedures, forms and conditions for the purposes of these rules; the Director General shall give effect to such specifications in permitting, oversight and enforcement.

9. Placement for a purpose other than disposal.

(1) Any deliberate placement at sea of matter for a purpose other than the mere disposal thereof, including artificial reefs or habitat enhancement, shall require a *placement permit* from the environmental authority based on WAF as provided under rule 31; the Director General's concurrence on navigational safety and maritime-operational conditions shall be obtained prior to grant

Explanation: For the purposes of this sub-rule, the Environmental Authority shall be guided by best environmental practice and comparable international approaches and shall impose permit conditions necessary to protect the marine environment and other legitimate uses of the sea

(2) The Environmental Authority shall incorporate maritime-operational conditions recommended by the Director General and may impose additional environmental conditions as necessary to protect the marine environment and other legitimate uses of the sea.

CHAPTER IV — PERMISSIONS

10. **Types of permits.** Permits under these rules shall be of such types, titles and scope as the Director General and Environmental Authority may notify under Rule 31.
11. **Applications.** (1) Applications shall be made to the Competent Authority in the form, with the data fields, supporting documents and fees as specified by order under rule 31.
 - (2) Where concurrence or a no-objection of the other authority is prescribed, a copy thereof shall be supplemented to the application.
 - (3) The authorities assessing the application may require additional information, sampling, and analyses, as the case may be.
12. **Assessment and decision.** (1) Applications shall be determined using the Waste Assessment Framework specified by order under rule 31; after obtaining, where applicable, the concurrence of the other authority.
 - (2) An application submitted under this chapter may either be granted or granted with conditions, or refused by the competent Authority, as the case may be.
 - (3) The competent authority may refuse the permit or no objection, by recording the reasons for the same and communicating to the applicant.
13. **Permit conditions.**— (1) A permit shall specify the particulars and conditions required by order under rule 31.
14. **Validity, variation, suspension and revocation.** (1) A permit shall be valid only for the period stated therein.

(2) The Competent Authority may vary, suspend or revoke a permit granted under these rules, where it is found that —

- (a) false or misleading information was provided in the application;
- (b) conditions prescribed while granting permission were breached;
- (c) new information indicates significant risk; or
- (d) required monitoring demonstrates unacceptable effects.

(3) A permit granted under rule 14 is not transferable without prior written consent of the Director General.

(4) Any decision taken by the Competent Authority under this Rule shall be intimated in writing.

15. Emergency permits. (1) Where immediate action is necessary in terms of rule 7, the Director General may issue an emergency permit pursuant to the Seventh Schedule, limited to the minimum necessary and with mandatory ex-post reporting.

(2) Emergency permits shall be issued in accordance with the procedure, templates and timelines specified by order under rule 31.

16. Public notice and consultation. (1) For non-emergency applications, the Director General may, where appropriate, publish a notice inviting representations within a specified period.

(2) The Director General shall consult the Environmental Authority and other concerned authorities, where appropriate.

17. Appeals. (1) Any person aggrieved by a decision under these rules may prefer an appeal to the Central Government within thirty days of receipt of the decision, in such manner as may be notified.

(2) The Central Government shall decide the appeal within sixty days.

(3) Filing an appeal does not operate as a stay of order of the Director General, unless specifically directed by the Central Government.

(4) The decision of the Central government shall record the reason for the same and it shall be made in writing.

(5) The decision of the Central Government under sub rule (4) shall be final

CHAPTER V — OPERATIONAL CONTROLS, RECORDS AND REPORTING

18. **Pre-departure notification.** The master shall notify the Director General prior to each dumping voyage in Form E of Fifth Schedule.
19. **Dumping Record Book.** (1) Vessels engaged in loading, carriage and dumping under a permit shall maintain a *Dumping Record Book* in the format prescribed by an order under rule 31.
 - (2) Entries shall be completed without delay and retained on board for two years and thereafter by the owner for a further three years.
20. **On-scene control and verification.** The master shall ensure positional accuracy at the dump site, compliance with permit conditions, avoidance of sensitive features, and immediate cessation if unexpected effects arise.
21. **Post-operation report.** Within seven days of completion of the dumping, the permit holder shall submit a post-operation report with supporting evidence (e.g., AIS tracks, quantities, monitoring data) to the Director General and copy the Environmental Authority. The manner, format and timeline shall be as specified by order under rule 31.
22. **Incident reporting and immediate measures.** (1) Any accidental or unpermitted disposal or loss overboard shall be notified immediately to the Director General and the Environmental Authority, with particulars of time, position, quantity and circumstances. The manner, format and timeline may be as specified by order under rule 31.
 - (2) The Director General may issue urgent directions to prevent or minimise harm and may undertake measures and recover costs in accordance with rule 27 and section 138 of the Act.
23. **Monitoring and site management.** (1) The Director General and the Environmental Authority for effective implementation of these rules, based on the prevailing environmental parameters and post-dump monitoring; may rely on remote sensing, aerial or satellite surveillance, AIS/VTMS analytics and

other detection and control measures for compliance and effects monitoring in accordance with the Fourth Schedule.

(2) The Director General and the Environmental Authority may close, suspend or re-designate sites based on monitoring results.

24. Analysts and laboratories. (1) The Central Government may appoint analysts and notify approved or accredited laboratories for the purposes of these rules.

(2) The Environmental Authority may recognise laboratories accredited by CPCB/SPCBs or under NABL/ISO-17025, for sampling and analysis required under these rules.

(3) Samples shall be taken, sealed, transported and analysed in the prescribed manner with an unbroken chain-of-custody as specified by the Director General or by the Environmental Authority, under rule 31.

(4) A certificate or report signed by an analyst appointed or recognised under this rule shall be admissible in evidence of the facts stated therein, unless the contrary is proved.

(5) Retained portions of samples, where practicable, shall be kept for a reasonable period and made available for re-analysis on request of the Director General, the Environmental Authority, or the person against whom proceedings are taken.

CHAPTER VI — ENFORCEMENT

25. Inspection and detention. (1) The Director General may inspect vessels, platforms, port areas within its remit, designated dump sites and records, and take samples at any reasonable time; and, where there are reasonable grounds to believe a contravention has occurred or is likely, may detain a vessel or prohibit loading or dumping, consistent with sections 135 and 137 of the Act.

(2) The Environmental Authority and its agencies, including CPCB/SPCBs, may inspect sites, monitoring stations, samples and laboratories at any reasonable time for environmental compliance under these rules and any

other applicable law, and the permit holder shall afford reasonable assistance.

(3) For prevention, interdiction and on-scene control at sea or in port approaches, the following Maritime Enforcement Partners shall, within their statutory powers, assist and report to Director General: Indian Coast Guard and Indian Navy primary at-sea interdiction, Border Security Force (Water Wing) in notified creeks and gulf/riverine border areas, Customs (CBIC) at customs frontiers and ports, State Coastal/Marine Police, the Conservator of the Port within Government/Major Port limits, and the State Maritime Board/Captain of Ports within non-major/ private port limits.

(4) In notified creeks and gulf/riverine border areas, the Border Security Force (Water Wing) shall, within its statutory powers, interdict and report any suspected violation to the Conservator of the Port (within Government/Major Port limits) or the State Maritime Board/Captain of Ports (within non-major/private port limits), and to the Directorate-General of Maritime Administration / concerned Mercantile Marine Department.

(5) All agencies referred to in sub-rules (3) and (4) shall promptly report suspected dumping or related violations to the Director General (for vessel/marine-installation/port aspects) and to the Environmental Authority (for environmental matters) through the notified contact point or portal.

(6) The Director General shall communicate to such agencies the details of permits and emergency permits granted under rules 10 to 15 to enable surveillance, detection and prevention of offences.

26. Offences and penalties. (1) Any contravention of these rules or of a permit condition is an offence and is punishable in accordance with the Act.

(2) If the contravention is a continuing one, a fresh offence shall be deemed to have been committed.

(3) Breach of operational conditions under these rules shall be enforced by the Authority; breach of environmental standards or conditions, including monitoring obligations, shall be enforced by the Environmental

Authority/CPCB/SPCBs under applicable law, without prejudice to action under the Act.

(4) Attempted or actual export for dumping shall be liable to action by CBIC and other competent authorities, in addition to action under these rules.

27. Liability for costs- (1) Without prejudice to any penalty, the Director General may demand the permit holder or offender to furnish such amount as may be determined as security for all reasonable costs of investigation, monitoring, response and remediation, which may be incurred in the case of any pollution caused by dumping by the permit holder

(2) if the actual expenses incurred exceed the security furnished under sub rule (1), then the Director General can recover the balance amount from the assets of the permit holder

(3) If no pollution is caused within two years from the date of expiry of the permit granted under Rule 14, then the permit holder is entitled to get the security back without any interest.

CHAPTER VII — MISCELLANEOUS

28. Stricter measures preserved. Notwithstanding anything contained in these rules, the Central Government may adopt or enforce stricter measures for the protection of the marine environment, in such areas as may be notified by general or special order.

29. Transitional provisions. (1) Existing permissions, if any, for dumping or placement shall be reviewed within six months of commencement and brought into conformity with these rules.

(2) Until replaced by orders under rule 31, the forms, templates and procedures contained in the Schedules shall continue to apply.

30. Forms and procedure. (1) Pursuant to sub-rule 2(3), the Director General and the Environmental Authority within their respective domains may, by order, from time to time, specify the following

- (a) forms, type of permit, registers and the manner (including electronic mode and timelines) for applications, concurrence, permits, notices, reports and records under these rules;
- (b) data schemas, GIS coordinates standards, AIS/VTMS data submissions and reporting templates (including pre-departure, dumping records, post-operation and incident reports);
- (c) the Waste Assessment Framework, including adoption by reference of the applicable convention or Treaty or IMO Guidelines as amended from time to time;
- (d) monitoring protocols, parameters, frequencies, Quality Assurance/Quality Control requirements and site management procedures;
- (e) emergency procedures and templates;
- (f) sampling, chain-of-custody and laboratory reporting formats;
- (g) any other procedure necessary for the effective implementation of these rules; and
- (h) fee categories and rates for applications, assessments, monitoring and site-management.

(3) A general order or special order under this rule may adopt, with or without modifications, any international code, guideline or standard, including those of the IMO and the London Protocol, as in force from time to time, and such adoption shall take effect on and from the date specified in the order.

31. Power to amend Schedules. The Central Government may, by notification in the Official Gazette, add to, amend, vary or substitute any Schedule to give effect to accepted amendments to international instruments or to specify or update technical standards, forms, trigger levels, monitoring protocols and procedures for the purposes of these rules.

General Note to Schedules

All Schedules shall be read subject to the following: nothing in these Schedules, nor any form, procedure or technical specification contained herein, shall

authorise an act contrary to any applicable international convention or instrument to which effect is given under section 134 of the Act.

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FIRST SCHEDULE

[See rule (See rules 5 and 14)]

POSITIVE LIST OF MATERIALS ELIGIBLE TO BE CONSIDERED FOR DUMPING

1.1 Dredged material.

1.2 Treated sewage sludge.

1.3 Fish waste, or material resulting from industrial processing of fish and other marine organisms.

1.4 Vessels and platforms or other man-made structures at sea.

1.5 Inert, inorganic geological material.

1.6 Organic material of natural origin.

1.7 Bulky items primarily comprising iron, steel, concrete and similarly inert materials, for which disposal at sea is the only practicable option, limited to remote small communities.

1.8 Carbon dioxide streams from carbon capture processes for sequestration in sub-seabed geological formations, provided they consist overwhelmingly of CO₂ with no added wastes or other matter and subject to risk assessment and conditions prescribed by the Environmental Authority.

Notes: (a) Materials shall not be considered unless all practicable opportunities to re-use, recycle or treat to reduce harm have been assessed. (b) Annex-specific technical guidance issued by the Environmental Authority shall apply.

2. The wastes or other matter listed in paragraphs 1.4 and 1.7 may be considered for dumping, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent and provided that the material dumped poses no serious obstacle to fishing or navigation.

3. Notwithstanding the above, materials listed in paragraphs 1.1 to 1.8 containing levels of radioactivity greater than de minimis (exempt) concentrations as defined by the IAEA and adopted by Contracting Parties, shall not be considered eligible for dumping.

SECOND SCHEDULE

(See rules 9, 11 and 12)

WASTE ASSESSMENT FRAMEWORK (WAF)

Step 1: Waste Prevention Audit & Management Options

- (a) Identify sources, characteristics and controllability;
- (b) Demonstrate that sea disposal is the least-environmentally-damaging practicable option;
- (c) Apply the waste management hierarchy (prevention → reduction → re-use → recycling → treatment → disposal).

Step 2: Characterisation of Wastes

- (a) Physical, chemical and biological properties;
- (b) Contaminant concentrations measured using approved methods;
- (c) Leachability and bioavailability;
- (d) Potential for tainting, acute/chronic toxicity, bioaccumulation.

Step 3: National Action List

- (a) The Environmental Authority shall publish contaminant-specific *upper* and *lower* trigger levels;
- (b) If below lower level → generally acceptable;
- (c) If between levels → further testing/management;
- (d) If above upper level → generally unacceptable for dumping unless managed to below upper level.

Step 4: Dump-Site Selection & Impact Hypothesis

- (a) Select site considering hydrography, sediment transport, habitats, fisheries and other uses;

- (b) Define an impact hypothesis predicting spatial/temporal extent of effects;
- (c) Establish control and reference stations.

Step 5: Permit Conditions & Operational Controls

- (a) Specify methods, rate, seasons, weather windows, exclusion zones;
- (b) Define monitoring requirements per Fourth Schedule;
- (c) Define reporting and adaptive management triggers.

Step 6: Monitoring & Review

- (a) Verify predictions against the impact hypothesis;
- (b) Review permits and adjust conditions;
- (c) Determine site closure, capping or remediation if needed.
