

Callidus News

ADVOCATES, CONSULTANTS & NOTARY

BRANCHES: DUBAI | SINGAPORE | DELHI | MUMBAI | KOLKATA | CHENNAI | COCHIN info@calliduscmc.com

Dubai

Business Avenue Building
Office # 713, Port Saeed Road,
P.O. Box # 90992, Dubai, UAE.
Tel: +97142956664
Fax: +97142956099

Singapore

20 Maxwell Road
#04-02 D, Maxwell House
Singapore - 069113
Tel: +65 6221 4090

Delhi

D 1st 145 Basement (Rear)
Lajpat Nagar R 1
New Delhi - 110 024
Tel: +91 11 4132 1037

Mumbai

8-B, Dariya Building
2nd Floor, In between American
Dry Fruits & Zara, Dr. D.N.Road
Fort, Mumbai 400 001
Tel: 022-22853371

Chennai

Old No. 123, New No.255,
3rd Floor, Hussiana Manzil,
Ankapanaiken Street,
Parrys, Chennai - 600 001
Tel: +91 98 40 844463

Cochin

Near St. Joseph's High
School Chittoor Road,
Cochin - 12, India
Tel: +91 484 2391895
office@callidusindia.com

KERALA HIGH COURT ORDERS ARREST OF MSC MANASA F FOLLOWING SINKING OF MSC ELSA 3

The Mediterranean Shipping Company (MSC) has recently made headlines in maritime news. Following the sinking of the MV MSC Elsa 3 near the Kerala coastline, another MSC vessel, the MV MSC Manasa F, which flies the flag of Liberia, has been placed under port arrest by an interim order from the Kerala High Court.

This legal action stemmed from the unfortunate sinking of the MV MSC Elsa 3, which led five importers to file an Admiralty suit in the Kerala High Court, invoking the court's admiralty jurisdiction regarding their lost consignments. Represented by **M/s Callidus Legal**, the importers submitted an interlocutory application requesting an arrest warrant for the MV MSC Manasa F, currently anchored at the Vizhinjam International Seaport.

Hon'ble Justice M.A. Abdul Hakhim, presiding over the Admiralty Suit, issued



the order for conditional arrest of the vessel, to be executed by Adani Vizhinjam Port Pvt Ltd, the competent authority in this case.

Advocate Joy Thattil Ittoop, at Callidus Legal, appearing on behalf of the petitioners, raised a maritime claim valued at INR 6 crores as security to the Hon'ble court. However, since MSC has no movable or immovable property in India to cover the liability, the applicant's counsel deemed it necessary to initiate a conditional arrest against the vessel. The court noted that the vessel

was scheduled to depart Vizhinjam Port that same day, leading to the prompt issuance of the arrest order in favour of the petitioners. The arrest order was vacated upon the Mediterranean Shipping Company furnishing the aforementioned security amount by submitting the demand draft for the same. Furthermore, the Honourable High Court, in an order dated 16/06/2025, clarified that the demand draft submitted shall be converted into a designated Fixed Deposit Interest Accruing account in the name of the Registrar, High Court of Kerala ■



**THOUGHT
for
theMONTH**

Excellence is never an accident. It is the result of high intention, sincere effort, and intelligent execution

ARISTOTLE

Callidus

SEAFARERS' RIGHTS UNDER INTERNATIONAL MARITIME LAW



International shipping relies on the dedication of over 1.8 million seafarers across the globe. These workers keep global trade moving, often spending long months at sea. To protect their rights, a number of international rules and agreements have been established. One of the most important is the Maritime Labour Convention (MLC) of 2006. Often referred to as the “seafarers’ bill of rights,” the MLC sets basic standards for wages, working hours, safety, medical care, and the right to return home.

The MLC is sometimes described as the “fourth pillar” of international maritime law, alongside key International Maritime Organization (IMO) treaties like SOLAS (Safety of Life at Sea) and STCW (Standards for Training and Certification) among others. Together, these agreements help make sure that seafarers work on safe ships, receive proper training, and are treated fairly. The main international rules that protect seafarers’ rights include:

- **MLC (Maritime Labour Convention) 2006 (ILO):** Consolidates almost

70 earlier ILO maritime instruments since 1920 into a single Convention. It applies to nearly all merchant ships over 500 GT on international voyages (with some exceptions for domestic or small vessels). MLC covers seafarers’ work agreements, living conditions, wages, hours of rest, health care, leave, and repatriation, and requires ships to carry a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance issued by the flag State.

- **SOLAS (Safety of Life at Sea) 1974 (IMO):** Sets technical safety standards (lifesaving appliances, fire safety, navigation systems, etc.) that indirectly protect crew by ensuring vessels are seaworthy and capable of safeguarding all persons on-board, including seafarers.

- **STCW (Standards for Training and Certification) 1978 (IMO):** Establishes minimum requirements for the training, certification and watchkeeping of seafarers. It ensures that crew members are professionally trained and qualified,

which is critical to safety and welfare at sea. The IMO is also introducing new STCW provisions on the prevention of workplace harassment.

- **Other ILO Instruments:** Pre-MLC treaties include the ILO’s Repatriation of Seafarers Convention, as well as conventions relating to fishing workers, social security, and identity documents. The ILO also regularly adopts resolutions and guidelines (for example on abandonment and fair treatment), and convenes a Tripartite Working Group to address emerging issues affecting seafarer.

Key Rights of Seafarers

International law guarantees that seafarers enjoy many of the same labor rights as workers ashore, along with additional protections tailored for the unique maritime context. Notable rights include:

- **Safe Working Conditions:** Every seafarer has the right to a safe and secure workplace, complete with proper safety equipment and

training. Shipowners must maintain their vessels in accordance with the safety standards set by SOLAS. The MLC also mandates ships to have safe living conditions on board and environmental safeguards. If a ship is deemed unsafe or seafarers' rights are repeatedly violated, Port State Control officers can inspect and if necessary, even detain the vessel until the issues are resolved.

- **Fair Employment Terms:** Seafarers must be given a written contract (called a crew agreement) that clearly explains their wages, leave, repatriation terms, and other working conditions. The MLC says that all seafarers must have fair employment terms. It also prohibits discrimination in contracts and uphold the right to union membership. Any union agreements on board the ship are part of the contract too.
- **Wages and Payment:** International law says seafarers have the right to prompt and full payment of wages. The MLC and STCW require that wages be paid at least once a month, with clear payslips and no unauthorized deductions. Overtime must be recorded properly. Shipowners also need to allow seafarers to send money home. If wages are unpaid, the seafarer has a strong legal claim against the ship, which can be enforced through port authorities or legal action.
- **Hours of Work and Rest:** To protect health and safety, the MLC limits working hours to no more than 14 hours in a 24-hour period, or no more than 72 hours over a 7-day period. They must also get at least 10 hours of rest every 24 hours and 77 hours per week. These limits can only be exceeded in emergencies. Ships must keep official and accurate records of work and rest hours, and seafarers should receive a signed copy.
- **Leave and Shore Leave:** Seafarers

earn paid annual leave at a rate of at least 2.5 days per calendar month of service. They also have the right to shore leave when the ship is in port, unless this would interfere with ship operations or safety. The MLC says ships must offer proper rest areas, recreational facilities, and ways for seafarers to contact their families.

- **Health Protection and Medical Care:** Shipowners are responsible for making sure seafarers get medical care. The MLC requires ships to have medical equipment and access to care ashore, plus insurance to cover work-related illness or injury. If a seafarer becomes sick and cannot work, they should still be paid while on board and receive some income support if recovering ashore. Seafarers also have the right to health protection that matches land-based labour standards.
- **Repatriation:** One of the most critical seafarer rights, MLC requires shipowners to repatriate crew at no cost in situations like contract expiry, contract termination by either party, or if a seafarer cannot perform duties for justified reasons. The owner must provide travel, accommodation, even pay allowances during the journey. Importantly, seafarers cannot be required to front the cost of their own repatriation or have it withheld from their wages.
- **Social Protection and Insurance:** The MLC requires shipowners to have financial security (usually insurance) in case of abandonment, death, or long-term disability. As of 2014, IMO and ILO regulations mandates such coverage, ensuring that if a shipowner refused assistance or absconds, the insurer must assume responsibility for wages and related expenses.
- **Fair Treatment After Accidents:** The IMO and ILO have agreed on international guidelines to make

sure seafarers are treated fairly after maritime accidents. For example, IMO Resolution A.1056(27) says that seafarers should not be unfairly arrested or kept in detention during accident investigations. In 2024, new guidelines were adopted to ensure that seafarers suspected of crimes are treated humanely and released as soon as possible when appropriate.

Enforcement and Compliance Challenges

Although international rules give seafarers extensive rights, these are not always enforced equally. The country where a ship is registered (known as the Flag State) is mainly responsible for making sure the ship follows these rules. Flag States must inspect ships, pass laws, and make sure crew rights are respected, for example allowing shore leave, access to medical care, and safe repatriation. They also issue important documents like the MLC Certificate and the Declaration of Maritime Labour Compliance.

However, many ships sail under what are called flags of convenience. These are countries that offer easy and cheap registration but often do not properly enforce the rules. Some Flag States lack the resources or resolve to monitor ships effectively. Even though international agreements like UNCLOS and the Maritime Labour Convention (MLC) require Flag States to oversee their ships properly, this does not always happen. The MLC includes a rule called "no more favourable treatment," meaning that even if a Flag State has not signed the MLC, its ships still have to follow the same rules when they enter ports in countries that have signed it. This is meant to stop countries with weak standards from gaining an unfair advantage.

Port State Control acts as a backup. When ships enter a foreign port, inspectors called Port State Control Officers can check if the ship meets international rules on safety, pollution, crew training, and since 2013, labor

rights under the MLC. They can inspect the MLC Certificate, review crew working conditions, and make sure the ship is following the rules. If problems are found, like unpaid wages, unsafe conditions, or fake records, the port can require fixes or even hold the ship until things are corrected. If a crew member makes a complaint, the inspectors must investigate and try to resolve it. In serious cases, they can report it to the Flag State or the International Labour Organization, and the ship may be detained. Shipowners or crew can also face penalties, such as fines or jail time.

Still, enforcement does not always work well. For example, the MLC says the shipowner or their insurer must pay to send abandoned seafarers home. But sometimes the owner disappears, goes bankrupt, or their insurance is no longer valid. Flag States may not want to help, and Port States may not be required to step in. This can leave crew members stranded in a foreign port without support or income.

Not all countries have signed the MLC. By 2025, more than 90 countries had ratified it, including large ship registries like Panama, Liberia, and the Marshall Islands. But some, like the United States, have not. This means there are still gaps in protection and enforcement for crews around the world.

Case Studies and Current Issues

Crew Abandonment: The COVID – 19 pandemic exposed systematic weaknesses in protecting seafarer's rights. Hundreds of ships could not change their crews, due to travel restrictions and many shipowners refused to pay or send crews home. One example is the cargo ship Ula. In early 2020, its owner, based in Qatar, left 19 crew members stuck in Kuwait. When ports shut down, the owner said it had no money to support the ship, stopped paying wages, and cut off contact. The crew were told to wait until the cargo was unloaded, but this took months. The men were stuck on board without any payments for months and resorted

to publicly pleading for assistance by painting messages on the hull.

Under the Maritime Labour Convention (MLC), this is called abandonment—when the owner cuts contact, does not pay wages, and does not help the crew's repatriation. The Ula crew were finally released in June 2021, more than two years later. They were still owed over 410,000 dollars in wages. In theory, the shipowner or their insurance should have paid. In reality, the crew survived with support from charities and governments.

By mid-2021, the International Labour Organization (ILO) estimated that about 200,000 seafarers were still stuck at sea or in ports because of travel restrictions. The International Transport Workers' Federation described abandonment "the cancer of the shipping industry." This crisis pushed the ILO and the International Maritime Organization (IMO) to issue new guidelines in 2023. These guidelines explain how port, flag, and coastal states, as well as shipowners and labor groups, should work together to solve abandonment cases faster.

Crew-Change Crisis (COVID-19): Travel restrictions during the pandemic also created a crew change crisis. At the worst point in late 2020, 400,000 seafarers were waiting to go home after their contracts ended. Another 400,000 were waiting to start work. By early 2021, the number needing help had dropped to 200,000, but the problem was still serious. The Secretary General of IMO, during this period, asked governments to treat seafarers as key workers so they could get visas, travel, and vaccines more easily. The United Nations also supported this. But fewer than 60 countries quickly followed the advice. Many seafarers had to stay on board for months longer than planned to keep trade moving. The crisis showed why seafarers need clear rights to medical care and fast repatriation and why better enforcement is needed.

Labor Exploitation: Even beyond the

pandemic, many seafarers still face abuse and poor working conditions. This is especially true for low-paid migrant workers and people working on fishing boats. Investigations and ILO reports have found cases of forced labor, human trafficking, long working hours, and violence at sea. These problems break the rules of the MLC, which promises decent working conditions, fair pay, and safe living spaces. To help fix this, the IMO is now working on updates to seafarer training. These changes will teach crew how to stop and respond to bullying, abuse, and harassment. This shows that the maritime world is beginning to take these social issues more seriously.

Conclusion

Seafarers play a vital role in keeping global trade and supply chains running. They often work under difficult and dangerous conditions, far from home and family. International laws like the Maritime Labour Convention (MLC), along with other key agreements such as SOLAS and STCW, aim to protect these workers by setting clear standards for safety, pay, rest, health care, and fair treatment. However, having rules is not enough. Many seafarers still face serious problems like being abandoned, unpaid, or exposed to abuse, because the rules are not always followed or enforced. Weak oversight by flag states, the use of flags of convenience, and gaps in international cooperation often leave seafarers without support when things go wrong.

Ensuring decent working and living conditions at sea is not just a matter of law, it is a matter of human dignity and fairness. If the international community is serious about protecting seafarers' rights, it must continue to strengthen enforcement, close legal gaps, and hold shipowners and flag states accountable. Only then can the promises made in maritime conventions become a reality for all who work at sea ■

GLOBAL ENGAGEMENTS

CALLIDUS AT GLA MALAYSIA 2025: Adv. Joy Thattil Addresses Key Challenges in Maritime Arbitration & Litigation



Callidus was privileged to participate in the Global Legal Alliance (GLA) event in Malaysia, where our Managing Partner, **Adv. Joy Thattil**, was invited as a distinguished speaker for the session on “**Legal Framework for Arbitration and Litigation.**”



Address: Near St. Joseph's High School, Chittoor Road, Cochin- 12, India, T: +91 484 2391895, office@callidusindia.com

Disclaimer The materials contained in our News Letter and our accompanying e-mail have been prepared solely for information purpose. Neither Callidus nor any of its affiliates make any warranties in relation to the use or reproduction of its contents. The information contained in the news letter is solely for academic and discourse purposes, meant for private circulation; this e-mail message and its attachments may be confidential, subject to legal privilege, or otherwise protected from disclosure, and is intended solely for the use of the intended recipient(s). If you have received this communication in error, please notify the sender immediately and delete all copies in your possession.