



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI



File No. E 26384/2023/NA-IMSAS

Date: 20.02.2024

Merchant Shipping Notice No. 08 of 2024

Subject: Promulgation of Strategy Document on the Implementation and Enforcement of Mandatory Instruments of the International Maritime Organization (IMO) towards fulfilling India's Treaty Obligations

Whereas, India is a Member of the International Maritime Organization (IMO), which is the United Nations specialized agency with responsibility for the safety and security of shipping and the prevention of marine and atmospheric pollution by ships.

2. Whereas, various international maritime conventions and instruments are adopted under the auspices of the IMO.

3. Whereas, India is a party to 35 (thirty-five) international conventions/instruments adopted under the auspices of the IMO.

4. Whereas, the benefits from IMO's regulatory framework can only be fully achieved when all Member States carry out their obligations as required by the instruments to which they are Parties, and therefore, the IMO adopted Code for the Implementation of Mandatory IMO Instruments ["III Code"] vide Resolution A.1070(28) dated 04.12.2013.

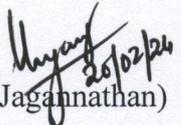
5. Also Recalling, paragraph 3 of Part 1 of the III Code which recommends that a State fulfil the following, namely: —

5.1. develop an overall strategy to ensure that its international obligations and responsibilities as a flag, port and coastal State are met;

5.2. establish a methodology to monitor and assess that the strategy ensures effective implementation and enforcement of relevant international mandatory instruments; and

5.3. continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

6. NOW THEREFORE, a STRATEGY DOCUMENT as may be seen as Annexure-I, is promulgated for the reference and necessary actions of the concern organisations.


(Shyam Jagannathan)

Director General of Shipping

Encl. as above

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STRATEGY DOCUMENT

ON THE IMPLEMENTATION AND ENFORCEMENT OF MANDATORY INSTRUMENTS OF THE INTERNATIONAL MARITIME ORGANIZATION (IMO) TOWARDS FULFILLING INDIA'S TREATY OBLIGATIONS



Ministry of Ports, Shipping and Waterways
Government of India



STRATEGY DOCUMENT

ON THE IMPLEMENTATION AND ENFORCEMENT OF
MANDATORY INSTRUMENTS OF THE INTERNATIONAL
MARITIME ORGANIZATION (IMO) TOWARDS FULFILLING
INDIA'S TREATY OBLIGATIONS

**2023-24
TO
2029-30**



MINISTRY OF PORTS, SHIPPING AND WATERWAYS, GOVERNMENT OF INDIA

Strategy Document

**ON THE IMPLEMENTATION AND ENFORCEMENT OF
MANDATORY INSTRUMENTS OF THE INTERNATIONAL
MARITIME ORGANIZATION (IMO) TOWARDS FULFILLING
INDIA'S TREATY OBLIGATIONS**

2023-24 to 2029-30

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VISION & MISSION STATEMENT

Vision Statement

To be recognized globally as a highly effective, efficient, responsible and progressive maritime administration.

Mission Statement

1. Provide an effective supervisory and regulatory regime conducive to;
 - 1.1 achieve, safe, efficient and secure shipping,
 - 1.2 protect the marine environment,
 - 1.3 all-round growth of Maritime Education and Training
2. Provide support to the Government of India in developing and implementing a holistic and integrated maritime development program that has a positive impact on the national economy;
3. Develop and Implement policies that facilitate an environment which is conducive to promoting investment in the expansion of a modern merchant fleet under the Indian flag and developing globally competitive shipbuilding and repair facilities;
4. Develop and sustain a high-quality human resource management catering to the needs of the global including national maritime industry for competent seafarers;
5. Ensure good governance by adhering to the highest standards of integrity, quality and efficiency in the delivery of shipping services through constant innovation, technology upgradation and value addition;
6. Develop measures to ensure compliance with relevant international instruments relating to the safety and security of ships, protection of the environment and welfare of seafarers.

FOREWORD

The maritime sector is a cornerstone of a nation's economic growth. India, with its peninsular shape in South Asia and an extensive coastline exceeding 7,500 kilometres, is strategically positioned to play a critical role in shaping the maritime order and ensuring a secure and prosperous maritime domain. The maritime industry in India is instrumental in the nation's socio-economic advancement. The Indian Government, through the **Ministry of Ports, Shipping, and Waterways**, is actively engaged in elevating the maritime sector, implementing various initiatives and reforms to enhance efficiency, promote trade, and streamline the ease of doing business. Significant strides have been made since 2014, with noteworthy enhancements in the efficiency of major ports, policy reforms, and expansion in sectors like ship-building, recycling, and vessel flagging in India.

The Ministry is dedicated to sustaining this upward trajectory in sector-wise performance. To this end, it has embarked on an ambitious plan, the **Maritime India Vision 2030**, which was formulated through comprehensive consultations and in-depth dialogues with stakeholders across the public and private sectors. This vision aims to implement actionable initiatives within a specific timeframe.

Aligned with the Government of India's overarching vision for 2030, the Ministry's vision is centred around the Blue Economy, recognizing it as a pivotal element of economic progression. This vision gives particular emphasis to enhancing the logistics, infrastructure, and shipping sectors, including transshipment operations within the maritime domain. The **Amrit Kaal Vision 2047**, serving as the foundational blueprint, incorporates international best practices, extensive stakeholder consultations, and focuses on fostering innovation, sustainability, and self-reliance in the maritime sector.

As a signatory to the International Maritime Organization (IMO) Conventions, India is under obligation to enact and enforce laws and regulations that ensure the thorough and efficient implementation of international maritime standards, prioritizing maritime safety and environmental protection. In alignment with Paragraph 3 of the IMO Resolution A.1070 (28), also known as the **IMO Instruments Implementation Code (III Code)**. This comprehensive STRATEGY is designed to fulfil its international duties and responsibilities as a Flag State, Port State, and Coastal State.

The STRATEGY encompasses a methodical approach to monitor and evaluate its effectiveness in implementing and enforcing relevant international maritime instruments. It includes a continuous review process aimed at enhancing and refining the overall organizational performance and capabilities of India in its roles as a Flag, Port, and Coastal State.

India's ambition is to be globally acknowledged as an efficient, accountable, and forward-thinking maritime administration. This document reflects the commitment to establishing

high-quality benchmarks that meet the service expectations of our stakeholders. This involves not only the development of robust quality assurance procedures but also a continuous investment in the skill enhancement of our personnel at all levels.

In line with these objectives, our STRATEGY outlines a comprehensive and efficient framework, incorporating all aspects of implementation mechanisms essential for the sustainable development of the Indian mercantile marine. This STRATEGY, spanning from 2023 to 2030, addresses the unique challenges faced by the Indian maritime administration. It sets forth pragmatic goals across various domains, with a particular emphasis on ensuring stringent compliance with safety and environmental regulations, along with fostering the growth of Indian shipping.

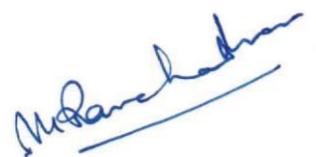
For enhancing the effectiveness of Indian maritime administration, four key strategic directions have been identified which include:

- ❑ Regulatory framework;
- ❑ Training and certification of Indian seafarers;
- ❑ Effective compliance with safety and environmental regulations; and
- ❑ Monitoring and review mechanism.

The STRATEGIC plan, to be adhered from 2023-24 through 2029-30, requires periodic review within this seven-year timeframe. This overall strategy document is developed to ensure India's international obligations and responsibilities as a Flag State, Port State and Coastal State; to establish a methodology to monitor and assess that said strategy ensures effective implementation and enforcement of relevant mandatory IMO instruments; and to continuously review the strategy to achieve, maintain and improve the overall organizational performance and capability as a flag, port and coastal State.

The **Directorate General of Shipping (DGS)**, as the pivotal Maritime Administration, aligns seamlessly with the Ministry's mission. The STRATEGIC PLAN, spanning from 2023 to 2030, not only outlines India's international obligations but also focuses on developmental aspects within the maritime sector. This document reflects our commitment towards full compliance with mandatory international maritime instruments and emphasizes continuous improvement to meet the evolving needs of the maritime domain.

Together, let us chart a course for a robust, sustainable, and globally reputed Indian maritime sector.



T. K. Ramachandran
Secretary, Ministry of Ports, Shipping, and Waterways
Government of India

INTRODUCTION

The Maritime Administration's strategy is forged to align with the Government of India's vision for 2030, emphasizing the Blue Economy as a core dimension of economic growth. The strategy focuses on the Logistics, Infrastructure, and Shipping cluster, including Transshipments, within the maritime sector. The Amrit Kaal Vision 2047 serves as the guiding framework, incorporating extensive consultations, international best practices, and actionable points to drive innovation, sustainability, and self-reliance.

The Directorate General of Shipping (DGS) is entrusted by the Ministry of Ports, Shipping & Waterways, Government of India, with the role of Maritime Administration in India. Emanating from the top-tier mission & vision of the Ministry and giving shape to the National strategy towards fulfilling the obligations of internationally binding treaties, the Directorate General of Shipping has laid down the strategy and action plan contained in this document.

This strategy document is to be followed for seven years (2023-24 to 2029-30) from the date of its publication and is to be periodically reviewed. The strategy document doesn't merely focus on India's obligation as a member state of IMO but also sets out the roadmap for such obligations. The long-term goal of this strategy document is to achieve adherence to the mandatory international instruments (which include, treaty obligations, IMO conventions, Instruments, and codes).

This Strategy document places specific focus on adherence to key IMO instruments such as (1) Safety of Life at Sea (SOLAS), (2) Prevention of Pollution from ships (MARPOL), (3) Standards of training, certification and watchkeeping for seafarers (STCW), (4) Load lines; (5) Tonnage measurement of ships; and (6) Regulations for preventing collisions at sea (COLREG) and their associated Protocols and Codes. This emphasis underscores India's commitment to upholding the highest standards of maritime safety, environmental protection, and professional competence in the maritime industry.

A. FOCUS AREA

The Ministry of Ports Shipping and Waterways (hereinafter referred to as "MoPSW") through the Directorate General of Shipping (hereinafter referred to as "DGS") in India

maintains a close and important relationship with the International Maritime Organization (hereinafter referred to as “IMO”), which is a specialized agency of the United Nations responsible for regulating and setting global standards for the international shipping industry. The responsibilities of the DGS as the Maritime Administration towards implementation of IMO Instruments can be summarized as follows:

1. Implementation of IMO Conventions

The DGS plays a pivotal role in the enforcement of various international conventions and regulations promulgated by the (IMO). These conventions encompass a broad spectrum of maritime concerns, ranging from the safety of life at sea to marine pollution prevention, ship security, and beyond. The DGS is tasked with the vital responsibility of monitoring the progression of new conventions from their inception to their finalization as internationally binding instruments. It is incumbent upon the DGS to stay abreast of forthcoming internationally binding instruments, discerning the necessity and methodology for integrating these acceded conventions or amendments into national legislation.

Once these conventions are incorporated into domestic legislation, the DGS's responsibility extends to overseeing their enforcement. This involves ensuring that vessels registered under the Indian flag, as well as maritime agencies and the broader maritime industry within India, adhere to these established IMO conventions and standards.

While compliance with all IMO instruments to which India is a signatory is imperative, it is equally crucial to develop a clear and executable strategy. This strategy should be aimed at demonstrating compliance with the IMO Instruments Implementation Code (III Code), thereby reinforcing India's commitment to maintaining the highest standards of maritime safety, security, and environmental stewardship.

2. Flag State Responsibility

As a Flag State, India, represented by the DGS, assumes a critical role in the oversight of its registered ships. In this capacity, the DGS, acting as the Maritime Administration on behalf of the Indian government, holds the responsibility of ensuring that all vessels

flying the Indian flag are in full compliance with mandatory international maritime regulations.

This responsibility entails ensuring that Indian-flagged vessels obtain the necessary certifications and undergo regular inspections and audits as mandated by international maritime law. Furthermore, the DGS is charged with the duty of ensuring that Indian seafarers meet the requirements set forth by the International Convention on Standards of Training, Certification and Watch-keeping for Seafarers (STCW). This includes overseeing their training, competency assessment, and certification processes, thereby upholding the highest standards of professionalism and safety in maritime operations under the Indian flag.

3. Coastal State Responsibility

Implementation and Enforcement of India's Coastal State responsibilities are vested with various specialised Departments of the Government of India under the Ministry of Ports Shipping and Waterways, Ministry of Defence, Ministry of Earth Sciences etc. DGS oversees the implementation of conventions such as the International Convention on the Safety of Life at Sea (SOLAS) and the International Convention for the Prevention of Pollution from Ships (MARPOL). This involves regulating the discharge of pollutants from ships to prevent marine pollution.

The DGS also coordinates with agencies such as Ports, Directorate General of Lighthouse and Lightships, Indian Coast Guard, National Hydrographic Office and Indian Meteorological Department to coordinate and monitor the various compliance requirements percolating from the conventions, wherein by statute, those agencies are the implementing and enforcement agency pertaining to their area of responsibility. Following the SOLAS, the Indian Coast Guard (ICG) is responsible for conducting Search and Rescue (SAR) operations in the Indian maritime region. Similarly, for Oil Spill Response, ICG is entrusted to take such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution as obligated under MARPOL.

4. Port State Responsibility

DGS carries out port state control inspections to verify that foreign-flagged vessels calling at Indian ports comply with international regulations. This is crucial for ensuring the safety of navigation, environmental protection, and the well-being of seafarers. DGS also coordinates with ports in order to monitor the various compliance requirements percolating from the conventions, wherein by statute, Port authorities are the implementing and enforcement agency such as provisioning of Port Reception Facilities and the Carriage of Dangerous Goods, Verification of Gross Mass of Containers etc.

5. Representing India at various international forum

a. Participation in IMO Meetings

The DGS along with other stakeholders, assists the MoPSW to represent India at IMO meetings, conferences, and working groups. This participation is crucial for contributing to the development and amendment of international maritime conventions and standards and allows India to have a voice in shaping the global regulatory framework for the shipping industry.

b. Other International Engagement

The DGS also assists the MoPSW to play an active role in India's international engagement at various other forums, related to maritime trade, safety and security cooperation. DGS to provide necessary inputs to the Government of India on matters related to bilateral or multilateral relations on shipping and trade. For example, such international engagement includes participation in The Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), Asian Regional Forum (ARF), Indo-Bangladesh Coastal Shipping etc.

6. Reporting and Communication

The DGS, in coordination with the MoPSW, to communicate with the IMO and provides relevant reports and notifications regarding Indian shipping activities, safety incidents, and regulatory changes, in line with the reporting requirement as set out in various treaty obligations, including for IMO, UNCTAD and other UN agencies. This communication ensures that the IMO and other agencies are kept informed of

developments, incidents and other reporting requirements, from India's maritime sector.

7. Cooperation and Technical Assistance

The DGS may seek technical assistance and guidance from the IMO on various maritime issues. The IMO provides resources, guidance, and training to member states, including India, to help them enhance safety, security, and environmental protection in their maritime operations. The DGS to ensure participation of its officers and any other stakeholders in regional training programmes conducted by IMO and its collaborative agencies.

8. Alignment with International Standards

The MoPSW, as assisted by DGS to work towards the alignment of India's maritime legislation and regulations with IMO conventions and standards. This ensures that Indian maritime laws are consistent with international requirements and that Indian ships can operate internationally without hindrance. The Directorate General of Shipping is also expected to play its role towards the adaptation of applicable international standards derived from ISO, IEEE, etc. in the area of shipping, shipbuilding and repairs.

9. Continuous Improvement and Adaptation

The Directorate General of Shipping to play an important role so that India stays updated with the latest developments and amendments to IMO regulations, contributing to the continuous improvement and adaptation of national maritime policies. In pursuance of the same, innovation in the maritime domain and the modernisation of the of the training facilities shall be fostered by the concerned government organisations.

Overall, the relationship between the Directorate General of Shipping in India and the International Maritime Organization is one of cooperation and compliance. The DGS works to ensure that India's maritime activities and vessels adhere to international regulations established by the IMO, promoting safety, security, and environmental protection in the global shipping industry.

B. ACTION PLAN

This section provides for the specific action plans which are mapped with the focus areas and eventually leads towards the achieving the main objective of this document.

A. TIMELY ADOPTION OF IMO CONVENTIONS

Action Plan:

- Establish a streamlined process for the timely adoption and implementation of IMO conventions within the Indian maritime regulatory framework.
- Monitoring of the latest conventions and amendments coming into force.
- Transposing the latest amendments into National legislation.
- Conduct regular internal audits to ensure compliance with the latest IMO conventions.

B. CAPACITY BUILDING AND TRAINING

Action Plan:

- Strengthen collaboration with IMO on capacity-building initiatives, including training programs and workshops.
- Provide adequate resources to effectively implement and enforce the provisions of mandatory instruments.
- Develop customized training modules for Maritime Administration staff to enhance their knowledge of international maritime regulations.

C. ACTIVE REPRESENTATION AND PARTICIPATION AT IMO

Action Plan:

- Ensure regular attendance and active participation in IMO meetings, contributing to discussions and decision-making processes.
- Establish a dedicated team within MoPSW, with DGS as lead along with such other participants as MoPSW deems fit, for continuous monitoring of IMO activities and updates focusing on all the five IMO Committees.
- Ensure active participation in relevant IMO committees and working groups, providing valuable input and expertise and protecting the country's interest.

- ❑ Foster collaboration with other member states within these committees to build alliances and consensus.

D. INFORMATION EXCHANGE:

Action Plan:

- ❑ Establish a robust mechanism for the exchange of information between DGS and IMO.
- ❑ The DGS is to follow the reporting requirement, meeting the purpose of the International Maritime Organization's Global Integrated Shipping Information System (GISIS).
- ❑ Facilitate regular briefings and knowledge-sharing sessions for DGS staff on the latest IMO developments.

E. IMPLEMENTATION OF IMO CONVENTIONS, CODES AND GUIDELINES:

Action Plan:

- ❑ Regularly review and update national maritime regulations to align with the latest IMO codes and guidelines.
- ❑ Issue directions to all stakeholders to ensure compliance.
- ❑ Monitor compliance through Enforcement mechanisms.
- ❑ Conduct awareness programs for maritime stakeholders to ensure understanding and compliance.

F. CONTINUOUS IMPROVEMENT:

Action Plan:

- ❑ Establish a feedback mechanism for stakeholders to provide input on the effectiveness of implemented IMO regulations.
- ❑ Conduct periodic reviews to identify areas for improvement in the alignment of national policies with IMO standards.
- ❑ Encourage and support modernisation of training facility for maritime workforce and Research and innovation in Maritime Domain.

G. INTERNATIONAL COLLABORATION BEYOND IMO:

Action Plan:

- ❑ Strengthen collaboration with intergovernmental agencies, other than international organizations related to the maritime domain to broaden the scope of engagement.
- ❑ Explore partnerships with regional maritime bodies to address specific regional challenges and opportunities.

C. MONITORING AND EVALUATION

All the relevant Acting and Monitoring agencies may be advised to define their KPIs aligning to the strategy focus area and action plan in this Strategy Document. Example towards legislative compliance procedure is given below;

A. KEY PERFORMANCE INDICATOR:

Develop key performance indicators (KPIs) to measure the effectiveness of India's international engagement with IMO.

- ❑ For any new instrument or amendments which can be implemented only through the amendment in the primary legislation, subordinate organisations shall endeavour to submit the draft amendment to the Ministry within nine (9) months from the date of such new IMO instrument or amendment.
- ❑ For any amendments which can be implemented through the MS Rules, subordinate organisations to submit the draft rules to the Ministry and endeavour to incorporate the same in domestic legislation and implement them within nine (9) months from the date of such amendment in the IMO instrument.
- ❑ For any amendments which can be implemented through the Executive Order subordinate organisations shall endeavour to implement the same within six (6) months from the date of such amendment in the IMO instrument.

B. ASSESSMENT

All the relevant acting and monitoring agencies are required to come up with monitoring parameters aligning to their KPI's and action plan in this Strategy Document. Based on the above, all, the Directorate General of Shipping and other

subordinate organisations of the MoPSW shall conduct regular assessments to evaluate the impact of adopted IMO conventions on the Indian maritime sector.

C. REVIEW

- ❑ *Annual Review* of the preparedness of India as a member state to incorporate in domestic legislation and enforce the mandatory IMO instruments. The review shall reflect the legislative requirements at various levels (viz-a-viz, amendments in primary legislation or developments with regards to secondary legislation or Executive Orders as the case may be).
- ❑ Review of the *executive structure* and *enforcement measures* through the means of audit, feedback, and trend analysis.
- ❑ Seek *feedback* from stakeholders, including industry representatives and seafarers, to gauge the practical implications of international regulations.

For the above purpose, the following annexes are to be followed and reviewed annually by the respective agency;

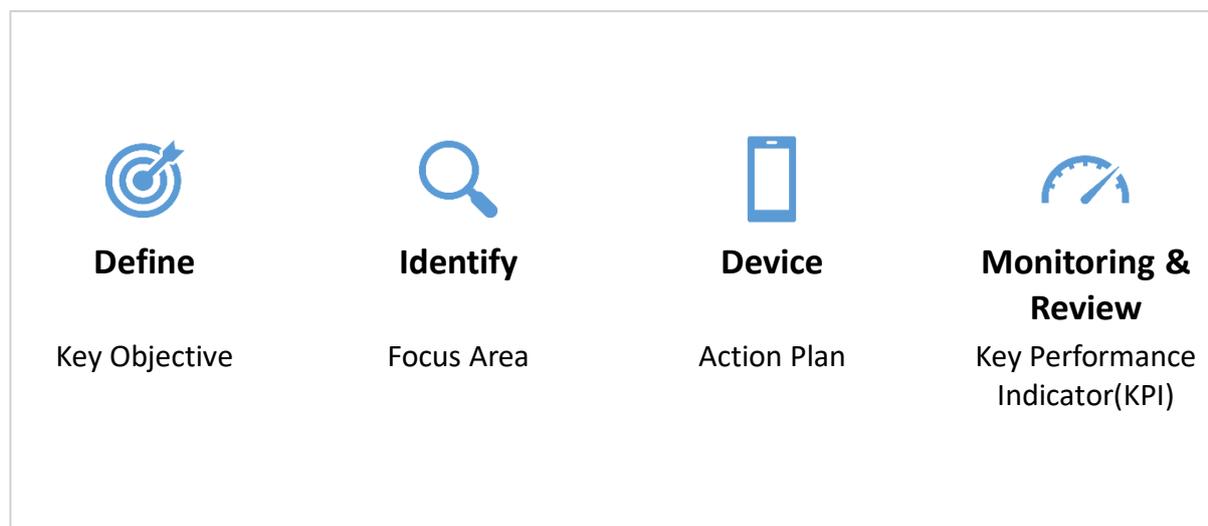
Annex-I: Acting and monitoring agencies for Flag, Coastal and Port State responsibilities.

Annex-II: Review of legislative framework and enforcement structure (Template).

Annex-III: List of Records to be maintained under III-Code (Template).

Annex-IV: Qualifications and Capacity Building of Officers and Assistants (Template).

The essence of this Document



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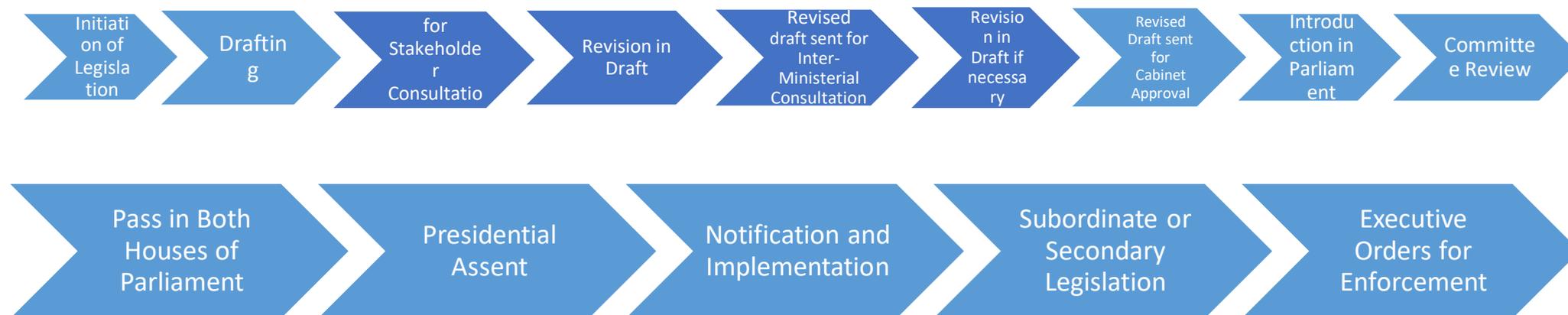
ANNEX-I: ACTING AND MONITORING AGENCIES FOR FLAG, COASTAL & PORT STATE RESPONSIBILITIES

Acting and Monitoring Agency(ies)	IMO instruments	Main national laws/regulations the body has responsibility
Acting and monitoring agency for flag state responsibilities:		
<u>Acting and monitoring agency for flag state responsibilities:</u> Directorate General of Shipping (DGS), Ministry of Ports, Shipping & Waterways, Government of India along with Mercantile Marine Departments, in Mumbai, Goa, Noida, Kolkata, Port Blair, Haldia, Paradip, Kochi, Mangalore, Kandla, Jamnagar, Chennai, Tuticorin, Visakhapatnam	- SOLAS and Codes - MARPOL and Codes - STCW, ICLL, ITC, COLREG	- Merchant Shipping (M.S) Act,1958, as amended - Allocation of Business Rules, 1961, as amended - Various Rules/Executive Orders (EO) framed under M.S. Act
Coastal State roles as acting and monitoring agency		
<u>Acting and monitoring agency:</u> Directorate General of Shipping , Government of India	- SOLAS and its Codes - MARPOL and its Annexes - STCW, ICLL, ITC, COLREG	- Merchant Shipping (M.S) Act,1958, as amended - Various Rules/EO framed under M.S. Act
<u>Acting agency:</u> Directorate General of Lighthouses and Lightships (DGLL) <u>Monitoring agency:</u> DGS	- SOLAS Ch. V, Reg. 4	- Merchant Shipping (M.S) Act,1958, as amended - Allocation of Business Rules, 1961, as amended - Marine Aids to Navigation Act 2021 - Various Rules/EO framed under the Marine Aids to Navigation Act 2021
<u>Acting agency:</u> Major Port Authorities across India <u>Monitoring agency:</u> DGS	- SOLAS Ch. V - MARPOL	- Merchant Shipping (M.S) Act,1958, as amended - The Major Port Authorities Act, 2021 - Various Rules/SOPs/Executive Orders from the concern organisation.
<u>Acting agency:</u> Indian Coast Guard, Ministry of Defense <u>Monitoring agency:</u> DGS	- SOLAS Ch. V, Reg. 7 - MARPOL	- Indian Coast Guard Act, 1978, as amended - Allocation of Business Rules, 1961, as amended
<u>Acting agency:</u> National Hydrographic Office <u>Monitoring agency:</u> DGS	- SOLAS, Ch. V, Reg. 4 and Reg. 9	- Merchant Shipping (M.S) Act,1958, as amended - Allocation of Business Rules, 1961, as amended - Various Rules/SOPs/Executive Orders from the concerned organisation
<u>Acting agency:</u> Indian Meteorological Department <u>Monitoring agency:</u> DGS	- SOLAS Ch. V, Reg. 5	- Merchant Shipping (M.S) Act,1958, as amended - Allocation of Business Rules, 1961, as amended
Port State roles as acting and monitoring agency		
<u>Acting & monitoring agency:</u> Directorate General of Shipping(DGS), Ministry of Ports, Shipping & Waterways, Government of India along with Mercantile Marine Departments, in Mumbai, Goa, Kolkata, Port Blair, Haldia, Paradip, Kochi, Mangalore, Kandla, Jamnagar, Chennai, Tuticorin, Visakhapatnam	- SOLAS and Codes - MARPOL and Codes - STCW, ICLL, ITC, COLREG	- Merchant Shipping (M.S) Act,1958, as amended Various Rules/SOPs/Executive Orders from the concern organisation
<u>Acting agency:</u> Major Port Authorities across India <u>Monitoring agency:</u> DGS	- SOLAS Ch. VI & VII - MARPOL	- Merchant Shipping (M.S) Act,1958, as amended - The Major Port Authorities Act, 2021 - Indian Ports Act, 1908

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ANNEX-II: REVIEW OF LEGISLATIVE FRAMEWORK AND ENFORCEMENT STRUCTURE

1. Development and promulgation of legislation emanating due to IMO Instruments: India has a dualist theory approach to implementation of international law at the domestic level i.e., international obligations under a treaty or convention cannot take effect directly without translating them into a domestic legislation. Laws in India are made at the Central and State levels. IMO instruments being international conventions are governed by Entry 14 of List I of the Seventh Schedule of the Indian Constitution, which gives the Central Government (Government of India) the executive power to enter into treaties and conventions and implement them under Article 253. The executive power of the Union also extends to the exercise of such rights and authority as exercisable by the Government of India by virtue of a treaty or agreement. The process of developing and promulgating legislation in India involves several stages and bodies. Here's a general process:



In furtherance to the said executive power of the Government of India, a legislative proposal, *i.e.*, a bill, is introduced by either house of the Parliament of India, which when passed by both houses of the Parliament and after receiving the assent of the President becomes an Act of the Parliament. The said Act is published in the Official Gazette before it becomes an officially enacted domestic legislation of India.

Merchant shipping matters are generally covered under the umbrella framework of the Merchant Shipping Act, 1958 (MS Act). Accordingly, majority of the IMO instruments are incorporated as subsidiary or secondary legislation, *i.e.*, Rules framed under the MS Act, 1958. The said Merchant Shipping Rules

are to be laid as soon as they are made before each House of Parliament in accordance with the provisions of Section 458(3) of the MS Act, 1958. Additionally, Executive Orders are issued by the concerned Government Departments towards the effective implementation and enforcement of the Acts and provisions thereof.

A step by step procedure is given in the next page explaining the review of national legislative and executive framework in light of the new obligation derived from the IMO Instruments and amendments therein.

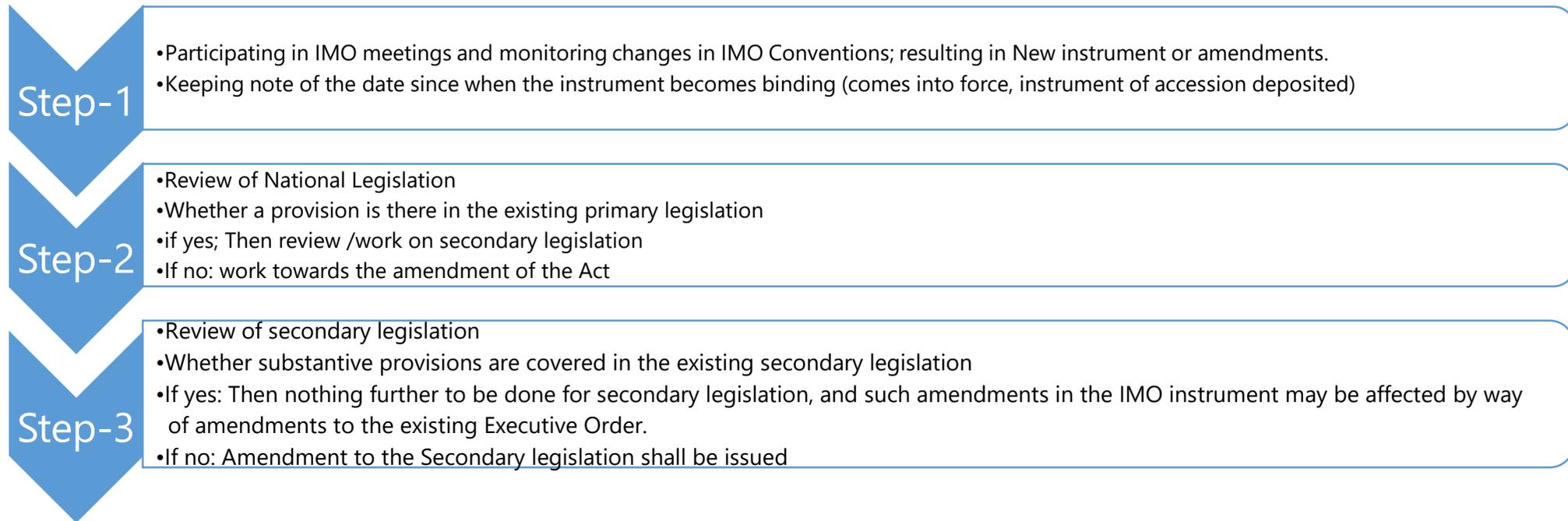


Chart1:National Legislative Process for IMO Instruments

Sl. No.	IMO Instruments (& amendments)	Step-1	Step-2	Step-3

Table 1: Template for review of IMO instruments/amendments in line with the chart-1 (June & December month of each year)

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ANNEX-III: LIST OF RECORDS MAINTAINED UNDER III-CODE

Name of the Acting or Monitoring Agency: The Directorate General of Shipping				
Sl. No	Type of Record (Examples)	Retention Period	Location of Record	Date of Last Update
1	Register of Ships			
2	RO Agreement & Audit of Recognized Organizations			
3	Casualty Investigation Reports			
4	List of Approved Maritime Training Institute			
5	Report of Port State Control			
6	Flag State Inspection analysis			
7	Report of PSC Abroad of India Ships			
8	List of Exemptions to Ships			
9	Port Reception Facilities Assessment Reports			
10	Register of Bunker Suppliers			
11	List of Authorised Flag / Port State Inspectors			
12	List of Casualty Investigators			
13	List of approved LSA/ FFA/ GMDSS Service Stations			
14	List of Shipping Companies under ISM			
15	List of RPSL Companies			

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ANNEX-IV: QUALIFICATIONS AND CAPACITY BUILDING OF OFFICERS AND ASSISTANTS

Name of the Acting and Monitoring Agencies: The Directorate General of Shipping

(i) Qualification & Training	(ii) Min. Desired Qualification as per the RR Rule	(iii) Advance Long/Short Terms Training	(iv) (Example) ISO 9001:2015	(v) (Example) ISM Auditor	(vi) (Example) ISM lead Auditor	(vii) (Example) Casualty Investigators	(viii) (Example) AECS	(ix) (Example) IMSAS Auditor Course
No. of Officers	All							
No. of Assistants	All							