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F. No. CS/SV(1)(6)/2017

Dated: 14.02.18

DGS Order No. 03 of 2018

Subject - Registration, survey and certification of Indian fishing boats by the Mercantile Marine Departments [MMDs] and Maritime States & Union Territories-reg.

1. Whereas, Part XV-A of the Merchant Shipping Act, 1958, as amended [hereinafter referred to as the 'Act'] provides for the registration, survey and certification of Indian flag fishing boats;
2. Whereas, as per sub-section(1) of section 435-D ibid, a port of registry of such fishing boats shall be a port of place in India as the Central Government may, by a notification in the official gazette, declare as a port or place of registry thereof.
3. Whereas, as per section 435E supra, the Central Government may, by a notification in the official gazette, appoint an officer to be a Registrar of Indian flag fishing boats (hereinafter referred to as 'Registrar') at every port or place declared as a port or place of registry under sub-section (1) of section 435E of the Act.
4. Whereas, the Ministry of Shipping, Govt. of India had, in the year 2013, issued a Notification GSR-449(E) [F. No. SR-19014/01/2009-MG] dated 02.07.13, through which ports/places of registry and corresponding Registrars for Indian flag fishing boats were notified. In this notification, Indian flag fishing boats of length 20 meters and above were required to be registered with the Mercantile Marine Department [MMDs] of the Govt. of India.

Shilatah Singh
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5. Whereas, the Ministry of Shipping, Govt. of India vide its subsequent Notification GSR-594 (E) [F. No. SR-19014/01/2009-MG] dated 14.08.14 has made the provisions of sub-section (1) of section 9 *ibid* [i.e., the power to appoint Surveyors] applicable to Part XV-A [fishing boats] *supra*. Contextually, attention is invited to the fact that the said Notification GSR 594(E) dated 14.08.14 provisions, *inter-alia*, that such work of survey and certification could be delegated to any person or persons with the previous approval of the Central Govt.

6. Whereas, the Ministry of Shipping, Govt. of India vide its other Notification GSR- 595(E) [F. No. SR-19014/01/2009-MG] dated 14.08.14 had superseded its earlier notification adverted to in para 4 herein above i.e., G.S.R. 449(E) [F. No. SR- 19014/01/2009-MG] dated 02.07.13, and has in the same notification directed that;

6.1. The power, authority & jurisdiction exercisable under sub-section (1) of section 9 of the said Act shall also be exercisable by the Secretary of the Govt. of the respective Maritime States in charge of their Departments of Fisheries or by the Administrators / Chief Secretaries of the respective Union Territory (UT) Administrations, for the purpose of Part XV-A *ibid*.

6.2. Ports of registry and corresponding Registrars for Indian flag fishing boats were also notified for the convenience of the Indian fishing industry.

7. Whereas the work relating to registration, survey and certification of all Indian flag fishing boats, irrespective of their length, may now be undertaken by the Maritime State/ UT authorities concerned in terms of the two notifications mentioned herein above viz., GSR-594 (E) [F. No. SR-19014/01/2009-MG] dated 14.08.14 & GSR-595 (E) [F. No. SR-19014/01/2009-MG] dated 14.08.14.

8. Whereas, the respective Maritime State / UT authorities may take some more time to effectively undertake the said work related to registration, survey and certification of Indian flag fishing boats, the transfer of documents thereto of their past registration from their present registry to the respective State / UT authorities, and also for an appointment of Surveyors for carrying out the functions related to registration, survey and certification of Indian flag fishing boats.

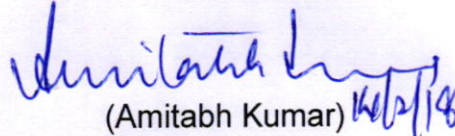
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9. Now, therefore, reckoning the convenience of Indian flag fishing boat owners to undertake change of registry from the present Registrars to the respective new Registrars under the Maritime State / UT Administrations concerned, factoring the administrative convenience of the jurisdictional Maritime State / UT authorities and also taking into account that the latter may, as yet, not be fully equipped to deal with the aforesaid works, this office hereby extends the validity of its preceding DGS Order No. 1 of 2015 [F. No. CS-7(1)/2009-VI] dated 13.04.2015, DGS Order No. 5 of 2015 [F. No. CS-7(1)/2009-VII] dated 17.11.15, DGS Order No. 3 of 2016 [F. No. CS-7(1)2009-VII] dated 11.04.16 and DGS Order No. 6 of 2016 [F. No. CS-7(1)2009-VII] upto 30.09.17.

10. The subject matter was also discussed in the 23rd meeting of the Inter-Ministerial Empowered Committee on Marine Fisheries held at New Delhi, on 09.06.15, in the Ministry of Agriculture, Govt. of India [agenda item no. 5]. It was recommended therein that – ".... considering the inadequate competence of State Fisheries Departments to undertake these responsibilities, shortage of qualified Surveyors, and the ground realities regarding difficulties being faced in registration of large sized fishing vessels, it was recommended by the EC that DG Shipping/Ministry of Shipping may consider reverting back to the previous system, and therefore to consider to withdraw its notification GSR-595(E) dated 14.08.14, which authorizes the State/UT Fisheries Departments to carry out registration of all Indian fishing boats(irrespective if length); and to adopt the earlier practice of MMDs under DG Shipping being authorized to carry out the work related to registration, survey and certification of Indian fishing boats of length 24 meters and above, whereas fishing vessels of below 24 meters length may be registered by the Fisheries Departments of States/UTs".

11. Accordingly, the Surveyors under the respective/jurisdictional MMDs of the Govt. of India shall continue to discharge, in the meanwhile, the responsibilities of registration, survey and certification of Indian flag fishing boats of length 24 meters & above upto 14.08.2018. However, the Maritime State/UT authorities who are equipped to deal with the said tasks are not precluded from performing such works as per the Govt. of India's notifications mentioned in para 7 hereinabove.

12. This order shall come into force with an immediate effect.


(Amitabh Kumar)
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