

## **M.S. Notice 26 of 2002**

**No. 7(12)/CR/2002**

**Dated: October 10, 2002**

**Sub: Marine casualties and incidents involving Indian citizens on board foreign flag vessels.**

ILO Convention 179 requires the Maritime Administration of every country to register the agents who are involved in recruitment and placement of seafarers. India is presently in the process of ratifying this convention. A Tripartite meeting with representatives of the Government, associations of shipowners and unions of seafarers was hosted at Kochi in May 2000, jointly by the International Labor Organization (ILO) and the Directorate General of Shipping (DGS), wherein, it was unanimously decided that ILO Convention 179 may be ratified. The Government is presently in the process of putting in place the requisite legislative provisions to facilitate ratification of the convention.

2. India is a major supplier of manpower into global shipping. In the recent past, it has been observed with concern that many of the accidents / incidents at sea involving Indian citizens on board foreign flag vessels have not been reported to the Indian Maritime Administration. Attention is drawn to the Article 94, Article 97 of the United Nation's Convention on Laws of the Sea (UNCLOS), Regulation I/5 of the STCW 95 wherein, the responsibility of the Maritime Administration with regard to investigation of marine casualty has been clearly defined. Further, the "Code for the Investigation of Marine Casualties and Incidents" which was adopted on 27th November, 1997 vide Resolution A.849(20) (Agenda Item 11) by the IMO assembly in its 20th session necessitates the casualty investigation with the involvement of different interested states. The code applies to either one or more interested state(s) that have a substantial interest in a marine casualty. The substantially interested state includes the state whose nationals have lost their lives or received serious injuries as a result of the marine casualty. The onus of conducting the investigations into the marine casualty lies with the flag state or the coastal state within whose territorial sea the casualty has occurred. However, within the meaning of the referred clauses of UNCLOS and Regulations of the STCW 95, substantially interested states are also required to initiate necessary procedures for impartial investigation of any reported incompetence, act of omission that may pose a direct threat to safety of life of property at sea or to the marine environment by the holders of certificates or endorsements issued by that state in connection with their performance of their duties related to their certificate. In the event of a collision or any other incident of navigation concerning a ship on the high seas, involving the Master or any other person in service of

the ship, penal or disciplinary proceedings may be instituted against such person by the administrative authority of the state of which such person is a national and thus, it is imperative on the part of any shipping company employing Indian nationals, irrespective of flag or place of operation, to report any marine casualty to Indian Maritime Administration at the earliest opportunity.

3. With the implementation of ISM Code, it is mandatory that necessary requirement / directive of applicable maritime legislation is incorporated in the safety management system of the ship and the company which is awarded a "Document of Compliance" (DOC), in accordance with the Chapter IX of the SOLAS. Non-reporting of accidents /incidents at sea to flag state, coastal state and substantially interested state(s) is tantamount to violation of the principles of the safety management system.

4. It may be appreciated that the purpose of casualty investigation is to prevent similar casualties in future and for the betterment of marine environment in general and safety of seafarers in particular. For the purpose effective casualty investigation, it is imperative that the Maritime Administration of the state, whose nationals are involved in the marine casualty, by virtue of being the ship's crew, is required to be invited to take part in the marine casualty investigation, as a substantially interested state, by the state conducting the investigation. In order to facilitate effective investigation and proper analysis of all marine casualties involving Indian nationals and for correctly identifying the causes of such casualties, our Maritime Administration should be proactively involved in the investigation and take part in it as a substantially interested state.

5. Having taken into account the provisions of various international conventions/ instruments, the Director General of Shipping is pleased to institutionalize the reporting of marine casualties/ incidents involving Indian nationals on board foreign flag vessels and promulgate the following guidelines for strict compliance by all manning agents of foreign shipowners in India. All the Recognized Organizations (ROs) are also urged to take note of these guidelines for information and compliance.

(a) The manning agent in India who recruited the seafarer on board the foreign flag vessel will forward the incident report to the Directorate General of Shipping in the **enclosed format** at the earliest opportunity on fax (91-22-2613655) and E-mail: **[dgship@dgshipping.com](mailto:dgship@dgshipping.com)**

(b) A detailed report into the incident will be forwarded to the Directorate General of Shipping within 3 days of the incident. Report should include a brief on the casualty / incident, progress of investigation, details on next of kin of the affected individuals and immediate action taken by the agent and the company to ameliorate the circumstances of affected individuals and their families.

(c) The copy of investigation report into the marine casualty should be obtained and submitted to the

Directorate immediately on receipt of the same.

**Sd/-**

**(M.S.Vinod Kumar)**

**Asstt. Director General of Shipping**

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### **INCIDENT REPORT ON MARINE CASUALTY**

1 Name of crew member involved in marine casualty / incident :

2. Sex :

3. Age :

4. Date of Birth :

5. CDC No., if held :

6. COC details, if applicable :

7. Next-of-kin details :

(a) Name :

(b) Relationship :

(c) Address, Tel. No. and E-mail address :

8. Nature of accident / incident including  
damages / casualties suffered  
(use additional sheet if required) :

9. Details of ship involved in marine casualty /  
incident :

(a) Name of Ship and official No. :

(b) Tonnage :

(c) Location of ship :

(d) Flag :

(e) Coastal state(s) involved :

(f) Name of P&I club :

(g) Name of Captain :

(h) Details of owners :

10. Details of manning agent in India :

(a) Name of manning Agency :

(b) Address, Tel. No. and E-mail address :

(c) Name and details of Managing

Director / Promoters :

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