

M.S. Notice 14 of 2002

No. 25-NT(3)/92-III-Pt.

Dated: May 20, 2002

Sub: Compliance with the provisions of territorial waters, continental shelf, exclusive economic zone and other Maritime Zone Act, 1976

1. In recent time an Indian registered sailing vessel was found to be within the designated area of a production platform at Mumbai high oil field area. Upon investigation, it was found that person assigned for keeping navigational watch fell asleep and the watch was left in the hands of an untrained fresh recruit. As a result, vessel got deviated from her planned passage, well away from regular sea route and entered designated area as aforesaid. The situation could only be realized when the vessel was intercepted by security personnel guarding the oil field. The vessel was seized and crew were detained and taken to police station for necessary action for trespassing ONGC oilfield development area under relevant section of the Indian penal code.

2. It may be noted that the STCW Convention 1978 as amended is not applicable for sailing vessels, fishing vessels, & pleasure yachts not engaged in trade as well as wooden ships of primitive build. However, it is expected that for the purpose of safety of life of the crew and safety of the vessel, all personnel engaged in watch keeping duties are adequately trained and qualified for their assigned duties. For the purpose of safety of crew and safety of vessel, it is also expected that watch systems on such vessels are arranged so that the efficiency of all watch keeping personnel is not impaired by fatigue and that duties are so organized that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty.

3. In pursuance of sub-clause (ii) of clause (b) of sub-section (5) of section 6 and sub-clause (iii) of clause (b) of sub-section (6) of section 7 of the Territorial Waters, Continental shelf, Exclusive Economic Zone and other Maritime Zones Act., 1976, the Government of India, Ministry of External Affairs, vide Notification SO 435 (E), dated 23rd July 1986 prohibits the entry of any ship within the designated areas as declared under the notification of the Government of India in the Ministry of External Affairs No. S.O. 429 (E) dated the 18-7-1986, other than Indian Naval ships and Coast Guard ships or other ships authorized in writing by the Secretary to the Government of India in the Ministry of Petroleum and Natural Gas or any competent authority notified by him in this regard. The said prohibition does not apply to a ship -

(a) Engaged or about to be engaged in the repair of any submarine cable or pipeline in or adjacent to the said designated areas;

(b) Engaged in Services for,

(i) Inspection under the authority of a Government Department of, or

(ii) The transportation of persons or goods to or from,
an installation in the said designated areas;

(c) Engaged in duties relating to safety of navigation under the authority of the Ministry of Transport;

(d) Carrying out movements with a view to saving or attempting to save life or property at sea.

4. In accordance with section 11 of Territorial Waters, Continental Shelf, Exclusive Economic Zone and other maritime zones act., 1976, whoever contravenes any provision of this Act or of any notification there under shall be punishable with imprisonment which may extend to three years, or with fine, or with both.

5. In view of foregoing, all ship owners, ship masters, ship operators, seafarers in general and persons employed on sailing vessels / fishing vessels / pleasure yachts not engaged in trade/wooden ships of primitive build including owners/operators of such vessels in particular are hereby urged to take necessary action so that the provisions as aforesaid are not contravened.

This issues with the approval of Director General of Shipping.

Sd/-

(Capt. S.K.Mishra)
Nautical Surveyor