

भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING
नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

टेलीफोन: -22-9125752040/1/2/3

फैक्स: 022-25752029/35

ई-मेल: dgship-dgs@nic.in

वेब: www.dgshipping.gov.in

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“बिटा बिल्डिंग” 9, वी मंजिल / “BETA BUILDING”, 9th FLOOR

आय-थिंक टेक्नो कैंपस / I-THINK TECHNO CAMPUS

कांजुर मार्ग ईस्ट / KANJUR MARG(EAST)

मुंबई 0 / MUMBAI – 400 042

Tele: 91-22-25752040/1/2/3

Fax: 022-25752029/35

E-mail: dgship-dgs@nic.in

Web: www.dgshipping.gov.in

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Shipping Development Circular No. 07 of 2016

Sub: Guidelines for an issuance of licences to passenger vessels in the Indian coastal waters-reg.

Whereas the objects of the Merchant Shipping [MS] Act, 1958, as amended, are inter-alia, to foster the development of shipping and to ensure safe & efficient Indian mercantile marine in a manner best suited to serve the Indian national interests.

2. Whereas the Directorate General of Shipping [DGS], Ministry of Shipping, Govt. of India [Gol], is the designated National Maritime Administration of the country to, amongst other things, administer the MS Act, 1958, as amended, as the facilitator and regulator of the merchant shipping industry in India.

3. Whereas foreign flag passenger vessels are being deployed in the Indian waters for the transportation of passengers between different ports in India, with licenses issued by DGS, Govt. of India, under section 406 or 407 of the MS Act, 1958, as amended.

4. Whereas, while permitting such foreign passenger vessels in the Indian waters, the DGS, Gol has to ensure that minimum maritime safety, security and pollution prevention standards prescribed for such vessels, and their passengers & crew by the International Maritime Organization [IMO: global shipping regulator] are followed.

5. Whereas passenger vessels under foreign flag are acquired for registration in India and such vessels also need to comply with minimum such maritime safety, security & pollution prevention requirements.

6. Now, therefore, the Director General of Shipping, Gol, in pursuance of the powers conferred on him under sections 406 & 407 of the MS Act, 1958, as amended, read with the Ministry of Shipping, Govt. of India, New Delhi's S.O. No. 3144 dated 17.12.60, sets the following conditions for the grant of permissions/ licenses to foreign flag passenger ships under either of the said sections, i.e. 406 or 407 of the M.S. Act 1958;

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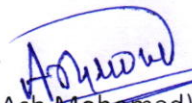
- 6.1. Foreign flag passenger vessels intending to operate in the Indian coastal waters under a license / permission of the DGS, GoI shall be required to be classed with a Maritime Classification Society, duly approved as a Recognized Organization by the Ministry of Shipping, DGS, GoI.
- 6.2. Such passenger vessels should be in possession of valid certificates under the provisions of the relevant IMO Conventions/Codes, as applicable, such as the High Speed Craft [HSC] Code, SOLAS Convention, MARPOL Convention and any other Convention/Code as may be applicable to the given types of such vessels.
- 6.3. Such vessels shall also be required to furnish the details of the exemptions/dispensations / conditions or restrictions imposed by the previous flag(s) thereof for the operation of the vessels concerned, for scrutiny. Applicants may note that an exemption(s) granted by the flag state of the vessel in accordance with the Convention provisions consistent with the nature of its operation only will be considered by this office for processing such an application. Further, foreign vessels are not entitled to any exemption from the Convention requirements which are otherwise not granted to an Indian flag vessel.
- 6.4. Operator(s) of such vessels, while applying for a license / permission shall submit the safety plans / sub-divisional /stability / damage stability and other relevant documentation, duly approved by the said classification society, recognised organisation, for scrutiny. The operator concerned shall also submit a technical assessment report detailing the status of compliances by such a vessel of the applicable requirements of the Conventions and the Indian Merchant Shipping Act, 1958 and the rules made thereunder, as applicable, from any one of the Classification Society, approved as a Recognized Organization by the Ministry of Shipping/DGS, GoI.
- 6.5. Such foreign vessels will further be subject to the relevant provisions of the Merchant Shipping Act, 1958, for undertaking passenger operations between ports or places in India.
- 6.6. The foregoing provisions will apply, mutatis mutandis, to situations when Indian shipping companies acquire foreign flag passenger vessels for flagging into India, under the said Indian Merchant Shipping Act, 1958, as amended.
7. Foreign flag vessels chartered under section 406/407 ibid will have to comply with the provisions of the Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages, and Offshore Facilities) Rules, 2012.
8. The circular will apply to seagoing ships (as defined under section 3 (41) of the MS Act, 1958, as amended) fitted with mechanical means of propulsion, including those cases for which a clearance is sought from the DGS, GoI from the maritime safety perspective.

9. Under the provisions of section 406/407 of the MS Act, 1958, as amended, any ship chartered by an Indian or foreign entity will require a license for taking such ship to sea from a port or place within or outside India or for employing the vessel on the coasting trade of India. This circular will apply to such a chartered vessel if such a license is to be issued by the DGS, Gol. All such vessels will have to be issued with a certificate as per section 220 and 235 of the MS Act, 1958, as amended, by the jurisdictional Mercantile Marine Department, under the DGS, Gol.

10. Vessels operating exclusively within the notified IV [inland vessels] limits need to comply with the requirements prescribed by the IV authority concerned. Such a vessel should be registered under the Inland Vessels Act, 1917, as amended. However, a foreign flag vessel intending to operate exclusively within the inland water limits in India, without registration under the said Act, and seeking a permission/license from the DGS, Gol will have to comply with the requirements of this circular.

11. The foregoing measures have been put in place for ensuring safety & security of life at sea, prevention of any untoward incident in the Indian waters, inter-alia, in public interest and without prejudice to the right of DGS, Gol, whatsoever, to alter/ modify any of the provisions of this circular, going forward.

12. This circular issues with the approval of the Director General of Shipping & Secretary to the Government of India.


(Ash Mohomad)

Deputy Director General of Shipping-in-charge [SD]

To;

1. All the stakeholders concerned through DGS, Gol website.
2. All Classifications Societies [members of the IACS], recognized by the Govt. of India.
3. INSA/ICCSA/FOSMA/MASSA, Mumbai.
4. Andaman & Nicobar [A & N] Islands/ Lakshadweep Islands [Union Territories] Administrations.

Copy forwarded for an information to: The Secretary to the Govt. of India, Ministry of Shipping, Transport Bhawan, 1, Parliament Street, New Delhi-110 001 [Attn.: Shri P.K Sharma, Under Secretary (MG)].
