

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the _____ day of _____

G.S.R. _____ – In exercise of the powers conferred by section 205(2), section 206 (1), section 206(2) and section 209(2) and section 210 of the Merchant Shipping Act, 2025 (24 of 2025), the Central Government hereby makes the following rules :-

1. Short title and commencement. – (1) These rules may be called the Merchant Shipping (Civil Liability for Bunker Oil Pollution Damage) Rules, 2025.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. – (1) In these rules, unless the context otherwise requires:

(a) “Act” means the Merchant Shipping Act, 2025 (24 of 2025);

(b) “Bunker Convention” means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, signed at London on the 23rd day of March 2001, and subsequent protocols and/or amendments as acceded to by India, if any;

(c) “Certificate of Insurance or Other Financial Security” means a certificate issued by the the Flag State Administration or any other entity authorised by it, attesting that insurance or other financial security, such as a guarantee of a bank or similar institution, is in force in accordance with the applicable provisions of the convention to cover liabilities under Chapter IV of Part IX of the Act, enabling direct claims for compensation against the insurer;

(d) “Competent Authority” means the Director-General of Maritime Administration appointed under sub-section (1) of section 7 of the Act for the purpose of implementing and enforcing the provisions of these rules.

(e) “Form” means a Form annexed to these rules;

(f) “Tonnage” means the gross tonnage, which is calculated in accordance with the Merchant Shipping (Tonnage Measurement of Ships) Rules, 2025;

(2) The words and expressions used in these rules though not defined but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Limitation of Liability of the owner.— (1) Where a ship incurs a liability under section 198 of the Act, the owner of a ship having a tonnage exceeding 1,000 tons may limit

his liability for oil pollution damage in respect of any one incident, in accordance with the provisions of Merchant Shipping (Limitation of Liability for Maritime Claims) Rules 2026.

(2) Subject to proviso of sub section (2) of section 205 of the Act, where the ship incurs a liability under section 198 of the Act, the limitation of liability of the owner of a ship for oil pollution damage in respect of any one incident, where the ship has a tonnage not exceeding 1,000 tons, shall be as per the provisions of the Merchant Shipping (Limitation of Liability for Maritime Claims) Rules 2026.

4. Compulsory insurance or other financial security.— (1) The registered owner of a ship having a gross tonnage greater than 1000 shall in respect of such a ship maintain a certificate of insurance or other financial security to cover their liability for pollution damage under section 198 of the Act.

(2) The owner of every ship having a gross tonnage upto 1000 shall in respect of such ship maintain a certificate of insurance or other financial security to cover their liability for pollution damage under section 198 of the Act.

5. Application for Certificate of Insurance and Other Financial Security:(1) The owner of Indian ship, who has maintained insurance or other financial security in respect of that ship in accordance with the provisions of section 204, shall make an application to the Principal Officer of the concerned Mercantile Marine Department, for issue or renewal of Certificate of Insurance or other Financial Security under section 206(1) and (2) of the act in respect of civil liability for bunker oil pollution damage, in Form “A”.

(2) Such an application, by a foreign ship, shall be made to the Director-General, for issue or renewal of Certificate of Insurance or other Financial Security in respect of civil liability for bunker oil pollution damage, in Form “A”.

(3) Every application under sub-rule (1) and (2) shall contain such particulars as may be mentioned therein and be accompanied by documentary evidence regarding maintenance of such insurance or other financial security and a fee receipt confirming payment of applicable fees by demand draft drawn in favour of to the Principal Officer of the relevant Mercantile Marine Department or to the Director-General, as the case may be.

6. Certificate of Insurance or other Financial Security in respect of civil liability for bunker oil pollution damage. - (1) After receiving the application under sub-rule (1) of rule 3, the Principal Officer of the Mercantile Marine Department shall, on being satisfied

about the maintenance of insurance or other financial security in respect of that ship, issue the Certificate of Insurance or other Financial Security in respect of civil liability for bunker oil pollution damage, in Form “B” as required by Article VII of the Convention.

(2) After receiving the application under sub-rule (2) of rule 5, the Director General of Shipping may forward such application to the Principal Officer of one of the Mercantile Marine Departments.

(3) The following are to be observed when completing the Certificate of Insurance or Other Financial Security annexed as Form “B” to these rules—

- (a) Where the total amount of financial security is furnished by more than one source, the amount provided by each shall be separately indicated;
- (b) Where the financial security is furnished in several forms, such forms shall be enumerated in the certificate; and
- (c) The “Duration of Security” shall clearly indicate the date on which the financial security will be in effect.

7. Duplicate certificate.— (1) Where, the certificate issued under Rule 4 is destroyed or defaced or otherwise lost, the owner or agent of the ship may apply to the Principal Officer of the Mercantile Marine Department where the original certificate was issued, for issuance of a duplicate certificate on the payment of an applicable fee as prescribed in Rule , in Form ‘C’ annexed to these Rules.

(2) In case the lost certificate under sub-rule (1) is traced or found by the owner or his agent subsequently, it shall be returned to the Principal Officer of the Mercantile Marine Department where such certificate was issued.

(3) The procedure to be followed by the owner or agent of the ship for the purposes of these rules shall be as specified in Rule 8.

(4) The provisions of this Rule shall not apply to certificates issued in electronic form, as such certificates cannot be lost or destroyed and remain available in digital form at all times.

8. Procedure for issuance of a duplicate certificate.— (1) Where a certificate issued under these rules is lost, destroyed, stolen, misplaced, or rendered illegible, the owner or operator of the ship shall, without delay, report the same in writing to the Registrar of Indian Ships or to the Principal Officer of the concerned Mercantile Marine Department, indicating the circumstances of such loss, the location, and the approximate date of occurrence.

(2) Upon reporting under sub-rule (1), the owner or operator shall lodge a First Information Report or loss report with the nearest police station and shall submit a copy thereof to the issuing authority.

Provided that such a report shall clearly state, inter alia, the name and particulars of the ship, the type, name and number of the certificate lost and the circumstances and approximate date and place of such loss.

(3) The owner shall publish a notice of loss in two daily newspapers, one in English and one in a vernacular language, in the format approved by the Director-General and such copies of the newspapers in which the notice is published shall be submitted to the issuing authority.

Provided that the said notice shall contain, inter alia, the particulars of the vessel, the details of the certificate lost, and shall invite objections, if any, to the issuance of a duplicate certificate within ten days from the date of publication.

(4) After compliance with sub-rules (2) and (3), the owner or operator may apply for issuance of a duplicate certificate, along with the fee prescribed under Rule 8, and such application shall be accompanied by—

(a) a copy of the FIR or loss report;

(b) copies of both newspaper notices; and

(c) an undertaking stating that in any instance the original certificate is subsequently traced or recovered, the same shall be surrendered to the issuing authority immediately.

(5) Until such time as a duplicate certificate is issued and public notice of invalidation of the original certificate is published, the owner or operator shall remain liable for any misuse, fraudulent representation, or improper use of the lost certificate.

(6) A duplicate certificate issued under Rule 5 shall have the same legal force and validity as the original certificate, and shall bear an endorsement stating “*Duplicate - Issued in lieu of Original Lost*”.

(7) The provisions of Rule 5 shall not apply to certificates issued in electronic form.

9. Fees. - (1) Every application for the issue of a Certificate of Insurance or other Financial Security under Rule 5 shall be accompanied by a fee of INR Ten Thousand only, in accordance with the provisions of section 198.

(2) Every application for the renewal of the Certificate of Insurance or other Financial Security under Rule 5 shall be accompanied by a fee of INR Ten Thousand only, in accordance with the provisions of section 198.

(3) A duplicate copy of the certificate under Rule 7 shall be issued to the owner or Agent, as the case may be, on payment of a fee of INR Two thousand only.

10. Procedure for Recognition of Foreign Judgements - A judgment, recognised under sub-section (1) of section 209 of the Act, shall be enforceable in India in accordance with the provisions of the Code of Civil Procedure, 1908 read with the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

11. Residual Powers. – (1) The Competent Authority may issue detailed guidelines, standard operating procedures, and contingency protocols consistent with these Rules to ensure effective implementation of this Part.

(2) Where any doubt arises in the interpretation or implementation of these rules, the decision of the Competent Authority shall be final.

12. Penalty. - (1) Any person who contravenes any provision of these rules or notification made or issued thereunder or fails to comply with any provision thereof, shall be liable to a penalty which may be increased in accordance with the provisions of Section 320(2).

(2) The penalty so levied shall be payable to the Principal Officer of the relevant Mercantile Marine Department or, as the case may be, to the Director-General.

[F. No. _____]

Sign

Printed by _____ al

FORM “A”
(See Rule 5)

Form of application for issuance or renewal of Certificate of Insurance or other Financial Security maintained
under section 204 of the Act:

1. Name of the Ship :
2. Distinctive Number or letters :
3. Port of Registry :
4. Name of Owner/ agent and address :
5. (i) Gross Tonnage :
(ii) Net Tonnage :
(Attach a photocopy of Certificate of Registry) :
6. (a) Particulars of Insurance or other financial
security maintained :
(Attach documentary evidence to show maintenance of insurance or other financial security)'.
-
(b) Limits of the Liability
(c) Period of validity
(Attach documentary evidence to show period of validity)
7. Fee paid (in rupees) :
(Attach documentary evidence to show successful payment of the fee)

I hereby solemnly declare that the particulars given in this form are true and correct to the best of my knowledge and belief. I request you to issue Certificate of Insurance or other Financial Security accordingly.

I have been authorized by the owner to make this application (in case of an agent).

Place:

Date:

Signature of Applicant
Name:

- *Strike out if not applicable.*
- *any existing or expired certificate shall be enclosed*

FORM "B"

(See rule 6)

(Form of Certificate to be issued by the Principal Officer, Mercantile Marine Department)

**CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL
LIABILITY FOR BUNKER OIL POLLUTION DAMAGE**Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Bunker
Oil Pollution Damage 2001.

Name of ship	Distinctive Number or letters	IMO Ship Identification Number	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Article VII of the International Convention on Civil Liability for Oil Pollution Damage 1992.

Type of Security

.....

Duration of Security

.....

Name and Address of the Insurer (s) and/or Guarantor (s)

Name

Address:

This certificate is valid until:

Issued or certified by the Government of India

.....

(Full designation of the State)

At On

(Place)

(Date)

.....

official

Signature and Title of issuing or certifying

FORM "C"

(See rule 7)

(Form of application for a duplicate Certificate of Insurance or other Financial security maintained under the Merchant Shipping Act, 2025)

1. Name of Ship :
2. Distinctive Number or letters :
3. Port of Registry :
4. Name of Owner/agent and address :
5. i) Gross Tonnage :
i) Net Tonnage :
(Attach a photocopy of the certificate of Registry)
6. a) Particulars of insurance or other financial security maintained
(Attach documentary evidence to show maintenance of insurance or other financial security)
b) Limits of the Liability :
c) Period of validity :
(Attach documentary evidence to show period of validity)
7. Fee paid (in rupees) :
(Attach documentary evidence to show successful payment of the fee)

I hereby solemnly declare that the particulars contained in this form are true and correct to the best of my knowledge and that the Certificate of Insurance described in Rule 4 was defaced/destroyed or otherwise lost under the following circumstances:-

I request you to issue a duplicate Certificate of Insurance accordingly. I have been authorised by the owner to make this application (in case of an agent).

Place :

Date :

Signature of Applicant

Name :

Address :

- Strike out if not applicable
- Defaced Certificate to be attached to the application

(F No. _____)

Sign

