



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

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## DGS Order No. 02 of 2018

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NO.ENG/PORT-28(1)/2016

DATE: 06.02.2018

### Subject: -Assessment of Port Reception Facilities

1. India's coastline is marked by the presence of a vast network of backwaters, estuaries, creeks, lagoons, mangrove and coral reefs. These coastal and marine waters of India are inhabited with more than 5000 species. There is a necessity to protect and conserve these coastal and marine habitats from all man-made production activities. Among various sources of pollution, the pollution from ships in various dimensions, adversely impacting the flora and fauna and it is considered as one of the most devastating.
2. The most-wide ranging and comprehensive legislation for the control, ashore and afloat, of waste arising from shipping activities is the International Convention on the Prevention of Pollution from Ships (MARPOL). The objective of the measures detailed in MARPOL are to regulate and minimise pollution from ships by oil and other harmful substances (chemicals, sewage, garbage, Ozone-depleting substances, etc) by providing specific requirements for the handling and discharge of ship generated wastes at high sea and in ports and harbours. India is a signatory to this International Convention and all its Annexes.
3. The ability of ships to fully comply with the discharge requirements of Annexes I, II, IV, V and VI of MARPOL is dependent upon the availability of adequate port reception facilities. To make sure the availability of such reception facility, **MARPOL puts an obligation on part of all parties to the Convention** to ensure provision of adequate facilities at ports and terminals to meet the needs of ships using them, without causing undue delay.
4. The provision of adequate port reception facilities as a means for preventing pollution can-not be emphasized more with the recent GOI thrust on use of waterways as a means of transport by way of coastal shipping and Inland shipping as it is more fuel-



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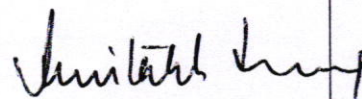
efficient and environmental-friendly and capable of easing traffic congestion on road and railway. Therefore, there is an urgent need to ensure that all the existing ports are adequately provides the required port reception facilities for the ship generated wastes without causing any delay or difficulty to the ships calling their ports.

5. Section 356 of the Merchant Shipping Act, 1958, also put the onus of fulfilment of MARPOL requirements for the provision of adequate port reception facilities to the satisfaction of Central Government on ports, harbours and terminal operators.
6. The Merchant Shipping Act, 1958 designates the Director General of Shipping as the administrative head of the Maritime Administration and thus is responsible for all matters related to shipping under MS Act 1958. This includes supervision and control of implementation of various International regulations relating to safety of ships (SOLAS 74 as amended), prevention of pollution (MARPOL as amended) and other conventions of IMO to which India is a party.
7. Further, as required by mandatory IMO III Code (Implementation of IMO Instruments), the Indian Maritime Administration shall be audited by auditors from International Maritime Organization in the year 2021-2022 for determining the extent to which India has given full and complete effect to her obligations and responsibilities contained in all those International Conventions of IMO, to which India is a signatory. Availability and adequacy of Port reception facility under MARPOL is one of the key areas of concern for IMO as seen from the III audit reports of other Maritime Administrations.
8. **Honourable Minister of Shipping, Shri Nitin Gadkari, during his review meeting with ports held in November 2017 at Goa has directed the Director General to ensure adequacy of reception facilities in various ports across India.**
9. The Honourable Supreme Court (SC) in Writ Petition (Civil) No 657 of 1995 (Research Foundation for Science Technology National Resources Policy Vs Union of India and others), has given an Order on 14th October 2003, related to Hazardous Wastes Management in the country. The Court constituted a Monitoring Committee and ordered that this Committee shall oversee that the court directives are implemented timely and quarterly reports shall be filed. Accordingly, in 2008, Shri Gopal Subramaniam, then Additional Solicitor General has recommended to Ministry of Shipping to notify regarding availability of reception facilities at the various ports as required under MARPOL 73/78 Convention. He had further recommended that ships should only be allowed in those ports where waste oils could be discharged ashore from ships.
10. In order to fulfil its responsibility for effective supervision and control of the provisions of MARPOL, it is decided that all major and non-major ports shall be assessed every year with effect from 1<sup>st</sup> April 2018 for the availability and adequacy of Port reception facilities including the methodology on the verification on ashore treatment, storage and disposal management of waste received from ships in compliance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 and rules made there-under and as amended from time to time including the "Hazardous and Other



Wastes (Management and Transboundary Movement) Rules, 2016", framed under Environment (Protection) Act, 1986, published by the Ministry of Environment, Forest and Climate Change.

11. In pursuant to above, the Director General of Shipping hereby directs the Principal Officer, Mercantile Marine Departments to start assessment of all major ports under their jurisdiction with effect from 1<sup>st</sup> April 2018 to ensure that the ports are in compliance with the provisions of MARPOL with respect to port reception facilities.
12. Consequently, the Principal Officer of Mercantile Marine Departments, henceforth in March every year shall send a consolidated assessment report for each major port to the directorate by 30<sup>th</sup> April of every year.
13. Similarly, the assessment of all non-major ports under their jurisdiction to be started from 1<sup>st</sup> May 2018 and thereafter in April every year and concerned Principal Officer shall send a complete report to the directorate for each minor port by 1<sup>st</sup> August every year.
14. The Deputy Conservator of ports or equivalent officer is hereby informed to prepare respective ports for impending assessment and offer for the said assessment to the concerned Principal Officer, Mercantile Marine Department, accordingly.

  
(Amitabh Kumar)

Additional Director General of Shipping

To,

1. The Principal Officer, Mercantile Marine Department, Mumbai/Kolkata/Chennai/Kandla/Cochin (To be distributed to all <sup>non-</sup>major ports).
2. The Surveyor-in-Charge, Mercantile Marine Department, Goa/Jamnagar/Port Blair/Visakhapatnam/Tuticorin/Delhi/Haldia/Paradip/Mangalore (To be distributed to all <sup>non-</sup>major ports).
3. All Major Ports.
4. All classification Societies.
5. Indian National Shippers Association (INSA), Mumbai.
6. ICC Shipping Association (ICCSA), Mumbai.
7. All Shipping Companies.
8. NA/CSS/Addl. D-G/ Sr. PS to DG.
9. Hindi Cell for information.
10. Guard File.
11. Computer Cell for uploading on the official website.