

M.S. Notice 18 of 2009
SUPERCEDING M.S. NOTICE NO. 12 OF 2008

No:11-NT(058)/2007

Dated: 09.04.2009

Subject: Monsoon Advisory to Shipping.

For the attention of:

Exploration & Production (E& P) Operators, Ship Owners, Ship Managers, Shipping Agents, Ship Masters, Charterers, Ship Builders, Ship Breakers, Classification Societies recognized by DGS, Non Exclusive Surveying Companies, Insurance Companies, Coastal State including Administrators of Union Territories, Maritime Boards, Major and Non-Major ports, Sailing and Fishing Vessels owners Association/ Federation, Allied Offices of DGS, National Hydrographic Office (NHO), Indian Meteorological Department (IMD), Director General of Lighthouses and Lightships (DGLL), Director General of Hydrocarbons (DGH), Public Authorities (Customs, Indian Coast Guard, Indian Navy, Offshore Defence Advisory Group (ODAG), Immigrations, Port Health, Environmental Control Boards), Seafarers Unions and Maritime Training Institutes, etc.

Purpose:

The purpose of this notice is to regulate and facilitate safe operations and navigation of sea going vessels fitted with mechanical means of propulsion or otherwise having auxiliary machinery engaged in the carriage of lawful merchandise and specialized services as applicable, owned and chartered by Indian ship owners or ship managers or other entity as per section 21 of Indian Merchant Shipping Act, 1958 (as amended) or other flag ships under any contract of affreightment or under various types of charter parties. This notice provides guidelines to the above stated stake holders on lawful trading of such ships on the coast of India up to Exclusive Economic Zone (EEZ) and overseas from Indian waters for single or specific voyage's on time charter / Bare Boat Cum Demise (BBCD) charter throughout the year specially during **June to August in Arabian sea and from May to November in Bay of Bengal (Seasonal monsoon months).**

A. Historical Background:

1. The Directorate notes its serious concern at the upward trend in marine accidents in and around Indian waters during hostile and stormy weather conditions, which prevail

especially in the time of seasonal monsoon months.

2. In view of the experience gained in dealing with the consequences of such incidents including the lessons learnt from them, the Directorate considers it essential to reiterate the following advance warnings supplemented by preventive & prohibited measures as advisories. The list is only indicative.

B. Preventive Measures conforming to relevant International Maritime Organization (IMO) Instruments (i.e. Conventions, Codes, Resolutions, Circulars etc. as applicable) & established best Shipping Practices.

I. GENERAL: (COMPLIANCE WITH APPLICABLE RULES, REPORTING & INVESTIGATIONS REQUIREMENTS):

1. The maintenance of condition of ship including hull, structure and equipments after survey under Chapter I Regulation 11 of the Safety of Life at Sea Convention (SOLAS 1974) as amended should enable the vessel to proceed to sea without endangering the ship, cargo or persons onboard.
2. The Master of the vessel shall participate in the INDSAR Ship Reporting System developed under the International Convention on Search and Rescue (SAR 1979) (for the purpose of search and rescue of persons at sea) applicable within the prescribed assigned area i.e. **Indian Search and Rescue Region (ISRR)**. The Master shall also participate in the Reporting System of the port (VTIMS) developed under the SOLAS Convention 1974.
3. **In the event of any marine casualty or when a ship is overdue or defect discovered affecting the safety of the ship or the efficiency of the vessel's operation, the master / ship manager / ship owner of the ship shall as the case may be, report at the earliest opportunity to the nearest Mercantile Marine Department (MMD) and the concerned MRCC or the port state control authorities. The MMD and MRCC Mumbai shall communicate this information to the DG Commcentre. The FIRST REPORT OF MARINE CASUALTY/ INCIDENT attached to this notice as Annexure-1 must be completed and forwarded to the DG Commcentre at the earliest but not later than 24 hrs. of occurrence. However, all concerned are urged to forward the report as soon as possible in order to initiate quick response and follow up action.**
4. The Principal Officer, MMD shall conduct the preliminary Inquiry or Fact Finding Inquiry

expeditiously in accordance with the applicable provisions of the Merchant Shipping Act/ IMO Resolution A. 849(20)/ 884 (22)-Code of investigation on marine casualties including the Human Element as per the provisions of IMO Resolution A. 987(24) and Resolution LEG. 3(91) dated 27.04.2006 on fair treatment of seafarers in the event of a maritime accident shall also be taken into account during the investigation process.

II. EMERGENCY SITUATIONS:

1. In the event of a breakdown of a vessel or total disability making the vessel a wreck in proximity of Oil Development Area (ODA) in the Arabian Sea or Bay of Bengal or along the Indian coastline or within Exclusive Economic Zone (EEZ) of India, the master of such vessel shall immediately communicate such a situation to Maritime Rescue Coordinating Centre (MRCC), Mumbai/ Chennai/ Port Blair, as applicable. The concerned MRCC shall forward report of First Report of Marine Casualty / Incident as per prescribed format as Annexure- 1 to DG Commcentre, Mumbai. The Master shall also initiate such suitable measures to prevent drifting of the vessel in disabled state towards manned / unmanned oil platforms or production platforms or other exposed dangers in these waters etc. to avert any shipping casualties which may lead to serious consequences. Such measures could be under the prevailing circumstances taking into account limitations of the vessel and dangers to navigation i.e.;

- Anchoring of the ship in safe waters.
- Effecting repairs to the defective machinery to resume the voyage.
- Seeking assistance from the Indian Coast Guard/ Indian Navy.
- Arrangement of salvage services, if considered necessary by the ship owner, manager or agent.

The Master of the vessel may also refer to documents "Perils of Sea & Salvage" or other such publications recommended by the flag state/ company's manuals under Safety Management System (SMS) / other system applicable to restore normalcy on board using ship board resources supplemented by other arrangements. The usage of these documents would provide the master the general guidance in dealing with the situation on board by understanding the changing pattern of drift away from prohibited areas or vulnerable offshore assets in avoiding damage to the resources in the proximity of the vessel. The ship owner, ship manager or ship Master shall also arrange suitable competent salvage vessel as part of his obligation under the relevant law of the coastal state. They shall ensure that the salvage vessel is properly equipped and manned by

competent and qualified persons for salvage operations.

2. The Master of a ship in need of assistance should contact the MRCC Mumbai. The Indian Coast Guard in turn shall furnish such report immediately to the Directorate in the format attached as Annexure-1 in the following cases (indicative only):
 - Vessel in distress and in the process of abandonment for saving life.
 - Vessel issued urgency message indicating the probability of evacuation of ship's crew.
 - Emergency evacuation on medical grounds.
3. The owner / manager / master of the ship and the port/ coastal state authorities should be guided by IMO **Resolution A. 949 (23) "Places of Refuge"** in case of the total disability of a ship in need of assistance to carry out emergency repairs. The Directorate General of Shipping (DG Commcentre) is the Maritime Assistance Service (MAS) nodal point in India complying under **IMO Resolution A. 950 (23)**.
4. The port/ coastal state authorities are urged to extend timely assistance to vessels in need of assistance and provide safe places taking into account the factors prescribed by **IMO Resolution A. 949 (23) "Places of Refuge"**

III. OIL POLLUTION:

1. In the event of release of oil or hazardous substances or other wastes from the ship specified in the Convention on Prevention of Pollution at sea (MARPOL 73/78) and other relevant conventions etc. as applicable, the master shall immediately report all such incidents to the concerned port authorities, Indian Coast Guard, Maritime State Board, National Contact Points responsible for the receipt of reports on marine pollution incidents (MEPC. 6/ Circ. 5 dated 31st March 2009, including the nearest Mercantile Marine Department office. These authorities shall send the First Report of Marine casualty/ Incident (**Attached as Annexure- 1**) on pollution incidents to the DG Commcentre, Mumbai. The Master shall immediately activate SOPEP (Shipboard oil pollution emergency plan)/ SMPEP (Shipboard Marine pollution emergency plan) or vessels response plan or garbage management plan or other plan as applicable. He shall also seek the advice of the Indian Coastguard, who is the nodal agency of the Government of India for oil pollution response.
2. If such pollution incidents occur within the jurisdiction of a major/ non major port, the

master of the vessel shall first report the matter to port authorities/ port state control authority and mitigate the situation by implementing vessels SOPEP/ SMPEP or other plan as applicable. He shall also seek the advice from the port authority under the provision of port by laws to control the situation. The port may implement considering the gravity of pollution incident their Crises Management Plan (CMP) supplementing the measures taken by the polluting ship. The ports, Maritime State Boards and other concerned shall send reports of oil pollution incident especially from tankers.

IV. LIABILITY & COMPENSATION:

1. For the purpose of salvage operations, the ship owner/ ship manager/ ship master are advised to enter into the contract specified under international salvage conventions or applicable national law of the vessel or coastal state (India) to obtain timely assistance and avert any dispute at last stage for the settlement of claims. The payment of compensation should be settled in accordance with laid down terms and conditions of the contract entered between the ship and the salvors / charterers prior to vessel's departure upon satisfactory completion of services from Indian port or Indian waters. The dues of the Indian coastguard for salvage of persons, cargo and ship or preventive measures against pollution or clean up operation as the case may be shall be settled as per their schedule of tariff maintained by them. In case of any dispute the provisions of M.S. Act 1958 (as amended) shall apply.
2. The ports/ public authorities may make claims for damage under the Fund 1992 Convention through DG Shipping. They shall also be guided by IOPC claims manual. (Details available on their website www.iopcfund.org). The ship owner/ ship manager/ ship Master may also refer to Part X B / C of the Merchant Shipping Act, 1958 as amended/ Rules framed on the Civil Liability/ Fund related matters.

V. ARRIVAL & DEPARTURE FOR TRADING AND NON TRADING SHIPS:

1. It is the responsibility of the master to obtain latest weather bulletins/ navigation warnings of Navarea VIII and adjoining navigational areas. The master of the vessel shall in Indian waters monitor navigational dangers, sea and weather conditions periodically. The Chief Hydrographer to Government of India (NHO Dehradun) & I.M.D. (India Meteorological Department), New Delhi are the National Coordinators for India with respect to navigational Warnings and weather warnings respectively. Additionally during the SW monsoon period, the master shall ensure that all weather updates and weather forecasts (prognosis report) are made available to him by ship owner/ ship manager/ ship agent

prior vessel sailing from Indian port or entering/ leaving Indian waters. The masters are advised to prepare comprehensive passage plan for the intended voyage by taking into account all navigational hazards / dangers and contingency plans including all latest weather/ tidal conditions in Indian waters during seasonal changes. The latest navigational warnings are issued by the Port authorities for the local area from time to time under information to the National Hydrographic Office, Dehradun. The Coastal and high seas warnings are issued by the National Hydrographic Office, Dehradun. The exhibition of applicable storm signals under the various systems for the ports for various types of dangers should also be taken in account when approaching or leaving Indian ports. Details on weather bulletins/ navigation warnings for Navarea VIII are available on:

- India Meteorology Department website www.imd.gov.in
- National Hydrographic Office website: www.hydrobharat.nic.in

However, **safe execution** of intended voyage by the vessel should take in account following:

- Masters of ships are encouraged to participate in voluntary weather observation systems as per the provision of regulation V of SOLAS 1974 as amended.
- Masters shall use of an updated largest scale Indian published charts while navigating in Indian waters.
- The vessel in ballast condition draws adequate draft and trim to achieve 100% propeller submergence for effective maneuverability.
- Readiness of both anchors in case of break down of machinery or vessel becoming a dead ship in congested waters.
- Readiness of main propulsions and steering system for immediate maneuvering.
- Maintenance of proper look out and safe speed at all times by the navigational watch-keeping officers.
- Readiness of LSA / FFA / Radio/ Navigational equipments at all times.
- Preparedness to deal with cyclonic/ inclement weather conditions in advance and after the notified date for the onset of monsoon viewing the pattern of seasonal changes.
- Verification of water tight/ weather tight integrity of the vessel/ stowage and securing of cargo.
- Adherence to the provisions of the Code of Safe Working Practices for Merchant Seamen.
- Adherence to the prevailing ship routing system in Indian waters by masters of all ships for enhancing the safety of navigation.

2. The ship owner/ manager shall ensure that the provisions of **SOLAS Regulation 34-1** i.e. "**Master's discretion**" have been incorporated in the company's SMS (Safety Management System). They should assist the Master in efficient and effective implementation of this system while operating in Indian waters.
3. Fishing / Sailing vessels and small crafts etc. are cautioned to avoid venturing out to sea during the foul season or whenever cautionary dangers, storm warnings have been issued by the concerned port/coastal state authorities.
4. The ship's owner/ manager and master of all vessels should exercise due diligence and display reasonable care and skill in making the vessel sea worthy with the purpose of executing safe/ economical intended voyages in Indian waters or proceeding overseas.
5. The Ship owners / managers are strongly advised to avoid undertaking towing voyages originating from Indian ports / Offshore Development Areas for the coast / overseas during the period of southwest monsoon. The vessels proceeding in Indian waters to ship breaking yards shall comply with all applicable IMO instruments including **IMO Resolution A.962 (23)/ A. 980(24), A. 981(24)/ MEPC/ Circ. 466** and provisions of the Indian Merchant Shipping Act for safe navigation. The ship owners / managers are urged to have Port State Control (PSC) / Flag State Implementation (FSI) inspection completed prior to the departure of vessel for the intended voyage. In addition, the Master of the vessel should conduct periodical inspection of its condition prior to the departure and during the voyage, especially in foul weather season. Such vessels however, are discouraged to undertake voyages to ship breaking yards in foul season.

C. Additional Measures to Strengthen Ship board operational & Navigational Systems for Trading/ Non-trading ships.

VI. MAINTENANCE OF CONDITION OF VESSEL:

1. Ship owners / managers are encouraged to have their cargo vessel's inspected for seaworthiness, outside India to the extent possible/ practicable prior entering into Indian waters, especially during the Southwest Monsoon.
2. Ageing vessels, irrespective of flag, such as bulk carriers, tankers, passenger ships, OBOs, etc. above 15 years of age should be well maintained, efficiently/ adequately manned by qualified crew prior to their entry into or leaving Indian waters complying with requirements on maintenance/ training & certification of crew as stipulated in the relevant

IMO instruments or the provisions of the Indian Merchant Shipping Act, 1958 as amended.

3. Old/ ageing general cargo ships including container ships, timber carriers, car carriers, etc., engaged in coasting trade of India should be structurally sound, technically fit under the provisions of SOLAS/ Load line conventions, as amended including the Class Rules and manned by qualified crew under the provisions of the STCW Convention as amended.
4. Offshore Supply Vessels (OSVs), during fair/ foul weather season, whether flying Indian flag or foreign flag chartered by an Indian Company under the provisions of the Indian Merchant Shipping Act, 1958 shall be in seaworthy state from all aspects meeting the Flag, Class and Coastal State requirements.
5. The ship owner/ managers should ensure that the prevailing single/ seasonal voyage permission and towing voyage permission guidelines are strictly adhered to. The IV vessels shall not undertake sea voyages during the SW Monsoon. Towing voyages during this period are discouraged.
6. The River-Sea coastal vessels are to strictly adhere to the provisions of safety, security and protection of the marine environment as specified in DGS Order no. 4 of 2008.

VII. SURVEILLANCE FOR EARLY DETECTION OF VESSELS IN NEED OF ASSISTANCE:

1. E & P operators are advised to closely look out for drifting vessels (dead ship condition) in the proximity of their operational areas. They are urged to provide assistance in consultation with SAR/ Security agencies with suitable tugs for towing them away from any manned / unmanned oil platforms or production platforms or other exposed dangerous areas such as underwater high power cables/ gas pipelines etc to a place of safety by levying standard tariff. The ports are also requested to make available adequate number of suitable tugs manned by qualified crew in a state of readiness for extending any assistance to such vessels in the proximity or within the jurisdiction of their ports/ by charging adequate compensation as per prevailing market rate.
2. The Coast Guard/ Indian Navy vessels and Merchant ships are also advised to look out for drifting vessels in the coastal waters and high seas and urged to report the same to the DG Commcentre.

3. The DG Comm. Centre operates as MAS (Maritime Assistance Services) on 24 x 7 basis and should be contacted as advised above. The full style is as follows:

DG Commcentre,

Tel: 0091 22 2261 0606, 2261 4646, 32959320

Fax: 0091 22 2261 3636

E-mail: dgcommcentre@satyammil.net; dgcommcentre@vsnl.net

VIII. COMPLIANCE OF OTHER DIRECTIVES ISSUED BY THE DIRECTORATE GENERAL OF SHIPPING:

1. Attention of all concerned is drawn to the contents of this advisory and they are urged to comply with them to the extent practicable under the circumstances, while their vessels are trading in Indian waters during the fair/ foul season. In addition, they are advised to read DGS orders, Circulars and Notices, which are issued from time to time to enhance the safe operation of ships. The following indicative list issued by the Directorate may also be referred in conjunction with these guidelines:
 - i. Merchant Shipping **Notice No. 3 of 2008**, Single/ Seasonal voyage permission. (on the DGS website www.dgshipping.com, NT Branch).
 - ii. Shipping Development **Circular No. 1 of 2008**. (on the DGS website www.dgshipping.com, SD. branch).
 - iii. Memorandum - Shipping Development (SD) **Circular Clarification No. 1 of 2008**. (on the DGS website www.dgshipping.com, SD branch).
 - iv. Shipping Development **Amendment Circular no. 1 of 2008** dated 22nd July 2008.
 - v. Engineering **Circular No. 88 of 2007**, Structural Examination of OSVs more than 15 years. (Issued by Eng. branch).
 - vi. Flag State Inspection of offshore vessels of more than 15 years, ENG/ FSI / 66 (1) / 2007 - Vol - I. (Issued by Eng. branch).
 - vii. S.D. Branch **Circular no. 3 of 2008** dated 23rd October 2008.

viii. Merchant Shipping Notice no. 13 of 2008 dated 12th September 2008 as amended from time to time.

This issues with the approval of Director General of Shipping and Ex Officio Additional Secretary to the Government of India.

Sd/-

[CAPT. DEEPAK KAPOOR]

Nautical Surveyor-cum-DDG (Tech).