



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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Corrigendum to Engineering Circular 5 of 2013.

NO: ENG/ISM-59(4)/97-VII

Dated: 25th October 2013

Subject:

Declaration from the Top Management of the Company - reg.

Engineering Circular 5 of 2013 was issued by this Directorate against the background of a few recent marine casualties, involving Indian companies, which had raised serious public concerns about the capabilities of a few DOC holding companies to effectively discharge their duties and responsibilities envisaged under the ISM code.

The Circular had prescribed a format (Form No. DGS/ISM-14) for the Declaration to be submitted on behalf of the Top Management (Board of Directors). However, Indian National Shipowners' Association had made a representation to the Director-General conveying reservations of its members in submitting “Declaration from the Top management” on behalf of the entire board as the format of declaration was addressing various issues like the payment of dues to various service providers, which the Board members may not be directly involved with.

The matter was duly deliberated at the Directorate and the Director-General is now pleased to issue this modified format for the Declaration (Form No. DGS/ISM-15). The Company is at liberty to submit the declaration either in Form No. DGS/ISM-14 or in Form No. DGS/ISM-15 at their discretion, for the purpose of compliance of Engineering Circular 5 of 2013.

Sd/-

(K.M. Rao)

E&SS cum DDG (Tech).

Encl: Annexure

To

1. The Principal Officers/ Mercantile Marine Department, Mumbai/Kolkata/ Chennai/ Kandla/Cochin.
2. The Surveyor-in-charge, Mercantile Marine Department, Goa/Jamnagar/Port Blair /Visakhapatanam /Tuticorin /Delhi /Haldia/ Paradip /Mangalore.
3. All Classification Societies.
4. Indian National Shippers Association (INSA), Mumbai
5. All Shipping Companies.
6. NS/CS/ CSS / Jt. D-G
7. Hindi Cell for translation.
8. Guard file.
9. Computer Cell for uploading on the official website.

DECLARATION FROM THE COMPANY

I _____ presently serving as CEO/President of M/s. _____ (the Company) hereby state that I represent the Company and am authorized to affirm as follows:

1. That M/s _____, recognizes that by virtue of being the holder of the Document of Compliance No _____ issued by the Government of India on _____ M/s. _____ is the "Company" within the meaning of rule 2(h) of Merchant Shipping (Management of Safe Operation of Ships) Rules 2000 as amended and is vested with the responsibility and the authority to ensure the safe operation of the ships under its management, and
2. That the Company acknowledges that as the 'company' defined under the ISM code responsible for safe operation of ships, we are duty bound to ensure that the company has sufficient wherewithal, both technically and financially to provide adequate and prompt shore based support to the vessels under its management at all times, and
3. That the Company takes cognizance of the requirements relating to Company's responsibilities towards ensuring adequate resources under the International Safety Management Code as defined in para 3.3 of the Resolution A.741(18) as amended by MSC. 104(73), MSC. 179(79), MSC. 195(80) and MSC. 273(85), and
4. That towards compliance with the aforementioned requirements of the ISM Code, the Company has provided and will continue to provide prompt and adequate resources in terms of skilled manpower material and services for safe operation and pollution prevention in compliance with all applicable rules and regulations. In support of this contention we are submitting herewith the Annual Report for the preceding financial year as vetted by our Statutory Auditors, and
5. Save and except disputed dues and commercial arrangements, the Company has paid, on time, necessary and legitimate dues to the providers of all services including seafarers, suppliers of stores, spares, bunkers etc and other service providers including Recognized Organizations, and

6. That the Company is aware that the failure of the Company to provide timely resources and services to a vessel can render her unseaworthy and unsafe within the meaning of relevant sections of the Merchant Shipping Act, 1958 as amended and that the Company is liable to be proceeded against as per the applicable statutes, for such lapses.

7. The Board of Directors of the Company have been kept informed of the contents of this Declaration.

Enclosed: As stated at Para 4

CEO/PRESIDENT/Authorised Signatory

(Signature with Designation)

M/s. _____

Date: