DGS Order No. 03 of 2016

Sub: Registration, survey and certification of Indian fishing boats by the Mercantile Marine Departments [MMDs] and Maritime States and Union Territories- reg.

1. Whereas, Part XV-A of the Merchant Shipping Act, 1958, as amended [herein after referred to as the ‘Act’] provides for the registration, survey and certification of Indian flag fishing boats;

2. Whereas, as per sub-section (1) of section 435-D ibid, a port of registry of such fishing boats shall be a port or place in India as the Central Government may, by a notification in the official gazette, declare as a port or place of registry thereof.

3. Whereas, as per section 435E supra, the Central Government may, by a notification in the official gazette, appoint an officer to be a Registrar of India flag fishing boats (hereinafter in this post referred to as ‘Registrar’) at every port or place declared as a port or place of registry under sub-section(1) of section 435D of the Act.

4. Whereas, the Ministry of Shipping, Govt. of India had, in the year 2013, issued a Notification GSR- 449(E) [F.No. SR-19014/01/2009-MG] dated 02.07.2013, through which ports/places of registry and corresponding Registrars for Indian flag fishing boats were notified. In this notification, Indian flag fishing boats of...
length 20 meters and above were required to be registered with the Mercantile Marine Departments [MMDs] of the Govt. of India.

5. Whereas, the Ministry of Shipping, Govt. of India vide its subsequent Notification GSR-594 (E) [F.No. SR- 19014/01/2009-MG] dated 14.08.14 has made the provision s of sub-section (1) of section 9 ibid [i.e. the power to appoint Surveyors] applicable to Part XV-A [fishing boats] supra.

Contextually, attention is invited to the fact that the said Notification GSR 594(E) dated 14.08.14 provisions, inter alia, that such work of survey and certification could be delegated to any person or persons with the previous approval of the Central Govt.

6. Whereas, the Ministry of Shipping, Govt. of India vide its other Notification GSR-595 (E) [F.No. SR- 19014/01/2009-MG] dated 14.08/14 has superceded its earlier notification adverted to in Para 4 herein above i.e., G.S.R. 449(E) [F.No. SR- 19014/01/2008-MG] dated 02.07.13, and has in the same notification directed that:

6.1 The power, authority or jurisdiction exercisable under sub-section (1) of section 9 of the said Act shall also be exercisable by the Secretary to the Govt. of the respective Maritime States in charge of their Departments of Fisheries or by the Administrators/ Chief Secretaries of the respective Union Territory [UT] Administrations, for the purpose of Part XV-A ibid.

6.2 Ports of registry and corresponding Registrars for Indian flag fishing boats were also notified for the convenience of the Indian fishing industry.

6.3 In effect, the MMDs are not required to carry out registration of Indian fishing boats of length 20 meters and above.

7. Whereas the work relating to registration, survey and certification of all India flag fishing boats, irrespective of their length, may now be undertaken by the Maritime State/UT authorities concerned in terms of the two notifications mentioned herein.

8. Whereas, the respective Maritime State/UT authorities may take some more time to effectively undertake the said work related to registration, survey and certification of Indian flag fishing boats, the transfer of documents thereto of their past registration of Surveyors for carrying out the functions related to registration, survey and certification of Indian flag fishing boats.

9. Now, therefore, reckoning the convenience of Indian flag fishing boat owners to undertake change of registry from the present Registrars to the respective new Registrars under Maritime state/UT Administrations concerned, also factoring the administrative convenience of the jurisdictional Maritime State/UT authorities and also taking into account that the latter may, as yet, not be fully equipped to deal with the aforesaid works, this office hereby extends the validity of its pending DGS Order No. 1 of 2015 [F.No. CS- 7(1)/2009-VI] dated 13.04.15 and DGS Order No. 5 of 2015 [F.No. CS-7(1)/2009-VII] dated 17.11.15 up to 30.09.2016.

10. The subject matter was also discussed in the 23rd meeting of the Inter-Ministerial Empowered Committee on Maritime Fisheries held at New Delhi, on 09.06.15, in the Ministry of Agriculture, Govt. Of India [agenda item no.5]. It was recommended therein that – “... considering the inadequate competence of State Fisheries Departments to undertake these responsibilities, shortage of qualified Surveyors, and the ground realities regarding difficulties being faced in registration of large sized fishing vessels, it was recommended by the EC and the DG Shipping/Ministry of Shipping may consider reverting back to the previous system, and therefore to consider to withdraw its notification GSR- 595 (E) dated 14.08.14, which authorizes the State/UT Fisheries Departments to carry out registration of all Indian fishing boats (irrespective of length); and to adopt the earlier practice of MMDs under DG Shipping being authorized to carry out the
work related to registration, survey and certification of Indian fishing boats of length 20 meters and above, whereas fishing vessels of below 20 meters length may be registered by the Fishing Departments of States/ UTs”.

11. Accordingly, the Surveyors under the respective/ jurisdictional MMDs of the Govt. of India shall continue to discharge, in the meanwhile, the responsibilities of registration, survey and certification of Indian flag fishing boats of length 20 meters & above up to 30.09.16. However, the Maritime State/UT authorities who are equipped to deal with the said tasks are not precluded from performing such works as per the Govt. of India’s notifications mentioned at Para 7 herein above.

12. This order shall come into force with an immediate effect.

Sd/-

(Deepak Shetty, I.R.S)

Director General of Shipping &
Additional Secretary to the Govt. of India,

Mumbai