

Exemption from opening of Articles of Agreement for Government owned ships

DGS Order No. 6 of 2002

NO:17(1)CR/2000

Dated: October 3, 2002

Sub: Exemption from opening of Articles of Agreement for Government owned ships...

This Directorate has received a request from the Director-General of Light Houses and Lightships, Ministry of Shipping, Government of India for grant of exemption from opening of Articles of Agreement for their vessel m.v. "Sagar Deep" for operation of maintaining the Light House Buoys owned and operated by the Department.

2. The matter has been examined in this Directorate and it has been noted that the vessel M.V.Sagar Deep is not a trading vessel and would not be employed for any commercial purpose. Further DGLL have stated that Certified Officers and Crew will be engaged on board the vessel and all the necessary safety systems including ISM will be implemented on board.

3. Since the vessel is Government-owned and is used for maintenance of buoys, monitoring the operational light houses, transportation of construction materials to remote Island light houses and monitoring the function of various Aids of navigation stations, along the Indian coastline including Lakshadweep and A&N Islands, exemption from opening Articles of Agreement is required to be granted to all such vessels which are fully owned by the Government Department and are engaged in non-commercial operation, subject to the conditions that the vessels do not carry either passengers or cargo and employ only certified officers and qualified crew members in possession of CDCs, in accordance with the safe manning scale promulgated by the Director General of Shipping. Such vessels will be subject to inspection by the designated maritime authorities in order to ensure safety, prevention of pollution, competence of crew members and satisfactory working and living conditions of crew members. This order takes into account all Govt. owned vessels engaged in non commercial activities, like vessels belonging to National Institute of Ocean Technology (NIOT) under the Department of Ocean Development, Govt. of India, and all other Research/Scientific vessels, owned by the Gov.

4. In the light of the foregoing discussion and having taken into careful consideration the above facts, the Director-General of Shipping is satisfied that, in the circumstances of the case, the requirement of Articles of Agreement under Section 100 of the Merchant Shipping Act, 1958, ought to be dispensed with, for the fully owned Government Department vessels, subject to the conditions stated above. Therefore, in exercise of powers conferred by clause (1) section 456 of the Merchant Shipping Act, 1958, on the Central Government, read with notification issued by the Government of India, vide S.O.No. 3144 dated the 17th December, 1960, delegating the said powers to the Director General of Shipping, the Director General of Shipping and to the Secretary to the Government of India, is pleased to give exemption for the provisions of Section 100 of the Merchant Shipping Act, 1958 dealing with opening of Articles of Agreement by the Master of the Indian ship, to the ships fully owned by the Government Departments, engaged in non-commercial operations, subject to the following conditions:-

- i. The vessel shall not carry either passengers or cargo;
- ii. The vessel shall employ only certified officers and qualified crew members in possession CDCs as per the safe manning scale promulgated by the Director-General of Shipping;
- iii. Vessels shall be subject to inspection by competent authorities to ensure safety, prevention of pollution, competence of crew members and satisfactory working and living conditions of crew members

Sd/-

(D.T. Joseph)

Director General of Shipping
ex. officio Additional Secretary
Ministry of Shipping,
Government of India