



No. 74 / November 2015

# COMMAND

*The Journal Of The Company Of Master Mariners Of India*

Conversation with Capt Ashok Mahapatra



**SAFE CONTAINERS - Steering Changes**

*Thursday, 10th December 2015  
The Lalit, Mumbai*



# COMMAND

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## Cover Picture:

### **SAFE CONTAINERS - Steering Changes**

**Emailed articles in their completed form and photographs, for publishing in the 'Command' are welcome. These may be e-mailed to [cmmi@vsnl.net](mailto:cmmi@vsnl.net)**





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From

## Master's Desk

*The Company of Master Mariners of India has its hands truly full with numerous activities coming its way. There is huge potential awaiting us and we hereby declare that we are ready. With the tremendous support of our members we will face all challenges as they come.*

*Since the last issue, I had the proud privilege to visit our vibrant Chennai and Kochi Chapters recently. I visited the Chennai Chapter at their kind invitation and attended the Annual day function on 22nd August 2015. The Kochi Chapter held a successful Conference on Maritime Education and Training in line with the theme of the World Maritime Day celebrations, on 26 September 2015. It was a great pleasure to meet all our members there and to interact with them. I was very impressed by the enthusiasm of the younger members at both the chapters. I would like all our Chapters to follow their example. We have received queries from Master Mariners at a few places expressing interest in establishing chapters.*



**Capt Philip Mathew**

*We have successfully launched the Training Record Books for B.Sc. (Nautical Science/Technology) Cadets. We are also preparing the Training Record Book for ratings as required under The STCW Manila Amendments Code Section A- II/4 and II/5. The Distribution and tracking of the TRBs have been assigned to the Board of Examination of Seafarers Trust. We expect our Facilitation Centres to be assigned the task of verifying the documents and assisting the Maritime Administration in the issuance of A.B's. Certification as required under the Manila Amendments.*

*We are extremely proud that despite the long wait, we finally managed to open a Chapter at Kolkata. I take this opportunity to congratulate all those who worked tirelessly towards this success. Today, I am pleased to state that Kolkata is our fastest growing chapter. As a matter of fact it is also contributing largely to our Membership Drive that we took up from the month of September 2015. The months of Sep and Oct have added more than 120 members to our fraternity. A lot more has to be done to increase our membership. I would like all chapters which are not active to engage themselves more and report to us. We shall provide the necessary support as required.*

*Our Maritime Potpourri held on 25th July 2015 was a resounding success. CMMI felicitated Capt. L.K. Panda at the Seminar on his being elevated to position of the Nautical Adviser to the Govt. of India. Capt. Panda has been a great pillar of support to CMMI.*

*CMMI was actively involved with the World Maritime Day celebrations, with two Master Mariners namely Capt. S. Manjeshwar & Capt. Shantanu making excellent presentations.*

*With the support of the Maritime Industry and the Administration, we are holding a Conference*

*addressing the issue of Container weight "Safe Containers - Steering Changes" on the 10th December 2015 at The Lalit Hotel, Mumbai. This is the first time that the CMMI is venturing into this territory. Invitations have been sent to the entire industry and we expect a wide participation. I expect similar such events from all chapters.*

*I also have on the drawing board the proposal of working towards acquiring of ISO certification for the CMMI.*

*We have also received a letter from DGS regarding the Mapping of HNS cargo being handled at Indian ports and quantification of response measures. We have made some study in the matter and experts from our membership as well as external personnel and are in the process of submitting our response.*

*All of the above activities are rather difficult to perform along with our own job profiles and bearing in mind that the work towards CMMI is all honorary. In view of this, the Court took a decision to employ a CEO to conduct the daily activities of CMMI and also to steer us to greater heights. We are looking to employ a suitable Master Mariner willing to take on this job.*

*I am extremely pleased to inform you that CMMI has received the 12A exemption from the Income Tax Authorities and we are also hopeful of receiving the 80G approval, before the end of this calendar year. CMMI recognizes the efforts of Capt. N. Hiranandani in this endeavour and has put the same on record.*

*We are also looking for a new and larger office space since the current area is definitely not sufficient. We have a committee looking into this aspect. It is our desire that we have a new office by the end of this fiscal without any further delay. I solicit the full support from our membership in this endeavour.*

*Last but not least, I wish to bring you the good news about the great achievement of our Fellow Member, Capt. Ashok Mahapatra, who has made every Indian Seafarer proud by his lofty achievement of being appointed the Director of the Maritime Safety Division at IMO. This is a first by an Indian. I have personally congratulated Capt. Mahapatra on behalf of all our members. Do read the profile of this great personality and the small conversation that Command had with Capt. Ashok Mahapatra.*

*I shall once again end with a recent quote from Ratan Tata.*

*"We are people, not programmed devices..!  
"Don't be serious, Enjoy Life as it comes"  
Seasons Greetings and wishing you all a very  
Happy and Prosperous 2016*

*Until the next issue,*

*Capt. Philip Mathews  
Master*



## Editorial Board



Capt. S. Y. Limaye



Capt. Ashok Raghavan



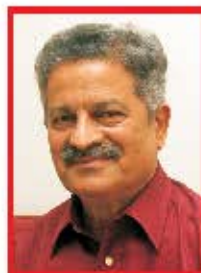
Capt. Kamal Ghadha



Capt. C. M. Srivastava



Capt. H. Subramaniam



Capt. Milind Paranjpe

## From The Editor



Capt. Tescelin Almeida

*November is the festive season and I trust that you have all enjoyed a Happy Diwali. May the True Light of Diwali be with you throughout the year*

*This issue comes as the fore runner of three major changes that are to come about in the regulations of our industry. The major impact will be from the SOLAS amendments on Container Weighments. Besides that there will be amendments to the International Regulations for Prevention of Collisions at Sea (COLREGS) and the introduction of a new Polar Code. We have short articles to introduce the readers to each of these changes.*

*I am proud to mention that we are receiving quite a few articles from our members and the efforts of our team are paying off. On that note I need to apologise to those whose articles may not appear in this issue, however I assure you that they are still in our archive and will be published later so please keep the papers flowing in. We have very prominent members whom I am sure, have a lot to contribute and share with the members.*

*Another proud moment for Command was the Conversation and Q&A session that we had with Capt. Ashok Mahapatra, (Director, Maritime Safety Division, IMO), which I have shared with our readers.*

*With respect to the SOLAS amendments, the CMMI is conducting a major National Summit on 10th Dec'15. This seminar entitled "Safe Containers – Steering Changes" will be held at The Lalit, Mumbai and we look forward to a grand attendance and participation. The details are already posted on our website.*

*Looking forward to seeing you on the 10th December at The Lalit.*

*I also take this opportunity to Wish All our readers a Very Happy Christmas and Bright and Prosperous New Year 2016 which seems to be looming up on us at double speed.*

*God Speed until the next issue.*

*The Editor*



# THE COMPANY OF MASTER MARINERS OF INDIA

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**List of elected office bearers & wardens for the term 2015-2017 w. e. f. 7<sup>th</sup> April 2015 is as under.**



**Capt Philip Mathews**  
*Master*



**Capt BK Jha**  
*Deputy Master*



**Capt KV Pradhan**  
*Secretary General*



**Capt SY Limaye**  
*Treasurer*

No	NAME	POSITION	No	NAME	POSITION
1	Capt Philp Mathews	Master	13	Capt Ashok Raghavan	Warden
2	Capt BK Jha	Deputy Master	14	Capt KG Ramakrishnan	Warden
3	Capt KV Pradhan	Secretary General	15	Capt MK Patankar	Warden
4	Capt SY Limaye	Treasurer	16	Capt CM Srivastava	Warden
5	Capt SM Divekar	Warden	17	Capt KD Bahl	Warden
6	Capt MR Paranjpe	Warden	18	Capt Mukund Kumar	Warden
7	Capt HJ Treasuryvala	Warden	19	Capt KN Deboo	Warden
8	Capt Navin Passey	Warden	20	Capt TA Almeida	Warden
9	Capt Ajay Achuthan	Warden	21	Capt SV Subhedar	Warden
10	Capt VN Aindley	Warden	22	Capt MP Bhasin	Warden
11	Capt NA Hiranandani	Warden	23	Capt Pankaj Kumar	Warden
12	Capt SM Halbe	Warden	24	Capt Parbhat Nigam	Warden

## The following are the co-opted wardens to the Court

- 1) Capt. N. M. Ramchandani - Chennai Chapter
- 2) Capt. Harish Khatri - Navi Mumbai Chapter
- 3) Capt. Pankaj Sarin - Delhi Chapter
- 4) Capt. Ravi Mundayur - Kochi Chapter
- 5) Capt. G. S. Ghuman - Chandigarh Chapter
- 6) Capt. Rakesh Jhang - Sailing Master



## Committees formed are as follows

### a) Training committee.

Capt. K. N. Deboo  
Capt. Y. Sharma  
Capt. S. Bhardwaj  
Capt. Ajay Achuthan  
Capt. Krishnamurthy Iyer  
Capt. M. C. Yadav  
Capt. Dheeraj Kumar  
Capt. Prabhat Nigam

### b) Business / Project Development committee.

Capt. K. V. Pradhan  
Capt. M. K. Patankar  
Capt. M. P. Bhasin  
Capt. Prabhat Nigam  
Capt. K. D. Bahl  
Capt. Tescelin Almeida

### c) Property Acquisition committee.

Capt. N. A. Hiranandani  
Capt. V. N. Aindley  
Capt. S. M. Halbe  
Capt. B. K. Jha

### d) Consultancy Cell.

Capt. S. V. Subhedar  
Capt. S. S. Naphade  
Capt. K. G. S. Ramakrishnan  
Capt. K. D. Bahl  
Capt. Ravi Mundayur

### e) Membership Committee

Capt. K. D. Bahl  
Capt. Pankaj Kumar  
Capt. Prabhat Nigam  
Capt. Tescelin Almeida  
Capt. Dheeraj Kumar  
Capt. M. P. Bhasin

### f) Compliance / Legal Advisory Committee

Capt. A. K. Bansal  
Capt. V. N. Aindley  
Capt. V. K. Gupta  
Capt. Mukund Kumar

### g) 'Lifetime Achievement Award' And 'Sailing Master With Exemplary Service Record Award'

Capt. V. N. Aindley  
Capt. K. N. Deboo  
Capt. S. M. Halbe  
Capt. M. K. Patankar  
Capt. M. P. Bhasin  
Capt. C. M. Srivastava  
Capt. N. M. Ramchandani  
Capt. Pankaj Sarin

### The CMMI representation on various Technical Committees / organisations are reconsidered as follows

Capt. C. M. Srivastava	Bureau of Indian Standards
Capt. Capt. P. Sarin or Capt. Yogesh Puri	Central Advisory Committee for Light Houses
Capt. M. K. Patankar	Technical committee of IRS.

### Other committees / Boards Dufferin Maritime Museum Committee

Capt. Philip Mathews  
Capt. B. K. Jha

### Command Editorial Board:

Capt. Tescelin Almeida	Capt. S. Y. Limaye
Capt. Kamal Chadha	Capt. Milind Paranjpe
Capt. Ashok Raghavan	Capt. C. M. Srivastava
Capt. H. Subramaniam	

### Screening Committee for Elevation of a Member to "Fellow"-amended as follows:

Capt. V. N. Aindley	- Chairman ( Past Master )
Capt. K. V. Pradhan	- Member ( Secretary General )
Capt. S. B. Kundargi-	- Member ( Fellow )
Capt. N. M. Ramchandani	- Member ( Fellow )
Capt. S. M. Divekar	- Member ( Warden )
Capt. M. K. Patankar	- Member ( Warden )

### Change in nominations to the BES Trust:

#### New nominees of CMMI as Trustees on Board w.e.f. 7th April, 2015

1. Capt. Philip Mathews (Master)
2. Capt. B. K. Jha (Deputy Master)
3. Capt. K. V. Pradhan (Secretary General)
4. Capt. S. Y. Limaye (Treasurer)







# The Company of Master Mariners of India

## Activities of CMMI all over the country include (as applicable)

- ⇒ Publish Command Journal with Professional Articles every 4 months
- ⇒ Assist DGS in operating Facilitation Centres at Mumbai, Chennai, Kochi & Kolkata (Issuing of DCE & WKC for Support level)
- ⇒ Assist DGS with External Examiners for Masters & Mates's oral exams
- ⇒ Assist DGS in various advisory committees
- ⇒ Interactive Monthly lecture meetings on professional subjects, to gain knowledge and experience
- ⇒ Organise family gathering once a year
- ⇒ Organise Seminars at least twice a year
- ⇒ Conduct Exit Exams through Board of Examination of Seafarers (BES)
- ⇒ Issue Training and Records Books for B.Sc Nautical Science candidates
- ⇒ Proposed: Prepare & Distribute ORB part II for Indian Flag vessels.
- ⇒ Proposed: Participate in committee at IMO
- ⇒ Proposed: Prepare TAR book for Able Seafarer Deck
- ⇒ Proposed to assist growth of the Inland Waterways Sector, Ports, Risk Assessment, Cargo profiling etc.

## What do I get by being a member of CMMI?

- ⇒ Receive Command Journals free
- ⇒ Get nominated in various committees
- ⇒ Chance to increase horizons in Maritime spectrum
- ⇒ Free to attend lecture meetings
- ⇒ Free to attend seminars
- ⇒ Subsidised rates for entry in social gathering
- ⇒ Feel proud to be part of a professional organization
- ⇒ Have a platform to voice your opinion on professional issues, including announcement of achievements, changes in the exam systems, address issues with the administration etc.
- ⇒ We need to create a vibrant body of professionals who will then have a say in the development of Competence & Skills in the Nautical side
- ⇒ We will become the backbone on which Government should rely for professional inputs



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# CMMI Opens A New Chapter In The City of Joy - Kolkata



The formation of a Chapter in Kolkata has been a very important achievement for The Company of Master Mariners of India (CMMI). This august company was formed by 54 Master Mariners serving Indian Ports, the Government, Shipping Companies and ships at sea in 1956. The Company was registered under the Company's Act 1956 on 23rd August 1957. CMMI has its Head office at Mumbai and had 12 chapters at in the following cities in India, namely Chandigarh, New Delhi, Dehradun, Patna, Navi Mumbai, Pune, Visakhapatnam, Chennai, Goa, Mangalore, Bangalore and Kochi. After many years of trying, CMMI finally opened its 13th chapter, in Kolkata.

The difficulty was that a local Association of Master Mariners already pre-existed in Kolkata and in spite of CMMI's best efforts to enjoin them, they were reluctant to part with

their local identity. CMMI though, was determined to be established at Kolkata for the overall benefit of all Nautical Marine Officers at Kolkata. After Capt. B. K. Jha, Dy Master and Capt. Philip Mathews, Master, CMMI weren't able to convince the local association to merge with CMMI, they worked towards the formation of the new Chapter. Capt. Mukund Kumar, General Manager, Shipping Corporation of India (SCI) and an elected Warden of the Court of CMMI happened to be transferred to Kolkata by SCI. He used all his dynamism and along with a few others, mustered over 30 Master Mariners to join as members. All this happened in a quick period of around two months. As, the minimum criteria to establish a chapter was to have 15 members, the new Kolkata chapter was formed. The first Management Team is a six member team with Capt. Mukund

Kumar as its Chairman and Capt. Kaustubh Dutta as its Secretary.

CMMI has planned a lot of activities at Kolkata to ensure its rapid growth as a strong and vibrant chapter and is considering holding professional seminars at Kolkata. It would like to have all its brethren in the local Association at Kolkata to be its members soon. CMMI envisages huge potential in Kolkata to contribute to the growth of various sectors of the Maritime fraternity.

CMMI is growing from strength to strength every passing day. It offers career guidance to all those who seek to enter the marine profession as well as those with entrepreneurial ambitions through its vast pool of subject matter experts.

It is matter of pride for a Nautical Officer to be a member of the Company of Master Mariners of India as it's a vibrant professional body



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\* Engine Room Simulator - Management level (ERSM)

**\* Approved by D.G. Shipping**

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with a PAN India Presence. The Board of Examination of Seafarers Trust is a joint venture between CMMI and the IMEI. It is functioning well, conducting exit examinations for fresh GP ratings. Representatives from CMMI said, "The proposed Federation of IMEI, Naval Architects of India and CMMI has not taken off due to lack of necessity. If and when the need arises CMMI will not be found wanting."

### **Activities of CMMI all over the Country include (as applicable):**

Publishes a Journal 'Command' every 4 months.

Assists DGS in operating Facilitation Centre at Mumbai, Chennai, Kochi & Kolkata (Issuing of DCE & WKC for Support level).

Assists DGS with external examiners for Mates & Master's oral exam

Assists DGS in various advisory committee; Participates in committee at IMO

Organises a family gathering once a year; Organises Monthly lecture meetings

Organises seminars at least twice a year; Advises BES on various matters

Prepares & distributes TAR book for 3 years B.Sc. Nautical Cadets

Proposed to Prepare & Distribute ORB part II for Indian Flag vessels.

Proposed to Prepare TAR book for Able Seafarer Deck

Proposed to assist growth of the Inland Waterways Sector, Ports, Risk

Assessment, Cargo Profiling etc.

### **How does the Nautical Officer benefit after joining CMMI?**

Receives free 'Command' Journals

Gets nominated in various committees

A chance to increase horizon in Maritime spectrum

Can attend lecture meetings

Can attend seminars

Subsidised rate for entry in social gatherings

A sense of pride to be part of professional body

(Kind courtesy Sea & Jobs)



# Trends In Shipping - 2015

By Ashok Khanna

Shipping is a unique business and has practically nothing in common with other modes of transportation. It has its own unique risks to manage technically, commercially, safety wise and its business is cyclic. It's a truly global business that is often at the mercy of economic cycles, political upheavals, subject to currency risk and interest rate risks that invade the businesses from remote regions, over which the investor (ship owner) has little control. The industry has other peculiar risks such as civil & criminal oil pollution liability and the public perception of corporate irresponsibility. Further there are inconsistencies among local, national and international regulatory regimes leading to compliance concerns for investors and risk perception is high.

In my 40+ years of work experience, I have witnessed downturns, recessions and blowouts a few times. The first in my experience was the recession of 1980/81 period which lasted till 1985/86. In the mid 1970's I was too young to understand the sea-saw of this business. Of course the oil shock of 1973 was an eye opener for me when the U.S. had imposed sanctions on the Iraqi Oil. This had raised oil prices from about \$ 14 a barrel to \$ 22 or more, which dipped tanker freight rates and fuel prices climbed high. This was the cold war era and only Russia and India were willing to pick up Iraqi oil in defiance to US sanctions. A list of oil tankers had piled up by idling in the Persian Gulf, looking for business.

There were other recessions that followed from 1990's right into the turn of the century. But none, in my memory were as deep, as vast as the current crises. The recovery, I think is going to be slow and painful over

the next year or two, or even longer, effective for over 6 years. Presently the dry bulkers are bearing the brunt of the economic slowdown in China and commodity prices are today at their all-time low (though Brent prices have picked up recently and also iron ore).

This recession since 2009 has "precipitated" huge risks for all stake holders such as the banks, lenders, owners, charterers, investors in ports, service providers, investors in shipyard capacity, underwriters and even the ordinary seaman.

Owners are unable to service debts as cash is rare due to poor freights, they have been unable to maintain and repair ships making conditions unsafe for crew and the environment, underwriters have difficulty underwriting the risk of some ships; crew has not been getting paid fully or timely in some cases; banks have repossessed assets in order to auction them; invoices of service providers go unpaid; banks have billions of dollars of debt under a cloud; charterers, owners, lenders are engulfed in litigation and the lawyers have had a feast. Several banks engaged in shipping FINANCE have exited the business due to large non-performing assets (there were some 100 banks engaged in ship financing during the boom but only a handful are active now); companies have been unable to raise cash for working capital.

There are companies of standing and well known shipping houses that have come under extreme stress. A number, listed in the USA, have filed for Chapter 11 in U.S. Courts to seek protection against banks and creditors. Several have folded or been acquired by PE funds or rivals.

Let's examine as to **HOW and WHY** this happened; how did the industry come to this state. Analysts have been writing about it. **I would like to give you my views.**

We must recognize that POLITICS is ECONOMICS and ECONOMICS is POLITICS.

The world woke up on the 11th September 2001 to a horrific attack on the World Trade Center in New York. The shock brought down businesses, airlines were grounded, capital markets went into turmoil, lending rates soared, oil and insurance rates climbed, business sentiments collapsed, underwriters had huge liabilities staring at them. There was gloom in the U.S. and the economy tripped.

It was then that Alan Greenspan, the head of the U.S. Federal Bank, pumped in over a trillion dollars into the U.S. economy to revive sentiments, revive lending to businesses, revive and support insurance markets and the Banking circles. (Remember a trillion dollars was as much the entire Indian economy at the time).

Federal Bank rates were brought down from 2.5% to 1.5% to 1% over a period (today the Fed rate is 0.25%). This brought huge liquidity to capital markets. Banks had easy, cheap money to lend and they (over a period) began to lend recklessly. This fueled consumption and inflation and lending rates went up gradually.

A lot of money also went into ship financing on easy terms. Owners could raise 90% debt with little risk to build ships prior to 2008.

Plenty of easy money helped global trade of commodities however commodity prices went up. Thermal coal used to be \$46 PMT in 2004/05 period, which went up \$140 PMT in





2008 and beyond, driven by demand and liquidity. Similar has been the scene with iron ore pricing.

This was also the time that China was making huge investments in infrastructure and preparing for the 2008 Olympics. They were building airports, expanding seaports, building stadiums, hotels, and highways—the whole works.

Shipping markets boomed from 2005 and witnessed unprecedented rates & revenues. The industry popped champagne bottles. China's appetite to import steel, coal, iron ore kept climbing.

The industry witnessed one of best boomsever.

- Owners rushed back to shipyards with fresh orders.
- Banks happily opened their purse to support the order book.
- The KG FINANCE market in Germany went on an over-drive to invest in new ships sometimes even without a buyer, with the intention to sell off the asset well before the delivery, as prices kept going up.
- "KG" Financing in Germany - a mutual fund, sold to small investors, students, housewives, shopkeepers, lawyers, teachers, Doctors – for equity in ONE ship or ships. Germany does not tax the returns on shipping investment, and the investor was assured a 9% return.
- In the aftermath, most KG funds went bankrupt.

China was mushrooming with yards, some 5000 of them, building ships with LIBOR climbing. **There was a bubble seen in every "asset class" and so also financial instruments.**

Bankers camouflaged bad debt with bonds and sold down the chain to other banks, financial institutions with fancy names. Slowly realization dawned that the institutions were seated on a mountain of bad debts and failed mortgages.

Mid Sept 2008, Lehman Brothers became insolvent.

Goldman Sachs and J.P Morgan had to be re-capitalized by the Federal Bank.

J.P Morgan, a bank that has a balance sheet of more than a trillion us dollar, had to be bailed out (temporarily though)....

#### **Wall Street was on fire!**

Suddenly Banks were afraid to lend, traders could not open letters of credit; banks would not honor LC's of other banks, unless it was an AAA rated bank.

**Commodity trading suffered pulling out cargo from ships bottoms.** The industry saw freights collapse by end 2008, early 2009. Shipping was saddled by a massive capital market crisis and an oversupply of tonnage by then. This had adverse effect on shipyards as orders dried up. Smaller Yards went bankrupt. Chinese yards consolidating and investing in such huge capacity came under threat, requiring restructuring with Government assistance. Korean yards like STX suffered immensely and smaller ones became insolvent.

Shipscraping came to limelight. The only segment of shipping that fared well until 2014 was O & G off-shore sector until the oil prices stumbled and the gas business (LPG, Ammonia, LNG with varying fortunes).

There are signs of green shoots of revival but unable to predict it's seriously. The Baltic Dry Index gained from a low of 560 in the past to peak at 1256. VLCCs have gained whilst MR market has held steady.

**Eco-Friendly or Green Ships**, with improved hull and engine design that could save up to 12 – 15 % of fuel at sea are reviving.

PE funds like the Oaktree Capital, New York Capital, WL Ross & Co, Blackstone Group, Apollo Global and others which have been supporting owners since the past year or more. These funds will take the exit route if recovery eludes and

does not accelerate and leave a ruinous wake for the industry.

It is rightly said that a ship owner is his own worst enemy. When he has money he does not invest in a casino, a restaurant or reality industry but heads back to a shipyard.

The eco-ships will soon create a 2-tier market, one of 'green ships' that command a premium and the other of the older hull and engine design, especially for period business. This might delay the market revival and depress rates over a long haul for ships of older design but relatively youngships.

IMO's Focus on Pollution regulations, Ballast Management Systems are adding costs for plying in special areas with low sulfur fuel, or costs to switch to LNG as fuel. The president of the ICS has rightly said that regulations need to be studied and debated further before being thrust on the industry.

All in all as I see, revival in shipping may take up to another 2-3 year or longer with the given state of economic stress in the EU region, a credit crunch and a slowdown in China, the Rouble sinking, Greece on the verge of EU exit, etc. Market revival seems elusive.

As the Fed decides to raise the interest rate the Libor will move up causing more pain to owners.

Oil prices may stabilize to a level of \$ 60 and maybe lower in the future given the rise of cheap Shale gas and oil and the competition from OPEC for market share, provided political stability is achieved in the West Asia region (Syria, Yemen, Libya, Iraq, Iran). The Iran – West nuclear accord is eagerly awaited, which will help the industry immensely. Perhaps the quantitative easing (QE) by EU, Japan and China would help.

**I conclude that shipping is still on to a treacherous path in the near-medium term.**

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# Amendments to "The Convention on the International Regulations for Preventing Collisions At Sea, 1972, As Amended"

*Compiled and explained by Capt. Yashwant Chhabra*

**IMO's 'III' SCHEME KICKS IN FROM JANUARY 2016, and so do the new amendments to the IRPCS.**

IMO Resolution A.1085(28) was adopted on 4th December 2013 and adds a full new Part 'F' to the above convention on preventing collisions, comprising of 3 new Rules numbered 39, 40 and 41, it reads as follows:

## **PART F**

### **Verification of compliance with the provisions of the Convention**

#### **Rule 39**

##### **Definitions**

(a) Audit means a systematic, independent and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which audit criteria are fulfilled.

(b) Audit Scheme means the IMO Member State Audit Scheme established by the Organization and taking into account the guidelines developed by the Organization\*.

(c) Code for Implementation means the IMO Instruments Implementation Code (III Code) adopted by the Organization by resolution A.1070(28).

(d) Audit Standard means the Code for Implementation.

#### **Rule 40**

##### **Application**

Contracting Parties shall use the provisions of the Code for Implementation in the execution of

their obligations and responsibilities contained in the present Convention.

#### **Rule 41**

##### **Verification of compliance**

(a) Every Contracting Party shall be subject to periodic audits by the Organization in accordance with the audit standard to verify compliance with and implementation of the present Convention.

(b) The Secretary-General of the Organization shall have responsibility for administering the Audit Scheme, based on the guidelines developed by the Organization\*.

(c) Every Contracting Party shall have responsibility for facilitating the conduct of the audit and implementation of a programme of actions to address the findings, based on the guidelines developed by the Organization\*.

(d) Audit of all Contracting Parties shall be:

(i) based on an overall schedule developed by the Secretary-General of the Organization, taking into account the guidelines developed by the Organization\*; and

(ii) conducted at periodic intervals, taking into account the guidelines developed by the Organization\*.

\* Refer to the Framework and Procedures for the IMO Member State Audit Scheme, adopted by the



Organization by resolution A.1067(28)."

As far as the Rules in existing Parts 'A' to 'E' are concerned, or the Annexes I to IV which are at the end, there is no change and the addition of this new Part 'F' does not have any effect on them. Their application shall continue as before, this is important for all navigators and operators to keep in mind.

Part 'F', is to give effect to the 'IMO Instruments Implementation Code (III Code)' adopted by Resolution A.1070(28) on 4th December 2013, 'III Code' in short. The framework and procedures of the 'III Code' are expanded in IMO Resolution A.1067(28) also adopted on 4th December 2013, and is referred to at the end of Rule 41, quoted above. The term 'IMO Instruments' covers all Conventions, Codes, Resolutions, Circulars and any other



guidance adopted by and promulgated by IMO.

Member states of IMO have a responsibility to establish and maintain an adequate and effective system to exercise control over ships flying their flag with respect to international conventions. A voluntary audit scheme was initiated by IMO in 2006 wherein member states volunteered to be audited on the effective implementation of their obligations and responsibilities under the instruments to which they are party. Analysis of feedback to this voluntary scheme showed that it had a positive impact in the effective implementation of the provisions of the mandatory IMO instruments. These covered areas of maritime safety, security and protection of the marine environment. The voluntary audit scheme was to assist Member Governments to improve their capabilities and overall performance in complying with the IMO instruments to which they were a party.

'III Code' is a continuation of the above and is the audit standard that makes the audit scheme mandatory, but as a start the scheme shall cover 6 major or important conventions (or IMO Instruments), namely:

- 1) Safety of life at sea (SOLAS);
- 2) Prevention of pollution from ships (MARPOL);
- 3) Standards of training, certification and watchkeeping for seafarers (STCW);
- 4) Loadlines;
- 5) Tonnage measurement of ships; and
- 6) Regulations for Preventing Collisions at sea (IRPCS).

Each of these conventions have been amended to allow the

application of the 'III Code', Part 'F' is the amendment to the convention listed as number 6 above. The 3 new Rules 39, 40 and 41 constituting Part 'F' are self-explanatory and link this Convention to the 'III Code' and need no further explanation.

With the 'III Code' IMO shall directly audit the level of compliance by maritime administrations. In natural progression it can thus be expected that IMO member state audits of companies and ships should also become stricter; and seafarers may also be audited for their competency with and levels of compliance with the IMO instruments requirements.

The system audits in the shipping industry started with the advent of the ISM Code and later also by the ISO family of management systems. There have been arguments for and against the very management systems set up as well as the number of audits and inspections forced upon the seafarers or Companies, both sides being correct in many respects. However, audits have added to the burden of both seafarers and shore staff, many having mastered the art of showing compliance on paper – which is the key to the way audits are performed.

IUMI statistics show an overall and gradual decrease in hull losses, though a slight increase in frequency is reported in the latter part of 2015. So the ISM Code is said to have worked. Similarly tanker and oil pollution incidents have reduced substantially, the debate that it is because of the ISM Code or due to oil major inspections through the SIRE, CDI or the OCIMF's TMSA mechanisms, continues.

On the other hand, analysing the P&I Club loss statistics and claims for collisions, stranding's (or

groundings), cargo losses and personal injuries to seafarers, does not seem to show any substantial reduction. IMO reports indicate that across the last 3 decades going back from 2012 show, a steady 30% loss due to navigational incidents.

Will another system of audits actually help the seafarer at the ground level? A recent report by MAIB stated that an OOW left the navigational watch to attend to some work in the cargo control room; result - a collision with a fishing vessel. A tired deck rating assisted by a fresh cadet misses tying the gangway lines and a person boarding at an inner anchorage in calm weather sets foot on the lower platform, holds the rope, loses balance and falls, survives due to sheer good luck. Risk management, even after all the efforts, does not appear to reach the last line of defence again and again as proved by the many MARS reports.

Let us hope the III scheme will push safety management systems down to the base working levels and make working at sea actually safer for all.

(this paper was also submitted by the author to NI for printing in Seaways)

Capt. Yashwant Chhabra (FCMMI / AFNI)

(Inputs from Captain Andrew Winbow, Assistant Secretary-General & Director Maritime Safety Division at IMO are gratefully acknowledged; he retired from the position on 30th September 2015)

We are proud to mention that Capt. Yashwant Chhabra recently received the "Outstanding Asian Educator & Trainer Award" at the CMO Asia's - 6th Asia, Education Excellence Awards.



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# Conversation with Capt. Ashok Mahapatra

The Master of CMMI, Capt. Philip Mathews came up to me after our AGM and said to me "Tescelin, for our November issue of Command, we must get an interview with Capt. Mahapatra". The air was abuzz with the news that Capt. Ashok Mahapatra was to take over as the Director of the Maritime Safety Division at IMO. It was with trepidation that I accepted the task since the lofty position had me quite intimidated. Capt. Mathews assured me that he would do the preliminary introduction and I could take it on from there. I had a quick word about this with my friend and batch mate, Capt. Raj Chittur who promised to assist me and he quickly allayed all my concerns.

A little reading revealed a glorious career path showing how Capt. Ashok Mahapatra joined Scindia Steam Navigation as a Cadet in 1973 and gradually climbed the ladder to take his first command in 1982, with South India Shipping Corporation and continued commanding various vessels until 1986. Thereafter, he joined the Directorate General of Shipping, Government of India as a Nautical Surveyor and rose to the rank of Deputy Nautical Adviser to the Government of India.

Capt. Mahapatra joined the IMO's STCW and Human Element Section as a Technical Officer in 1998 and in 2003 he took over as the Head of Maritime Training and Human Element Section in the Maritime Safety Division. In January 2012, he took over as Senior Deputy Director, Sub-Division for Operational Safety and Human Element in the Maritime Safety Division and finally from 1st October 2015, he took over as the Director, Maritime Safety Division at IMO.

Having now summarized the career path, let me enlighten the reader with Capt. Ashok Mahapatra's answers to the questions that we put forward.

## **Q. Sir, what drew you to the shipping industry?**

A. I came into the industry by chance. Actually, after passing an entrance examination, I was on the verge of joining a Medical College only to be told that I could not join as I was underage. In this case, I had to be 17 years of age on 31st October whereas my birthday was on 7th November. This definitely left me very frustrated. As I was



contemplating my future career options, I saw an advertisement for Direct Entry Cadet issued by Scindia Steam Navigation Company. I applied and was accepted by them.

## **Q. Sir, how would you describe your passage in India, from 1973 to 1998?**

A. It was, indeed a very fulfilling journey. It gave me the basic foundation, which enabled me to achieve my present position. Starting from my time as a cadet till the time I joined as a Nautical Surveyor, I learnt a lot from all my seniors on board ship, who helped me to discharge my functions effectively. In this context, I need to express my sincere appreciation to my first sailing Master Captain F. P. Godrej for providing me the strong foundation for a successful career at sea. On joining the Directorate General of Shipping, I learnt the regulatory aspects of shipping, in particular the policy aspects. To this end, I am particularly grateful to Captain P.S. Barve (Nautical Adviser to GOI - Retd.) for being my mentor, philosopher and guide. Finally, I must say that if I am given the choice once more to relive my life, I would, without batting an eyelid, choose the same path again.



**Q. Sir, should the IMO be given uniform enforcement authority, example: the reduced sulfur mandate of 0.1% took effect and is being left to individual countries for implementation. What would your views be on this please?**

A. IMO does not have any policing authority. This is a privilege and responsibility of the Countries that are signatory to the Conventions adopted by IMO Member States.

**Q. This year, the Secretary-General of IMO, Mr. Koji Sekimizu proposed, to adopt "Maritime Education and Training" as the World Maritime Day Theme for 2015. What is the emphasis that you lay on this with respect to India's performance on the subject?**

A. While India has been a major manpower supplying country and in particular for officers and engineers, it is essential that the standards are maintained. At the same time, it is also essential that they remain competitive from an economic angle. In this context, it has to be borne in mind that seafaring as a profession is basically vocational and hence the education and training should ensure that officers, engineers and ratings serving on board are competent for the duties that they are expected to discharge on board. Once this has been achieved, attention should also be given to requirements in the ancillary industries as well as those shore-based positions which require sea-going experience.

**Q. Sir, what are your views on maritime training and qualification of the present day, Indian Seafarer?**

A. Whilst the present standards of competence of the Indian Seafarer are high, one should not lose sight of the fact, that seafaring profession is vocational. All that the industry requires is for officers, engineers and ratings to be competent to discharge their duties on board. Hence it is essential to ensure that training, assessment and certification is covered by robust quality standards and systems to ensure that the principles and standards laid down in the STCW Convention and Code are met.

**Q. Sir, it is perceived that IMO brings about regulations yet unable to implement the changes, however changes are happening now! How would you propose to implement such reforms?**

A. As I have mentioned before, IMO does not have a policing role. However, through the Member State Audit Scheme, IMO would help in identifying the areas where a Member State may be having difficulty in implementation. In such cases IMO does have provisions within the Technical Co-operation programme to provide technical assistance.

**Q. Self-assessment by Audit of flag State performance, this**

**becomes Mandatory in 2016, what advice would you convey to the Indian Administration in this respect?**

A. India has undergone the audit under the voluntary scheme and should implement the plan of action to address the observations identified by the Audit Team. Furthermore, the Administration must also ensure that the provisions of the Conventions acceded and accepted by India are transposed into the national legislation.

**Q. Sir, what is your general advice to the Indian Seafarer with respect to enhancement of our industry in the country.**

A. I think that this question does not just pertain to the seafarer only. It is a field that requires the effort of all concerned to enhance the image of the industry. Efforts have to be made all around to educate everyone that the world economy requires shipping to move goods both raw and finished, around the world. Without shipping one half of the world would starve and the other half freeze.

Whilst speaking to the Captain, I found him to be soft spoken and polite and rather humble despite the international portfolio that he held. This encouraged me to ask him about his hobbies. He seemed quite amused but answered all the same. He disclosed that he was an avid reader and had a particular passion history and philosophy.

Capt. Mahapatra ended with some good advice to the modern seafarer. He invokes the young to put in their entire effort in whatever they do be it big or small. He believes that success comes from doing well whatever you set out to do, in small measures.

CMMI is highly grateful to Capt. Mahapatra for kindly giving us his valuable time, for interacting with us and for honouring the Command Magazine by giving us this interview to be published.

All is well that ends well. Let me end with a big thank you to Capt. Ashok Mahapatra. I am sure all our readers are pleased to have his views and are even more proud to have him as the first Indian seafarer to occupy the honourable seat as Director of the Maritime Safety Division at IMO.

Capt. Tescelin Almeida  
Editor



# Second Line Of Defence

by

**Capt. S.V.Subhedar**

The term "Second Line of Defence" was coined for the Merchant Navy during World War-I, when power driven merchant ships, for the first time, assisted movement of wartime effort all over the world. World War II saw even more of the same. Today, Merchant Shipping is the first, the most extensive and the most important line of modern World Trade. World trade is highly dependent on the shipping industry. Trade between different nations has increased exponentially and brought diverse economies and cultures closer to each other. Merchant shipping is the catalyst that brought the three synergetic factors namely, economy, technology and communication together, to virtually erase geographical distances and blur physical differences and can be credited with making the world a global village. Merchant shipping is the "behind the scenes" reason for the ready, easy and affordable availability of food, raw materials, fuel, finished goods.....you name it and the merchant marine moves it! Sadly, very few people know anything about the profession, except the very romantic ideas perpetuated by those onshore...that sailors are forever drunk, have a girl in every port and earn good tax free money! The truth is that, If it were not for shipping and the seamen who 24x7 battle the force of nature to safely move global freight quite silently, half the world would starve and other half freeze. From nappies

to nuclear armament goods move from one place to another by ship. The ship is the tool. Behind its running is a Captain along with his brave officers, engineers and seamen who face adverse weather conditions, lead lonely lives away from home and hearth, missing all important milestones in family life, in the most unnatural and difficult conditions that people on land cannot even begin to fathom.

The ship is the first known mode of transport, and was in use even before the discovery and invention of the wheel and steam engine. The discovery of the Americas, Goa, Australia happened only because of Mercantile Marine activity. India too has had its share of renowned great sailors like Angre, Rajendra Chola and the legendary Chanakya. India is also home to the earliest known ship building yard near Surat – The excavation at LOTHAL shows the remains of a shipyard and port at least 3000 years old.

I started my tryst with the Merchant Navy after completing the 12th class in science and then joining Training Ship Dufferin in Mumbai. This was a World War-1 troop ship, commissioned as a training ship in 1927, long before NDA, & IMA were even thought of! Sailors trained on this ship have been plying the oceans for more than three quarters of a century!!

Here in Pune lived the inspiration to



the merchant marine. The longest living Indian Maritime Officer, Capt. T. Rozario, 94 years young, who is a Second World War veteran, who was torpedoed and marooned on an island off Malaysia. To join the Merchant Navy, one has to clear an All India entrance test. To be eligible to appear for this test, one needs to have cleared X+2 with 65+%, with Physics, Chemistry and Math. This puts one on a training ship for two years. Thereafter two more years of training at sea as a cadet qualifies one for the First Certificate of Competency issued by the Directorate General of Shipping, Govt. of India (DG Shipping) as per Internationally agreed Standards. Dufferin produced great mariners both for England, our navy and international shipping generally. Admirals Kataria, Soman, Krishnan, Karmarkar, Awati, Nadkarni, Samson and Gandhi, were all ex Dufferin Cadets. Dufferin has been now



replaced by a concrete establishment called TS Chanakya in Nerul. Since due importance was not / is not attached to the merchant marine, because it works so silently, the first training ship of India was not considered important enough to be preserved as a museum of marine history and sadly went to the graveyard.

We can be proud of the fact that Indian Merchant Marine officers are at the helm of almost all shipping companies in the world. It takes about 12 years to become a Captain (Master). His engineering counterpart is a Chief Engineer who also comes from a parallel training institution in Kolkata, the DMET, or is a direct BE Mech graduate.

Seamen begin their careers after the Xth standard, in a pre-sea training institution. Unfortunately, private training institutions for seamen, navigating officers and marine engineers have mushroomed everywhere, with promises of a rosy and adventurous future, and people are getting taken in. They are able to satisfy neither the standards of quality of training, nor the basic requisites like on board training, since the number of on board training berths is limited, because the number of ships is limited. Just as one cannot become a certified pilot without completing the required air time before appearing for qualifying examinations conducted by the DGCA (Directorate General of Civil Aviation, Govt. of India), one cannot become a seafarer without completing internationally agreed minimum sea time on ship for every rank examination conducted in India by the DG of Shipping.

I am an approved external examiner for aspiring Masters. Passing marks and result % is predetermined by the government like it is for the CA examination. Captains, officers, engineers and seamen are freely accepted in all countries that are members of the International Maritime Organization, a UN body in London dealing with maritime affairs, like civil aviation or health are represented by ICAO, WHO respectively. I have been privileged to serve with the IMO, and did so from 1989-93.

Life at sea is becoming better with technological advances, but in the vastness of the ocean, a ship is like a little cork, being thrown around in the water, at the mercy of waves; It rolls and pitches, sometimes tilting up to 45 degrees from the vertical; For days on end, no land can be sighted, and sometimes huge waves almost engulf the spec of metal. Often, because of the rolling and fickle weather conditions even cooking becomes a challenge; Sailors have to stand at all times with their feet wide apart, and rock gently with the ships undulations just to stand upright; And then again there are times when the sea is as calm as a swimming pool and life is a dream, almost like going on a cruise. The experience of seeing the sun rise in clear skies and seeing it set through a hundred shades of red, or the moon rise in midnight blue skies, and suddenly play hide and seek behind clouds that appear out of nowhere, being able to identify Venus rise and set (the morning and evening star), being able to point out all the constellations, breathing completely pollution free air, with only the deep blue waters below and the limitless

blue sky above, more than makes up for the time spent braving rough weather! But it does make every seafarer respect the might of nature, and one begins to appreciate the great glory of the almighty.

While sailing across the different oceans, no two days are identical; sometimes, there's no sun shine for days, and sometimes, we sail through crystal clear waters flanked on either side with picture post card perfect landscapes like in the restricted waters of Canada and Scandinavia, and sometimes, we encounter storms, typhoons, cyclones (all mean the same in different parts of the world), with waves that almost engulf the ship, battle with fire, deal with lack of potable water, engine breakdown, or grave medical emergency without medical assistance (no doctor is required on a ship with less than 100 passengers).

Mercantile Law as known today, evolved over the years, when the merchant marine brought back, along with trade, different business practices and terms from across borders. Business terms like General Average, concept of insurance, principles of mutual indemnity, planned maintenance, bill of lading, charter party, Sundays and Holidays accepted, force majeure, became the common accepted terms of general businesses all over the world, because ships which plied all the seas without discrimination, needed common terms that were understood and accepted all over, regardless of political or religious inclinations.

Thoughts on progress, path breaking ideas of invention and discovery, socially relevant civil codes etc. were exchanged as a result of ships and



their crew touching foreign shores. Great importance was given to creation of pollution prevention measures, distillation of water at sea, incineration of ship board waste and for garbage disposal, disaster control and rendering help in calamities through radio communication resulting in the writing of the Morse code, which helped put out the MAY DAY and SOS (... - - - ...) signals from the middle of the ocean.

With trade flourishing during the silk route days, sailors often came back with very interesting and amazing experiences of their voyages, and spoke about them in a coffee shop in the river port of London. The owner of the coffee shop, Mr. Lloyd was so enthralled by these tales that he made the seafarers write down their experiences in a register. Today, these are the Lloyd's registers of Shipping, with a wealth of information.

This information was instrumental in insurance businesses being set up, and they took his name as a mark of recognition. Today, Lloyd's is a big name in the city of London, in fact the world over, for financing, Insurance and certifying ships for seaworthiness.

Before science helped map the seas, ships sailed mostly either in the Northerly or Southerly directions until they hit land. Then they turned around after either refilling supplies, discharging business if they found co-operative hosts, exchanging crew etc., or then discovering new land and people, braving it if they were hostile, happy if they were friendly.

Celestial bodies and description of

weather, currents, tides mentioned in the scriptures were the only guides of navigation. Newton for the first time forwarded the theory that the Latitude of the observer was equal to the altitude of the pole star and introduced the relationship of time, longitude and astronomical navigation on which is based today's GPS. In spite of all the strides that technology has made, IMO is not willing to allow ships to sail without tools like the magnetic compass, the sextant to pin position, the hand held depth finder line or the ship's speed determination line, which are not dependent on external power sources. They are uneasy about leaving the ship dependent only on electronic gadgets! The Navy still uses colored linen flags to denote letters of the English alphabet and numbers 0 to 9 for coded communication!

Merchant shipping and seafarers are also the inspiration behind some of the world's best known fiction and non-fiction novels, movies, imaginative descriptions of the silk and spice routes, stories of the gold rush, poetry and Ballads like Casablanca – from which came the phrase "women and children first", tales of Capt. Morgan, and of course Officer's Choice and Grand Mariner! India has little choice but to increase its present shipping strength by

at least five times by 2020 so that Indian shipping can play its due role in the national economy. It needs to enhance its fleet to carry its booming EXIM trade and enable and ensure the modal shift of movement of cargo and people from road and rail to water ways – the oldest and cheapest form of transportation, which will not

only reduce inflation, but also unclog the over-crowded roads and railways and reduce pollution.

Otherwise we are in grave danger of choking on our own congestion and CO2 emission. India has just taken a few tentative baby steps in the right direction by starting to indigenously build ships, but it needs to pull up its socks, because we are a big country with a huge coastline, and are not using God given natural resources to our advantage.

Sailing in a naval ship or a submarine underwater is a totally different ball game, and best left to today's first line of defense...the Indian Navy!

Suffice it to say that the world over, everyone is looking for more trade than wars. Do join India and the Marine Community in celebrating the National Maritime Day on 5th April, when India's first "owned" ship, the SS Loyalty sailed from "Bombay" to London, 60 years ago.



**CAPT. S. V. SUBHEDAR**

President of ICCSA.

Extra Master, B.Sc. marine Tech.  
London



# Chennai Chapter Celebrates the 58th Annual Day

The Company of Master Mariners of India completed 58 years of service on 23rd August 2015. To celebrate this occasion, CMMI Chennai Chapter, hosted the "Annual Day Celebrations" at the plush Rain Tree Hotel, Mount Road, Chennai.

Capt. Philip Mathews – Master of CMMI, was the Special invitee and the Chief Guest at this gala event.

The evening started off with a welcome speech by Capt. Ramchandani, Chairman, CMMI Chennai Chapter.

Capt. Philip Mathews later addressed the gathering and appraised the attendees about the countrywide activities of the CMMI. He announced with great pride the opening of the Kolkata Chapter of the CMMI.

As in the past, this year too, the event witnessed the gathering of Master Mariners, along with their spouses. A "Kiddies Korner" was set up to keep the children engaged and entertained. About two hundred guests attended the Annual Day Dinner Party.

The highlight of the evening was the acts performed by the illusionist – Shankar



Bakshi. He gelled with the crowd rather easily and performed some close up tricks which had the guests mesmerised.

Mr. Ashok Bajaj, the 'Music DJ' magnetised the crowd to the dance floor with some his earth shattering music.

It was by all standards, a memorable evening. Fun and frolic, lovely ambience, fine cocktails and high spirits, all culminating with a assumptions spread of the most delicious cuisine. The evening wound up with a lot of bonding and

camaraderie for all the mariners and families.

A big thank you to the CMMI for organising the event and to all the shipping companies and establishments that came forward and generously contributed to defray the expenses for the evening.



# CONTAINER WEIGHMENT

In Nov 2014, IMO adopted mandatory amendments to the International Convention for the Safety of life at Sea (SOLAS) Chapter VI, Part A, Regulation 2- Cargo information.

This convention is an applicable GLOBAL LAW for packed containers received for shipment (gate-in or off rail) and becomes mandatory on 01 July 2016.

While the whole industry is setting about to understand and facilitate this, little is conveyed to the trade as to why this is made mandatory, whose responsibility is it to ensure correct weighment is done, how it has to be certified, what role does flag state and the state of shipment country play in following up the right procedure, role of the Ship's Master, terminals and resolution of discrepancies, associated charges as penalty and at what stage does this certification of weight take place.

While the procedures are being discussed, little is also apparent to the shipping trade that this purpose is largely for safety of life at sea and in turn safety of vessels, crew and cargo while in sea transit. Associated with it comes the safe handling of containers ashore at terminals, during road/rail transportation and this attaches the safety of workers involved in this whole process.

It appears that a lot of parties are taking the onus of responsibility of the process of weighment, knowing very little that IMO clearly describes this in detail and the flag states and the state where this activity takes place is largely to understand SOLAS requirement and create procedures to adhere to as near compliance with SOLAS guidelines.

**So what are the guide lines and how are these going to be followed internationally and will there be some common international procedures, keeping in mind the**

**limitations which could exist in a particular country and the local rules in force.**

This is a very wide topic and it is the right time to get traders to understand their responsibility, the obligations of shipper and how terminals fit in to facilitate this and finally the role of the Master and the guidelines which he will have to adhere for his/her flag state.

The above input was given to us by Capt J. S. Gill (MD of Feeder Express) as he rightly expressed his concerns regarding the implementation of the above amendments.

An online article in the Loadstar commented about the industry's fears on the law on container weights and have expressed that, Shippers, forwarders, shipping lines and container terminals "urgently" need to begin discussions over the practicalities of implementing the International Maritime Organization's (IMO) new regulation on container weights.

They state that the new law requires shippers to verify the weight declared on the bill of lading. This will prove to be difficult to enforce, and as such many sea freight buyers are completely unaware of the legislation.

Now Shippers will have to prove the weight of their containers through one of two methods, weighing the loaded container or weighing the cargo within the container and adding the tare weight of the container.

It will remain up to local government to decide which method they will accept or perhaps

either one or both methods for weighment.

What will happen if from 1st July next year, containers show up at the terminals without proper weighment documents?

The Maritime & Coastguard Agency (MCA), will in all probability, adopt the second method, and has begun developing an accreditation scheme for UK shippers.

MCA hazardous cargo advisor Keith Bradley said, "It is essential that we make the adding method work". He believes that with the right process it could be much more efficient.

The amendment to the Safety of Life at Sea Convention (SOLAS) adopted in November 2014 states packed containers must have a verified gross mass before being loaded on a ship

Containers without a verified gross mass may incur delays, resulting in missing their designated ship, and additional costs

Shippers who fail to comply may be heavily fined

UK P&I Club, one of the leading shipping protection and indemnity mutual insurers have welcomed the amendment to the Safety of Life at Sea Convention (SOLAS) from the International Maritime Organization (IMO) on the requirement that containers have a verified gross mass before being loaded onto a ship.

The responsibility lies with the shipper, to obtain the verified gross mass of a packed container and to communicate the same to the carrier.

From 1st July 2016, it will be a





breach of SOLAS if a packed container is loaded on board a ship without the proper documentation regarding the verified container gross mass.

UK P&I Club together with the TT Club have published a joint advisory briefing for ship operators. This outlines the key issues for ship operating Members to consider in advance of the 1 July 2016 enforcement date:

There is complexity in the international trade and logistics supply chain, which can make it difficult to identify 'the shipper'. The different parties involved in any given supply chain will need to determine how verified gross mass of containers will be obtained, and how this information can be provided by the shipper to the ocean carrier in a timely manner.

Ship operators will need to ensure that the verified gross mass is recorded and used in ship stow planning. It is important to consider the impact of this on existing data capture and control processes, in order to ensure that a container cannot be loaded on board a ship without this verified gross mass.

This will affect procedures from the point of initial booking of the cargo through to loading, including communications between partner lines and the terminal operator.

SOLAS requires that the verified gross mass should be obtained by using weighing equipment that meets the relevant accuracy standards and requirements in the State in which the packing of the container is completed.

Failure to abide by the SOLAS amendment may result in fines and other penalties, imposed by Competent Authorities or Port States in accordance with relevant national legislation. However, additional costs and charges will be incurred due to the need to re-pack cargo, administration fees for amending documents and container demurrage charges. Such containers are likely to be delayed, thus resulting in additional commercial or contractual exposures for cargo interests.

In view of all the above complexities the Company of Master Mariners has taken the grave responsibility of bringing the industry together under one roof and on one platform, to

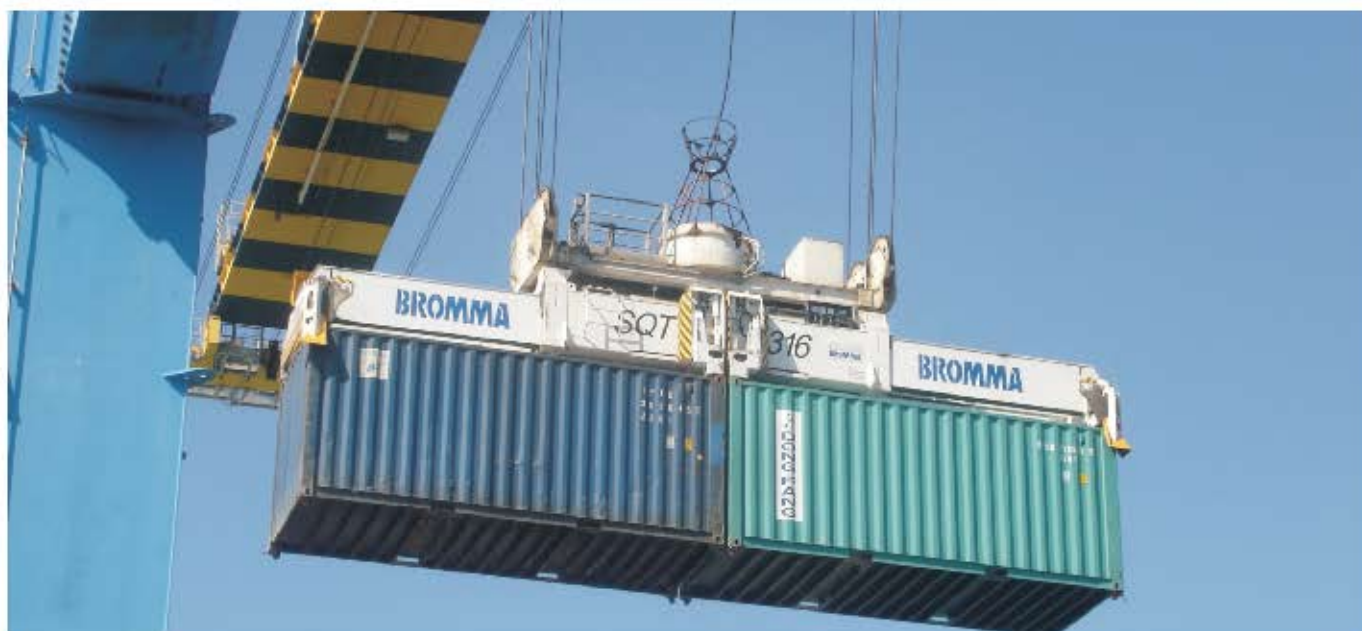
deliberate on the requirements and its implications on our country's shipping industry and business, including its ports and terminals.

*On 10th December 2015, all those concerned, namely ship owners, shippers and charterers, agents and cargo interests, weighment companies, ports and terminal operators, ship registries and classification societies and of course the administration, shall all meet at the Grand Summit being held at the Lalit International Hotel, Mumbai.*

*I say, "Come One - Come All" and witness and learn from the great speakers and from the panel discussions that will be held on this landmark day.*



**Capt. Tescelin Almeida**  
Editor





# Green Shipping & the Marine Environment

Dr. (Capt.) Suresh Bhardwaj, FCMMI, FNI, FICS

## Introduction

The shipping sector faces unprecedented challenges from regulatory regimes to meet ambitious and zealous environmental objectives. Given its global scale, there is a need to bring in a voice of reason on what is achievable and how to go about it from those that will eventually be tasked to actually implement these goals. The challenge is therefore to innovate to bring in better efficiency. Such innovation promise much needed reduction in industry's carbon footprints creating a convergence of environmental goals with commercial incentives.

The question is whether the investment in such innovation will be worth the combined savings in fuel and environmental costs. How will the industry manage these global diversity of expectations and contradictions?

### Points to ponder over:

**Innovation - technology - regulatory regime - green shipping**  
Global diversity of expectations - how can trade manage the contradictions?

### Innovation and technology advancement:

Technology stems from the acquisition of new knowledge and is as a result of scientific enquiry. Technological change today is

among the most prominent of all things that can change the rules of competition. The companies that apply competitive strategies like differentiation through technology usage, market focus and competitor analysis are more likely to be high performers (Porter, 2004; Panayides 2003).

Jenssen (2003) affirms that in the face of aggressive competition from low-cost economies in Asia, it is imperative for high-cost countries like Norway, to build their competitiveness in most industries, including shipping, on innovation and knowledge-intensive products to create distinctive competitive advantages that are difficult to imitate.

Lorange (2001) when speaking of strategic re-thinking in shipping companies cites many examples of Nordic owned tonnage companies that embark on technological innovations as they move from pioneering a concept to rapid expansion and thereby become world leaders.

The MARSIKT (2000) is a research and development project funded by the Norwegian Ship Owners Association. Its main objective is "To improve the competitiveness of the Norwegian maritime sector by developing new technology and new forms of organisation, focusing on shipping companies'

commercial and technical operations."

Innovation hence, is an effort to create something new, in order to create differentiation through technology, and is thus an 'economic objective'. The slow and selective diffusion of technological innovations then becomes a source of competitive advantage over a strategically significant time span. The advantage obtained by being an early adopter is cumulative because early adopters add to their advantage by making additional adoptions before many competitors have made their first adoption of the new technology.

### Technology advancement, safety and environment protection:

Shipping is a high asset value industry. Failure of either a technological or a human kind, causing a single marine accident, carries the risk to cause damage to property, loss of life and pollution of the environment on a scale that is unlikely to be equalled in any other sector of industry and almost certainly in no other mode of cargo transport.

In maritime transport, there has been an increasing concern with safety and the protection of the environment. Following a number of well publicised disasters, this economic approach has been extended to maritime safety and



environment protection in general, which has to be factored in beyond the lowest cost principle and as value-added services.

A firm creates value for its customers and returns for itself by offering better perceived quality in any differentiated feature for which customers are willing to pay a premium (Hambrick and Fredrickson, 2001). Value creation is the *raison d'être* for firms (Voiceshyn and Falkenberg, 2008); and whenever technology can be shown to give greatly improved safety and environmental protection at an affordable cost there will be inevitable pressure for its introduction.

While acknowledging the inevitability of technological advancements, its uptake in shipping is seen to be driven predominantly by new regulations in the aid of enhancement of safety and environment protection and by the need to be competitive. The economic logic of low costs underpins every technology change decision, be it a reactive compliance ideology or a more proactive stance of value creation in enabling vessel operation to be more efficient.

At the same time there are expectations that the industry will be ever greener, ever safer and ever more efficient and it is the role of innovative shipping company to satisfy them all and at the same time to remain economically viable. As Peter Drucker (2007) the famous management guru puts it, "The first duty of business is to survive and the guiding principle of business

economics is not the maximisation of profits, it is the avoidance of loss."

### **Industry apprehensions**

There are serious apprehensions within the industry! Let me share some examples that I have gleaned from discussions with industry stalwarts.

Progress gets hampered by the question of 'who should pay' for these investments and there was a need to provide evidence of payback from innovations. Perhaps, those offering devices or improvements to efficiency might consider financing these on a 'no cure, no pay' basis. (A) Regulatory changes were still not always clear and industry generally is anxious not to be taken down 'a blind alley' on a range of regulation based technical changes that owners have to be taking on-board. For example, where is there any proper impact assessment data to justify the regulation demand? (B) What seemed to emerge from research findings was that while the ship's staff to an extent welcomed the considered increase in safety and environment protection, probably because it concerned their own selves more, the companies were seen to be reticent about its need and cost implications, even apprehending safety used as ploy to push in more technology.

The interviews therefore indicated that technology integration was largely because of a reactive stance to regulatory or customers' directive compliance rather than a proactive initiative that often gets marred in the myopic view on cost-benefit analysis by the decision makers.

There was thus a need for a responsible compliance regime that would assess all risks and its cost-effectiveness prior mandating requirements.

### **Regulation driven compliance culture – Regulation of technology**

There is an established leading theory of regulatory politics, that concentrated industry groups could capture regulation and bend it to serve their own interests (Wiener, 2004). These suppliers put up a barrage of prominent eye-catching graphics extolling the virtues of technology and it takes a while to scratch beneath the surface to discover a slightly less enthusiastic take on the matter with self-serving objectives.

In a global scenario like that of shipping, one fall-out is that if the technology move is costly, the economically advanced countries that regulate first, take the lead in selling new technologies to countries that follow. It is often reported that it is this club of economically advanced countries and the body of technology suppliers through their country representatives at the IMO, dominate the proceedings in pushing the technology agenda. Often this is done behind the shield of safety enhancement and green shipping that finds appeal and ready buy-in.

In the global context, the policy making is seen to get politicised with a self-serving agenda of the constituent members of policy making bodies belaying the notions of any common good for the industry. The issue, particularly in



safety-critical industry like shipping becomes that the dividing line between social regulation on health, safety, environment and economic regulation of technology gets blurred when technology is passed off as enhancing safety. The regulation of technology follows the leading theory of interests lobbying to shield business profits. The theory that it is the subgroups of the industry that drive technology in the garb of social regulation on safety, health and environment, do so to serve their own parochial advantage by raising rival firms' cost, endures (Wiener, 2004).

Stiglitz (2006) has argued that the developed world has carefully crafted laws which give innovators the exclusive right to their innovations and the profits that flow from them.

#### **Managing contradictions**

Having clarified the nexus of Innovation-Technology-Regulatory regime-Green shipping, one can now move to the issue of managing the contradictions.

Since this industry is driven by regulatory regimes, it thus calls for exercising care and caution in framing regulations. Indeed there can be more imaginative ways of rulemaking. There is a need to move from Regulation of Technology to Technology of Regulation.

Different regulatory mechanisms do exist, like performance standards, management system requirements, taxes and incentives, tradable allowances, information disclosure etc. that can effect differently and influence consequences. Thus for example, a technology requirement

approach may turn out to be less effective at stimulating technology change than a performance standard or tradable allowance as in carbon emissions. If say scrubbers were mandated for washing off the sulphur-di-oxide emissions prior to its release to atmosphere, firms would have lesser incentives to invent better methods. The Goal Based Standards (GBS) approach now being adopted by the IMO is one such example where the IMO would state what has to be achieved, leaving classification societies and ship designers the freedom to decide how best to employ their professional skills to meet the requirements.

Another major development is the regulatory impact assessments to forecast the impacts of new regulations before their enactment through Formal Safety Assessment (FSA) thus encouraging regulatory innovation in testing alternate designs of technology and regulation and selecting the best. The IMO is seen to be adopting this of late that promises enabling balance between various technical and operation issues, including the human element and between safety and costs. However, as yet there are few empirical investigations of actual impacts sighted.

A strategy much used particularly in the area of environment protection is technology forcing, where the regulator specifies a standard that cannot be met with existing technology, or at least not at an acceptable cost (Gerard and Lave, 2005). The intent is to elicit advances in technology and force firms to invest in R&D, whereas

firms want regulators to delay or relax standards. The outcome of such conflicts then determines the rate of technological innovation and its diffusion. This option may enjoy more political support than others like gasoline taxes. The IMO in its efforts towards mandatory energy efficiency measures for international shipping is seen to embrace this approach with its Energy Efficiency Design Index (EEDI) for new ships along with its set of guidelines. A more tempered approach is with the Ship Energy Efficiency Management Plan (SEEMP) that uses the management system approach and provides a mechanism for operators to improve their energy efficiency of ships over time.

Social rules, practices and standards of accountability characterise an industry at any given time and have as significant an impact on safety and environmental protection as traditional command-and-control regulations by the State that rest on tacit assumption that government regulations are the only source of accountability. Self-regulation is in fact a notable trait of professional organisations.

In the maritime industry it was the insurance sector that created the classification societies as a way to reduce uncertainty and to manage marine risk. Many classification societies have now assumed statutory functions on behalf of flag states thus blurring the distinction between intermediary institution and a system of self-governance. Marine insurers being institutional counterparts to classification societies, could force ship owners to



be registered with reputable classification societies to obtain adequate insurance and a superimposed system of self-governance in IACS came to be exercised (Furger, 1997). IACS adopted developing Common Structural Rules (CSR) to remove variations and achieve consistency, and further to be in compliance with IMO's Goal Based Standards. This changes the century-long practice of independent classification rule making and also marks a significant step taken by IMO, as it has never been involved in the past in the detailed convention requirements for the structures of the ships (Kim, 2005). The IACS press release of 2nd July 2012 confirms the placing of draft IACS harmonised CSR on its website and states that the harmonisation project is also set out to achieve full compliance with the IMO's GBS which comes into force in the middle of 2016 (IACS, 2012).

The regulatory framework in the shipping industry in practice extends much beyond the IMO and flag states. The fragmentation of the industry and the range of organisations and decision – making structures involved can be illustrated by the typical example of a German owned ship flying a Panama flag, manned by Indian officers and Filipino crew carrying Saudi crude oil to Japan. The ship may be classed with the Norwegian classification society, have her hull and machinery insurance placed in London and her cargo insurance in Paris.

With such a multitude of stakeholders of different

nationalities, the regulation of the shipping industry is inevitably complex. There are then intra- and inter-organisational relationships within and among the various members of the global maritime community. These intermediary organisations also interact to form both systems of self-governance and private systems of governance. Examples are the International Association of Classification Societies (IACS), International Association of Independent Tanker Owners (INTERTANKO), International Association of Dry Cargo Ship Owners (INTERCARGO), etc. Porter (1995) points out that INTERTANKO is a good example of self-governance where membership is subject to a number of requirements, and members found not in compliance may be expelled from the association. Classification Societies, Marine Insurance companies and Protection and Indemnity (P&I Clubs, who are concerned with safety of crew and integrity of cargo), also have the ability to set standards of accountability among ship owners and ship operators (Furger, 1997).

In summary, in a global shipping environment with fragmented structures of organisation and split incentives for number of stakeholders in a venture, if regulation, as it strongly emerges, is to be the basic means of driving technology uptake, then it calls for far more caution and imagination in its making and its implementation.

#### **Policy recommendations**

A responsible and risk-assessed regime of regulatory and customer

requirements is thus seen to be the key driver in enhanced technology integration in modern ship management practices. If the potentials are there as seen to be, then it needs the attention of the policy makers' like the IMO, Maritime Administrations, Classification societies and industry organisations like Oil Companies International Marine Forum (OCIMF) and Society of International Gas Tankers and Terminal Operators (SIGTTO). What is fundamentally lacking is policy entrepreneurship that will encourage policy innovators who will develop and test new forms and approaches to regulation for greater effectiveness, less caustic side-effects, even less cost and promote other desirable attributes. Regulatory design should be about consequences – what works, how much, with what costs and side effects compared to the available alternatives. The influence of regulation on technology is complex and as Wiener (2004) puts it, depends on the "technology of regulation" that aids governance – the actual design of instruments of enforcement.

There is thus a need for the rules to become more performance based with defined outcomes, rather than set technological solutions in a prescriptive format. Prescriptive regulations tend to be a distillation of past experience and as such become less and less relevant over time. It is the innovator that is best placed to ensure the safety of design rather than the regulator. Care should also be taken to see that the additional regulations do not add to



the administrative burdens on the ships' crew and calls for a user-centric approach in even designing of regulation in as much as the design and implementation of technology integrated practices. The user-centric approach puts employees in the centre where they play an active role in identifying potentials for rethinking of business regulation and how burdensome experiences can be reduced (DMA, 2011).

Lastly, all of the gaps stem from a lack of synergy between research and practice that results in the practitioners insufficiently aware of relevant research and at the same time research tends to be not sufficiently informed by the body of knowledge gained from practices. In the shipping domain particularly, there is a need to develop methods and tools to more effectively leverage the knowledge and insights gained from practice and improve the cross-dialogue between research and practice

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# Use or Misuse of Title "CAPTAIN" in Merchant Shipping

I choose this topic as not many people pay much attention to respecting the dignity of this title as there are no clear guidelines regarding its use, thus leading to its gross misuse.

In the Merchant Navy the person in charge and having ultimate responsibility for the command of the vessel is the SHIPMASTER and his rank is that of a MASTER or CAPTAIN. This RANK is accorded to SHIPMASTERS who are in possession of an Internationally recognised Certificate of Competency issued by the Government of an established maritime nation and who are or have been in command of a seagoing Merchant Ship.

The title of "Captain" is rightly to be used by those Master Mariners who have served in Command. The nearest we come to an official recognition of the title is in Government Departments such as the Marine Directorate General of Shipping where Nautical Surveyors MUST have served at least one year in command of a foreign going ship.

This rather demonstrates that the title "Captain" must be recognized by the Nautical Profession as an accolade to be earned by a Shipmaster having achieved a standard of excellence and demonstrated a level of expertise in maritime matters which would not normally be available to a lower ranking Officer due to inadequate or insufficient sea service and due to



lack of control and decision making in a Command Environment.

The CMMI comprises of members who possess Masters COC and those that are fully qualified shipmasters and have held Command of Seagoing Merchant Ships and are addressed as "Captain".

In my view the title "Captain" should be restricted to those who are properly qualified. Obviously they must hold a Master's (FG) COC and have held Command of a Merchant Vessel for at least one year particularly on Foreign Going ships.

When a person fulfils both of the above criteria, only then should he or she be entitled to use the title of Captain, when working ashore in the Marine Sector.

During my interaction with many of my mariner friends / colleagues, it was noticed that some of the Pilots or mariners doing shore jobs even when not holding Master FG COC were using the Title "Captain" prefixed to their name. I understand that this is also a crime under IPC "False use of Title" as it gives a false perception to society at large.

Further it reflects the image of the entire Master Mariner fraternity.

Some of my friends might not attach too much importance to the correct usage of the title Captain!!!! May I ask if an IAS officer would approve a non-IAS person to use such credentials, albeit as a suffix.

Pilot is a Rank which can be used when one holds Pilot Licence but Captain is a Title to be used only when the above two criteria are met. (Of course this is only my opinion)

CMMI as a professional body could perhaps consider issuing an advisory circular regarding its use and also request the administration to issue an MS/advisory circular in this regard so that by it we can preserve the dignity of the title "Captain" as a respect to those who have earned it rightfully.

The above article contains only my personnel view point and does not reflect the views of any organisation with which I may be attached.



**Capt. A. B. Solanki**  
Extra Master, MBA, Pilot



# If a ship is lost to a peril of the sea, How can you say she was seaworthy?

by John Weale

Taken at face value, this is like asking why a church needs to be insured against Act of God. But it does raise some interesting issues in relation to the ship owner's responsibility for the safe carriage and delivery of cargo.

An early source for international maritime law is a book entitled "Consolato del mare", which was published in Barcelona towards the end of the fifteenth century. At one point, this states: "If goods on board a ship shall be damaged by rats, and there be no cat in the ship, the managing owner is bound to make compensation. But if the ship has had cats on board in the place where she was loaded, and after she has sailed away the said cats have died, and the rats have damaged the goods, if the managing owner of the ship shall buy cats and put them on board as soon as they arrive at a place where they can find them, he is not bound to make good the said losses, for they have not happened through his default." In other words, the complement of every well-found mediaeval ship carrying grain should include at least one able-bodied feline for the proper care of its cargo.

This ancient rule actually tells you all you really need to know about the concept of seaworthiness. First, it is not just about the ship itself: it also includes the concept of "cargo-worthiness" – that is, the ability of the ship to carry the cargo safely and in good condition to its destination. Secondly, it is not an absolute concept, but depends on the standards of the time and the nature of the intended voyage. Third, the shipowner, as the carrier, will be liable to pay for any damage caused by unseaworthiness. Fourth, the Consolato neatly illuminates the idea of seaworthiness as to causation – which is, that unseaworthiness is only relevant

to the extent that it causes or contributes to the loss or damage claimed. And fifth, the obligation as to seaworthiness usually "bites" only at the commencement of the voyage: after that, the question is whether the carrier has acted properly in caring for the cargo.

The modern definition of seaworthiness goes something like this: "The ship must have that degree of fitness which an ordinary careful owner would require his vessel to have at the commencement of her voyage having regard to all the probable circumstances of it." In other words, would a prudent shipowner, knowing everything about the ship, have required the defect to be rectified before allowing the vessel to proceed to sea? Was she reasonably fit to encounter the ordinary perils that might be expected on that voyage at that time of year?

If the answer to that question is: Yes, and the vessel is then overwhelmed by a freak event, the owner will be entitled to the benefit of the exception of "perils of the sea," but it will come as no surprise to learn that this defense is not one which is usually pleaded with much success, just because of the inherent contradiction with the concept of seaworthiness.

It is, however, important to remember that errors of navigation on the part of those on board the ship have no relevance to the issue of unseaworthiness – unless, of course, they stem from incompetence, sometimes referred to "human unseaworthiness." The crucial question is always this: what was the state of the



ship at the commencement of the voyage? If she was well-found and fit to receive and carry the cargo in question, and manned with an adequate and competent crew, then she was seaworthy.

It is often said that the ship owner's right to rely on the exceptions and immunities contained in the contract of carriage are conditional upon the vessel being seaworthy. But in the end, this really boils down to a simple question: was the loss or damage caused, in whole or in part, directly or not, by the ship's unseaworthiness? If the answer is: Yes, then the ship owner will be liable and that is the end of the matter. If the answer is: No, then the defenses and immunities can come into play.

But if it all seems too complicated, just think of the cat from Catalonia.

**John Weale**

Senior Vice President  
(Risk Management) Fednav Limited





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# Master as Captain, Manager and Scapegoat

By Capt. A.K.Bansal

L.L.B (Hons) London, Master Mariner, Bar-at-Law, Fellow Indian Council of Arbitrators.

In old days, a marine craft was a SHIP only if she was square rigged on minimum three masts and had a bowsprit. Today, laws that define a SHIP vary from country to country. Art. 91 of United Nations Convention on Law of the Sea, UNCLOS 1982, requires every state to grant its nationality and right to fly its flag to SHIPS registered in THAT state. Therefore a marine craft is a SHIP under UNCLOS registered in that country under its rules.

Ship's register evidences her Nationality, Port of registry and mortgages if any. Once registered, she acquires a legal personality in Rem i.e. The Rem, 'a ship as a thing of Value' and also in Personam, i.e. a ship as a person like us. She can do wrong and incur liabilities. Collision is a typical example where she herself is not only responsible in Law but is also to make reparations. She can also be held liable for causing pollution, in addition to other remedies available to those who suffer from it. A Ship can have contractual obligations independent of her owners. For example a supplier or repairer has a right directly against the ship if he is not paid for supply of essentials such

as stores and bunkers or for carrying out necessary repairs to her.

Salver has a right, directly against the ship, for salvage services rendered to her. Owners usually discharge such liabilities, but if these are not discharged, she can be made to meet her obligations and liabilities, limited to her own value. But a ship has no eyes, ears, hands or brain. Therefore she functions through her Master who is her Alter Ego. As a qualified seafarer, with his name on the certificate of Registry of a Merchant SHIP, he is accountable for the safety of ship, crew and passengers. His orders commit HER to a collision for which SHE is liable. His signatures on HER behalf, commit her to a debt which SHE must pay if owners don't. The Master's signature on a Bill of Lading make Her liable if she does not deliver cargo to the port of destination. The Master can also exercise lien on cargo she carried, for unpaid freight earned by HER. He is also obliged to do every thing in his power for safety of his ship without endangering lives on board. Of course when choices have to be made, the Master can legally throw cargo overboard (jettison) or order to 'abandon ship,' to save lives which take priority as against his ship and cargo. Next comes his duty

to save life at Sea without endangering his own ship or life on board. These duties may be towards saving lives on a distressed ship, a man adrift at sea, or refugees in boats. Master may be carrying perishable cargo, OR rushing to make a C/P canceling date! Apart from delay at sea to pick up person(s) in distress, he may get into problems with immigration authorities at his next port. This may tempt him to turn a Nelson's eye and sail by! But Article 98 of UNCLOS does not allow him and Chapter V rule 10-A of SOLAS, does not allow any interference in this duty by commercial considerations.

Under rules of UN High Commission for Refugees (UNHCR) 1983, if a master rescued Vietnam refugees, Governments of UN member countries co-operated to disembark them at his port of destination, with as little loss of time to the ship as possible. UNHCR may reimburse owners some amounts so that financial considerations do not influence Master's decision to rescue. But if it was a different port than the one his ship was originally bound for, THAT country was not obliged to take on this responsibility. Therefore under these rules master could not deviate to the nearest port unless safety of



life on board, forced him to do so.

In a 1987 case, charterers argued in arbitration that vessel was OFF HIRE during the time port authorities refused to allow her into port with 290 refugees on board, and for time taken to disembark them! Arbitrators found that the ship was "efficient in herself and capable to perform the services required of her." Therefore she was not off hire. Appeal courts also held that charterer takes a vessel with all her obligations under her national and International Laws, and this is one of her legal obligations consistent with charterer's use of the ship, given Master's overriding duty to save life at sea under Maritime conventions Act 1911, and Art 98 of UNCLOS.

In some countries the law demands that only nationals of that country can command their ships. Till 1995, when British Merchant Shipping Act was amended, Master, Chief Officer and Chief Engineer of British ships had to be British. Today numerous Masters sail the high seas in command of foreign flag vessels. Articles 91, 92 and 94 of UNCLOS stipulate that ships shall sail under flag of one State only and be subject to its exclusive jurisdiction and control on the HIGH SEAS. Therefore Master commands a ship in accordance with Laws of the Flag State, regardless of his own nationality or the nationalities of his officers, crew and passengers. He must ensure compliance of safety, manning plus Maritime, civil and criminal matters on the HIGH SEAS in accordance with such Laws.

In a recent case, two Philippino seamen killed the 2nd officer on a Panama flag VLCC on their way to

Japan. Even though the 2nd officer was Japanese, the ship was in fact owned by a Japanese Company and she arrived in Japan immediately after the crime, the Philippino seamen were deported to Panama, for criminal prosecution because the murder was committed in International waters and only Flag State had jurisdiction over such a crime.

Under Arts. 2 and 3 of UNCLOS, Sovereignty of a Coastal State extends to a 12 miles belt of the sea along her coast, known as territorial waters. Thus all ships within its territorial waters are subject to jurisdiction and laws of the coastal state. A merchant ship flies its flag on her foremast when in its territorial waters not only to show courtesy, but also to proclaim that she and all on board her, submit to its Laws. In a recent case a seaman was caught fishing from the stern of his ship anchored in US territorial waters. Even though the seaman was a foreign national and was fishing from deck of his foreign Flag vessel, both Master & the seaman were arrested for contravening US Law which requires a person to have a license to fish. It is usual for seamen to throw their fishing lines over side in their leisure time in all waters, all over the world. But US Law applied and it was the Master's duty as manager to ensure that crew working under him do not break laws of foreign countries.

Quite obviously, a merchant ship is operated by owners for profit. Master is their agent and Chief Executive on board and is answerable to them for her successful commercial operation

subject to laws applicable to him and his ship. In the past, ship masters sailed their ships under an aura of authority, social respect and economic professionalism. But today coastal states apply their laws to ships in port more stringently. With owner's office having shifted to his bedside electronically, Master has become more of a floating office manager. This tends to take away his authority without exonerating him of his responsibility. Master is custodian & bailee of cargo, subject to Bills of Lading issued by his ship under his signatures or under his authority. Increasing complexity of Management and handling of ships and cargo, coupled with rapid developments in National and International Laws make ever increasing demands on him.

He must understand the technical issues involved in specific situations and know how to avoid pitfalls to make her a good commercial unit for owners. He must learn how to sift out pulls and pushes of commercial interests to ensure that no untoward commercial or legal liability attaches to his ship. He must know the WHY, HOW and consequences of his orders & actions. He can always seek expert advice from owners and his P & I club, readily available to him through modern communication systems.

In some countries, only those who hold their own state certificates, can command their ships even if they are non nationals. Laws of Panama require Panama flag ships to be commanded by holders of Panama Certificate of Competency regardless of their nationality. In



such cases Master may hold another Master's Certificate issued in his own country. Even so, he is accountable to that State which issued the certificate by which he commanded a ship at that time. On 12.8.86, a Panama Flag vessel sank 232 nautical miles off Indian coast. Under Indian Merchant Shipping Act Indian Govt. can grant a certificate of competency, but only courts can cancel it. Mercantile Marine Department filed a complaint in court under Sec 363 of Indian Merchant Shipping Act 1958, charging the Indian Master with incompetence and misconduct, and calling for cancellation of his Indian Certificate under part XII of the Act. Master countered that Indian Courts had no jurisdiction. Fact that he was an Indian National AND also held an Indian Master's Certificate had no relevance. He commanded a Panama flag ship by virtue of holding an Independent Master's certificate issued by Panama Govt. The ship sank in International waters. Therefore Indian Merchant Shipping Act 1958 did not apply.

Supreme Court of India accepted that Govt of India had no jurisdiction and that since Master of this ship commanded her by virtue of holding a Panama Certificate of competency, only Panama Govt. could hold an enquiry as to his competency to hold that certificate. This judgment of the Highest Court in India, endorses accepted Indian and International Laws. Since then, STCW convention has made certain changes. In time it may be no more possible for a seafarer to hold two independent certificates of

Competency. Panama authorities are already endorsing their Certificates with a statement that it is issued because the holder has an Indian Master's Certificate. But all this may change further.

Master may delegate his authority but not his responsibility or accountability. Under most jurisdictions, a master is exposed to civil, disciplinary, and criminal sanctions of the flag state in International waters. He can be guilty of an offence when his ship is found in a dangerously unsafe condition. He may find himself convicted for something of which he was totally unaware. A Master may also be under a personal liability to any person who has a cause of action against him in accordance with general principles of Law of Tort, under which, each of us has a duty of care not to cause harm or injury to anyone through our actions and inactions. This includes Master's duty of care to anyone who is on board his ship bona fide which is not based on any contract or agreement. For example if a shore laborer is injured while working on board, because a manhole was left open in a dark tween deck, unlit and unguarded, those responsible can be held liable, for negligence. That includes the Master as he is in command and is therefore responsible for acts of all those on board working under him.

ADLER v DICKSON, is a cardinal case concerning duty of care and Master's liability. Decided in 1955 by Court of Appeal in England, this was a case of personal injury suffered by a lady passenger on the P&O liner HIMALAYA in Genoa,

who got injured while climbing the ship's gangway because its lashings broke. She sued P&O and claimed medical expenses and damages. P&O denied liability because clauses printed on her ticket absolved them for any harm or injury she may suffer while on board. She then sued the Captain and Bosun of the ship in Tort and claimed that because she had a right to be on the ship by virtue of her ticket, she was entitled to safe access to and from the ship. As professionals responsible for safe running of the ship, Master & Bosun owed her a duty of care to ensure that the gangway was safe for her use. It was further argued on her behalf that the shipping Company could not contract out of THIS personal obligation of Master and Bosun through clauses on her ticket as it was outside the contract of carriage. UK Court of Appeal upheld this argument and awarded heavy damages against the Master and Bosun in person, for not discharging their duty of care. Fortunately P&O paid these fines on their behalf.

Master is given authority by flag state to maintain reasonable safety and pollution prevention standards, increasingly influenced by UN and IMO Conventions. Coastal states prosecute masters for even minor infringements of local laws. With most varied legislation in many countries, consequences of errors, omissions or negligence of crews, causing pollution, deficiency in seaworthiness and cargo-worthiness of the ship may lead to ship arrest and criminalization of the Master as manager of the ship.



Owners can rarely be made accountable even for causing pollution as they may be miles away in different jurisdictions. Ship has caused an offence or pollution, hence SHE and Master are liable, not the owner.

Maximum owner can do is to pay a fine imposed on her or abandon his ship in hands of those who have suffered loss or damage. But that does not absolve the Master as HE is accountable as her Alter Ego. Today, if there is a pollution incident, Marine accident, breach of port regulations, a collision or stranding, local authorities usually detain the master to start with. He may have lost his ship through no fault of his, and may have been one of the few survivors from an appalling tragedy. But he is thrown in jail and is subjected to interrogation through days and nights. Of late, there have been many cases of unjust treatment and detention of shipmasters without trial even when they were generally innocent.

The 25 year old, 37238 DWT, Malta flag, M.T Erica, enroute from Dunkirk to Livorno, loaded with 31000 tonnes of oil, broke into two and sank in Bay of Biscay at 0820 hrs on Sunday December 12, 1999, in poor visibility, gale force winds and up to six meters swell.

Media and International maritime community dubbed the ship as an 'OLD RUST BUCKET,' praised the Master for his seamanship which ensured rescue of all 26 crew members by helicopters from the sinking stern section and ship's life rafts. Master was arrested in France and was not allowed to go home to

India till February 2000 when he was released under heavy International pressure. ERICA had passed her Annual Survey just 18 days before she sank. Her Safety Construction, Load line, Safety Equipment Certificates, ISM Code, DOC and SMC were all valid until August 2003. Since she was fully certified and in CLASS, RINA Italia, & International Association of Classification Societies (IACS) were severely criticized by International media for gross dereliction of duty by their surveyors. But that did not help alleviate Masters responsibility, which made him a scapegoat.

Sinking of the 1976 built tanker Prestige on 19.11.2002, because shipside plates fell down in bad weather, is another case. Master was jailed in Spain and released after 83 days on an exorbitant bail of Euro three million even though he could have done nothing to prevent shipside plates from falling and no case could be made out against him warranting arrest. Yet he was made a scapegoat. No Master is above the law. He must be accountable. But law must be fair to support good practices, and impose penalties for infringements. Also Criminal liability for pollution emanating from vessels must be equally applied to ship owners, ship builders, repairers, ship surveyors, classification societies, and port State control inspectors, depending on who is at fault. To hold a person criminally liable there has to be criminal intent or criminal negligence and not just 'Act of God.' or negligence of others. But most coastal states ignore International

Law, Conventions and traditions when it suits them. Generally, anything which gets the ship or owners into trouble, is attributed to the Master and credit for anything which the Master does for benefit of the ship or owners, is attributed to owners. This makes master a scapegoat.

Masters especially those serving on substandard ships of flags of convenience, need support of International Maritime Industry to stand up to their owners and managers, and protect their legitimate rights for maritime safety and environmental protection, against unacceptable commercial pressures which compromise their professionalism.



**Capt. A.K. Barsal,**  
L.L.B (Hons) London,  
Master Mariner, Bar-at-Law,  
Fellow Indian Council of  
Arbitrators.



# Implementation of the Polar Code

By Capt. Liston Pereira

RESOLUTION MEPC.264 (68) (adopted on 15 May 2015) brought about the INTERNATIONAL CODE FOR SHIPS OPERATING IN POLAR WATERS (POLARCODE)

The Polar code will take effect on 1st Jan 2017 upon entry into force of the associated amendments to Marpol Annexes 1, 2, 4 & 5

This shall adopt the environment-related provisions of the Introduction, and the whole of parts II-A and II-B of the Polar Code.

Introduction of the Polar Code addresses both safety and environmental protection and shall be adopted in consultation with the Maritime Safety Committee.

## POLARCODE

The Arctic is a vast northern ocean surrounded by the northern extremities of five Arctic coastal states. Ice-covered for much of the year, the region supports a wide variety of fragile plant and animal ecosystems as well as a number of people with their differing traditions, cultures, economies, and political systems.

Climate change is being dramatically felt in the Arctic, with temperatures warming at roughly twice the global average rate, resulting in changing habitats for plants, wildlife and people.

Sea ice is disappearing so quickly that soon summers may be ice-free. Among other previously unimagined changes, a new frontier for shipping is opening in the polar region. At the same time, rising fuel costs and other global trends have increased demand for new, shorter sea routes through the North.



As the prices for oil and other scarce but important resources increase, the Arctic is seen as a new and vital source of these valuable commodities.

Increased shipping, resource extraction and tourism will create new economic opportunities, along with environmental hazards.

Any increase in development activity brings with it the potential for environmental impact, and the shipping industry is no exception. Safety is of course a key concern in Arctic waters, where the conditions are harsh and the support infrastructure is relatively scarce, so that avoiding accidents and spills is of crucial importance. Environmental impacts of shipping include disruption of marine mammals and other wildlife, discharge of pollutants including greenhouse gases, emission of particulate matter, and introduction of invasive species through ballast water. Notwithstanding these impacts, it remains the case that it is not a question of whether there'll be increased Arctic shipping, but rather

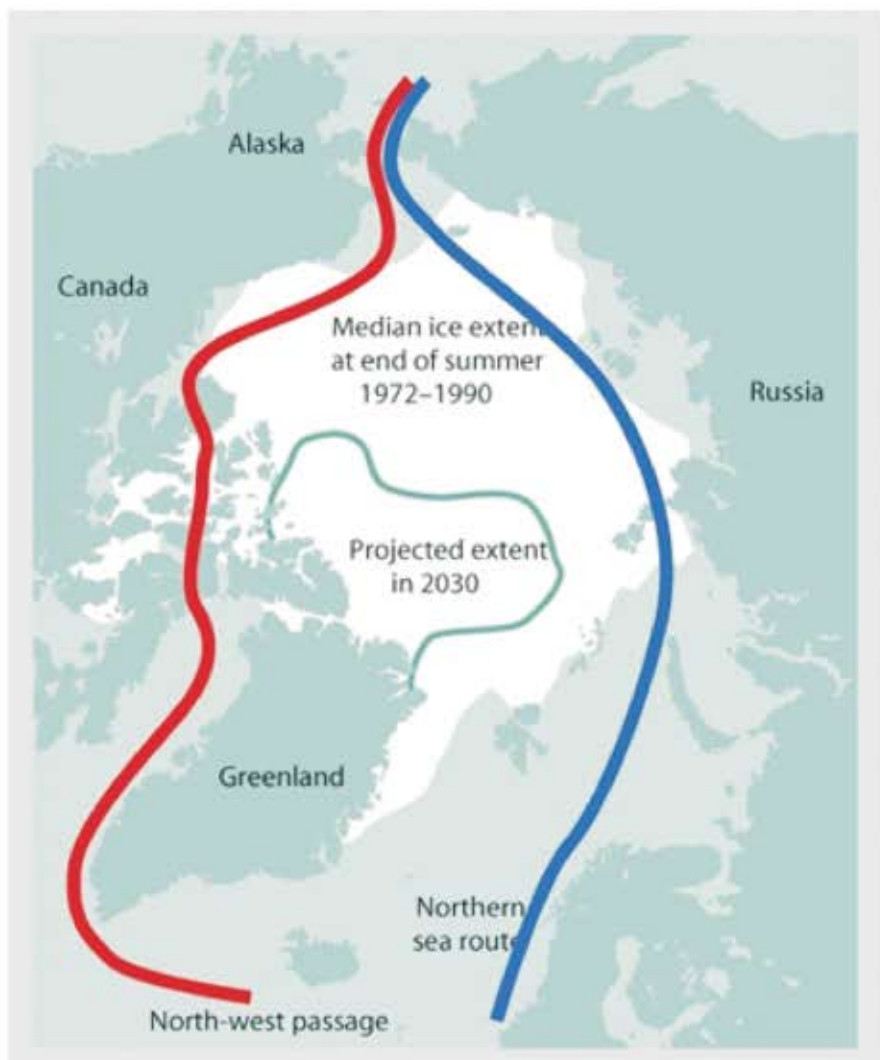
how that shipping will be undertaken – namely the measures, precautions, regulations and best practices that will be implemented in order to minimize the risks, avoid or mitigate the impacts and maximize the net benefits of development to the northern residents who rely on intact Arctic ecosystems.

The International Code for Ships Operating in Polar Waters has been developed to supplement existing IMO instruments in order to increase the safety of ships operation and mitigate the impact on the people and environment in the remote, vulnerable and potentially harsh polar waters.

## IMO Guide lines Key provisions :

- Only those ships with a Polar Class designation or a comparable alternative standard of ice-strengthening appropriate to the anticipated ice conditions should operate in polar ice-covered waters.
- The combination of hull structural design, material quality,





subdivision and segregation measures prescribed in the Guidelines and supporting standards should be adequate to reduce the risk of human casualties, pollution incidents or ship losses to acceptably low levels of probability during prudent operations in polar waters.

- No pollutants should be carried directly against the shell in hull areas at significant risk of ice impact. Operational pollution of the environment should be minimized by equipment selection and operational practice.
- Key safety-related, survival and pollution control equipment should be rated for the temperatures and other conditions which may be encountered in the

service intended.

- Navigation and communications equipment should be suitable to provide adequate performance in high latitudes, areas with limited infrastructure and unique information transfer requirements.
- Sea suction(s) should be capable of being cleared of accumulation of slush ice.

Every ship to which the Polar Code applies shall have on board a valid Polar Ship Certificate.

Every ship to which the Polar Code applies shall have 'The Polar Water Operation Manual' (PWOM) which shall provide the owner, operator, master and crew with sufficient information regarding the ship's

operational capabilities and limitations in order to support their decision-making process.

In order to ensure that ships operating in polar waters are appropriately manned by adequately qualified, trained and experienced personnel, companies shall ensure that masters, chief mates and officers in charge of a navigational watch on board ships operating in polar waters shall have completed training to attain the abilities that are appropriate to the capacity to be filled and duties and responsibilities to be taken up, taking into account the provisions of the STCW Convention and the STCW Code, as amended.

Every crew member shall be made familiar with the procedures and equipment contained or referenced in the PWOM relevant to their assigned duties.

From what we see above it is obvious that our work has just begun and that several parties shall be involved in the implementation of this code.



G.M. Training  
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# Improvement required in Maritime Training in India

- Capt. C. L. Dubey

Maritime training has come a long way in India. Through the ages there was T.S.Dufferin, Rajendra, Chanakya, DMET, L.B.S.Nautical College, T.S.Rahman & MTI and a few others to start with. Then came the STCW'95. Many courses were made mandatory by IMO and the Indian Administration thought it fit to open up Maritime training to Private sector to cope up with the huge requirement.

Thus came about 120 maritime institutes all over India. Some of them were fly-by-night operators with the sole intention of making some quick money while some others were in it with serious intentions for a long haul. Therefore we have a cocktail of maritime institutes running in India. Notorious acts of one eating away the credits of others were and are still prevalent.

I myself happen to be one of those serious ones and have been into Maritime training from last 23 years, teaching various grades of candidates from NWKO to Extra masters and have visualized the following ways in which maritime training in India can be improved. These are my personal views only and are open to wide debate.

## (1) Modular Courses:

Pre-sea courses have external examinations conducted by BES or IMU or Various Universities



under which the degree courses are conducted. Modular courses are the ones for which there are no external exams. Due to this relaxation there are either compromises with quality teaching or issue of fake certificates, without any training. I suggest all modular course exams be centrally conducted in major cities like, Mumbai, Delhi, Chennai and Kolkata jointly by CMMI & IME. Based on results, the Institutes or CMMI/IME may issue modular course certificates.

## (2) Fake certificates:

Either outsiders/agents are issuing fake certificates or Maritime Institutes themselves are issuing it. It is shaking Industry's confidence in maritime training. The initiative of Maritime Administration towards verification of these certificates by shipping companies

is a welcome move provided all shipping companies are verifying these certificates with respective training institutes religiously. This will minimize fake certification to a great extent. I feel that if the certification process is done by CMMI/IME it will further reduce fake certification.

## (3) An Association of Maritime Training Institutes:

Maritime Training Institutes in India do not have any Association of Pan India presence. Consequently the voice of Maritime Training institutes is never heard in any forum. Private Maritime Training Institutes in India conduct about 60% of the entire training but it is very unfortunate that they are never consulted on any issues though they are stake holders. There are many benefits of having an





association. It helps in improving maritime training.

#### **(4) Faculty for Maritime training Institutes:**

Compared to all other shore jobs in the maritime industry, the wages of faculties in maritime training institutes is the least. May be some of the Institutes owned by shipping companies are paying more but overall the faculty wages are less. Sometimes I wonder why? Let us take a Chief Mates course and examination expenses in India and U.K. Total fee for the course in India including examination is approximately Rs. 1.25 lacs. For about 10 months boarding and lodging, the expenses may be Rs. 2.5 lacs. Thus total is Rs. 3.75 lacs. In U.K. the fees is about 9000 pounds and boarding/lodging expenses are about 8500 pounds. Thus total expense is about 17500 pounds or Rs. 16 lacs. Thus a candidate going for U.K. certification of Chief Mate is spending about 12 lacs more. What I mean is that the fee charged for various competency/modular courses in India is too less. Its peanuts. It cannot be increased because some institutes are

charging less fees. What is the result of charging too low fees? Less collection in the kitty and if you are not backed by some shipping companies or Government or shipping organizations, you cannot afford to pay good wages to the faculties. And if wages are not good, no good teachers will come to you. They will prefer other maritime shore jobs. So in nut shell, if you want quality teachers, you have to pay well and for that the course fee for all courses has to be increased, if not equal to, at least 50% of U.K. fee. May be a Maritime Training Institute's association will be helpful in this respect and raise and rationalize the course fee in India.

#### **(5) Attitude problem in Indian seafarers:**

It is a general complaint from most of the shipping companies or management companies that the attitude of Indian seafarers is not good. Due to which Ship owners internationally are suffering and therefore changing over to other nationalities. So in the long run seafarers in particular and India as a Nation suffer. Knowledge wise, Indian seafarers are good but

attitude wise they are not good. There is good need of educating these seafarers at some level to make them understand the fact that it will harm them and our Nation if they do not improve their attitude. Attitudinal training should be enhanced, either at the pre-sea level or as a value addition course by shipping companies. It should be well elaborated and highly stressed starting from simple things like "What is an attitude, what is good/ bad attitude, what all forms an attitude, advantages /disadvantages of a good/bad attitude etc.

With this I shall rest my case and leave it to the industry to add on to these thoughts and bring about the necessary changes required in our maritime training at a national level.





# 'MARITIME INDIA' - A New Dawn

The Editor Is Proud To Present The Report Of The Momentous Seminar Organized By The Company of Master Mariners of India - Kochi Chapter On 26th September 2015

At The Taj Gateway, Kochi

Registration commenced as early as 1430 hrs. and each delegate was presented with a welcome kit.

Capt. Ravi N Mundayur, Chairman - CMMI Kochi Chapter presided over the function.

Shri. K. Babu, Shri. K.V.Thomas, Shri. Ajith Kumar Sukumaran, Shri. Hibi Eden and Mr. Robert McCabe were the Chief Invitees on the dais.

Capt. Anish Joseph, Secretary - CMMI Kochi Chapter delivered the

Welcome Address.

Shri. K. Babu, Minister of Fisheries and Ports, along with Shri. K.V. Thomas, MP Inaugurated the Seminar with the Lighting of the Lamp and thereafter, Shri. K Babu delivered the inaugural speech which was followed by an address by Shri. K.V. Thomas.

Capt. Ravi presented the Mementos to Shri. K Babu & Shri. K.V.Thomas as a token of appreciation for their valuable support.

Presidential address was given by Capt. Ravi N Mundayur, followed by the keynote address by Shri. Ajith Kumar Sukumaran, Deputy DGS (Technical), Principal Officer - MMD Kochi.



(In Picture right to left:- Capt. Anish Joseph, Secretary - CMMI Kochi Chapter; Capt. Robert Mc Cabe, President Nautical Institute; Shri. K. Babu, Minister of Fisheries and Ports; Shri. K.V. Thomas, MP - Ernakulam & Chairman of PAC, Capt. Ravi N Mundayur, Chairman - CMMI Kochi Chapter; Shri Ajith Kumar Sukumaran, Deputy DGS (Technical), Principal Officer - MMD Kochi)

Felicitation speech was delivered by Capt. Robert McCabe, President - Nautical Institute, London



Shri. K Babu (left) delivered the inaugural speech followed by address by Shri. K.V. Thomas.



Capt. Ravi presented the Mementos to Shri. K Babu & Shri. K.V.Thomas as a token of appreciation for their valuable support





Four technical papers were presented as follows:



**Paper 1- Opportunities in IWT and Coastal Shipping presented by Capt. Philip Mathew.**



**Paper 2 - Developing a Maritime Nation presented by Capt. G K George.**



**Paper 3- LNG Value Chain and New Developments presented by Capt. Vikas Singh.**



**Paper 4 Commercial Operations presented by Capt. Amar Mascarenhas.**

Capt. Sajan K Varghese was the Moderator at the Seminar. He steered the event by summarizing all the speeches and promoting an interactive Q&A sessions. All speakers were awarded a Memento as a token of appreciation.

Whilst the seminar session was in progress in the main Hall, the Ladies and Children were engaged in various fun and entertainment activities. This included a Backwater Boat Cruise, a Street Magic show by famous Magician Sreejith, and various party games for kids.

Capt. Joseph Alapat, Harbour Master - Cochin Port Trust delivered the Vote of Thanks

After the Seminar Session Senior Master Mariners were facilitated. Capt. Jacob George & Capt. Gopal Krishnan were honored by presentation of Ponnadas by Captain Ravi Mundayur on behalf of CMMI for their Meritorious service and contribution to the Shipping Fraternity.

The seminar merged with the inauguration of the Nautical Institute, Kochi which was carried out by Shri Paul Antony IAS, Chairman - Cochin Port Trust. This program was hosted by the CMMI Kochi Chapter.

Capt. Jose Kutty Thomas was conferred the fellowship of the Nautical Institute by Capt. Robert McCabe, President Nautical Institute.



The Seminar ended with distribution of prizes for the winners of various competitions conducted for kids.

The networking and dinner that followed was the culmination of a grand and successful seminar which actually saw about 220 mariners including their families all under one roof participating and enjoying in the associated events. Lots of positive feedback was received from the attendees and the Shipping Community. A big thank you goes out to the industry for their grand support, goodwill and sponsorship.



# Maritime Potpourri 2015

On 25th July, 2015, at the SCI's - MTI Auditorium, Mumbai, The CMMI organised their annual seminar called Maritime Potpourri. Capt. Kaustubh Pradhan, Secretary General, CMMI played a major role in the planning of the seminar and did a marvelous job of hosting the seminar as well. Capt. Philip Mathews, Master of CMMI, Sr.VP (ISM,ISPS & IMS), SCI, warmly welcomed all the attendees and guest speakers of the event.



Capt. Shailesh Karmarkar, Sr. Surveyor, IRS, presented on the Amendments to the IMSBC Code. The code has been made mandatory under the SOLAS convention. He educated mariners over dangerous goods, toxic materials and preventive measures to be considered, while loading-unloading bulk cargos.

Capt. Om Veer Singh, Sr. Manager, SCI, shed light on Concentrated Inspection Campaign (CIC). He also spoke about Port State Control (PSC) and suggested new ideas and innovations to overcome sub-

standard shipping. He also shared case studies showing how lack of awareness and poor procedures lead to detentions.

Capt. Ashok Raghavan, Faculty at MAASA Training Institute, spoke on the importance of the Bills of lading. He also mentioned about different types of Bills of lading and how malpractices with B/Ls could lead to embezzlement.

Commandant N. V. Rama Rao, from MRCC Mumbai delivered an informative presentation on Indian SAR (Search and Rescue) and Coast Guard Response. He illustrated on the measure and initiatives being taken by Coast Guard for Maritime safety and security.

Capt. Manoj Hirkane, from TMI, spoke on Inland Water Transport (IWT). He educated participants on how IWT will benefit movement of load compared to rail and roadways, cost efficient service, the short comings of IWT and what alternatives can be considered.

Later, a Panel Discussion was held.

The Moderator to the discussion was Capt. Kapil Dev Bahl and the four speakers Capt. Om Veer Singh, Commandant. N. V. Rama Rao, Capt. L.K. Panda, Capt. Manoj Hirkane and Capt. Ashok Raghavan answered all the queries of the attendees. On behalf of CMMI, Capt. L.K. Panda presented a memento to all the panelists and the moderator.

Capt. L.K. Panda, The Nautical Adviser to the Government of India was felicitated by bestowing a plaque as a mark of respect to his position. Capt. Philip Mathews also felicitated Capt. Barve with a bouquet. Capt. L.K. Panda appreciated Capt. Philip Mathews and office bearers of CMMI for their valuable achievements. Capt. L.K. Panda said, "I would like to convey sincere regards to my mentors, Capt. Manjeshwar, Capt. Barve, Capt. Naphde, Capt. Saggi and my well-wisher Mr. S. Hajara, my college teacher Capt. Subramaniam Sir and my colleagues as well, who supported me in difficult times". He also stated, "I am looking forward to the







implementation, of the proposal to NSB, on the modal shift of cargo. Stressing on the amount spent on logistics (18%) alone, despite having many thousand kilometers of inland waterways, it is still the most neglected sector and we have taken up the task, to increase the Inland Vessel limit, to improve the shipping industry."

Capt. Birendra Jha, Deputy Master, CMML, released a promotional presentation on CMML. He shared facts and objectives of CMML. Encouraged younger officers to become members and take initiative to build CMML, as a strong and vibrant Maritime organisation in the Country.

Capt Philip Mathews then presented

a memento to Capt. L.K. Panda for his valuable presence.

The seminar was brought to a close by Capt. Shrikant Limaye, Treasurer, CMML, who delivered the vote of thanks and invited all present to culminate the seminar with a delicious lunch.

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A Seminar on

# SAFE CONTAINERS - STEERING CHANGES

Thursday 10<sup>TH</sup> December 2015

THE LALIT - Mumbai, 9.00 am



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- The International Maritime Organisation (IMO), London in Nov 2014 made amendments to the International Convention for the safety of Life at Sea (SOLAS)
- Amendments will come into force wef 1st July 2016.
- Procedures being discussed are –
  - ❖ Why this has been made mandatory?
  - ❖ Whose responsibility is it to ensure that correct weightment is done?
  - ❖ How is it to be certified?
  - ❖ What roles do flag state & shipment country play?
- How will the changes affect business & relationships with counterparts?
- Which method of weighing is to be used?
- What will happen if from 1st July next year, containers show up at the terminals without proper weightment documents?

- At the Seminar Eminent Speakers will present papers
- These will include representatives from the shippers, receivers, container terminals, shipping companies, ICDs and the Administration
- The Administration will present their views and convey the requirements as planned by the D.G.Shipping, Govt of India



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2013



2014



2015

"MSC Shipmanagement Limited, wins  
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