

MINISTRY OF PORTS, SHIPPING AND WATERWAYS
NOTIFICATION

New Delhi, the ____ day of _____, 2025

G.S.R. _____ – In exercise of the powers conferred by sub-section (1) of section 182, sub-section (1) of section 183, sub-section (4) of section 183, sub-section (1) and sub-section (2) of section 188, sub-section (2) of section 192 and section 195 of the Merchant Shipping Act, 2025 (24 of 2025) and in supersession of the Merchant Shipping (Civil Liability for Oil Pollution Damage) Rules, 2008, and any subsequent amendments, orders, or notices issued in relation thereto, except as respects things done or omitted to be done before such supersession, the Central Government hereby makes the following rules;

1. Short title and commencement.— (1) These rules may be called the Merchant Shipping (Civil Liability for Oil Pollution Damage) Rules, 2026.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.— (1) In these rules, unless the context otherwise requires.

(a) “Act” means the Merchant Shipping Act, 2025 (24 of 2025);

(b) “Certificate of Insurance or Other Financial Security” means a certificate issued by the the Flag State Administration or any other entity authorised by it, attesting that insurance or other financial security, such as a guarantee of a bank or similar institution, is in force in accordance with the applicable provisions of the convention to cover liabilities under Chapter III of Part IX of the Act, enabling direct claims for compensation against the insurer;

(c) “Civil Liability Convention” means the International Convention on Civil Liability for Oil Pollution Damage, 1992, signed at Brussels on the 29th day of November 1969, and its subsequent protocols and/or amendments as acceded to by India;

(d) “Competent Authority” means the Director-General of Maritime Administration appointed under sub-section (1) of section 7 of the Act for the purpose of implementing and enforcing the provisions of these rules.

(e) “Form” means a Form annexed to these rules;

(f) “tonnage” means the gross tonnage, which is calculated in accordance with the Merchant Shipping (Tonnage Measurement of Ships) Rules, 2025;

(2) The words and expressions used in these rules but not defined, but defined in the Act shall have the meanings respectively assigned to them in the Act.

3. Limitation of Liability of the owner.— (1) Where a ship incurs a liability under section 177 of the Act, the owner of a ship having a tonnage exceeding 5,000 tons may limit his liability for oil pollution damage in respect of any one incident, in accordance with the provisions of sub-section (1) of section 181 of the Act.

(2) Subject to proviso of sub section (1) of section 188 of the Act, where the ship incurs a liability under section 177 of the Act, the limitation of liability of the owner of a ship for oil pollution damage in respect of any one incident, where the ship has a tonnage not exceeding 5,000 tons, shall be calculated as follows:

- (i) 720,000 Units of Account for a ship with a tonnage not exceeding 1,000 tons;
- (ii) For a ship with a tonnage in excess of 1,000 tons, the following amounts shall be added to the amount specified in clause (i):
 - (a) for each ton from 1,001 to 2,000 tons, 600 Units of Account;
 - (b) for each ton from 2,001 to 3,000 tons, 580 Units of Account;
 - (c) for each ton from 3,001 to 4,000 tons, 560 Units of Account; and
 - (d) for each ton from 4,001 to 5,000 tons, 540 Units of Account.

4. Compulsory insurance or other financial security.— (1) The owner of every ship carrying more than 5,000 tons of oil in bulk as cargo shall in respect of such a ship maintain a certificate of insurance or other financial security to cover their liability for pollution damage under sub-section (1) of section 188 of the Act.

(2) The owner of every ship carrying upto 5,000 tons of oil in bulk as cargo shall in respect of such ship maintain an insurance or other financial security to cover their liability for pollution damage under the proviso of sub-section (1) of section 188 of the Act and shall be entitled to limit his liability under sub-rule (2) of Rule 3 of these Rules.

5. Application for issue or renewal of a Certificate of Insurance or other Financial Security.— (1) The owner of Indian ship, who has maintained insurance or other financial security in respect of that ship in accordance with the provisions of sub-section (2) of section 188, shall make an application to the Principal Officer of the concerned Mercantile Marine Department where the said ship is registered, for issue or renewal of Certificate of Insurance or other Financial Security in respect of civil liability for oil pollution damage, as specified in Form 'A' annexed to these Rules.

(2) The owner or agent of any foreign ship, who has maintained insurance or other financial security in respect of such foreign ship in accordance with the provisions of sub-section (1) of section 188, shall make an application to the Director-General for issue or renewal of the Certificate of Insurance or other Financial Security in respect of civil liability for oil pollution damage, in Form 'A' annexed to these Rules.

(3) Every application under sub-rules (1) and (2) shall contain such particulars as may be mentioned therein and be accompanied by documentary evidence regarding maintenance of such insurance or other financial security and a receipt confirming payment of applicable fees as prescribed in Rule 8, to the Principal Officer of the concerned Mercantile Marine Department under sub-rule (1) or to the Director-General under sub-rule (2).

6. Certificate of Insurance or other Financial Security in respect of civil liability for oil pollution damage.— (1) After receiving the application under sub-rule (1) or sub-rule (2) of Rule 5, the Principal Officer of the concerned Mercantile Marine Department shall, on being satisfied about

the maintenance of insurance or other financial security in respect of that ship, issue the Certificate of Insurance or other Financial Security in respect of civil liability for oil pollution damage, in Form “B” annexed to these Rules, as prescribed under sub-section (3) of section 188 of the Act.

(2) After receiving the application under sub-rule (2) of Rule 3, the Director-General may forward such application to the Principal Officer of the concerned Mercantile Marine Department.

(3) The following are to be observed when completing the Certificate of Insurance or Other Financial Security annexed as Form “B” to these rules—

- (a) Where the total amount of financial security is furnished by more than one source, the amount provided by each shall be separately indicated;
- (b) Where the financial security is furnished in several forms, such forms shall be enumerated in the certificate; and
- (c) The “Duration of Security” shall clearly indicate the date on which the financial security will be in effect.

7. Duplicate certificate.— (1) Where, the certificate issued under Rule 4 is destroyed or defaced or otherwise lost, the owner or agent of the ship may apply to the Principal Officer of the Mercantile Marine Department where the original certificate was issued, for issuance of a duplicate certificate on the payment of an applicable fee as prescribed in Rule 11, in Form ‘C’ annexed to these Rules.

(2) In case the lost certificate under sub-rule (1) is traced or found by the owner or his agent subsequently, it shall be returned to the Principal Officer of the Mercantile Marine Department where such certificate was issued.

(3) The procedure to be followed by the owner or agent of the ship for the purposes of these rules shall be as specified in Rule 8.

(4) The provisions of this Rule shall not apply to certificates issued in electronic form, as such certificates cannot be lost or destroyed and remain available in digital form at all times.

8. Procedure for issuance of a duplicate certificate.— (1) Where a certificate issued under these rules is lost, destroyed, stolen, misplaced, or rendered illegible, the owner or operator of the ship shall, without delay, report the same in writing to the Registrar of Indian Ships or to the Principal Officer of the concerned Mercantile Marine Department, indicating the circumstances of such loss, the location, and the approximate date of occurrence.

(2) Upon reporting under sub-rule (1), the owner or operator shall lodge a First Information Report or loss report with the nearest police station and shall submit a copy thereof to the issuing authority.

Provided that such a report shall clearly state, inter alia, the name and particulars of the ship, the type, name and number of the certificate lost and the circumstances and approximate date and place of such loss.

(3) The owner shall publish a notice of loss in two daily newspapers, one in English and one in a vernacular language, in the format approved by the Director-General and such copies of the newspapers in which the notice is published shall be submitted to the issuing authority.

Provided that the said notice shall contain, inter alia, the particulars of the vessel, the details of the certificate lost, and shall invite objections, if any, to the issuance of a duplicate certificate within ten days from the date of publication.

(4) After compliance with sub-rules (2) and (3), the owner or operator may apply for issuance of a duplicate certificate, along with the fee prescribed under Rule 11, and such application shall be accompanied by—

- (a) a copy of the FIR or loss report;
- (b) copies of both newspaper notices; and
- (c) an undertaking stating that in any instance the original certificate is subsequently traced or recovered, the same shall be surrendered to the issuing authority immediately.

(5) Until such time as a duplicate certificate is issued and public notice of invalidation of the original certificate is published, the owner or operator shall remain liable for any misuse, fraudulent representation, or improper use of the lost certificate.

(6) A duplicate certificate issued under Rule 7 and 8 shall have the same legal force and validity as the original certificate, and shall bear an endorsement stating “*Duplicate - Issued in lieu of Original Lost*”.

9. Claims for compensation where fund is established.— Upon constitution of the fund under the provisions of section 183 of the Act, the Director-General shall issue a notice inviting claims against the fund arising from the particular incident of oil pollution, within such time and containing such other particulars, as the case may be, prescribed through the said notice.

10. Procedure for enforcement of foreign judgments.— A judgment, recognised under sub-section (1) of section 192 of the Act, shall be enforceable in India in accordance with the provisions of the Code of Civil Procedure, 1908 read with the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.

11. Fees.— (1) Every application for the issue of a Certificate of Insurance or other Financial Security under Rule 4 shall be accompanied by a fee of INR Ten Thousand only, in accordance with the provisions of sub-section (2) of section 188.

(2) Every application for the renewal of the Certificate of Insurance or other Financial Security under Rule 4 shall be accompanied by a fee of INR Ten Thousand only, in accordance with the provisions of sub-section (2) of section 188.

(3) A duplicate copy of the certificate under Rule 5 shall be issued to the owner or Agent, as the case may be, on payment of a fee of INR Two thousand only.

12. Units of Accounts. - (1) The units of account referred to in these Rules are the Special Drawing Rights as defined by the International Monetary Fund.

(2) The units of account calculated under these Rules shall be converted into Indian Rupees according to the official value in rupees of the Special Drawing Right as determined by the Reserve

Bank of India on the date the Fund is constituted or a deposit is made or a guarantee is given under section 182 and section 183 of the Act.

13. Residual Powers. – (1) The Competent Authority may issue detailed guidelines, standard operating procedures, and contingency protocols consistent with these Rules to ensure effective implementation of this Part.

(2) Where any doubt arises in the interpretation or implementation of these rules, the decision of the Competent Authority shall be final.

14. Penalty.— (1) Any person who contravenes any provision of these rules or notification made or issued thereunder or fails to comply with any provision thereof, shall be liable to a penalty in accordance with the provisions of sub-section (2) of section 320.

(2) The penalty so levied shall be payable to the Principal Officer of the concerned Mercantile Marine Department or, as the case may be, to the Director-General.

[F. No. _____]

Sign

Printed by _____

FORM 'A'

(See Rule 5)

Form of application for Certificate of Insurance or other Financial Security maintained under section 188 of the Act:

1. Name of the Ship :
2. Distinctive Number or letters :
3. Port of Registry :
4. Name of Owner/ agent and address :
5. (i) Gross Tonnage :
(ii) Net Tonnage :
(Attach a photocopy of Certificate of Registry)
6. (a) Particulars of Insurance or other financial security maintained :
(Attach documentary evidence to show maintenance of insurance or other financial security)
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(b) Limits of the Liability
(c) Period of validity
(Attach documentary evidence to show period of validity)
7. Fee paid (in Rupees) :
(Attach documentary evidence to show successful payment of the fee)

I hereby solemnly declare that the particulars given in this form are true and correct to the best of my knowledge and belief. I request you to issue Certificate of Insurance or other Financial Security accordingly.

I have been authorized by the owner to make this application (*in case of an agent*).

Place:

Date:

Signature of Applicant
Name:

- *Strike out if not applicable.*
- *any existing or expired certificate shall be enclosed*

FORM 'B'

(See rule 6)

(Form of Certificate to be issued by the Principal Officer, Mercantile Marine Department under the Merchant Shipping Act, 2025)

CERTIFICATE OF INSURANCE OR OTHER FINANCIAL SECURITY IN RESPECT OF CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

Issued in accordance with the provisions of Article VII of the International Convention on Civil Liability for Oil Pollution Damage 1992.

Name of ship	Distinctive Number or letters	Port of registry	Name and address of owner

This is to certify that there is in force in respect of the above-named ship a policy of insurance or other financial security satisfying the requirements of Rule 4 and/or Article VII of the International Convention on Civil Liability for Oil Pollution Damage 1992.

Type of Security

Duration of Security

Name and Address of the Insurer (s) and/or Guarantor (s)

Name

Address:

This certificate is valid until:

Issued or certified by the Government of India

(Full designation of the State)

At On

(Place)

(Date)

.....
Signature and Title of issuing or certifying official

FORM 'C'

(See rule 7)

(Form of application for a duplicate Certificate of Insurance or other Financial security to be maintained under the Merchant Shipping Act, 2025)

1. Name of Ship :
2. Distinctive Number or letters :
3. Port of Registry :
4. Name of Owner/agent and address :
5. (i) Gross Tonnage :
(ii) Net Tonnage :
(Attach a photocopy of the certificate of Registry)
6. (a) Particulars of insurance or other financial security maintained
(Attach documentary evidence to show maintenance of insurance or other financial security)
(b) Limits of the Liability :
(c) Period of validity :
(Attach documentary evidence to show period of validity)
7. Fee paid (in Rupees) :
(Attach documentary evidence to show successful payment of the fee)

I hereby solemnly declare that the particulars contained in this form are true and correct to the best of my knowledge and that the Certificate of Insurance described in Rule 4 was defaced/destroyed or otherwise lost under the following circumstances:-

.....
.....

I request you to issue a duplicate Certificate of Insurance accordingly. I have been authorised by the owner to make this application (in case of an agent).

Place :

Date :

Signature of Applicant

Name :

Address :

- Strike out if not applicable
- Defaced Certificate to be attached to the application

(F No. _____)
Sign