

MAJOR PORTS

(PREVENTION

&

CONTROL OF

POLLUTION)

RULES, 1991

**(PUBLISHED IN PART II, SECTION: 3, SUB-SECTION (1)
OF THE GAZETTE OF INDIA – EXTRAORDINARY)**

**GOVERNMENT OF INDIA
MINISTRY OF SURFACE TRANSPORT
(PORTS WING)**

....

New Delhi, dated the 1st May, 1991

NOTIFICATION

GSR 250 (E) whereas the draft of the Major Port (Prevention) and Control of Pollution) Rules, 1990 was published as required by sub-section (2) of section 6 of the Indian Ports Act, 1908 with the notification of the Government of India in the Ministry of Surface Transport No.G.S.R.995(E) dated 21st December, 1990 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the said notification as published in the Gazette of India are made available to the public;

AND WHEREAS copies of the said notification were made available to the public on 21st December, 1990;

AND WHEREAS no objections or suggestions were received from the public;

NOW, THEREFORE, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby makes the following rules, namely:-

1. **Short title, Commencement and application:**

- 1) These rules may be called the Major Ports (Prevention and Control of Pollution) Rules, 1991.
- 2) They shall come into force on the date of their publication in the Official Gazette.
- 3) They shall apply to all Major Ports.

DEFINITIONS:

In these rules, unless the context otherwise requires,

- a. "Act" means the Indian Ports Act, 1908 (15 of 1908);
- b. "approved" means approved by the competent authority;

- c. “competent authority” in relation to a major port means the Conservator appointed under Section 7 of the Act or any other officer of a major Port, appointed by the Board of Trustees of a Major Port;
- d. “garbage” means all kinds of victual domestic and operational waste; generated during the normal operation of a ship and liable to be disposed of continuously or periodically except these substances which are defined or listed in Annexures I to IV to the IMO Convention;
- e. “detergent” means any chemical product used for cleaning tanks, bilges or any compartments containing oil residue;
- f. “IMO Convention” means the International Maritime Organisation on prevention of Pollution by Ships 1973 as amended from time to time;
- g. “International Safety Guide” means the International Safety Guide for oil tankers and terminals published by the International Chamber of Shipping, Oil Companies International Marine Form and International Association of Ports and Harbours as amended from time to time;
- h. “Manual on Prevention of Oil Pollution” means the manual on Prevention of Oil Pollution Section I published by the International Maritime Organisation, as amended from time to time.
- i. “Oil mixture” means a mixture with any oil content;
- j. “Oil record book” means the book to be maintained by the master of a vessel, which shall be as set out in the IMO convention;
- k. “Pollutant” includes sewage, garbage, earth, ashes, stones, rubbish, waste material, refuse, chemicals or any other harmful or noxious substance if it affects the nature, colour, smell or transparency of the water or if it forms visible floating fractions on water;
- l. “Polluting” means escape, discharge or throwing overboard of any oil or pollutant;

- m. "Tanker" means a vessel in which greater part of the cargo space is constructed or adopted for the carriage of liquid cargoes in bulk and which is not for the time being, carrying a cargo other than oil in that part of its cargo space;
- n. "Terminal representative" means the person designated as such by the competent authority to take responsibility for an operation or duty;
- o. "Terminal" means a place where tankers are berthed or moored for purpose of loading or discharging oil;
- p. Words and expressions used in these rules and not defined but defined in the Act shall have the meanings assigned to them in the Act.

3. **Vessels not to discharge any pollution:**

Subject to the provisions of rule 11, no vessel shall discharge, throw, place, empty or allow to leak or flow or to fall to quay, jetty or pier or within the limits of a major Port any Pollutant.

4. **Vessels not to discharge ballast or oil mixture:**

- 1. No vessel shall discharge within the limits of a major Port any ballast or oil mixture the oil contents of which exceeds 15 parts per million.
- 2. Any ballast or oil mixture the oil contents of which does not exceed 15 parts per million may be discharged with special permission in writing of the competent authority, subject to such terms and conditions as may be specified in the permit.

5. **Simultaneous loading of oil and deballasting:**

Where simultaneous loading of oil and deballasting are to be carried out the Master of the Vessel shall satisfy that there is an efficient separation between the loading pipeline and the operation is conducted without polluting any waters within the limits of a Major Port.

6. **Use of detergent prohibited:**

No vessel shall use any detergent to clean bilges or oil tanks if the washings to be discharged overboard is otherwise than through an oily water separating equipment or an oil filtering equipment or pollute the water within the limits of a Major Port.

7. **Tank washings not to be discharged overboard:**

No vessel shall during oil tank cleaning operations or any other time, discharge tank washings directly over board.

8. **Vessel not to discharge any oil:**

No vessel shall discharge or allow to escape any oil or any other derivative containing hydrocarbons within limits of a major port.

9. **Oily bilge water not to be discharged:**

No vessel shall discharge or allow to escape without written permission of the competent authority, oily bilge water or any mixture of bilge water with chemicals or any noxious substances within limits of a major port.

10. **Vessel not to load etc. without observing precautions:**

No vessel shall load, discharge, transport, bunker ballast or deballast within limits of a major port without observing the precautions specified in the manual on Prevention of Oil Pollution and the International Safety Guide.

11. **Notice for discharging oil, etc. at any major port:**

Where a vessel has any oil, water or any pollutant to be discharged at any major port it shall give notice of at least twenty four hours in the form annexed to these rules to the competent authority requesting him to arrange appropriate reception facilities.

12. **Sea Valves connected with oil cargo pipelines to be tightly closed during the stay in port:**

The Master of a vessel shall ensure that all sea valves and overboard valves connected or capable of being connected to the oil cargo pipeline are tightly closed, lashed and sealed during the stay of the vessel in a major port and no such valves shall be operated for any purpose by him without the prior permission of the competent authority and making proper entry in the oil record book of the vessel.

13. **Vessel bunkering:**

No vessel shall bunker in a major port by pipelines barges, tanker lorries or by any other means without the prior written permission of the competent authority obtained atleast three hours before initiating bunkering operations.

14. **Inspection and use of cargo and bunker hoses:**

The Master of a vessel and the terminal representative shall jointly ensure that the cargo and bunker hose to be connected to the vessel are of approved type and quality having valid test certificate for use on date and the Master shall be responsible for any pollution caused due to bursting of cargo bunker hose.

15. **Hoses to be blanked:**

Before hoses are removed from any vessel, the Master of the vessel shall ensure that the ends thereof are properly blanked.

16. **Safety Checklist:**

On arrival of a vessel in a major port, the Master of such vessel shall comply, jointly with the terminal representative with the safety check list required under the International Safety Guide and the competent authority shall, if he is satisfied that the provisions of the said check list have been complied with, permit the Master of the vessel to commence cargo operation.

17. **Pollution check lists:**

Every vessel shall maintain a pollution check list as specified in the Manual on Prevention of Oil Pollution and the Master of such vessel shall ensure that the procedure specified in the pollution check list are complied with at all times.

18. **Onus of proof:**

If any oil or pollutant is found floating near or around a vessel the onus of proving that it was not discharged or allowed to escape from such vessel shall be on the Master of the vessel.

19. **Master to notify spillage:**

The Master of a vessel shall notify the competent authority immediately, the occurrence of any oil spillage or contaminated water spillage from his own vessel or from any other vessel, if such spillage comes to his notice.

20. **Oil not to be transferred during night:**

No vessel shall between 6.00 p.m. and 6.00 a.m. transfer oil to another vessel or receive oil from another vessel or from shore pipelines (except at terminals) by any means without prior permission in writing of the competent authority.

21. **Verification or inspection of documents:**

The Master of a vessel shall make available on demand to the competent authority all documents required to be maintained or kept on board by IMO Convention or by the Merchant Shipping Act 1958 (44 of 1958) for verification or inspection.

22. **Master to allow and to assist inspection:**

The Master of a vessel shall on board and assist the competent authority to inspect and ensure that the prohibition restriction or obligation imposed by any Act or rules made thereunder are complied with.

23. **Disposal of garbage from vessels:**

1. If any vessel is not fitted with shipboard incinerator, the Master of such vessel shall ensure that all garbage on board the vessel are collected in covered drums with hinged lids or plastic containers and removed ashore to the reception facility every day while it remains in the port.
2. Where such vessel is fitted with shipboard incinerator the Master of such vessel shall ensure that garbage is neither accumulated on board nor kept lying loose on the decks of the vessel.

24. **Power to exempt:**

Notwithstanding anything contained in these rules, the competent authority may in exceptional circumstances and for reasons to be recorded in writing by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any ship from any requirements specified in these rules.

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FORM
(SEE RULE 11)

Notice for Discharging oil etc., at any Port

The Deputy Conservator
(Name of the Port) Port Trust
Telex / Cable / Telephone Number

Vessel (Name of the ship) (Expected time of arrival) (name of the Port)
on (Day) the Date Local Agents (Name of the Agents) Request / Reception
facility on arrival at Loading berth / repair berth for (Specify the quantity)
Oily ballast / tank washings / sludge / waste oil / any other oil e.g. crude,
fuel oil, petroleum products, etc.

Sd/- xxx
(ASHOKE JOSHI)
Joint Secretary to the Govt. of India
(PR-16012/1/86-PG)