BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

ORIGINAL APPLICATION NO 270 OF 2025

News Item titled "Containers from sunken ship likely to drift towards Alapuzha, Kollam Coast in 48 Hours" appearing in Hindu dt 25th May 2025

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NEW DELHI
DATED: 06.01.2026

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,

PRINCIPAL BENCH, NEW DELHI

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REPLY AFFIDAVIT ON BEHALF OF RESPONDENT NO. 9, MEDITERRANEAN SHIPPING COMPANY

I, Jacob George, aged 48 years, s/o KV George, residing at Karimpilackil House, 1-7 Street No. 1, Deepthi Nagar, Kottayam, Kochi-686004, solemnly affirm and state as follows: -

1. That I am the authorised representative of the Respondent No. 9, Mediterranean Shipping Company SA ("hereinafter referred to as **"MSC"/ "Respondent No. 9"/ "Respondent"**). I am aware of the facts and circumstances of the case on the basis of the instructions and documents provided to me by the said Respondent No. 9. Further, the Respondent No. 9 has entered appearance before this Hon'ble Tribunal in this suo motu proceedings, without prejudice to its rights and contentions.

2. That this Hon'ble Tribunal, by its Order dated 27.05.2025, took *suo motu* cognizance of the above captioned matter basis an article titled "*Containers from sunken ship likely to drift towards Alappuzha, Kollam Coast in 48 Hours: INCOIS*" published in The Hindu on 27.05.2025. A copy of the Order dated 27.5.2025 is appended as **Annexure R9-I**.

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3. That subsequently, on 30.07.2025, the answering Respondent herein, i.e., MSC, was impleaded into the present proceedings by this Hon'ble Tribunal as a party Respondent. This Hon'ble Tribunal also observed that various writ petitions/ suits are pending before the High Courts and, thus, the parties were directed to clarify whether any of them involve environmental compensation issues, and to file details of the remedial measures taken so far.

4. That, thereafter on 31.10.2025, the answering Respondent was granted time to file its Reply Affidavit and the same is accordingly being filed in compliance with the Order dated 31.10.2025 of this Hon'ble Tribunal.

A. The issue of environmental compensation is already pending before the Kerala High Court

5. That I submit that, shortly after the incident of capsizing and sinking of the subject vessel i.e. MSC Elsa 3 on 25.05.2025, the first Public Interest Litigation i.e., W.P. (PIL) No. 50 of 2025 titled *Shri T.N. Prathapan vs Union of India & Ors.* was filed on 03.06.2025 before the Hon'ble Kerala High Court by one former Member of Parliament and Chairman of Kerala Fishermen Coordination Committee seeking directions to the State for preparation of an oil spill disaster contingency plan, constitution of a high-level expert committee to assess environmental damage and directions for preparation and implementation of a compensation and rehabilitation package for fisherman and stakeholders (See Prayers at Page No. 27-28 of said WP). Subsequently, two more public interest litigations were filed. The details of all three cases are as follows:-

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a. *Shri T.N Prathapan vs Union of India & Ors* [WP (PIL) 50 of 2025];

b. *Ummer Ottummal vs Union of India & Ors* [WP(PIL) 60 of 2025] – Prayers at Pg. 110-114 of said WP, specific Prayer is (v) and (vi) at Pg. 112 and 113 of the said WP, respectively; and

c. *Charles George vs Union of India & Ors* [WP (PIL) 70 of 2025] – Prayer at Pg. 33-35 of said WP, specific Prayer is Prayer no. II at Pg. 33 and Prayer no. X at Pg. 35 of the said WP.

Copies of the Public Interest Litigations are annexed herewith and marked as **ANNEXURE R9-II, III and IV respectively.**

6. I state that all the three abovementioned Public Interest Litigations were tagged and is being heard together by the Hon'ble High Court of Kerala. Specifically, on 05.06.2025, the Hon'ble High Court of Kerala directed the State Government to place the information it currently holds on the MSC ELSA 3 incident on its official website by the next date. It has also been recorded in Para 5 of the said Order that this Hon'ble Tribunal has taken *suo motu* cognizance of the issue. Pursuant to the Order passed by the Hon'ble Kerala High Court, the Kerala State Disaster Management has uploaded all the relevant information, including daily situation reports, on its website [https://sdma.kerala.gov.in/ship-wreck-msc-elsa-3/]. The

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Order dated 05.06.2025, as passed in Shri T.N Prathapan vs Union of India & Ors [WP (PIL) 50 of 2025] and connected matters is annexed herewith and marked as **ANNEXURE R9-V.**

7. I state that several parties, including the answering Respondent herein, Mercantile Marine Department (MMD) Kochi, Indian Coast Guard, Kerala State Pollution Control Board among others are parties to the said proceedings in the Hon'ble High Court and have filed their Affidavits in the abovesaid three Public Interest Litigations. A copy of the Pleadings exchanged till now in the abovementioned Public Interest Litigations have been annexed herewith and marked as **ANNEXURE R9-VI (colly).**

8. I state that in the said proceedings, the State Government on 18.06.2025, filed an Affidavit bringing on record *inter alia* that the State of Kerala had decided to file an Admiralty Suit in respect of the incident in question. Noting the above, the Hon'ble High Court in its Order dated 19.06.2025 recorded the following: -

"We have perused the counter-affidavit filed by the State. The State has enumerated the steps proposed to be taken under the Environment (Protection) Act, 1986 (Act 29 of 1986) and has pointed out that the Special Secretary, the Department of Environment, has been appointed as the Principal Impact Assessment Officer. ...

3. As regards the admiralty jurisdiction, it is stated that the State has decided to file an Admiralty Suit in the Kerala

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High Court, including the arrest of the sister vessel as per Section 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, the Act 22 of 2017. Section 4(1) (u) of the Act 22 of 2017 needs to be noted. It reads thus:

> *"4. Maritime claim.—(1) The High Court may exercise jurisdiction to hear and determine any question on a maritime claim against any vessel arising out of any—*
>
> **
>
> *(u) damage or threat of damage caused by the vessel to the environment, coastline or related interests; measures taken to prevent, minimise, or remove such damage; compensation for such damage; costs of reasonable measures for the restoration of the environment actually undertaken or to be undertaken; loss incurred or likely to be incurred by third parties in connection with such damage; or any other damage, costs, or loss of a similar nature to those identified in this clause;"*

If the State decides to move under the above clause to claim damages, it does so also on behalf of the people and the environment. The Act also enables the plaintiff to move for urgent steps for the arrest of the sister ship."

That moreover, as stated earlier, there are specific Prayers of environmental compensation and remediation of environment in all the three WP (PILs), hence any

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proceedings herein, the answering Respondents may suffer from double jeopardy.

10.I state that the Hon'ble Kerala High Court vide its Order dated 19.06.2025 in the case of Shri T.N Prathapan vs Union of India & Ors [WP (PIL) 50 of 2025] also noted that the Directorate General of Shipping has received an interim claim (on 18.06.2025) from the State Government and that the State Government has constituted a Committee for the negotiations of the compensation for the pollution damage and the consequent cost, including compensations and costs pertaining to the restoration of the coastline and marine environment, as well as the costs and expenses incurred for the removal of the wreck, and the economic loss suffered by fishermen and recreational areas along the coast of Kerala. However, in light of the fact that the State Government had decided to invoke the admiralty jurisdiction of the Kerala High Court, the Hon'ble High Court asked the State Government to defer the negotiations to avoid any complications. The Order dated 19.06.2025 passed by the Hon'ble Kerala High Court in *Shri T.N. Prathapan vs Union of India & Ors* [WP (PIL) 50 of 2025] is annexed herewith and marked as **ANNEXURE R9-VII.**

11.I state that pursuant to the suggestion of the Hon'ble Court of Kerala, the State Government filed an Admiralty Suit No. 12 of 2025 on 07.07.2025 titled State of Kerala Rep. by Special Secretary vs MV MSC Akiteta II against the Vessel MSC Akiteta II ("**Admiralty Suit**") for a consolidated claim of INR 9531.11 Crores. Once the Admiralty Suit was

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filed by the State Government, and the Hon'ble Single Judge exercising Admiralty Jurisdiction was seized of the matter, the Hon'ble Kerala High Court, by an Order dated 15.07.2025 took note of the aforementioned facts and adjourned the Public Interest Litigation in the monthly board and granted liberty to the Petitioners in the Public Interest Litigation to approach if any specific urgent intervention is required on the part of the Petitioners or any other interested party, by making an application for such relief. The Order dated 15.07.2025 passed by the Hon'ble Kerala High Court in *Shri T.N Prathapan vs Union of India & Ors* [WP (PIL) 50 of 2025] is annexed herewith and marked as **ANNEXURE R9-VIII.**

12. That by way of propriety, this Hon'ble Tribunal may follow a similar course as the Hon'ble High Court and dispose off the present proceedings or, in the alternative, adjourn the present proceedings sine die, till the Admiralty Suit is decided.

B. The Admiralty Suit filed by the State Government

1. I reiterate that the claim of the State Government in the Admiralty Suit filed on 07.07.2025 i.e. *State of Kerala Rep. by Special Secretary vs MV MSC Akiteta II* (Adml.S. 12/2025) *inter alia* has included damage caused to the environment, biodiversity, marine life and measures taken to prevent, minimise and remove the damage caused by the Vessel MSC Elsa 3. The consolidated state of claim by the State Government in terms of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 is produced

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in the Status Report dated 07.10.2025 filed by the State Government in the present proceedings (Pg. 615-621), which are also reproduced below for ready reference. The Admiralty Plaint as filed is annexed herewith and marked as **ANNEXURE R9 – IX.**

Sr No	Nature of Claim	Amount
1.	Maritime claim arising out of damage caused by the subject vessel to the environment, coastline or related interests of the State of Kerala and compensation for such damage.	Rs 8626.12 Crores
2.	Maritime claim arising out of measures taken to prevent, minimise, or remove the damage caused by subject Vessel to the environment, coastline or related interests, in the State of Kerala and cost of reasonable measures for restoration of environment.	Rs 378.48 Crores
3.	Maritime Claim arising out of the economic loss caused to the fishermen of the State of Kerala, pursuant to the damage caused by the Subject Vessel	Rs 526.51 Crores
--	Total	Rs 9,5311.11 Crores

13.The Vessel MSC Akiteta II was conditionally arrested pursuant to the Hon'ble Kerala High Court exercising its

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admiralty jurisdiction. The Order of arrest dated 07.07.2025 is annexed herewith and marked as **ANNEXURE R9 – X.**

14.I state that as the Answering Respondent disputed the calculation filed by the State and after the Hon'ble High Court heard the parties at length, it passed a detailed Order dated 25.09.2025 in the admiralty suit titled *State of Kerala vs MV MSC Akiteta II* fixing the security for release of the Vessel MSC Akiteta II at Rs 1227.62 Crores. The Order of arrest dated 25.09.2025 is annexed herewith and marked as **ANNEXURE R9 – XI.** A consolidated table is produced below to show the nature of the claim of the State Government, the amount claimed, and the security fixed by the Hon'ble Kerala High Court for the release of the Vessel MSC Akiteta II. While reducing the claim of the State Government, the Ld. Single Judge granted liberty to the State Government to increase the claim, if the need arises.

Sr. No	Nature of Claim	Amount Claimed (Crores)	Security Fixed (Crores)
1.	**Compensation for Oil Pollution**	**8554.39**	**500**
2.	**Compensation for Cargo Pollution**	**71.73**	**41.31**
3.	**Cost incurred by the Kerala State Pollution Control Board**	**1.38**	**1.38**

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4.	**Estimate for future cost for preventive measures by the Kerala State Pollution Control Board**	**18.00**	**3**
5.	Cost incurred by the Department of Fisheries for studies	0.45	0.45
6.	**Remediation cost for hazardous chemical pollution**	**152.10**	**Nil**
7.	**Remediation cost for plastic pollution**	**150.45**	**150.45**
8.	**Remediation cost for other pollutants**	**56.10**	**56.10**
9.	Economic loss to the fishermen due to market scare over fish quality	349.00	349.00
10.	Landing loss due to the fishing ban in 20 NM	71.00	71.00
11.	Economic loss to the fishermen due to the fishing ban	106.51	54.93
12.	Total	9,531.11	1,227.62

15. The Hon'ble High Court has also recorded in its Order dated 25.09.2025 that the reduction of security to Rs. 1,227.62 Crores for the release of the Vessel MSC Akiteta II will not prevent the State Government from seeking an increase in

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the security. It is also pertinent to mention herein that the answering Respondent has secured the State of Kerala's claim by way of a Bank Guarantee.

16. I state that in light of the abovementioned clarifications , the answering Respondent humbly submits that the Hon'ble Kerala High Court is already seized of the same issue being examined in the present proceedings by this Hon'ble Tribunal, including the issue of alleged environmental and coastal damage as well as the aspect of computation of environmental compensation. It is, therefore, the humble submission of the answering Respondent that, in order to avoid any multiplicity of proceedings and contradiction in findings or orders, the parties may be confined to the proceedings already pending before the Hon'ble High Court. In this regard, reference is made to the decision of the Hon'ble Supreme Court in the case of *State of Andhra Pradesh v. Raghu Ramakrishna Raju Kanumuru* dated 01.06.2022 wherein it was observed that this Hon'ble Tribunal should refrain from hearing a case if a Constitutional Court i.e., the High Court is already seized of the matter. In any case, the State of Kerala has filed its Admiralty Suit under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017 which is not a statute covered in Schedule 1 to the National Green Tribunal Act, 2010.

17. Moreover, at the time the vessel sank, she was approximately 14.5 NM from the nearest base point and therefore was beyond the territorial waters of India, which is governed by the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act,

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1976 dealing with *inter alia* the preservation and protection of the marine environment and prevention and control of marine pollution. Besides reiterating the fact that the issues concerning alleged environmental and coastal damage as well as the aspect of computation of environmental compensation, are already *sub judice* before the Hon'ble High Court, it is also respectfully submitted that the said statute does not fall within the enactments enumerated in Schedule I of the National Green Tribunal Act, 2010.

18. I state that the Answering Respondent is fully committed to mitigating the impact of the incident on the environment. It is respectfully submitted that the Answering Respondent's proactive actions and asset mobilisation played a crucial role in addressing the immediate aftermath of the incident and in supporting salvage operations. The answering Respondent remains committed to cooperating with the authorities and stakeholders to ensure effective resolution and cleanup efforts. It is respectfully submitted that, given the prompt action, time, effort and resources already invested by the answering Respondent to ensure there is no pollution from the vessel MSC Elsa 3. A brief description of the steps taken by the Respondent in the aftermath of the incident is provided below: -

C. Brief Facts leading to the Incident

Before addressing the steps taken and which continue to be taken by the Respondent No. 9 in the aftermath of the incident, the true and correct facts are brought on record hereunder:-

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19. I state that the Vessel MSC Elsa 3 ("**Vessel or Subject Vessel**") was a container ship having a length overall of 183.91 metres (approximately 600 feet), a beam of 25.3 metres (approximately 82 feet), gross tonnage of 16,799 GT and dead weight tonnage of 22,994 DWT. Although the Vessel had the carrying capacity of 1,730 TEUs, at the time of the incident, the said vessel had only 643 container units (comprising 1052 TEUs onboard). The vessel was fit in all respects and the certificates evidencing the same are attached hereto as **ANNEXURE R9 – XII (colly).**

20. I state that the vessel departed from Vizhinjam Port in India on 23.05.2025 and was bound for Kochi Port. On 24.05.2025 at around 0100 Hrs IST, the vessel developed a concerning "starboard list", which continued to increase despite the efforts of the vessel's crew to correct the same. At this time, the vessel was approximately 38 NM Southwest of Kochi and 21.5 NM from the nearest coast of Kerala. The crew of the vessel took proactive steps to minimise the "list". As the Directorate General of Shipping (hereinafter referred to as "**DG Shipping**") instructed Respondent No. 9 to ensure the evacuation of all crew members at the earliest opportunity, 21 crew members were safely evacuated from the vessel, leaving the Master, Chief Engineer and the 2nd Engineer onboard the vessel to assist in correcting the list, etc.

21. I state that once the initial batch of 21 crew members were evacuated, further efforts to correct the list were taken; however, the list could not be effectively corrected. Accordingly, on 25.05.2025, at approximately 0750 hours

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IST, the vessel capsized and sank. Prior to the vessel capsizing, there were only 3 crew members remaining onboard who were rescued and taken to Kochi. Notably, at the time the vessel sank, she was approximately 14.5 NM from the nearest base point and therefore was beyond the territorial waters.

22. I state that out of the 643 containers onboard when the vessel commenced its voyage from Vizhinjam Port, 347 containers were in the cargo hold and 296 containers on deck. Only 13 of the containers were carrying dangerous goods, as classified under Class 4.3 and Class 9 of the International Maritime Dangerous Goods Code ("**IMDG**"). From these 13 containers, 12 contained a cargo of calcium carbide, and the remaining one contained Rubber Chemical Anti-Oxidant. Apart from these 13 containers, approximately 70 containers contained plastic products known as nurdles. A list of the containers on board the Vessel is already produced by Respondent No. 5, i.e., Ministry of Ports, Shipping and Waterways. For the sake of brevity, the same is not annexed hereto. The dangerous cargo manifest dated 24.05.2025 for the Vessel is annexed herewith and marked as **ANNEXURE R9 – XIII.**

23. I state that the majority of the containers are believed to have gone down with the Vessel Elsa 3, including all 13 containers containing dangerous goods. Some containers, which were loaded on deck, floated away from the wreck site. As set out in further detail below, efforts were immediately taken to retrieve the containers which had floated away from the Ship with a view to minimising any

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environmental impact by the same. 70 containers have been retrieved so far. None of these contained hazardous material, and the only purported pollutants were the plastic nurdles for which clean-up action was immediately initiated and is in progress.

24. I state that apart from its cargo load, the Vessel was carrying approximately 367 MT of Marine Fuel Oil or Very Low Sulphur Fuel Oil ("**VLSFO**") and about 84 tons of marine diesel oil required for the operation of the Vessel Elsa 3. In addition, the Vessel also had approximately 55 tons of lubricant oil. After the capsizing of the Vessel, a light oil sheen was noticed as extending approximately 1 NM around the vicinity of the sunken Vessel. This appeared to be Diesel Oil, small quantities of which escaped from the air vents of the fuel tanks of the Vessel while the ship was capsizing.

25. I state that a statutory inquiry and investigation into the incident, as contemplated under the Merchant Shipping Act, 1958 ("**MSA**"), is being undertaken to ascertain the reasons for the listing and subsequent capsizing of the Vessel. No official report of the investigation has yet been released by the Mercantile Marine Department ("**MMD**"). MSC is fully cooperating with the statutory authorities, not only in respect of its investigation, but also to ensure that the environmental, health and safety implications of the incident are adequately and quickly addressed.

D. Immediate Mobilisation of Resources

26. I state that the relevant personnel/agents within the country were immediately mobilised to respond to the casualty, as soon as concerns about the listing of the Vessel arose. As

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set out below, prompt action was taken by the Respondent No. 9 in consultation and with the confirmation of its Protection & Indemnity Club. Respondent No. 9 engaged and activated salvage contractors T&T Salvage Asia Pte Ltd **("T&T Salvage")** on 24.05.2025 itself. They also established contact and liaised with the relevant authorities.

27. I state that in addition to T&T salvage, Brand Marine Consultants **("BMC")**, a global marine consultancy, was also engaged to oversee and advise on the salvage operations, in order to ensure that the same were being carried out properly.

28. I state that Marine Response Emergency Centre ("**MERC**") was engaged to undertake shoreline cleanup operations. This agency took steps to salvage and clean up the containers and their debris and contents, mainly plastic nurdles that reached various locations along the Kerala coastline.

29. I state that a reputed independent expert agency, known as the International Tanker Owners Pollution Federation **("ITOPF")**, was appointed to provide its inputs on pollution mitigation and cleanup efforts. ITOPF is a globally recognised not-for-profit agency that provides a wide range of technical services for responding to ship-sourced oil pollution/spills.

E. Action taken to prevent any Oil Pollution from the Vessel

30. I state that the immediate efforts of the T&T Salvors were focused on planning for the capping/sealing of any accessible openings of all tanks containing hydrocarbons on

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the Vessel, since the light oil sheen seen around the sea surface near the sinking site of the capsized Vessel indicated that there may be a minor leak of light oil, thought to be diesel oil.

31. I state that immediate steps were taken to cap all the vents, and diving operations commenced at the sinking site to cap the same. The diving operations began by cutting and retrieving the mooring ropes that were floating in the vicinity, and by locating and capping all leaking vents. This exercise continued over the next few days, and by 12.06.2025, all accessible vents and sounding pipes from which release of hydrocarbons could possibly occur were sealed.

32. I state that the next stage of operation involved fuel removal from a depth of approximately 51 meters and from bunker and oil tanks, which required penetration diving (i.e., draining access to the interior of the vessel). In order to carry out this operation safely and to international standards, the answering Respondent engaged the services of SMIT Salvage, who are salvors having expertise in the field of sustainable marine emergency response.

33. I state that operations at the wreck site commenced on 09.08.2025 with a Remotely Operated Vehicle ("**ROV**") survey of the wreck site to confirm the work area was cleared of hazards and obstructions. Diving operations began on 18.08.2025 and were concluded on 26.09.2025, and all the Hydrocarbons were recovered from the Vessel. Based on the report dated 10.10.2025 issued by BMC, all the Hydrocarbons onboard the vessel Elsa 3 were removed.

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A copy of the BMC Report dated 10.10.2025 is annexed herewith and marked as **ANNEXURE R9 – XIV.**

F. Action Taken to Minimize Risk from Containers and Nurdles

34. I state that while necessary steps were being taken to prevent any oil pollution, steps were simultaneously also being taken to survey the sea surface around the sinking site by use of tugs to identify risks that may be posed to passing vessels by floating containers from the Vessel. In addition to the use of tugs, drone assessment and container recovery efforts commenced immediately. Further, drifting containers were located and safely towed to shore. Containers that had washed up ashore were also retrieved. Where containers had split due to impact, the debris/contents of the containers that had washed ashore were cleaned.

35. MERC and the Respondent No. 9, till date, have retrieved 70 Containers in total from various places. Approximately 682 tonnes of plastic nurdles mixed with shells and debris have also been collected. Of this, 474 tonnes of plastic nurdle have been segregated and transported to the designated warehouse.

36. I state that the Respondent No. 9, together with the agencies engaged by it, is continuing to monitor the situation and taking action, as and when required.

G. Containers with dangerous goods on board the Vessel

NOTARY SIJU. K ERNAKULAM DISTRICT Regd: No. 7534 Dt.of Exp: 12-01-2029 GOVT. OF INDIA

MEDITERRANEAN SHIPPING CO. S.A. MSC SG

37. I state that, notably, the carriage of dangerous goods / hazardous substances is heavily regulated to ensure that their transportation takes place in a safe manner and to prevent harm to the marine environment. For this purpose, the International Maritime Dangerous Goods Code **("IMDG Code")** sets out the requirements applicable to each individual substance, material or article and has undergone several changes to keep pace with the expansion and progress of the industry.

38. I state that it is on this basis that the contents of the containers on board the Vessel have been categorised, and only 13 were found to contain dangerous goods, which containers have gone down with the Vessel to the belief of the Answering Respondent. The 13 containers with IMDG Cargo were packed and carried as per the IMDG guidelines. As advised earlier, out of the 13 containers carrying IMDG cargo, 12 containers were carrying Calcium Carbide, commonly known as Quick Lime, and 1 container was carrying Rubber Chemical Anti-Oxidant. Notably, none of the containers that have washed ashore, contain dangerous goods.

H. Wreck Removal and marking

39. I state that the Kerala State Disaster Management Authority **("KSDMA")** indicated that it may be necessary for the wreck of the Vessel to be marked with a buoy. Accordingly, Respondent No. 9 engaged BMC to analyse the technical feasibility and advisability of such marking. By a report dated 22.06.2025, BMC *inter alia* advised that the wreck does not pose any threat or impediment to navigation. A

NOTARY SIJU. K ERNAKULAM DISTRICT Regd: No. 7534 Dt.of Exp: 12-01-2029 GOVT. OF INDIA

MEDITERRANEAN SHIPPING CO. S.A. MSC

copy of the BMC report dated 22.06.2025 is annexed herewith and marked as **ANNEXURE R9 – XV.**

40. I state that in addition to the Wreck Marking by Bouy, the Respondent No. 9 also received a notice under 356(J)-(2) of the Merchant Shipping Act and Article 9 of the Nairobi International Convention on the Removal of Wrecks, 2007 ("**Nairobi Convention**") from the DG Shipping regarding the removal of the wreck of the Vessel. At this stage, it is pertinent to state that in such situations, removal of wreckage can cause equal if not greater effect as compared to letting the wreck be in situ, and therefore, the said decision can only be taken after a thorough exercise by experts. Further course of action is being ascertained by the Respondent No. 9 in consultation with its appointed salvors, and an appropriate response will be provided after considering all the relevant factors and the impact of removal of the wreck.

41. In light of the above, the answering Respondent submits that MSC has taken a proactive role in assisting various authorities to effectively manage the unfortunate situation and the impact on the environment caused by the sinking of the vessel Elsa 3. The answering Respondent has undertaken environmental, biodiversity, and marine life remediation measures during the course of the proceedings, which are presently *sub judice* before the Hon'ble High Court.

NOTARY SIJU. K ERNAKULAM DISTRICT Regd: No. 7534 Dt.of Exp: 12-01-2029 GOVT. OF INDIA

MSC MEDITERRANEAN SHIPPING CO. S.A.

42.I state that the answering Respondent craves liberty to file a detailed Reply in case the same is ordered by this Hon'ble Tribunal or the proceedings so demands.

PRAYER

43.In view of the abovementioned facts and circumstances, it is most respectfully prayed that this Hon'ble Tribunal may be pleased to pass such Order as it may deem fit and proper in the interest of justice, including disposing off the present proceedings or, in the alternative, adjourn the present proceedings matter *sine die*, subject to consideration, at a later stage, if at all, should any environmental issue remain unaddressed or require further consideration.

DEPONENT

MEDITERRANEAN SHIPPING CO. S.A. MSC

Verification:-

Verified at Kochi on this 06th day of January, 2026, that the contents of my above affidavit are true and correct to my knowledge and nothing has been concealed therefrom.

DEPONENT

NOTARY GOVT OF INDIA SIJU. K ERNAKULAM DISTRICT SPECIAL ADHESIVE

Solemnly affirmed and signed before me by the deponent, who is personally known to me, on this the 6th day of Jan 2026 at my office at Ernakulam

6/1/26

MEDITERRANEAN SHIPPING CO. S.A. MSC

SIJU. K
Advocate & Notary
1st Floor
Ruby Court View
Poothully Lane
Kombara, Kochi - 18
Ernakulam District, Kerala

ANNEXURE R9-I

Item No. 16 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 270/2025

News Item titled "Containers from sunken ship likely to drift towards Alappuzha Kollam Coasts in 48 hours: INCOIS" appearing in The Hindu dated 25.05.2025.

Date of hearing: 30.07.2025

CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Respondent: Mr. Gigi. C. George, Adv. for R - 2, 5 & 6
Ms. Srishti Govil, Adv. for MoEF & CC (Through VC)
Mr. Anuj Bhandari, Adv. for CPCB
Mr. Nishi Rajen Shonker, Ms. Devika A.L & Mr. Alim Anwar, Advs. for the State of Kerala
Mr. Jogy Scaria, Adv. for KSPCB
Mr. Samarvir Singh, Mr. Parveen Kumar Bansal, Mr. Naman Tandon & Mrs. Anshul, Advs. for R - 7

ORDER

1. Learned Counsel for respondent nos. 2, 5, and 6 has submitted that following three are also required to be impleaded and served in the original application:

1. Vizhinjam International Seaport Ltd., represented by its Managing Director, level 5, 3rd floor Trans Towers, Vazhuthacaud, Thiruvananthapuram, Pin - 695 014;
2. Mediterranean Shipping Company, through its Authorized Nodal Officer - Mr. Jacob George, MSC House, Andheri Kurla Road, Andheri East, Mumbai, Maharashtra, India. EMAIL:comm@mscindia.com, PIN 400 05;.
3. Secretary, Department of Environmental Forest, State of Kerala.

2. Above entities/authorities are impleaded as respondent nos. 8 to 10. Registry is directed to serve them.

3. Reply affidavit dated 28.07.2025 has been filed by respondent no.5 disclosing that following writ petitions/suits are pending:

"(i) Before the High Court of Kerala in the matter of Shri T.N. Prathapan v. Union of India & Ors. [WP(PIL) No. 50 of 2025];

(ii) Before the High Court of Kerala in the matter of Ernakulam, titled Ummer Ottummal v/s Union of India & Ors. [WP(PIL) 60/2025;

(iii) Before the High Court of Kerala in the matter of Charles George v. Union of India & Others [WP(PIL) 70 of 2025];

(iv) Before Madurai Bench of the Madras High Court in the matter Writ Petition titled S.M. Anthony Muthu & Ors. v. The Rean, Secretary, MOPSW & Others [WP (MD) No. 60/2025];

(iv) Before the High Court of Kerala -an admiralty suit in the matter of State of Kerala v. MSC Akiteta II & Ors. [Adml.S. No. 12 of 2025)."

4. Learned Counsel for respondent nos. 2. 5 and 6 seeks time to ascertain if in any of the above writ petitions/suits, issue of environmental compensation is involved. He is permitted to place on record copies of the writ petitions/plaints within four weeks.

5. Respondent nos. 2, 5 and 6 are also directed to place on record the details of remedial measures taken in the meanwhile.

6. List on 31.10.2025.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

July 30, 2025
Original Application No. 270/2025
JG.

ANNEXURE R9-II

CASE NO - WP(PIL) 50/2025

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM
WP(PIL) No 50 Of Year 2025

111.00 PUBLIC INTEREST LITIGATION

PETITIONER

1. MR. T.N. PRATHAPAN

VS

RESPONDENTS

1. UNION OF INDIA

AND OTHERS

THE HIGH COURT OF KERALA

AMENDED WRIT PETITION (CIVIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

111.00 PUBLIC INTEREST LITIGATION

FILING NATURE : URGENT

PAYMENT MODE : OFFLINE (AMOUNT - 555.00)

FILED BY

1. **V.HARISH**

Sd/-
V.HARISH
K/779/2013

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No 50 Of Year 2025
PETITIONER : MR. T.N. PRATHAPAN

V/S

RESPONDENTS : UNION OF INDIA & ORS

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Sd/-

E-VERIFIED

V.HARISH

K/779/2013

THE HIGH COURT OF KERALA
सत्यमेव जयते

BEFORE THE HON'BLE HIGH COURT OF KERALA

W.P (PIL) No. 50 of 2025

T N PRATHAPAN : PETITIONER

Versus

UNION OF INDIA & ORS : RESPONDENTS

SYNOPSIS

1. The petitioner is a former Member of Parliament and Chairman of the Kerala Fishermen Coordination Committee, knocks the door of this Hon'ble Court to address an unprecedented environmental and livelihood crisis. The writ petition arises out of the sinking of the Liberian-flagged vessel *MSC ELSA-3* on 24.05.2025 off the Kerala coast, which resulted in an oil spill and discharge of hazardous substances including calcium carbide and nurdles, devastating the marine ecosystem and traditional fishing communities. The incident occurred within Indian territorial waters, triggering statutory obligations under the Merchant Shipping Act, 1958, particularly Sections 352A to 352X and Section 356A concerning pollution by oil.

2. The ship was enroute from Vizhinjam to Kochi when it capsized 18 nautical miles off Thottapally, releasing bunker oil, diesel, and hazardous cargo. The presence of calcium carbide, a chemical that reacts dangerously with water, and plastic nurdles, raises grave environmental and public health concerns. The environmental fallout has led to the imposition of a 20-nautical-mile fishing ban, depriving thousands of fishermen of their right to livelihood protected under Article 21 of the Constitution. The inaction of the concerned authorities, including the Pollution Control Board and State Disaster Management Authority, amounts to a violation of the precautionary principle and public trust doctrine.

3. Despite the mandate under the Kerala State Disaster Management Plan, 2016, and the National Disaster Management Plan, 2019, the statutory bodies have failed to prepare or operationalize an oil spill contingency plan. The Kerala Pollution Control Board, in violation of its duties under the Environment (Protection) Act, 1986, and the Disaster Management Act, 2005, outsourced the task in 2016 but failed to complete it even after 8 years. Exhibit P6 order is issued in the year 2016 and the State Pollution Control Board was sleeping over the same over 8 years without any action !! This is gross negligence !

4. The petitioner seeks enforcement of India's obligations under the International Convention for the Prevention of Pollution from Ships (MARPOL), the Bunker Oil Convention, 2001, and the Civil Liability Convention, 1969—all ratified by India and incorporated into national legislation through amendments to the Merchant Shipping Act. In *Samir Mehta v. Union of India* (2016 SCC OnLine NGT 479), the National Green Tribunal upheld the binding nature of MARPOL and the duty of the Director General of Shipping to initiate recovery and enforcement actions under Chapter XIA. The delay in removing the wreck, recovering oil, and initiating prosecution or civil claims against the shipowner and insurer is a dereliction of statutory duties under Sections 352I and 356H of the Merchant Shipping Act.

5. The fisherfolk in affected districts including Kollam, Alappuzha, Ernakulam and Thiruvananthapuram number in the lakhs, with their market and subsistence economy devastated by contamination fears and continued disruption of fishing operations. The silence of the authorities in disseminating information on compensation rights violates Article 14 by creating an unequal and uninformed class of victims. The precedent laid down in the *Ennore Oil Spill* case (Madras High Court, 12.04.2018) underscores the State's obligation to ensure interim compensation, structured outreach, and redressal mechanisms.

6. The non-disclosure of the full cargo manifest by the shipowner continues to pose a threat to marine biodiversity and violates the fundamental duty under Article 51A(g) to protect the environment. Under Article 7(10) and 9(1) of the Bunker Convention, Indian authorities have a right to directly proceed against the insurer of MSC ELSA-3 in Indian courts. Inaction on Exhibit P8, the petitioner's representation, reflects gross administrative apathy and a failure to uphold due process and environmental justice. The petitioner prays for judicial monitoring of compensation, environmental remediation, and statutory enforcement under relevant international and national laws. Hence the petitioner most humbly submits this Writ Petition (PIL) under Article 226 of the Constitution of India

Chronology of dates and events:

- 24.05.2025 - Vessel *MSC ELSA-3* began listing and capsized off Kerala coast
- 25.05.2025 - Remaining crew rescued by Indian Navy and Coast Guard
- 26.05.2025 – Exhibit P4 Manorama report published on Pollution Control Board's inaction
- 28.05.2025- Nurdles and pollutants washed ashore in multiple districts; State imposed fishing ban
- 29.05.2025 - Kerala Govt declared incident as a state-specific disaster.

Points Urged:

- Whether the 7th Respondent is having a statutory duty to finalise Exhibit P6 proceedings without any further delay?
- Whether the Union of India and State of Kerala and its various departments are duty bound to take steps for ensuring compensation to

the victims, mitigatory measures and restoration of ecology without any delay?

Relevant Act/ Rules/ Notifications:

- Constitution of India
- The Merchant Shipping Act 1958
- Disaster Management Act 2005.

Dated this the 3rd day of June, 2025

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF KERALA
सत्यमेव जयते

STATEMENT OF FACTS

1. The petitioner herein is an active social worker, Former Member of Parliament as well as Member of Legislative Assembly from the State of Kerala. The petitioner has proven his credentials for functioning for the benefit and well-being of the fishermen communities and coastal Environment, for the past several decades. The petitioner is a committed social worker who has raised several issues for the general public especially the fishermen community across the State. The petitioner is presently the Chairman of 'Kerala Fishermen Coordination Committee' which is an unregistered organization consisting of fishermen, boat owners, and other stakeholders in the Kerala fishing industry. The committee works to advocate for the interests of fishermen and allied workers, raising awareness about their rights and needs and to address issues and concerns related to the fishing sector, particularly regarding government policies and regulations. The petitioner is also the former National Chairman of All India Fishermen Congress, an organisation working for the welfare of the fishermen community. The Kerala Fishermen Coordination Committee is an informal platform that brings together fishermen from across the state of Kerala. It comprises various political and community-based fishermen's organizations and their respective leaders. The Committee has been actively functioning in the State of Kerala for the past 15 years, as a unified platform to safeguard the rights, livelihood, and welfare of the fishing community. The petitioner is approaching this Hon'ble Court not only with the clean hands but also with the clean heart, clean mind and clean objectives, to uphold a public cause.

2. It is respectfully submitted that the present Public Interest Litigation arises out of the maritime disaster involving the cargo vessel MSC ELSA 3, which sank on 25th May, 2025, approximately 38 nautical miles southwest off the coast of Kochi, well within India's Exclusive Economic Zone (EEZ). The vessel, bearing the ag of Liberia and operated by the Mediterranean Shipping Company (MSC), was enroute from Vizhinjam Port to Kochi when it began listing dangerously on 24th May, 2025 due to heavy weather conditions. The incident culminated in the complete submersion of the vessel the following day at 18 nautical miles away from the Thottapally Spillway, Alappuzha. Out of the 24 crew members onboard, 21 were rescued on 24.05.2025, while the remaining three members, including the captain and two engineers, were safely evacuated during the early hours of 25.05.2025, by the Indian Navy and Coast Guard.

3. It is learnt that the sunken vessel was carrying 640 cargo containers, of which at least 13 have been confirmed by the authorities to contain hazardous materials and 12 to contain calcium carbide—a highly reactive substance known to emit explosive or toxic gases upon contact with water. Additionally, the vessel was transporting 84.44 metric tonnes of diesel and 367.1 metric tonnes of furnace oil. These substances, upon spillage into the sea, pose grave and long-term risks to marine ecosystems, biodiversity, and the livelihood of the coastal communities who depend on shing and related occupations. Despite rescue operations successfully saving all 24 crew members aboard the MSC ELSA 3, the aftermath of the shipwreck has led to substantial environmental fallout. Numerous containers have been

reported adrift and washing ashore, prompting evacuation protocols and shipping bans.

4. Four days after the incident, the accident has been officially declared a Tier-2 maritime incident under the National Oil Spill Disaster Contingency Plan (NOS-DCP) by the Central Government. The Kerala State Government has further notified the shipwreck as a "state-specific disaster," recognizing the environmental, ecological, and economic damage caused by the event, particularly to the shing-dependent communities in and around Kochi and southern Kerala. This declaration enabled the mobilization of the State Disaster Response Fund (SDRF) for pollution containment and rehabilitation efforts. Authorities issued a statewide alert, advising fishermen to stay ashore and avoid the affected coastal waters due to the risk from oil, hazardous chemicals, and drifting containers. This directive has effectively barred thousands of fishermen from their primary source of income, causing widespread livelihood loss in Ernakulam, Alappuzha, Thiruvananthapuram, and Kollam districts.

5. It is respectfully submitted that the disruption of fishing activities has had a cascading effect on fishing related workers and local fish markets, with reports of reduced fish consumption due to contamination fears. The compounded effect of the shipwreck and the ongoing monsoon season has severely impacted the economic stability of fishing communities. The spill and release of hazardous materials have caused significant environmental degradation, threatening marine ecosystems, fisheries, and coastal biodiversity.

6. Among the pollutants observed are large quantities of plastic nurdles—small polyethylene and polypropylene pellets ranging from 1 to 5 mm in size—which are classified as primary microplastics. These nurdles, found along the coastlines of Thiruvananthapuram and adjoining districts, are known for their persistent nature in marine ecosystems. As per expert opinion from the Department of Aquatic Biology and Fisheries, University of Kerala, these particles pose serious ecological threats by contaminating habitats, disintegrating into nano-plastics, and entering the marine food chain, thereby causing health risks to humans and marine life alike.

7. It is reliably known from the media reports that the oil slick has reportedly spread across several nautical miles and continues to pose an imminent threat to marine biodiversity and the lives of thousands of people dependent on the sea for their livelihood. In response, the authorities have imposed a 20-nautical-mile fishing ban near the affected site through public notice. It is respectfully submitted that the incident of shipwreck has been declared as a tier-2 Maritime Event under the National Oil Spill Disaster Contingency Plan (NOSDCP), under the provisions of Disaster Management Act 2005.

8. It is respectfully submitted that the beaches of many of the coastal villages of Kollam and Thiruvananthapuram Districts are now fully polluted with the nurdles (plastic pellets) that came from the ship. Millions of nurdles are scattered across the ocean and on the beaches. No preventive steps were taken by the Government authorities to avoid such pollution or reduce the impact of such pollution. Only after 3 days of the incident, the Government acted to remove the nurdles through volunteers. They had no plan for the

same and it is not effective also. There is no mechanism to clean up the nurdles in the ocean. It is also reliably known that the waste cleaning program through volunteers has been stopped today without any reason. True photographs from the beaches in Thiruvananthapuram District is produced herewith and marked as **Exhibit P1.**

9. The use of a Flag of Convenience in the present case, namely Liberia, facilitated MSC ELSA 3's continued operation despite safety concerns, allowing it to bypass critical crew training and maintenance protocols. In effect, this rendered India the de facto victim of an international regulatory vacuum, caused by lenient flag-state enforcement.

Disaster Management Plan and legal duties

10. As per the provisions of Disaster Management Act, 2005, the Union of India has notified the National Disaster Management Plan 2019. In the said plan, incidents of oil spill and such hazardous chemical accidents are termed as a 'disaster'. As per the said plan, 2nd respondent is the nodal Ministry and as per the NOSDCP, the 4th respondent is the nodal department to implement the Disaster Management plan with respect to the oil spill. As per the National DM Plan, the 4th respondent has the primary responsibility of addressing incidents of oil spills and ships in the coastal waters. True photocopy of the relevant pages of the National Disaster Management Plan is produced herewith and marked as **Exhibit P2**. True photocopy of the National Oil Spill Disaster Contingency Plan (NOSDCP), under the provisions of Disaster Management Act 2005 is produced herewith and marked as

Exhibit P2(a). However, it is to be noted that the 4th respondent has not carried out its duties as prescribed in Exhibit P2(a).

11. It is respectfully submitted that the State of Kerala also has notified the State Disaster Management Plan in 2016, wherein the oil spill is recognized as anthropocentric disaster. The State Disaster Management Plan, 2016, states as follows:

> *2.4.7 Oil spills Oil spills have been reported from various parts of the coastal area of Kerala. In the last decade, oil spills have been reported from the Cochin Harbor, Ernakulam in the years 1992, 1993 and 2003. Oil spills can also occur during petro-chemical transportation accidents through road and rail. A tanker carrying Aviation Turbine Fuel from Kochi to Karipur overturned near Jyothi Theatre on the Tanur-Parappanangadi road in the early morning on 30-06-2016. The tanker had about 20,000 liters of fuel of which 1/6th of it spill on to Canolly Canal which also caught fire. The cannal being narrow and bordered by residential buildings, the oil spill could not be contained. The presence of 18 ports and numerous boats carrying fuel increases the probability of oil spill in water sources.*

The State DM Plan mandates that all departments shall ensure that their departmental disaster management plans are submitted to KSDMA for approval within 3 months of approval of this plan. The State Plan identified the 7th respondent as the Responsible nodal agency for handling this disaster. The relevant portion of the DM Plan states as follows:

> *5.10 Pollution Control Board ♣ Develop an oil spill contingency plan involving Coastal Police, Ports, Fisheries, Coastal Shipping & Inland Navigation Departments and Tourism Department and submit to KSDMA for approval.*

As per the plan, the Coastal Police is also duty bound to ensure the development of an oil spill contingency plan for the State and operationalize the plan in collaboration with Pollution Control Board, Ports Department, Coastal Shipping and Inland Navigation Department, Fisheries Department and Tourism Department and ensure the approval of the plan by KSDMA. A true copy of the relevant pages of the Kerala State Disaster Management Plan, 2016 is produced herewith and marked as **Exhibit P3.**

Inaction of the Kerala State Pollution Control Board

12. It is respectfully submitted that a news item appeared in Manorama online on 26.05.2025 has invited the attention of the petitioner to a fact that the Kerala Pollution Control Board has not developed a contingency plan for oil spill, even today! Despite the mandatory requirement of law, the Pollution Control Board has not prepared a plan yet. A true copy of the news item dated 26.05.2025 published in Manorama Online is produced herewith and marked as **Exhibit P4.** The petitioner through his sources enquired about the same and found that the report is true. Instead of using the expertise of the Board, on 17.10.2016, they have sub-delegated this task to a private agency by inviting an Expression of Interest to prepare disaster response contingency plans. The 7th respondent has issued an order on 18.11.2016 acknowledging the same and constituting a committee to prepare the oil spill Contingency Plan. A true copy of the Expression of Interest dated 17.10.2016 published by the 7th respondent is produced herewith and marked as **Exhibit P5.** A true copy of the order dated 18.11.2016 issued by the 7th respondent produced herewith and marked as **Exhibit P6.** It is

shocking that they have not prepared an oil spill contingency Plan even after 9 years of the State Disaster Management Plan, and 8 years of Exhibit P6. This executive lapse and negligence have contributed much to the delay in acting against oil spill in this disaster.

Vulnerable coastal community

13. In Kerala, the coastal fishing and allied sectors support a significant portion of the population across various districts. The breakdown of the same is as follows:

Sl No.	District	Marine Fishermen	Allied fishing workers
1.	Thiruvananthapuram	57,369	4,116
2.	Kollam	12,449	7,979
3.	Alappuzha	39,399	23,418
4.	Ernakulam	24,888	8,000

These figures highlight the vast number of individuals whose livelihoods depend directly and indirectly on marine fishing activities in the state. The market for fish has drastically dropped due to fear of contamination, causing economic devastation to traditional fishermen along the Kerala coast, especially in Kollam, Alappuzha, Ernakulam and surrounding districts.

Compensation – Ennore Model

14. It is respectfully submitted that the warning and ban of fishing around 20 nm of the accident area, for several days, that too just before the trolling ban starts in monsoon, when the fish catch would be usually high, it has

caused much loss to the fishing community. None of the official respondents have taken any steps so far, to provide any interim relief or final relief for the victims of Environmental damage. The provisions of the Merchant Shipping Act, 1958 enables the Government and imposing a duty on the ship owner to facilitate compensation for the above-mentioned damages through proper insurance.

15. It is respectfully submitted that the factual matrix of this case strongly parallels the Ennore Oil Spill incident of 2017, where the Madras High Court took cognizance of the oil pollution and directed the Government to provide interim relief to affected fisherfolk. The facts, including a coastal spill within EEZ waters, environmental contamination by hazardous oil substances, and disruption of livelihoods, are strikingly similar and establish a persuasive precedent for this Hon'ble Court to issue similar directions in the instant matter. The Madras High Court has granted relief directing the Government to process the application for compensation of more than 1 Lakh fishermen, through their order dated 12.04.2018. A true copy of the order dated 12.04.2018 issued by the Madras High Court in WPC No. 8249 of 2018 is produced herewith and marked as **Exhibit P7.**

16. It is respectfully submitted that none of the Government departments have given any information to the fishermen community about their right to claim compensation for the damages suffered by them. The ignorant persons who lack this information may not even file proper application for availing damages in this regard. Petitioner and his organization is taking earnest efforts to educate the community members about such a right. However, an intimation from the Government would also help for the

cause. The petitioner believes that the State has a duty to inform the general public about the compensation possibilities for the damage suffered in this regard.

17. It is respectfully submitted that the Deputy Nautical Adviser to the Government of India and the nodal officer appointed for the incident, Capt. Anish Joseph, has stated publicly that the government intends to coordinate compensation efforts for affected fisherfolk. However, till date, no structured outreach, data collection, or grievance redressal mechanism has been operationalized. The assurance of compensation remains a vague promise, unaccompanied by statutory or executive action. The petitioner has learnt through some sources that the 12th respondent has appointed one Mr. Jacob George and Captain Deepak Aggarwal as the nodal officers for processing claims and has also provided an email for communication vide in363-mscelsa3.claims2025@msc.com .

Ongoing actions

18. The Indian Coast Guard and other State agencies continue to monitor and contain the spill, with July 3, 2025 set as deadline for the recovery of oil from the site. Salvage operations are ongoing to track and retrieve drifting containers and debris. Given the scale of environmental harm and the prolonged loss of livelihood for fishermen, there is an urgent need for a judicially monitored compensation mechanism. This should ensure prompt and adequate relief for affected fishermen and communities, as well as address restoration of the damaged marine environment, with costs to be recovered from responsible parties and insurers in accordance with law and

international conventions. Despite the scale of the disaster, no immediate clean-up operation or removal of hazardous materials has been initiated.

Contents of containers: undisclosed?

19. It is respectfully submitted that the actual list of materials carried in the containers in the ship are still not known. It is admitted by the Government that the sunken ship is carrying hazardous materials like calcium carbide, oil and other undisclosed items there are chances of serious impact to the marine environment affecting the bio diversity and water quality of the area. The petitioner submits that the undisclosed contents of the sunken ship will travel to various parts of the Indian coast causing serious irreparable damage. Keeping the contents of the containers in secrecy will pose an even higher risk to the marine life as well as the general public. It is submitted that the 12th Respondent's vessel had docked at the 11th Respondent's port before sinking, is a known fact. Therefore, the 11th Respondent has the list of materials transported in the ship. However, it was not revealed by any of the respondents yet. Only if the entire contents of the containers are disclosed, the Indian Coast Guard and other State agencies take adequate steps to mitigate the hazardous effects of the spilled items and also give an idea to the general public to be alert on what precautions they need to take.

20. Citing all these concerns, the petitioner has preferred a detailed representation before the Hon'ble Prime Minister, Chairman of the NGT, Ministry of Environment, Forest and Climate Change and the 3rd and 6th respondents. However, to this utter dismay, the respondents are not taking any action on the said representations, till date. A true photocopy of the

representation dated 29.05.2025 preferred by the petitioner before Hon'ble Prime Minister, Chairman of the NGT, Ministry of Environment, Forest and Climate Change and the 3rd and 6th respondents is produced herewith and marked as **Exhibit P8.** Copies of the same has been forwarded to the 4th respondent also, but in vain.

21. It is respectfully submitted that the New Indian Express, a reputed daily has carried an article by Mr.Prasanth Nair, a Civil Servant who is having a working experience with the Shipping Ministry, on the vessel's history of multiple re-registrations under various flag states and it its eventual registration under Liberia, a well known Flag of Convenience (FoC). It suggests that a deliberate attempt was done to engage regulatory evasion, avoids stringent safety standards and minimise liability exposure. The use of a Flag of Convenience in the presence case namely Liberia, facilitated the vessel's continued operation despite safety concerns, allowing it to bypass critical crew training and maintenance protocols. In effect, this rendered India the defacto victim of an international regulatory vacuum caused by lenient flag-state enforcement. is produced herewith and marked as **Exhibit P9.**

22. That, as per the powers conferred by Section 13 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, the Fort Kochi Coastal Police Station, Kochi, shall be the Police Station having territorial jurisdiction in the State of Kerala and Lakshadweep for the purpose of the investigating the offence committed by any person under any of the provisions of any Act. Union of India, home ministry has issued a Gazette notification SO 2097(E) in this regard on 13.06.2016. A true

photocopy of the Gazette notification SO 2097(E) dated 13.06.2016 issued by the Ministry of Home affairs is produced herewith and marked as **Exhibit P10**. It is learnt by the petitioner that the SHO, Fort Kochi Coastal Police Station, Kochi under the 10th respondent has registered an FIR against the 12th respondent after almost 2 weeks of the incident of the capsizing of the 12th respondent's vessel.

23. That, the petitioner has come to reliably learnt that the Chief Secretary of the State of Kerala has issued a note to his subordinate with certain directions as a result of the high level committee meeting presided by the Chief Minister of Kerala. Some of the directions in the said letter were that a general consensus is arrived that a criminal case need not be filed immediately and that the entire focus should be on collecting the evidence of damages so that evidence based claims can be raised. It is further stated in the note that the 12th respondent is a reputed company which patronizes the 11th respondent and the company requires the good will of Kerala for their operations. A copy of the note of the Chief Secretary is obtained from the media persons to the petitioner. A true photocopy of the note dated 29.05.2025 issued by the Chief Secretary, State of Kerala is produced herewith and marked as **Exhibit P11**.

24. That, it is an admitted fact that there has been large scale pollution that has taken place as a result of the capsizing of the 12th respondent's vessel. This amounts to various offences under the Water (Prevention of Pollution) Act, Environment (Protection) Act 1986, Bharatiya Nyaya Sanhitha, 2023, Merchant Shipping Act, 1956 etc. The SHO, Fort Kochi Coastal Police Station, Kochi is the authority to register a crime against the 12th

respondent Company in the event of an incident of this nature. However, it is seen that due to pressure / external interference from the highest executives of the state, the concerned authority is being pressurized against exercise their statutory function to investigate the crime against the 12th respondent. An accident of such environmental magnitude is quite unfortunate and the incident has to be investigated into by the concerned authority. The State Executive has forgot that registering FIR is only to investigate the offence, collection of evidence before it gets vanished and it is not a punishment. However, the high level decision if any, in choosing not to register any FIR soon by the State Government was uncalled for by any stretch of imagination.

25. That, as per Principal Notification No. S.O. 394(E) published in Gazette Notification dated 16.04.1987, the Central Government as clause (a) of Section 19 of the Environment (Protection)Act, 1986 has published the authorized officers for taking cognizance of offences. A true photocopy of the Principal Notification No. S.O. 394(E) published in Gazette Notification dated 16.04.1987 is produced herewith and marked as **Exhibit P12**.

26. It is also respectfully submitted that on June 9th, 2025, another vessel viz. MV Wan Hai 503 bearing the flag of the Singapore experienced a fire and explosion while en route from Colombo to Nhava Sheva in Mumbai. The incident occurred approximately 78 nautical miles west of Beypore of Kerala coast. It is learnt that the fire was caused by a container explosion, and it forced the crew to abandon ship, and several crew members were injured. The vessel was carrying 650 containers and was estimated to be carrying 143 containers of hazardous cargo. The petitioner learnt that the

fire has been continuously raging and dark smoke with toxic fumes is being billowing from MV Wan Hai 503 even three days after a major blast ripped through the vessel. The petitioner has learnt through newspaper reports that the Director General (DG) of Shipping released a list of 157 containers carrying hazardous cargo, but details of the explosives have not been revealed. The vessel MV Wan Hai 503 is bearing the flag of the Singapore. The parent company is arrayed as respondent No. 14 and the 15th respondent is the subsidiary company of the 14th respondent. The 16th respondent is the network agency of Wan Hai Lines Company in Mumbai as published in. The petitioner submits that no crime has been registered against the respondents No. 14 and 15, till date by the 10th and 13th respondents. No action is seen taken by any of the authorities in Exhibit P12 to take cognizance against the perpetrator companies.

27. It is respectfully submitted that the heavy monsoon in Kerala starts usually by the first week of June. The Petitioner submits that once the monsoon starts, there will be much difficulty to clear the debris from the cargo and oil etc and will cause much more damage to the marine ecology. The 12th Respondent company is operating at snail pace in this issue and urgent action is required to facilitate the clean up process.

Under these circumstances, left with no other efficacious or alternative remedy than to approach this Hon'ble court, for the redressal of grievances, the petitioner most humbly prefer this writ petition (PIL) under Article 226 of the Constitution of India with following among other

GROUNDS

A. A conjoined reading of Exhibit P2, P2(a), P3, P5 and Exhibit P6 would make it clear that the 7th Respondent has a duty to ensure that there is a proper Oil Spill contingency plan for the State within 3 months from 2016, and implement the same without any further delay. However, as on today, Exhibit P6 has not been finalized.

B. The right to livelihood is an inseparable facet of the right to life under Article 21 of the Constitution of India, as recognized in Olga Tellis v. Bombay Municipal Corporation [(**1985) 3 SCC 545**]. The capsizing of MSC ELSA 3 and subsequent spillage of hazardous substances including bunker oil, diesel, and calcium carbide into Indian territorial waters has directly resulted in the disruption of shing activities, destruction of marine habitats, and loss of income for thousands of local fishermen and their families in Kerala. The inaction by the concerned authorities would constitute a gross constitutional infringement warranting judicial intervention and compensation.

C. All the official respondents have a constitutional and statutory duty to ensure that the least damage is caused to the Environment due to the ship sinking accident. They also have a duty to restore the damaged environment by taking all possible steps.

D. As per Exhibit P2, the 2nd respondent is the nodal Ministry and as per the NOSDCP, the 4th respondent is the nodal department to implement the Disaster Management plan with respect to the oil spill. However, it is to be

noted that the 4th respondent has not carried out its duties as prescribed in Exhibit P2(a).

E. The State DM Plan mandates that all departments shall ensure that their departmental disaster management plans are submitted to KSDMA for approval within 3 months of approval of the plan. The State Plan identified the 7th respondent as the Responsible nodal agency for handling this disaster. The 7th respondent has not prepared an oil spill contingency Plan even after 9 years of the State Disaster Management Plan, and 8 years of Exhibit P6. This executive lapse and negligence have contributed much to the delay in acting against oil spill in this disaster.

F. In **Samir Mehta v. Union of India**, **2016 SCC ONLINE NGT 479,** (Aug 23, 2016), it binds relevance of international conventions to like-cases wherein it is held that:

"International Convention for the Prevention of Pollution from Ships, 1973, as modied by the Protocol of 1978 (MARPOL) is relevant. India is a signatory to this Convention and in fact has amended the Act of 1958 by incorporating the contents of this convention by enacting Chapter-XIA in the Act of 1958. This convention as such is not a liability xing convention. It primarily covers prevention of pollution of marine environment by ships from operational and incidental causes and has been updated by amendments through the years. Since this Convention nds its place in the Indian law as afore-stated, we would have to primarily rely and refer to Chapter-XIA of the Act of 1958 which applies to this case and contemplates the provisions of pollution by oil in terms of Section 356A of the Act of 1958. The

provisions of Chapter-XIA which are relevant for the purposes of this case are Section 356-B which denes 'cargo' to include blast and ship's stores and fuel as well. "

G. The application of Bunker Convention 2011 is elaborated in the above-mentioned case as follows:

45. Article-3 talks about the liability of the ship owner. It says that except as provided in paragraphs 3 and 4, the shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the rst of such occurrences. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.

H. Union of India has obligations under Article 235 of the United Nations Convention on the Law of the Sea (**UNCLOS**), to which India is a signatory. Under Clause (1) of Article 235, States bear international responsibility for fulfilling their duties concerning the protection and preservation of the marine environment, and are liable under international law for breaches of such obligations. Clause (2) further mandates that States must ensure the availability of prompt and adequate compensation through their domestic legal systems for damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction. Clause (3) enjoins States to cooperate in implementing and developing international legal mechanisms—such as compulsory insurance and compensation funds—to assure effective redress for pollution-related damage.

I. The non-consideration of Exhibit P8 by the official Respondents No. 4, 6 and 7 is per se illegal and is clear dereliction of duty on the part of the official respondents. The respondents are duty bound to address the concerns raised by the petitioner in his representation.

J. Section 352A to 352N of the **Merchant Shipping Act, 1958** explains the duty of the ship in case of accidents. Section 352 imposes strict liability on the owner of a ship for any oil pollution damage occurring within Indian territory or its Exclusive Economic Zone (EEZ), irrespective of the ship's nationality. In the present case, the vessel MSC ELSA 3, although foreign-fagged and registered in Liberia, sank within Indian territorial waters off the coast of Kerala, resulting in spillage of bunker oil, diesel, plastic nurdles and calcium carbide, thereby triggering liability under the said provision. The statutory threshold under Section 352I is clearly met, and failure to initiate action under this provision violates the statutory duty imposed upon the enforcement authorities. Section 356H empowers the Director General of Shipping to initiate recovery actions for pollution clean-up costs upon receipt of information regarding pollution. Inaction will constitute a failure to discharge mandatory statutory functions and deprives affected persons of remedial and preventive measures envisaged under the Act. Section 352X vests exclusive jurisdiction in the High Court for all claims against the International Oil Pollution Compensation Fund (IOPC Fund) under Section 352W, where full and adequate compensation could not be secured under the Liability Convention. Despite the present incident resulting in pollution damage within Indian maritime territory, no action has been initiated for compensation from the Fund.

K. The International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC), places the strict liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. India is also a party to this Convention and respondents herein have to take necessary steps to ensure that the damages caused have to be collected from the 12th respondent herein.

L. A perusal of Exhibit P7 judgment would reveal that in the matter of the Ennor Oil Spill incident in 2017, the Hon'ble Madras High Court took cognizance of the oil pollution and directed the Government to provide interim relief to affected fisherfolk by processing the applications for compensations in a time bound manner. The facts, including a coastal spill within EEZ waters, environmental contamination by hazardous oil substances, and disruption of shing livelihoods, are strikingly similar and establish a persuasive precedent for this Hon'ble Court to issue similar directions in the instant matter.

M. In a similar placed matter, the Hon'ble Division Bench of the Madras High Court in W.A. No. 537 of 2018, dated 13.03.2018, a six-member Committee chaired by the Additional Director of Fisheries was constituted on 19.03.2018 to suggest a scientific and category-wise methodology for calculating compensation to fisherfolk affected by an oil spill. The said Committee recognized the diversity of affected stakeholders, including shing labourers, fisherwomen engaged in allied shing activities, fish vendors, mechanized and non-mechanized boat owners, and other allied workers. No comparable committee or mechanism has been constituted in the present case to assess category-wise compensation for affected

fisherfolk. This inaction violates the constitutional mandate under Article 14 by failing to ensure equal treatment of similarly situated individuals. Such a mechanism can also be ordered in the present case and interim compensation can be directed to be deposited by the 12th respondent before the Hon'ble Court.

N. The Claims Manual under the International Oil Pollution Compensation (IOPC) Funds permits Member States, including India, to seek compensation for oil pollution incidents when the shipowner or their insurer cannot fully compensate for damage. Although the present spillage involves bunker oil and persistent pollutants that have caused environmental and economic damage, no claim has been preferred by the Government or authorized agencies before the IOPC Fund, which constitutes a failure to utilize available international mechanisms for compensating pollution victims.

O. The definition of "pollution damage" under the IOPC framework includes loss of income resulting from the contamination of natural resources. In the present case, the livelihood of hundreds of traditional fishermen has been gravely affected by the contamination of shing waters due to the cargo spill. Despite this, the Government has neither assessed the economic impact nor initiated any process to quantify and claim the damages from the liable parties or available compensation funds.

P. The petitioner has a duty under Article 51A(g) of the Constitution of India to protect and improve the environment. The respondents herein also have a bounden duty to protect and improve the environment under Article 48A of the Constitution of India.

Q. Article 7(10) of the Bunker Convention, 2001, which has been ratified by India, expressly permits direct claims for compensation to be brought against the insurer or person providing financial security for the registered owner's liability. The Indian authorities have this right and must take steps to secure compensation from the P&I insurer of MSC ELSA 3, where the Convention being fully applicable to the present incident involving bunker oil pollution from a non-tanker vessel. **The International Convention on Civil Liability for Bunker Oil Pollution** is a convention to which India became a signatory on 10 June, 2015 and the Union Cabinet approved accession thereof. **Article 9(1)** of the Bunker Convention, 2001 confers exclusive jurisdiction on the courts of the State where pollution damage has occurred to adjudicate claims against shipowners and their insurers. The incident having occurred within Indian territorial waters, the High Court of Kerala has jurisdiction to entertain claims.

R. The precautionary principle and the polluter pays principle, now firmly embedded in Indian environmental jurisprudence as part of Article 21 and the Environment Protection Act, 1986, mandate urgent preventive and restorative action. The delay in initiating clean-up, lack of prompt action, failure to identify polluters for cost recovery, and lack of remedial steps violate these binding principles.

S. All the official respondents are duty bound to follow precautionary principle and take action in a preventive mode anticipating the environmental damage without waiting for scientific study or data. The respondents No. 4, 6 and 7 are having duty to ensure that all the pollutant/

contaminants are removed from the shipwreck site immediately without any delay.

T. The petitioner submits that as result of the proper prompt action from the part of the respondents as well as in disclosing the contents of the containers, the marine ecosystem is put to high risk and endangerment. The lives of lakhs of innocent civilians will also be subjected to unnecessary risks and danger and thus affecting the fundamental rights under Article 21 of the Constitution.

U. The failure to take action under the relevant statutory provisions and international instruments has directly resulted in the violation of the fundamental right to livelihood of the local fishermen under Article 21 of the Constitution of India. The loss of income due to polluted waters, environmental degradation, and the resulting economic displacement is a direct consequence of the pollution incident and the subsequent regulatory failure, entitling the affected persons to compensation and remedial measures through this Hon'ble Court's intervention.

Having regard to the above mentioned grounds and also such other grounds that may be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to:

PRAYERS

I. Declare that the 7th Respondent is having statutory duty to prepare a proper oil spill Disaster Contingency Plan and implement the same in accordance with Exhibit P2, P2(a) and P3 plans and finalise the proceedings in Exhibit P6 without any further delay.

II. Issue a writ of mandamus or any other appropriate writ directing Respondents No. 1 and 6 to constitute a high-level expert committee to assess environmental damage and recommend measures for restoration;

III. Issue a writ of mandamus or any other appropriate writ directing the Respondent Nos. 1 to 4 and 6 to prepare and implement a comprehensive compensation and rehabilitation package for all affected fishermen and stakeholders;

IV. Issue a writ of mandamus or any other appropriate writ directing the Respondents No. 4, 6 and 7 to immediately remove all the pollutant/ contaminants from the ship wreck site and affected areas;

V. Issue a writ of mandamus or any other appropriate writ directing the Respondent Nos. 1 to 3, 6, 7 and 10 to initiate legal proceedings against the shipowner and insurer of the vessels viz. MSC ELSA-3 and MV Wan Hai 503 under all applicable international conventions and national laws.

VI. Petitioner may be permitted to dispense with the filing of the translations of the documents in the vernacular language in the interest of justice;

VII. Pass such other orders as this Hon'ble Court may deem fit in the interest of justice and equity.

INTERIM RELIEF SOUGHT FOR:

For the reasons stated in the memorandum of writ petition (PIL) and its accompanying affidavit it is most humbly requested and prayed that this Hon'ble Court may be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

in accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

Dated this the 3rd day of June, 2025

Sd/-
PETITIONER

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF KERALA
सत्यमेव जयते

BEFORE THE HON'BLE HIGH COURT OF KERALA

W.P (PIL) No. 50 of 2025

T N PRATHAPAN : PETITIONER

Versus

UNION OF INDIA & ORS : RESPONDENTS

AFFIDAVIT

I, Mr. T.N. Prathapan, S/o. T.V. Narayanan, aged 65 years, residing at Thottungal House, PO. Talikulam, Thrissur, Kerala – 680569, do hereby solemnly affirm and state as follows:

1. I am the petitioner in the abovementioned writ petition (PIL). I know the facts of the case and I am competent to swear this affidavit.

2. The exhibits produced the writ petition (PIL) are the true copies of the original documents.

3. That, there is no authoritative pronouncement by the Hon'ble Supreme Court or the High Court on the question raised and the result of the litigation shall not lead to any undue gain to myself or to anyone associated with me.

4. That, I have not filed any writ petition (PIL) seeking similar reliefs in respect of the subject matter of this case. I have not filed any public interest litigations in respect to any other subject matters also.

All the above stated facts in Paragraphs No. 1 to 27 and Grounds A to U have been explained to me in Malayalam and are true to the best of my knowledge and what is stated in Paragraphs No. 1 to 27 and Grounds A to U is based on information and belief derived from records and I believe the same to be also true.

Dated this the 3rd day of June, 2025

Sd/-
DEPONENT

Solemnly affirmed and signed by the deponent before me this the 3rd day of June, 2025, in my office at Ernakulam.

Harish Vasudevan
ADVOCATE







सत्यमेव जयते

NATIONAL DISASTER MANAGEMENT PLAN

THE HIGH COURT OF KERALA
सत्यमेव जयते

November 2019

NATIONAL DISASTER MANAGEMENT AUTHORITY
MINISTRY OF HOME AFFAIRS
GOVERNMENT OF INDIA

National Disaster Management Plan

THE HIGH COURT OF KERALA
सत्यमेव जयते

National Disaster Management Plan

A publication of:

National Disaster Management Authority
Ministry of Home Affairs
Government of India
NDMA Bhawan
A-1, Safdarjung Enclave
New Delhi – 110 029

National Disaster Management Plan - 2016
Revised Edition - November, 2019

THE HIGH COURT OF KERALA
सत्यमेव जयते

When citing this report the following citation should be used:

National Disaster Management Plan, 2019.
A publication of the National Disaster Management Authority, Government of India.
November 2019, New Delhi.





राष्ट्रीय आपदा प्रबंधन प्राधिकरण
National Disaster Management Authority
भारत सरकार
Government of India

Preface

A Disaster Management Plan needs to be a dynamic and actionable document, which needs to be updated and revised periodically. Keeping this in mind, the existing National Plan of 2016 has been revised enhancing it considerably improving the approach and adding new dimensions. We hope that the revised version will prove to be more useful and effective in addressing the difficult challenges of disaster risk reduction facing Ministries/ Departments of Central Government, States and UTs.

The revision of the existing National Disaster Management Plan 2016 started in April, 2017 with a consultative workshop. This was followed by several rounds of extensive consultations internally and with different stakeholders and experts from different domains. After 3-4 rounds of revision process, a final draft was also placed on the website of NDMA for one month inviting comments and suggestions from all stakeholders including common people and was also circulated to all Ministries / Departments and States / UTs for comments and inputs. Incorporating their comments and suggestions suitably the revised Plan was finalized and approved by Members of NDMA.

The hazard and vulnerability profile of India is now well known. India's proneness to multiple disasters caused by natural and human induced factors aggravated by climate change impacts pose many threats and challenges for communities and agencies involved in management of disasters. With the enactment of Disaster Management Act 2005 and adoption of National Policy on Disaster Management 2009, Government of India has established improved institutional arrangements and DRR mechanisms to deal with any threatening disaster situation or disaster.

In the year 2015, GOI adopted three landmark international agreements having bearing on disaster management:

(i) Sendai Framework for Disaster Risk Reduction (SFDRR) in March 2015;

(ii) Sustainable Development Goals (SDGs) (2015-30) in September 2015; and

(iii) Paris Agreement on Climate Change at the 21st Conference of Parties (COP 21), under the United Nations Framework Convention on Climate Change in December 2015.

These international agreements should not be seen in isolation. A sustainable development needs to be disaster resilient and be adaptive to climate change impacts. Keeping this in mind the revised plan has put special emphasis on establishing coherence between the three international agreements with special consideration to Ten Point Agenda on DRR, enunciated by Prime Minister during Asian Ministerial Conference on DRR (AMCDRR) in November 2016 in New Delhi. This will help all concerned stakeholders in central government as well as in States and UTs in striving to achieve the national goals.

Considering the significance of climate change impacts on frequency and intensity of disasters, Climate Change Risk Management has been included as a new and sixth thematic area for disaster risk management in the responsibility framework, in addition to the existing five thematic areas, Understanding Risk, Inter Agency Coordination, Investing in DRR – Structural Measures, Investing in DRR – Non-structural Measures and Capacity Development.

It goes without saying that the Disaster Management Plan can be effective only if it is implemented in letters and spirit. For this there is a need to mainstream disaster risk reduction measures in developmental plans and policies by Ministries / Departments of Government of India and Governments of States and UTs. This plan will help in understanding the ways and strategies to mainstream disaster risk reduction in their plans and policies as it provides an understanding on the same in new chapter added in this plan on mainstreaming.

The revised Plan also puts special emphasis on making the Plan inclusive. We are aware that the impacts of disasters are felt more by some sections of the community, owing to their differential vulnerabilities and capacities due to physical, socio-economic and other reasons. The revised NDMP has considered this aspect as well. A new chapter on Social Inclusion addresses special considerations and suggests measures considering gender-based vulnerabilities, conditions of SC/ST communities, the elderly, children and persons with disabilities. This will help other stakeholders too in making their disaster management plans inclusive.

In order to synchronise the National Disaster Management Plan with the post-2015 international agreements, 2030 has been envisaged as the ending year for long-term actions. The activities envisaged as short, medium and long term ending in 2022, 2027 and 2030 respectively, have been included in this revised Plan. While some of the actions are a continuation from the previous plan, for all practical purposes, the activities are concurrent with the three phases overlapping in most cases. All responsibilities of Central Government Ministries and Departments and those of State/Union Territories Governments have been placed with a definite time frame, which will start and go on simultaneously with different timelines of completion.

While utmost care was taken with dedicated efforts in making the revisions, a Plan will always have scope for improvement because of its dynamic nature. This version is an improvement over the earlier one and with more experience by implementing this Plan, we will get to know more insights to be incorporated in future versions. We hope that this Plan will help all concerned stakeholders in their efforts and initiatives towards building a disaster resilient community and country. Suggestions and comments are always needed and will be welcomed.

Kamal Kishore	**Dr. D. N. Sharma**	**Lt. Gen. N C Marwah (Retd)**	**G V V Sarma, IAS**
Member	Member	Member	Member Secretary

	Family	Main Event	Short Description/ Secondary Disaster
			• Flood Hydrological - A general term for the overflow of water from a stream channel onto normally dry land in the floodplain (riverine flooding), higher-than normal levels along the coast and in lakes or reservoirs (coastal flooding) as well as ponding of water at or near the point where the rain fell (flash floods) • Wave Action: Wind-generated surface waves that can occur on the surface of any open body of water such as oceans, rivers and lakes, etc. The size of the wave depends on the strength of the wind and the travelled distance (fetch).
3	Meteorological	Hazard caused by short-lived, micro- to meso-scale extreme weather and atmospheric conditions that may last for minutes to days	• Cyclone, Storm Surge, Tornado, Convective Storm, Extra-tropical Storm, Wind • Cold Wave, Derecho • Extreme Temperature, Fog, Frost, Freeze, Hail, Heat wave • Lightning, Heavy rain • Sandstorm, Dust-storm • Snow, Ice, Winter Storm, Blizzard
4	Climatological	Unusual, extreme weather conditions related to long-lived, meso- to macro-scale atmospheric processes ranging from intra-seasonal to multi-decadal (long-term) climate variability	• Drought • Extreme hot/cold conditions • Forest/Wildfire Fires • Glacial Lake Outburst Flood (GLOF) • Subsidence
5	Biological	Exposure to germs and toxic substances	• Epidemics: viral, bacterial, parasitic, fungal, or prion infections • Insect infestations • Animal stampedes

1.13.2 Human-Induced Disasters

The NPDM 2009 notes that rise in population, rapid urbanization and industrialization, development within high-risk zones, environmental degradation, and climate change aggravates the vulnerabilities to various kinds of disasters. Due to inadequate disaster preparedness, communities, and animals are at increased risk from many kinds of human-induced hazards arising from accidents (industrial, road, air, rail, on river or sea, building collapse, fires, mine flooding, urban flooding, oil spills, etc.). Hazards due to CBRN threats and events rank very high among the causes that are human induced acts. Terrorist activities and secondary incidences arising from intentional or non -intentional activities also add to these risks and calls for adequate preparedness and planning.

	Name	Composition	Vital role
		heads of national levels scientific, research and technical organizations, besides eminent scholars, scientists and practitioners.	• Formulate and implement a comprehensive human resource development plan • Provide assistance in national policy formulation, assist other research and training institutes, state governments and other organizations for successfully discharging their responsibilities • Develop educational materials for dissemination • Promote awareness generation

From time to time, the central government notifies hazard-specific nodal ministries to function as the lead agency in managing specific disasters (see Table 1-3 for current list of disaster-specific nodal ministries notified by GOI).

Table 1-3: Nodal Ministry for Management/ Mitigation of Different Disasters

SN	Disaster	Nodal Ministry/ Department
1.	Accident – Air (Civil Aviation)	Min. of Civil Aviation (MOCA)
2.	Accidents – Rail	Min. of Railways (MOR)
3.	Accidents – Road	Min. of Road Transport and Highways (MRTH)
4.	Avalanche	Min. of Defence (MOD) – Border Road Organization (BRO)
5.	Biological Emergencies	Min. of Health and Family Welfare (MHFW)
6.	Cold-Wave	Min. of Agriculture and Farmers Welfare (MAFW)
7.	Cyclone/ Tornado	Min. of Earth Sciences (MOES)
8.	Drought	Min. of Agriculture and Farmers Welfare (MAFW)
9.	Earthquake	Min. of Earth Sciences (MOES)
10.	Flood	Min. of Jal Shakti (MOJS)
11.	Floods – Urban	Min. of Housing and Urban Affairs (MHUA)
12.	Forest Fire	Min. of Environment, Forests, and Climate Change (MEFCC)
13.	Frost	Min. of Agriculture and Farmers Welfare (MAFW)
14.	Hailstorm	Min. of Agriculture and Farmers Welfare (MAFW)
15.	Industrial and Chemical	Min. of Environment, Forests and Climate Change (MEFCC)
16.	Landslides	Min. of Mines (MOM)
17.	Nuclear and Radiological	Dept. of Atomic Energy (DAE)
18.	Oil Spills	Min. of Defence (MOD) – Indian Coast Guard (ICG)

Desert locusts fly with the wind and can travel 100-150 km in a day. The Bombay locust (*Nomadacris succincta*) was a major pest in India and South-Eastern Asia in the 18th and 19thcenturies but has seldom swarmed since the last plague in 1908. The desert locust swarms from as far as Africa sometimes can reach India and Pakistan crossing the Indian Ocean. The Locust Control and Research Division under MAFW Keeps constant vigil through field surveys to prevent crop losses due to locust attack in approximately two lakhs sq.km of Scheduled Desert Area in the States of Rajasthan and Gujarat. Locust Watch under FAO monitors the locusts worldwide and issue early warnings to countries about locust swarms. After receiving warning, Government takes urgent measures for monitoring and control.

Directorate of Plant Protection Quarantine and Storage under the MAFW with sub-offices across India, is the apex organization responsible for taking measures related to plant protection. Such measures are important in the overall crop production programmes for sustainable agriculture. Plant protection activities encompasses activities aimed to minimizing crop losses due to pests through integrated pest management, plant quarantine, regulation of pesticides as well as locust warning and control.

To effectively tackle the issue of livestock health, the Department is supplementing the activities of the State Governments/ Union Territories through 'Livestock Health & Disease Control Scheme', which has the following components:

1) Assistance to States for Control of Animal Diseases
2) Professional Efficiency Development
3) National Project on Rinderpest Surveillance and Monitoring
4) Foot and Mouth Disease Control Programme
5) National Animal Disease Reporting System
6) Peste des Petits Ruminants Control Programme
7) Brucellosis Control Programme
8) Establishment and Strengthening of existing Veterinary Hospitals and Dispensaries
9) Classical Swine Fever Control Programme

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2.2.3.4 Accidents – Rail, Air, Road and Water

The fast pace of development brings with it increasing frequency of various types of accidents as more and more people are involved in diverse economic activities. The number of air accidents, cases of boat capsizing, building collapses, fires in built environments – residential, commercial and industrial, festival related incidents involving large number of people, forest fires, emergencies in mines (flooding, collapse, etc.), oil spills, rail accidents, road accidents, stampedes, transportation of hazardous material (HAZMAT) related accidents etc. are increasing. While all these are matters of utmost concern, not all of them fall within the purview of the NDMP. Certain specific agencies such as the Indian Coast Guard have the primary responsibility of addressing incidents of oil spills and ships in the coastal waters. While the cases of fires in the built environment and forests are included in the plan, local authorities address them in accordance with the relevant emergency management systems. The primary way to reduce risks is through mainstreaming risk reduction in development and governance. As part of the overall DRR plan, systems for disaster preparedness and response are being strengthened at all levels, which in turn will help in reducing the number of accidents and improve the capacity to respond.

2.2.3.5 Emergencies Associated with Mass Gatherings

Throughout the country, frequently, there are various kinds of events that attract crowds large and small, at varying types and styles of venue. The degree and quality of preparedness to cope with

conservation areas/ protected areas even though the approach to DRR will have to quite different. The Sendai framework states that strengthening of environmental resilience is one of the strategies required for preventing the creation of risks[36] and notes the importance of preserving ecosystem functions that help to reduce risks while promoting the mainstreaming of DRR[37].

Many conceptual frameworks place emphasis on the need for incorporating both disaster risk reduction and securing ecosystem functions in development planning. However, DRR frameworks for integrating disaster risk management and addressing environmental change synergistically are only beginning to emerge and have not yet been widely adopted. The UNISDR Working Group on Environment and Disaster Risk Reduction, for instance, is developing an analytical framework that explores the interlinkages between environmental change and disaster risk based on five inter-related assertions:

a) Natural hazards are physical processes that can be directly affected by social processes
b) Healthy ecosystems often provide natural defenses
c) Degraded ecosystems reduce community resilience
d) Although the environment itself is often well-adapted to natural hazards (with timescales for recovery varying significantly), disasters can lead to secondary environmental impacts
e) Environmental degradation itself magnifies risk and becomes a hazard

Protected areas, ecosystems restoration and natural resource management that do not incorporate disaster risk reduction objectives represent a missed opportunity. Failures to identify the mutual benefits of environmental management, risk reduction and climate change adaptation are lost opportunities to protect lives and promote human well-being. Two key areas of environmental management for disaster risk reduction are:

- Environmental Monitoring and Assessment
- Protected Area Management and Ecosystem Rehabilitation

2.6.2 Environmental Monitoring and Assessment

Environmental monitoring and assessment play an important role in generating relevant information that assists environmental and disaster managers in identifying risks, vulnerabilities and opportunities to promote community resilience. Monitoring and observing environmental factors that signal the onset of a hazard are fundamental to early warning systems. Environmental monitoring systems also track trends in environmental degradation, such as deforestation, that underlie a local area's exposure to risk. Mapping hazard risk and exposure is another function of environmental monitoring. In addition to identifying hazard risk (flood, landslide, seismic activity, etc.), some environmental authorities also map environmentally sensitive areas. Environmental assessments produce targeted environmental analyses by reporting on current and anticipated future environmental conditions and identifying drivers of environmental change. These include post-disaster assessments that identify environmental damages and needs, as well as strategic environmental assessments that determine potential environmental consequences of development plans and policies.

2.6.3 Protected Areas, Ecosystem Rehabilitation

Environmental conditions not only modify the frequency of hazard events, but ecosystems also serve as natural barriers that can moderate the effects of a hazard and protect communities. According to

[36] Sendai Framework for DRR, Section 27(b)
[37] Sendai Framework for DRR, Section 30(g)

the Millennium Ecosystem Assessment (MA 2005), an ecosystem is a dynamic complex of plant, animal, and microorganism communities and the non-living environment interacting as a functional unit, which could range from relatively undisturbed areas such as natural forests, landscapes with mixed land-use patterns, to areas intensively managed by humans, such as agricultural land and urban areas. Ecosystems are socio-ecological systems and managing ecosystem services is highly relevant for the purposes of disaster risk reduction. Biodiversity including rare wildlife and their habitats are included in these. Global climate change awareness has spurred a new drive to better manage protected areas and reduce deforestation. Protecting and preserving the natural position and trajectory of wetlands and other water resources has received increasing support, given the risks from their alteration, elimination or loss for developmental purposes.

Ecosystem rehabilitation or restoration entails a wide array of activities, including post -disaster clean-up, e.g. after an oil spill, as well as replanting of forests or mangroves. Restoring ecosystems following natural and human-made disasters can work to reduce the underlying risk factors and mitigate future disaster impacts. Decisions at the field level require detailed knowledge of local environmental conditions (e.g. planting regimes, species choices) and competing community needs. There are several examples of protected areas management, ecosystem restoration and natural resource management showing how decisions need to balance livelihood priorities with environmental sustainability concerns. Pro-actively managing natural areas can ensure protection of the environment and reduce underlying risk factors for disaster by maintaining the resilience inherent in ecosystems. Community participation in forest and fire management has also played an important role in reducing risk of devastating wildfires. Fuel reduction employing both the use of mechanical means as well as controlled (prescribed) fire contributes to a reduction of wildfire hazards and the risk of high-severity wildfires. Appropriate management of coastal forests protect local communities from coastal hazards while helping to conserve biodiversity.

2.6.4 India and Biodiversity Conservation

From a global biodiversity perspective and climate change risks, India is one among the seventeen recognized mega-diverse[38] countries of the world, harbouring nearly 8% of the recorded species of the world and representing four of the thirty-four globally identified biodiversity hotspots. It has around 8% of all mammals, 13% of birds, 8% of reptiles, 6% of amphibians and 6% of all plant species population[39]. Most of them are found in tropical rain forest, Western Ghats and forests of the Himalaya. India is also a vast repository of traditional knowledge associated with biological resources. So far, over 91,200 species of animals and 45,500 species of plants have been documented in the ten biogeographic regions of the country. Inventories of floral and faunal diversities are being progressively updated with several new discoveries through the conduct of continuous surveys and exploration.

Along with species richness, India also possesses high rates of endemism. In terms of endemic vertebrate groups, India's global ranking is tenth in birds, with 69 species; fifth in reptiles with 156 species; and seventh in amphibians with 110 species. Endemic-rich Indian fauna is manifested most prominently in Amphibia (61.2%) and Reptilia (47%). India is also recognized as one of the eight Vavilovian centers of origin and diversity of crop plants, having more than 300 wild an cestors and close relatives of cultivated plants, which are still evolving under natural conditions. Unfortunately, many

[38] The term megadiverse country refers to any one of a group of nations that harbour most of Earth's species and high numbers of endemic species. Conservation International identified 17 megadiverse countries in 1998. Many of them are located wholly or partially in tropical or subtropical regions

[39] Most of the data is from India's country profile posted on the official website of the international Convention on Biodiversity (CBD). https://www.cbd.int/countries/profile/default.shtml?country=in#facts (accessed Sep 20, 2019)



MINISTRY OF DEFENCE, GOVERNMENT OF INDIA

HIGH COURT OF KERALA

NATIONAL OIL SPILL DISASTER CONTINGENCY PLAN

(SHORT TITLE: NOS-DCP)

CGBR 771

2015 Edition

DIRECTORATE OF FISHERIES & ENVIRONMENT
COAST GUARD HEADQUARTERS
NEW DELHI 110 001

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Foreword

By an Office Memorandum of the Ministry of Defence dated 07 March 1986 and further, by amendment to the Government of India (Allocation of Business) Rules, 1961 vide Gazette notification dated 12 December 2002, the Indian Coast Guard has been designated as the Central Coordinating Authority for combating oil spills in Indian waters and undertaking oil spill prevention and control.

The National Oil Spill Disaster Contingency Plan or NOS-DCP for short, together with the allocation of functional responsibilities to the various Ministries and Departments of the Government of India for oil spill response in the maritime zones of India was approved by a Committee of Secretaries to the Government of India on 04 November 1993.

The NOS-DCP was originally promulgated in July 1996 and subsequently updated in 1998, 1999, 2000, 2002 and 2006 to include additional information.

This 2014 edition of the NOS-DCP has been completely revised to reflect current international norms and best practices, key relevant national regulations, experience gained since publication of the first edition in July 1996 and valuable inputs received from stakeholders to the national plan as part of the process of revision.

The NOS-DCP was originally designed for responding to oil spill disasters in Indian waters. However, in view of India being in the process of acceding to the OPRC-HNS Protocol of 2000, this 2014 edition of the NOS-DCP has been revised in a manner such as to facilitate national preparedness and response to HNS incidents also and thereby fulfil India's obligation to have in place a national plan to respond to HNS incidents, as a State party to the OPRC-HNS Protocol.

(AA Hebbar)
Deputy Inspector General
Director (Fisheries & Environment)

New Delhi
09 April 2015

Abbreviations

BMC	Biodiversity Management Committee
CCA	Central Coordinating Authority
CEFIC	European Chemical Industry Council
CIC	Chief Incident Controller
CMG	Crisis Management Group
CMT	Crisis Management Team
COMAPS	Coastal Ocean Monitoring and Prediction System
COMCG	Commander Coast Guard Region
COMDIS	District Commander (of the Coast Guard)
DDMA	District Disaster Management Authority
DGCOMM CENTRE	Directorate General of Shipping Communication Centre
DGH	Directorate General of Hydrocarbons
DGICG	Director General Indian Coast Guard
DGS	Directorate General of Shipping
DOSC	Deputy On-scene Commander
DOS-CMG	District Oil Spill Crisis Management Group
E & P	Exploration and Production
ECC	Emergency Control Centre
EEZ	Exclusive Economic Zone
EG	Environment Group
EHS	Environment, Health and Safety
ELO	Environmental Liaison Officer
ENVIS	Environmental Information System
ERDMP	Petroleum and Natural Gas Regulatory Board (Codes of practices for Emergency Response and Disaster Management Plan) Regulations 2010
ESC	Environmental and Scientific Coordinator
ESI	Environment Sensitivity Index
ETV	Emergency Towage Vessel

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FLIR	Forward-Looking Infrared Imager
FPSO	Floating Production Storage and Offloading Vessel
HNS	Hazardous and Noxious Substances
IACS	International Association of Classification Societies
IAP	Incident Action Plan
IBA	Important Bird Areas
IBC Code	International code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk
IC	Incident Controller
ICE	International Chemical Environment
IGC Code	International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk
IMDG Code	International Maritime Dangerous Goods Code
IMO	International Maritime Organization
IMSBC Code	International Maritime Solid Bulk Cargoes Code
IMT	Incident Management Team
INCOIS	Indian National Centre for Ocean Information Services
INMARSAT	International Maritime Satellite system
IOPC Fund	International Oil Pollution Compensation Fund
IR	Infra-red
ISCO	International Spill Control Organization
ISU	International Salvage Union
LAG	Local Action Group
LEL	Lower Explosive Limit
LNG	Liquefied Natural Gas
LOS-CMG	Local Oil Spill Crisis Management Group
LPG	Liquefied Petroleum Gas
LST	Local Action Group Support Team
MARPOL	International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol of 1978
MAS	Maritime Assistance Service
MHA	Ministry of Home Affairs

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MMD	Mercantile Marine Department
MoD	Ministry of Defence
MoEF	Ministry of Environment, Forest and Climate Change
MoES	Ministry of Earth Sciences
MoPNG.	Ministry of Petroleum and Natural Gas
MoU	Memorandum of Understanding
MRC	Marine Response Centre
MRCC	Maritime Rescue Coordination Centre
MRU	Marine Response Unit
MSDS	Material Safety Data Sheet
MSI	Mangrove Society of India
MSV	Merchant Sailing Vessel
NCMC	National Crisis Management Committee
NDMA	National Disaster Management Authority
NDRF	National Disaster Response Force
NEBA	Net Environmental Benefit Analysis
NEC	National Executive Committee
NGO	Non-Governmental Organisation
NOSC	National On-scene Commander
NOS-CMG	National Oil Spill Crisis Management Group
NOS-DCP	National Oil Spill Disaster Contingency Plan
OCU	Offshore Control Unit
OIM	Offshore Installation Manager
OISD	Oil Industry Safety Directorate
ONGC	Oil and Natural Gas Corporation
OOSA	Online Oil Spill Advisory
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation
OREI	Offshore Renewable Energy Installation
OSC	On-scene Commander
OSCP	Oil Spill Contingency Plan
OSD	Oil Spill Dispersant

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OSRL	Oil Spill Response Limited
OSRO	Oil Spill Response Organisation
OSV	Offshore Supply Vessel
P & I	Protection and Indemnity
PPM	parts per million
RCC	Rescue Coordination Centre
ROSC	Regional On-scene Commander
RWMC	Reef Watch Marine Conservation
SBB	State Biodiversity Board
SCBA	Self-contained Breathing Apparatus
SCR	Special Casualty Representative
SCU	Salvage Control Unit
SDMA	State Disaster Management Authority
SDRF	State Disaster Response Force
SIC	Site Incident Controller
SLAR	Side-looking Airborne Radar
SMCU	Salvage Monitoring and Control Unit
SOP	Standard Operating Practice / Procedure
SOPEP	Shipboard Marine Pollution Emergency Plans
SOSC	State On-scene Commander
SOS-CMG	State Oil Spill Crisis Management Group
SPM	Single Point Mooring
SRC	Shoreline Response Centre
STN CDR	Station Commander
STS	Ship-to-Ship Transfer
TEZ	Temporary Exclusion Zone
TOVALOP	Tanker Owner's Voluntary Agreement concerning Liability for Oil Pollution
UNCLOS	United Nations Convention on the Law of the Sea
UV	Ultra-violet
VHF	Very High Frequency

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1. Introduction

India is a party to the United Nations Convention on the Law of the Sea (UNCLOS) and has an obligation to protect and preserve the marine environment. The Forty-second amendment to the Constitution of India obliges the State to endeavour to protect and improve the environment. This plan is a measure of fulfilment of the obligation on the State under the Law of the Sea Convention and the Constitution of India.

1.1 BACKGROUND

The responsibility for co-ordination of marine oil spills at sea was transferred to the Coast Guard from the Directorate General of Shipping on 07 March 1986. Consequent to the transfer of responsibility, a draft National Oil Spill Disaster Contingency Plan (NOS-DCP) was prepared by the Coast Guard on 14 April 1988 and circulated to all concerned agencies for offer of comments. The final draft was approved by the Committee of Secretaries on 04 November 1993. The NOS-DCP was published in July 1996 and circulated among one hundred ninety agencies, units, and organisations out of which sixty seven were identified as participating agencies. Among the participating agencies, thirty seven were identified as resource agencies.

The NOS-DCP has been in operation since July 1996 and brings together the combined resources of:

a. the Government of India including that of the Indian Coast Guard;

b. the State Governments including emergency services; and

c. the shipping, ports, and oil industries.

The delineation of the functional responsibilities of the various Ministries and Departments at **Appendix A** as agreed by a Committee of Secretaries details such matters as:

a. enactment and administration of legislation;

b. prevention and control;

c. monitoring and surveillance; and

d. combating of marine pollution.

As per the amendment to the Allocation of Business Rules of 12 December 2002, the responsibilities of the Ministry of Defence through the Coast Guard organisation include matters related to:

a. Central Coordinating Agency for combating oil pollution in various maritime zones;

b. implementation of national contingency plan for oil spill disaster;

c. surveillance of maritime zones against oil spills;

d. combating oil spills in various maritime zones except within jurisdiction of ports and oil installations; and

e. undertaking oil spill prevention and control, [and] inspection of ships (except within ports) and offshore platforms in the country.

The national contingency plan hierarchy, outlined in Figure 1, consists of:

a. National Oil Spill Disaster Contingency plan;

b. Regional Oil Spill Disaster Contingency Plans;

c. District Oil Spill Disaster Contingency Plans;

d. State and Union Territory plans, and

e. port, and industry plans.

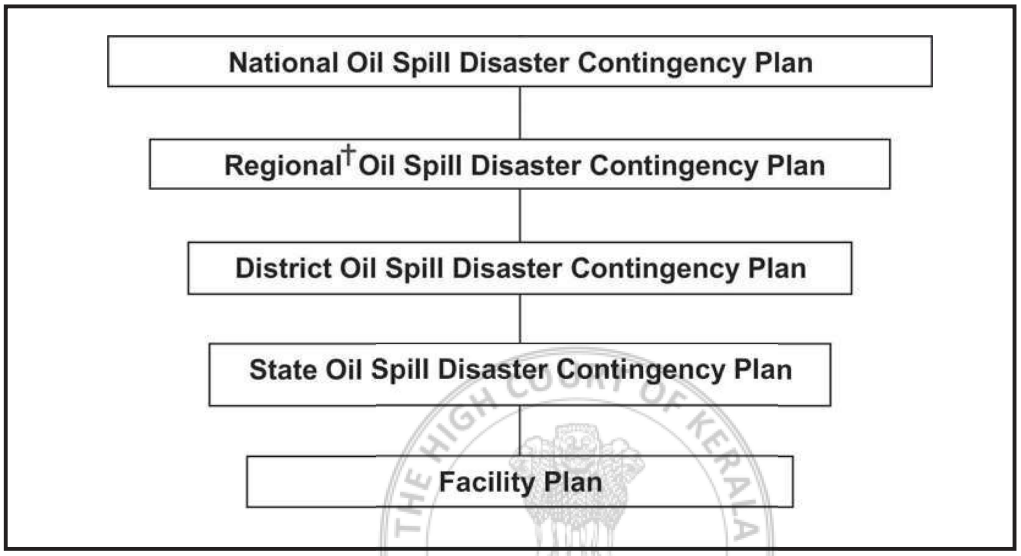


Figure 1. Hierarchy of contingency plans

This Plan, the National Oil Spill Disaster Contingency Plan, prescribes procedures and provides information required to implement the National Plan.

1.2 THREAT OF SPILLS

India is the second largest consumer of oil equivalent primary energy in the Asia-Pacific region after China. About 70% of the world oil demand is ferried along the Indian coastline. The major ports in India handle over 7,000 POL tankers each year. Over eighty companies are in operation in 228 offshore blocks and fields and the whole of the sedimentary basin area is likely to be covered by exploration activities by 2015.

Oil spills may occur from ships either accidentally or due to illegal operational discharges. Accidental discharges may involve the escape of bunker fuel or oil cargo resulting from a marine incident. Oil spills may also be caused by accidental discharges from petroleum terminals and facilities and the offshore petroleum exploration and production industry. The threat is largely a function of the types of oil and bunkers and operational issues such as the degree of navigational hazards, the weather and shipping density.

Worldwide, about 200 million tonnes of dangerous goods and hazardous materials are transported by sea each year. Most are carried in deep-sea and regional trade. It is estimated from a survey in 2008, that about 4.5 million tonnes of HNS cargo were handled in India annually. HNS cargoes are also shipped in small vessels for coastal shipping and constitute about ten percent of the HNS cargo handled by the ports. A wide variety of dangerous goods and chemical and other noxious or hazardous substances are shipped to, from and around India in specialised chemical tankers, in bulk chemical tanks carried in other vessels, or in packaged form as container or loose cargo consignments.

† *The term regional when used in this NOS-DCP refers to the context specified in the Coast Guard Act, 1978. Region Northwest refers to Gujarat and Daman; West refers to Maharashtra, Goa, Karnataka, Kerala, Lakshadweep and Minicoy Islands; East refers to Tamil Nadu and Andhra Pradesh; Northeast refers to Odisha and West Bengal; and Andaman and Nicobar refers to the Andaman and Nicobar Islands, and their respective territorial waters and exclusive economic zones.*

These chemicals can enter the marine environment as a result of accidental or deliberate releases. Accidental releases can occur as a result of natural disasters, human error or due to technical and mechanical faults in chemical transfer and storage equipment. Intentional releases could include the dumping of chemical wastes, acts of war, terrorism or sabotage. Incidents involving vessel groundings, collisions, fire, explosion, cargo reaction etc. could also cause chemical spills from vessels involved.

1.3 OBJECTIVES OF THE PLAN

The objectives of the plan are:-

a. to establish an effective system for detection and reporting of spills;

b. to establish adequate measures for preparedness for oil and chemical pollution;

c. to facilitate rapid and effective response to oil pollution;

d. to establish adequate measures for crew, responders, and public health and safety, and protection of the marine environment;

e. to establish appropriate response techniques to prevent, control, and combat oil and chemical pollution, and dispose-off recovered material in an environmentally sound manner; and

f. to establish record-keeping procedures to facilitate recovery of costs.

g. to maintain the evidences for the purpose of identifying the polluter and taking suitable administrative, civil or criminal action against the polluter.

1.4 SCOPE OF THE PLAN

This plan is action oriented and covers such aspects as reporting, communication, alerting, assessment, operations, administration, finances, public relations and arrangements with other contiguous states. The plan assigns responsibility for various tasks to relevant government departments and agencies, identifies trained personnel, equipment, and surface craft, and aircraft and means of access to these resources.

This plan delineates functions of various departments and agencies for the operational responsibility for marine incidents which could result due to spillage of oil into water. The plan also provides the framework for co-ordination of integrated response by various government departments and agencies to protect the environment from the deleterious effects of pollution by oil.

This plan outlines combined stakeholder arrangements designed to allow a rapid and cooperative response to marine oil spills within the defined area. Plans prepared by coastal State authorities, port authorities, and occupiers of offshore installations underlie this national plan. These local plans provide detailed information on the local response to marine incidents and also describe any arrangements for mutual support.

This plan also coordinates the provision of national and international support.

This plan parallels similar documents dealing with the Government of India's responsibility for saving life at sea, for search and rescue and for caring for survivors brought ashore.

This plan co-exists with incident and security plans operated by ships, ports and offshore installations. Mutual respect between those in command and control of this plan and those in charge of all other relevant plans is imperative to ensure that all of the plans can continue to function efficiently, whatever the circumstances.

1.5 DEFINITIONS

"Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms.

"Offshore installation" means an installation, whether mobile or fixed, which is used or intended to be used for underwater exploration and exploitation of crude oil, petroleum, or other similar oils, under lease, license, or

other form of contractual arrangement and includes any installation which could be moved from place to place under its own motive power or otherwise; or, a pipeline.

“Oil” means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products, other than petrochemicals subject to the provisions of Annex II of MARPOL 73/78 and includes the substances listed in Appendix I to Annex I of MARPOL 73/78 as amended.

“Oily mixture” means a mixture with any oil content.

“Crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes crude oil from which certain distillate fractions may have been removed; and crude oil to which certain distillate fractions may have been added.

“Facility” means a sea-port facility, a terminal within a port operating under a concessionaire agreement, a single point mooring within a port, or an offshore installation.

“Noxious liquid substance” means any substance indicated in the Pollution Category column of Chapter 17 or 18 of the International Bulk Chemical Code (IBC Code) or provisionally assessed under the provisions of Regulation 6.3 of MARPOL 73/78 as amended as falling into Category X, Y or Z.

“Harmful substance” means any substance which, if introduced into the sea, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, and includes those substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).

“Hazardous and noxious substance” as defined in the IMO OPRC-HNS Protocol means any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea.

“Incident” means an event involving the actual or probable discharge into the sea of a harmful substance, or effluents containing such a substance.

“Discharge”, in relation to harmful substances or effluents containing such substances, means any release howsoever caused from a ship and includes any escape, disposal, spilling, leaking, pumping, emitting or emptying. Discharge does not include dumping within the meaning of the London Convention 1972; or release of harmful substances directly arising from the exploration, exploitation and associated offshore processing of sea-bed mineral resources; or release of harmful substances for purposes of legitimate scientific research into pollution abatement or control.

“Pollution damage” means loss or damage caused outside the ship by contamination resulting from escape or discharge of oil from the ship, wherever such escape or discharge occurs, provided that compensation for impairment of the environment other than losses or profit from such impairment actually undertaken or to be undertaken; and the costs of preventive measures and further loss or damage caused by such measures.

“Preventive measures” means any reasonable measures taken by any person after the incident to prevent or minimize pollution damage.

1.6 GEOGRAPHICAL AREA

The plan applies to all incidents of marine casualty or acts relating to such casualty occurring with grave and imminent danger to Indian coast line or related interests from pollution or threat of pollution in the sea by deliberate, negligent or accidental release of oil, ballast water, noxious liquid and other harmful substances into the sea including such incidents occurring on the high seas.

The plan also covers all incidents in any part of the sea, or inland, that are likely to affect the maritime zones of India, that includes all the Territorial Waters and the Exclusive Economic Zone (EEZ) of India, as detailed in

Figure 2, and the High Seas where an oil or chemical spill has the potential to impact on Indian interests in the maritime zones of India.

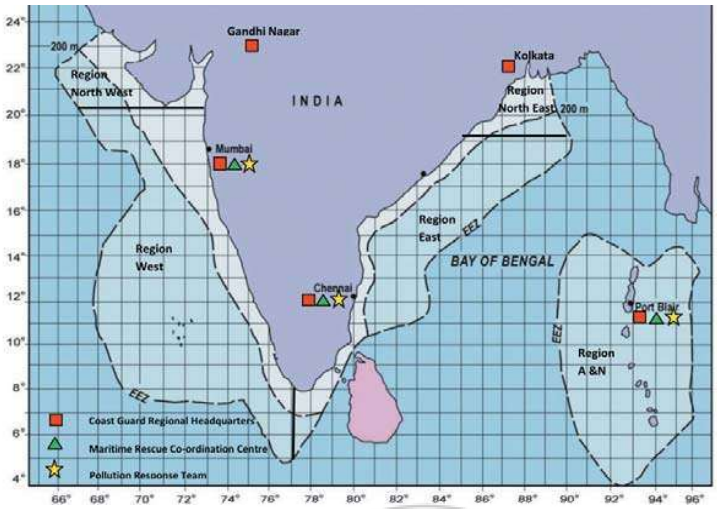


Figure 2. National pollution response areas

1.7 DESIGNED SPILL SIZE

The NOS-DCP is established in order to facilitate the national response to oil spills of any magnitude within Indian waters as specified in Figure 2. The designed spill size for planning and operational reasons is 10,000 tonnes. This spill size was decided at the meeting with national plan stakeholders as the appropriate level for which to plan national equipment inventory and other resource requirements. It takes into account that the oil exploration and production industries hold membership with private international oil spill response organisations for access to their equipment stockpiles.

1.8 LEGISLATION

1.8.1 INTERNATIONAL CONVENTIONS

India has been active at the International Maritime Organization in the development and implementation of many of the IMO Conventions that specifically address pollution from ships. These conventions are implemented in India by the Merchant Shipping Act, 1958. The IMO Conventions relevant to this national plan are as follows:-

- International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
- International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
- International Convention on Salvage, 1989
- Wreck-removal Convention, 2007
- International Convention on Civil Liability for Oil Pollution Damage, 1992
- International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972
- The Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009

1.8.2 INTERNATIONAL CODES AND GUIDELINES FOR HNS

- The International Maritime Dangerous Goods Code (IMDG Code);
- The International Maritime Solid Bulk Cargoes Code (IMSBC Code);

- The International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (International Bulk Chemical Code or IBC Code) applies to ships built after June 1986;
- The International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk (International Gas Carrier Code or IGC Code) applies to ships built after June 1986.

1.8.3 REGULATORY FRAMEWORK

The key regulations which are applicable to prevention and control of marine oil pollution are outlined at Table 1.1 to 1.3 and other related statutes on management of hazardous and noxious substances are listed at Table 1.4 and 1.5.

Part XA	Part XA Limitation of Liability
Part XB	Civil Liability for Oil Pollution Damage
Section 356 C	Issuance of Pollution Prevention Certificate
Section 356 I	Oil Reception Facilities at Ports
Section 3356 J	Power to give notice to polluting Ship
Section 356 K	Power to take measures for preventing or containing oil pollution
Section 356 L	Power to give directions to certain ships
Section 356 M	Oil Pollution Cess
Part XC	International Oil Pollution Compensation Fund
Part XIII	Wreck & Salvage

Table 1.1. Applicable National Regulations-Merchant Shipping Act, 1958

The Merchant Shipping (Regulations of Entry of Ships into Ports, Anchorages and offshore facilities) Rules, 2012 • Requires insurance coverage against maritime claims and established procedures and policies for their supervision • Requires vessels to be classed with a IACS member class society
The Merchant Shipping (Civil Liability for Pollution Damage) Rules, 2008
The Merchant Shipping (International Fund for Compensation for Oil Pollution Damage) Rules, 2008
The Merchant Shipping (Prevention of Pollution by Garbage from Ships) Rules, 2009
The Merchant Shipping (Prevention of Pollution by Sewage from Ships) Rules, 2010
The Merchant Shipping (Prevention of Pollution by Harmful Substances Carried by Sea in Packaged Form) Rules, 2010
The Merchant Shipping (Control of Pollution by Noxious Liquid Substances in Bulk) Rules, 2010
The Merchant Shipping (Prevention of Pollution by Oil from Ships) Rules, 2010
The Merchant Shipping (Carriage of Cargo) Rules, 1995 for Ships Carrying Dangerous Cargoes

Table 1.2. Applicable National Regulations-Rules under Merchant Shipping Act, 1958

Coast Guard Act, 1978	
Section 14	Protecting marine environment and to prevent and control marine pollution.
	Measures for the safety of life and property at sea and collection of scientific data
Indian Ports Act, 1908	
Section 6	Pertaining to powers in all navigable water bodies and ports
	Rules for vessel movement
	Regulation of berths, stations, and anchorages to be occupied by vessels
	Regulation of oil and water mixed with oily waste handling and its discharge and disposal at any port
Inland Vessels Act, 1917	
Entire act	Roles of vessels owners and rights of State Government to survey vessels
Oil Industry Safety Directorate-Standard OISD-GDN-200 Guidelines for Development of Contingency Plan for Oil Spill Response	

Table 1.3. Applicable National Regulations- Other related Acts and Guidance

The Environment (Protection) Act, 1986 (amended 1991) and Rules there under
The Environment (Protection) Rules, 1986 (amended 2004)
The Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 (amended, 1994 and 2004)
Hazardous Materials (Management, Handling and Trans-boundary Movement) Rules 2008
The Environment Prior Clearance Notification, 2006
The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996
Bio-medical Wastes (Management and Handling) Rules. 1989

Table 1.4. Relevant statutes on management of HNS under the EP Act, 1986

The Factories Act, 1948 (amended 1987) ● State Factory Rules
The Dock Workers (Safety, Health & Welfare) Act, 1986 ● Covers handling of dangerous goods (IMDG class cargoes) ● Applicable to all Major Ports
The Inflammable Substances Act, 1952
The Public Liability Insurance Rules, 1991 (as amended 1992 and 1993)
The Petroleum Act, 1934 ● The Petroleum Rules, 2002
The Insecticide Rules, 1968 (amended 2000) ● The Insecticide Rules, 1971 (amended 1999)
The National Environment Tribunal Act, 1995
The National Green Tribunal Act, 2000
The Explosives Act, 1884 (amended till 1983) ● The Gas Cylinder Rules, 2004 ● The Static and Mobile Pressure Vessels (Unfired) Rules, 1981 (amended 2002) ● The Explosives Rules, 1983 (amended 2002)
National Disaster Management Guidelines for Chemical Disasters, 2007

Table 1.5. Other relevant statutes on management of HNS

1.8.4 JURISDICTION

In keeping with the Law of the Sea Convention, India's jurisdiction under the Maritime Zones of India Act, 1976 extends over the Exclusive Economic Zone (EEZ) up to 200 nautical miles seaward of the baseline and the Territorial Sea extends to twelve nautical miles from the baseline.

Both, the Union Government and State Government have concurrent jurisdiction for environment in the territorial waters of India.

The Central Government has jurisdiction in the EEZ.

The States have jurisdiction over the territorial waters, and the Central Government has jurisdiction over waters seaward of this point (although in some cases the Central Government has jurisdiction over the whole of India).

1.8.5 LEGAL BASIS

The legal basis for this national plan is section 14 of the Coast Guard Act, 1978 which vests the Coast Guard with duties to preserve and protect the marine environment and to prevent and control marine pollution and take such measures as it thinks fit in performance of its duties.

1.9 INTENDED USE OF THE PLAN

The NOS-DCP was originally designed for responding to oil spill disasters in Indian waters. However, in view India being in the process of acceding to the HNS Protocol, this 2014 edition of the NOS-DCP has been revised in such a manner as to facilitate national preparedness and response to HNS incidents also and thereby fulfil India's obligation to have in place a national plan to respond to HNS incidents, as a State party to the OPRC-HNS Protocol.

सत्यमेव जयते

2. Emergency Organisation

2.1 EMERGENCY ORGANISATION OIL SPILL DISASTERS

Figure 2.1 depicts the emergency organisation for oil or chemical spill disasters and the interactive linkages among various agencies for synergised management of oil spill disasters.

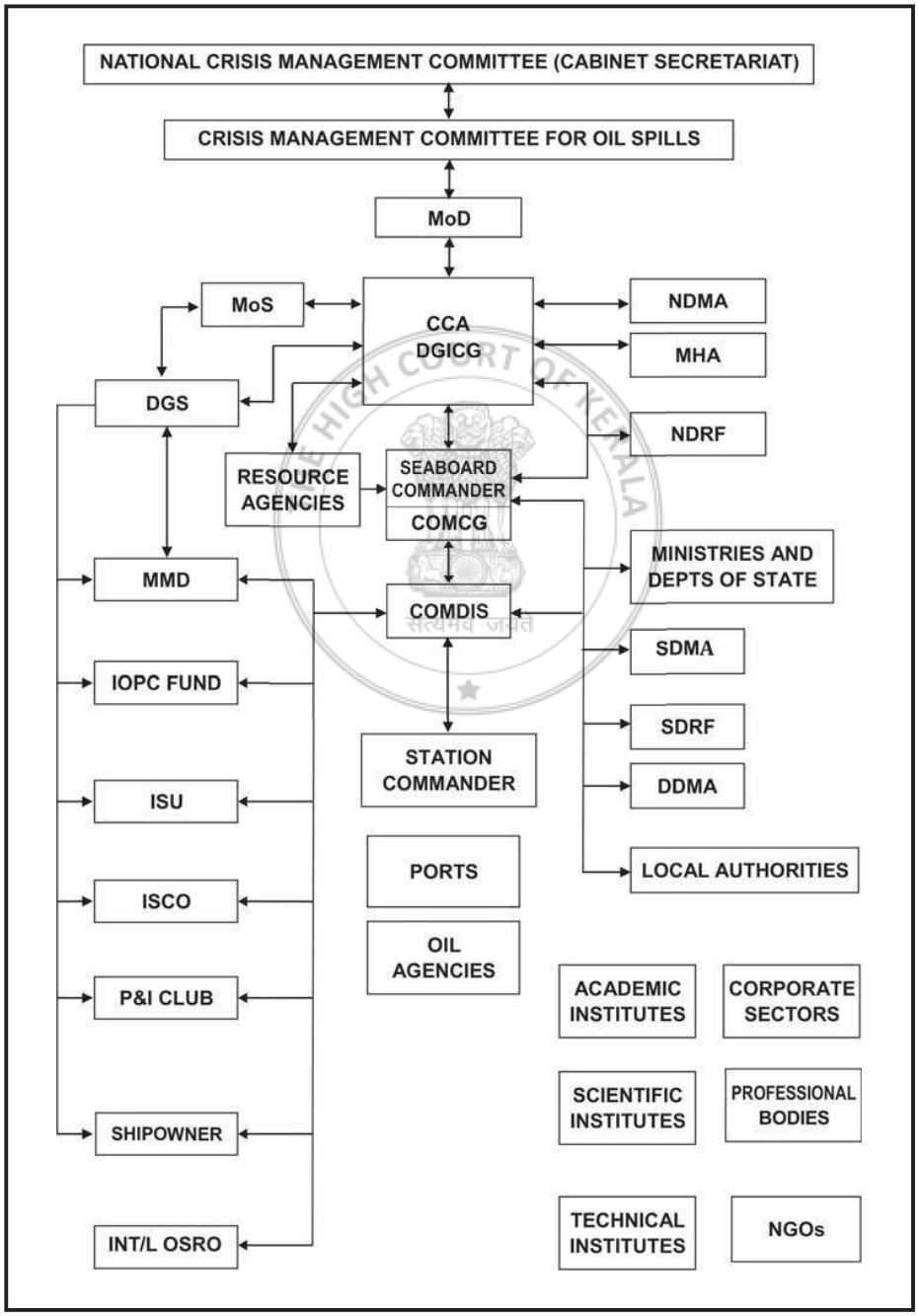


Figure 2.1. Emergency Organisation for Oil or Chemical Spill Disasters

2.2 EMERGENCY MANAGEMENT STRUCTURE

The National Disaster Management Act, 2005 guides the national disaster management structure. According to the Act, at the apex operational level, the National Executive Committee (NEC) headed by the Union Home Secretary coordinates and guides the work of different departments of the Government of India in times of crisis.

The National Crisis Management Committee (NCMC) headed by the Cabinet Secretary constitutes institutional framework at the apex level and deals with major crises which have serious or national ramifications. NCMC is supported by the Crisis Management Groups (CMGs) of the various Central nodal ministries and assisted by NEC as may be necessary.

2.2.1 NATIONAL LEVEL CRISIS MANAGEMENT GROUP FOR OIL SPILLS

The Defence Secretary is the Chairman of the national level CMG for marine oil spill emergencies, or NOS-CMG. The composition of the NOS-CMG is at **Appendix B1.**

Functions of the NOS-CMG

The NOS-CMG is the apex body to deal with major oil pollution incidents and to provide expert guidance for handling major oil spills.

The NOS-CMG would perform the following functions:-

a. continuously monitor the post incident situation arising out of a major oil pollution incident and suggest measures for prevention and to check recurrence of such incidents;

b. arrange, in the event of an oil pollution incident, all manpower, equipments, resources, and financial assistance as may be necessary;

c. conduct post-accident analysis of such major oil pollution incidents and evaluate responses; and

d. review the adequacy of national and other contingency plans, and suggest measures to reduce risks of oil pollution from sea ports and oil installations.

The NOS-CMG will meet on as required basis.

2.2.2 STATE LEVEL CRISIS MANAGEMENT GROUP FOR OIL SPILLS

The State Government of a coastal state would constitute a State level Crisis Management Group for management of oil pollution incidents, termed SOS-CMG.

The recommended composition of the SOS-CMG is at **Appendix B2.**

The SOS-CMG co-opts any person whose assistance or advice is considered useful in performing any of its functions, to participate in the deliberation of any of its meetings.

The SOS-CMG meets at least once a year.

Functions of the SOS-CMG

The SOS-CMG is the apex body in the State to deal with major oil pollution incidents and to provide expert guidance for handling major oil pollution incidents.

The SOS-CMG would:-

a. review at least once a year, local oil spill contingency plan for the State, local and all facility oil spill contingency plans with a view to examine its adequacy and forward a report to the Central Coordinating Authority (CCA) for oil spills;

b. nominate personnel to the Local Action Group (LAG) and Local Action Group Support Team (LST) and review the status of these teams;

c. assist the State Government in managing oil pollution incident at a site in the State;

d. assist the State Government in the planning, preparedness and mitigation of major oil pollution incident at a site in the State;

e. continuously monitor the post incident situation arising out of a major oil pollution incident in the State and forward a report to the Central Coordinating Authority for oil spills;

f. review the progress report submitted by the District Crisis Management groups;

g. respond to queries addressed to it by the District Crisis Management groups;

h. publish a list of experts and officials in the State who are concerned with the management of oil pollution incidents.

2.2.3 DISTRICT AND LOCAL LEVEL CRISIS MANAGEMENT GROUP

The recommended composition of the District Crisis Management Group (DOS-CMG) and the Local Crisis Management Group (LOS-CMG) for oil spills is specified at **Appendix B3** and **B4** respectively.

The DOS-CMG shall meet at least once in six months and send a report to the SOS-CMG;

The LOS-CMG shall meet every quarter and forward a copy of the proceedings to the DOS-CMG.

Functions of the DOS-CMG

The DOS-CMG is the apex body in the district to deal with major oil pollution incidents and to provide expert guidance for handling oil pollution incidents;

The DOS-CMG would:-

a. review all the facility oil spill contingency plans prepared by the occupier of Major Accident Hazards installation viz., sea ports and oil installations for the preparation of the district oil spill contingency plan;

b. assist in the preparation of the district oil spill contingency plan;

c. assist the district administration in the management of oil pollution incidents;

d. continuously monitor every oil pollution incident;

e. ensure continuous information flow from the district to the NOS-CMG and SOS-CMG regarding oil pollution incident situation and mitigation efforts;

f. forward a report of the oil pollution incident within fifteen days to the SOS-CMG; and

g. conduct at least one full scale mock-drill of an oil pollution incident at a facility each year and forward a report of the strength and the weakness of the plan to the SOS-CMG.

Functions of the LOS-CMG

The LOS-CMG is the body in the industrial pocket to deal with oil pollution incidents and coordinate efforts in planning, preparedness and mitigation of an oil pollution incident.

The LOS-CMG would,

a. prepare local oil spill contingency plan for the industrial pocket;

b. ensure dovetailing of the local oil spill contingency plan with the district oil spill contingency plan;

c. train personnel involved in oil pollution incident management;

d. educate the population likely to be affected in a oil pollution incident about the remedies and existing preparedness in the area;

e. conduct at least one full scale mock-drill of an oil pollution incident at a site every six months forward a report to the DOS-CMG; and

f. respond to all public inquiries on the subject.

Each of these CMG at the State, District and Local level may invite wider participation to ensure that all interests are represented and their resources and services are considered.

2.3 EMERGENCY COORDINATION STRUCTURE

The Indian Coast Guard is designated as the competent national authority for oil spill response in the maritime zones of India.

The Director General Coast Guard (DGCG) is the Central Coordinating Authority (CCA) for oil spills and has the overall responsibility to ensure that appropriate response is made to any incidence in the seas around India. He will direct the various aspects of the pollution response operations and will be assisted by the Seaboard Commander and Commanders, Coast Guard Region Northwest, West, East, Northeast, and Andaman & Nicobar as required, depending on the proximity to the scene of contingency. The Regional Commanders will in turn be assisted by the Coast Guard District Commanders in the coordination of response to oil pollution within a coastal State.

The NOS-CMG and/ or SOS-CMG as appropriate, will provide management, operational, technical and environmental advice and support to the Combat Agency as required. This may include support for the management of the response.

During major incidents, the overall response strategy shall be formulated by relevant Coast Guard Seaboard Commander and Regional Commanders and implemented by Chief Incident Controller (CIC) and the Incident Management Team (IMT). During lesser incidents, the CIC shall be responsible for overall response strategy. The CIC shall keep the Statutory Agency informed of progress with the response. The response actions will be supported by the LAG and LST.

2.3.1 NATIONAL PLAN WORKING GROUP

The National Plan Working Group will provide advice to the Central Coordinating Authority for oil spills on the strategic policymaking and funding direction for the National Plan. It will support the CCA by considering the overall operational aspects of the National Plan. It will consider issues such as the NOS-DCP, oil spill response equipment and training, fixed wing aerial dispersant spraying and contingency plan audits. It will address research, development, technology and the environmental and wildlife interests of all the parties to the National Plan.

The composition of the National Plan Working Group is at **Appendix B5.**

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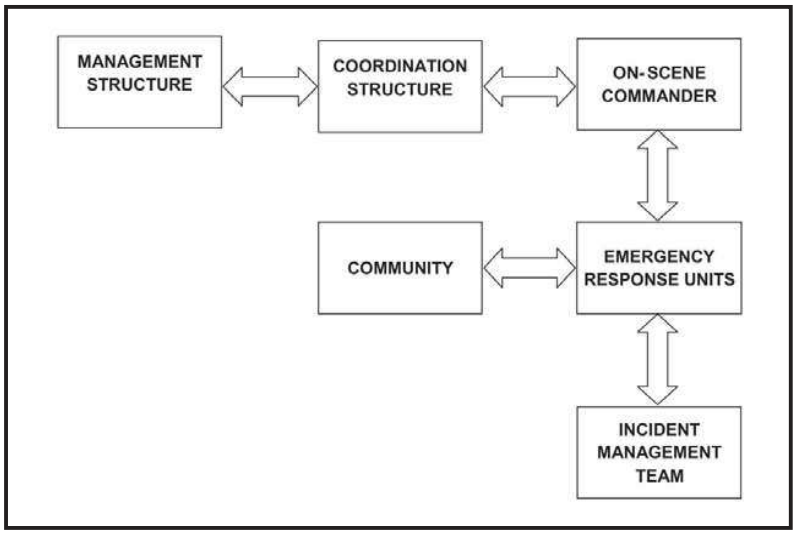


Figure 2.2. Block diagram of national structure for coordination of oil spill emergencies in Indian waters

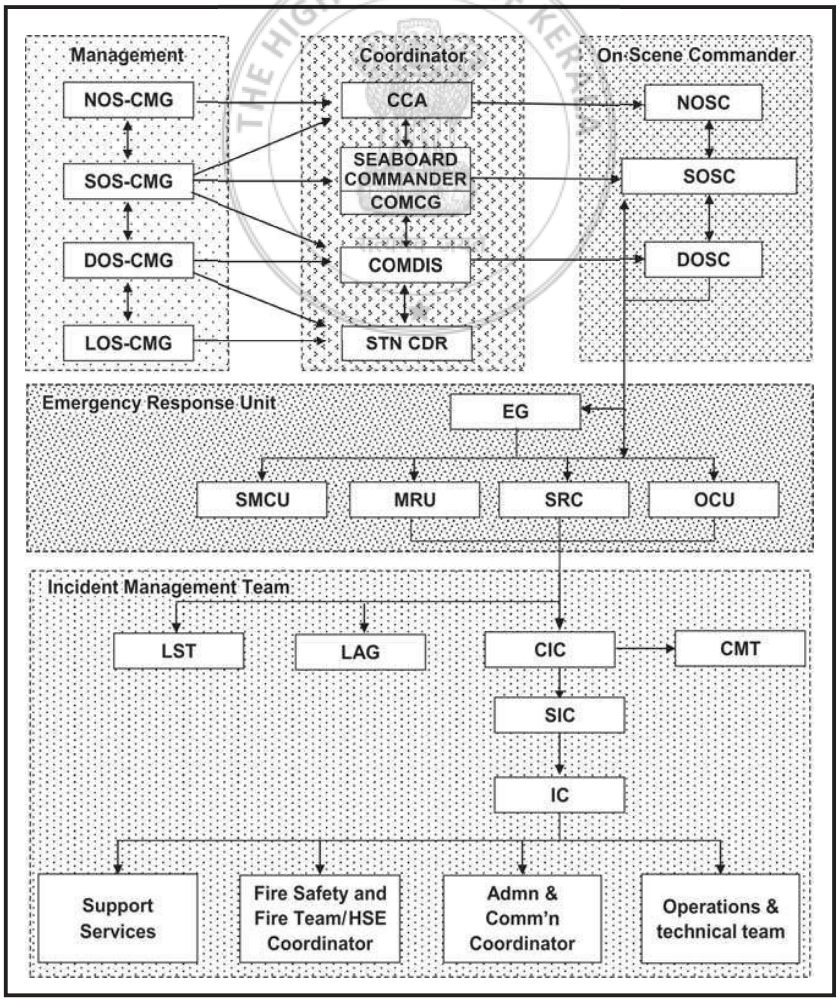


Figure 2.3. Organogram of national structure for coordination of oil spill emergencies in Indian waters

2.3.2 PRE-DESIGNATED ON-SCENE COMMANDERS

The Director (Environment) at Coast Guard Headquarters serves as the National On-scene Commander (NOSC) in the event of a spill of national significance.

The Regional Pollution Response Officer will be the Regional On-Scene Commander (ROSC) and act as the representative of the Regional Commander to co-ordinate all activities at the scene of pollution through the relevant District Commander (COMDIS) in the vicinity of the region/area. The ROSC will pass on regular reports to the Regional Headquarters and the Coast Guard Headquarters, of his assessment, and of resources and assistance required.

The Coast Guard District Commanders will designate an officer as Pollution Response Officer for the district who will act as the District On-scene Commander (DOSC) and lead the initial response team to the scene of incidence within his area of jurisdiction under the overall guidance of the Regional Pollution Response Officer. He will be responsible for the following:-

a. Directing the employment of needed resources for prevention of pollution, containment, cleanup, and disposal of any pollutants, and restoration of the site;

b. Providing a focal point of information for all agencies concerned;

c. Preparing cost analysis and detailed report covering all aspects of the spill; and

d. Collecting samples for possible analysis.

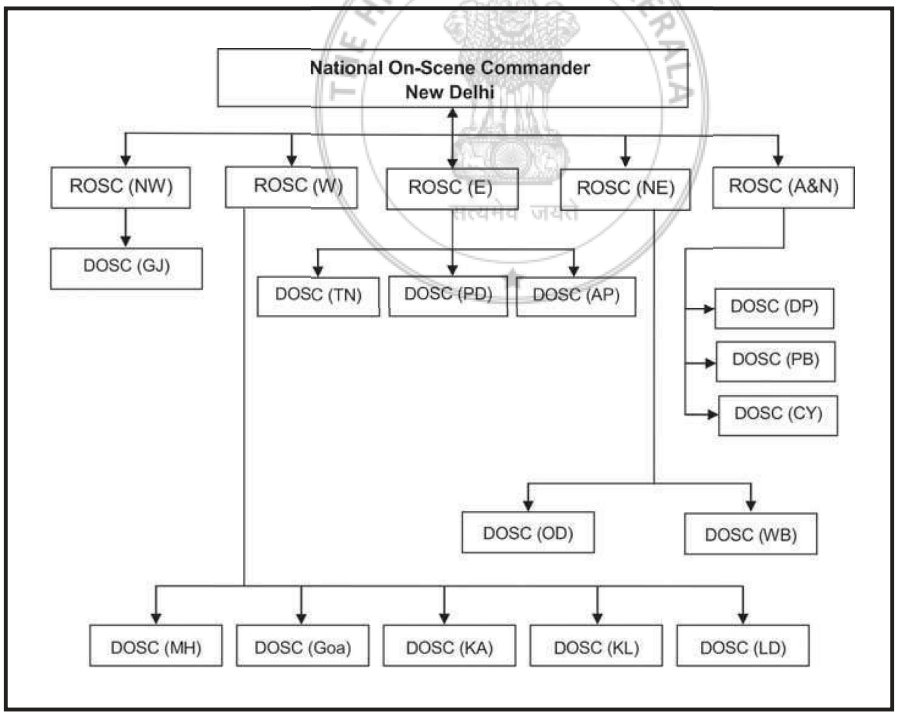


Figure 2.4. Organogram of pre-designated On-scene Commanders

2.4 EMERGENCY RESPONSE UNITS

In managing the counter pollution response to an incident, the hierarchy of aims is:

- First, to prevent pollution from occurring;
- Second, to minimize the extent of any pollution that occurs;
- Third, to mitigate the effects of that pollution

Separate, but linked emergency response units would direct operations in the event of an incident requiring response under this plan, as indicated at Table 2.1.

Sl	Response Unit	Title	Role
a	Salvage Monitoring and Control Unit	SMCU	To monitor and control salvage operations
b	Offshore Control Unit	OCU	To direct response action at offshore installations
c	Marine Response Unit	MRU	To direct response action at sea
d	Shoreline Response Centre	SRC	To direct shoreline response
e	Environment Group	EG	To provide environmental and public health advice to all these response units
f	Emergency Control Centre	ECC	To monitor operations to contain any potential pollution within an offshore installation and its reservoir and a port facility jurisdiction

Table 2.1 . Emergency Response Units

Not all incidents require all these emergency response units. However, the arrangements for managing the incidents must allow for the possibility of salvage operations, action at sea and action on shore taking place simultaneously. The SMCU may be co-located with the MRU, or ECC, if need be.

Each oil installation and sea-port facility shall have the provision of an Emergency Control Centre (ECC) preferably with a back-up arrangement. The ECC shall be away from potential hazards and provide maximum safety to personnel and equipment. Preference should be given to a non-combustible building of either steel frame or reinforced concrete construction. The ECC should have at least two exits and adequate ventilation

Each emergency response unit including the ECC should be provided with the following basic supplies and dedicated equipment:-

- a copy of the relevant Oil Spill Contingency Plan (OSCP);
- maps and display charts and diagrams showing buildings, roads, underground fire mains, important hazardous material and process lines, drainage trenches, and utilities such as steam, water, natural gas and electricity;
- situation boards (continuously updated to present a summary of the current situation and response actions being taken);
- aerial photographs, if possible, and maps showing the site, adjacent industries, the surrounding community, high-ways, rivers, etc., to help determine how the disaster may affect the community so that the proper people can be notified, adequate roadblocks established, and the civil authorities advised;
- sufficient telephone lines to enable full liaison with outside bodies;
- names, addresses, and telephone numbers of employees, off-site groups and organizations that might have to be contacted; all telephone lists being reviewed for accuracy on a scheduled basis and updated, as necessary;
- dedicated and reliable communication equipment; enough telephones and at least one fax line to serve the organization for calls both on and off-the-site;
- fixed and portable two-way radio equipment to keep in contact with activities on-scene and to maintain continuity of communications when other means fail;
- plan board, logbook, voice recorder, television, DVD and Video facilities for playing back records from aircraft and helicopters, as well as monitoring media coverage of the incident with a person assigned to

record pertinent information and to assist in investigating cases, evaluating performance, and preparing reports;

- emergency lights so that operations can continue in the event of power failure;
- photocopy, fax and e-mail facilities; and
- dedicated computers with LAN/ internet facility to access the installation data and the latest and updated soft copies of all standard operating practices (SOP) etc.

The shoreline response centre (SRC) in coastal States may be equipped as required, with specifications for ECC as guidelines.

Each response unit will be supported by an Administration Team responsible for the general management of the unit and provided personnel for:

- communication links between the units;
- the distribution of messages within the units;
- keeping records of messages and expenditure;
- taking minutes during meetings to record decision;
- typing services;
- updating situation boards and charts; and
- providing catering to the units.

The relevant Indian Coast Guard MRCC acts as a communication hub and provides communication support for all response units.

2.5 FACILITY LEVEL INCIDENT MANAGEMENT TEAM

The facility oil spill contingency plan (OSCP) shall identify the safe transition from normal operation to emergency operations and systematic shut down, if any, and the delegation of authority from operations personnel to emergency response personnel. For this purpose, persons in charge of sea ports and oil installations shall identify in the facility OSCP an emergency response organization with appropriate individuals to perform designated responsibilities through specified lines of authority with succession planning and actuating the response management in accordance with relevant contingency plan requirements. Responsibilities for decision making shall be clearly shown in an emergency organization chart. The plan shall identify each responder's position, mission, duties and reporting relationship.

Overall objectives of the facility oil spill emergency control organization shall be:

- to promptly control oil pollution problems as they develop at the scene;
- to prevent or limit the impact of oil pollution on other areas and off-site;
- to provide emergency personnel, selected for duties compatible with their normal work functions wherever feasible, with duties and functions assigned making full use of existing organizations and service groups such as fire, safety, occupational health, medical, transportation, personnel, maintenance, and security;
- to provide for employees who must assume additional responsibilities as per laid down procedure of the facility OSCP in the event of oil spill contingency;
- to provide for round-the-clock coverage, with shift personnel being prepared to take charge of the emergency control functions or emergency shutdown of system, if need be, until responsible personnel arrive at the site of emergency; and
- to provide for an alternate arrangement for each function.

The emergency organisation shall be based on an incident command system to provide a standardised organisational structure that is flexible yet provides compatibility between agencies and events, whilst ensuring accountability and standardised records. The system clearly defines roles and responsibilities and provides interoperability between resource agencies. The structure also allows for the ability to escalate or downsize the response as required.

Figure 2.5 is a typical facility level Incident Management Team (IMT) for control of an oil spill emergency. An entity can merge the functions as per their other statutory requirements and based on level of risk and range of operations. The organisation shall have to address all services and support system required and available to it.

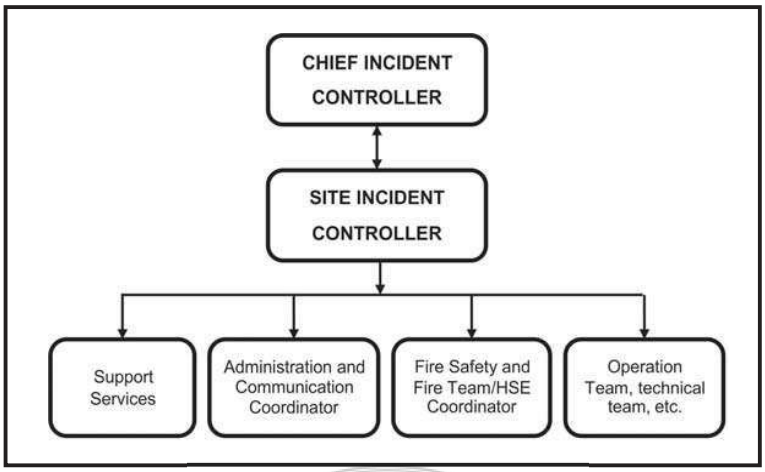


Figure 2.5. Typical facility level IMT for control of an oil spill

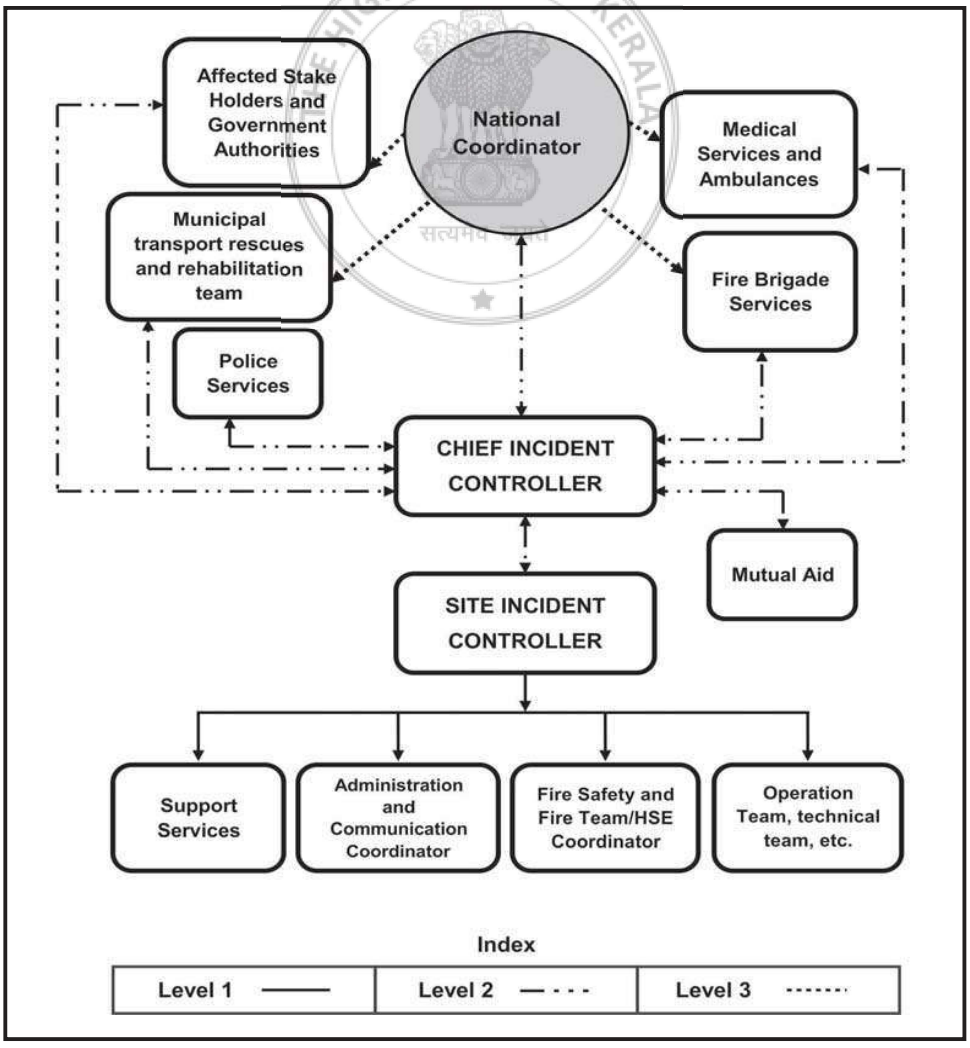


Figure 2.6. Basic oil spill emergency organogram

Support Services include Communication Services, Engineering/ Maintenance Services, Medical and Occupational Health, Human Resource and Welfare Service, Security, Media/ Public Relations, Transport and Logistics, Finance, Contract and Procurement and Environmental Services.

The number of staff required to fill positions in the IMT of the emergency organisation can be varied according to the size and complexity of the incident and the number of staff available. In a major incident all positions may be filled, but in a lesser incident one person may fill a number of positions. In a very small incident, the Site Incident Controller (SIC) will be able to carry out all management functions.

Persons in charge of sea ports and oil installations ensure that persons with appropriate experience and skills are identified so that they can be appointed to the various positions in the emergency organisation in the event of a marine pollution incident. If agency input into a response is required, the Coast Guard may place its liaison officer/s within the IMT, so as not to burden personnel that will be fully engaged in response activities.

The concerned Coast Guard Commander takes overall responsibility for management of the response in the event of a tier 2 or tier 3 oil spill and assumes charge of senior government, industry and media liaison.

2.5.1 CHIEF INCIDENT CONTROLLER

Persons in charge of sea ports and oil installations shall identify appropriate individuals to act as a Chief Incident Controller (CIC). The CIC is responsible for the management and coordination of response operations at the scene of a pollution incident to achieve the most cost effective and least environmentally damaging resolution to the problem.

During a major incident, the CIC is responsible to the relevant Coast Guard Commander for the operational aspects of the response.

The Chief Incident Controller (CIC) shall have overall responsibility to protect personnel, site facilities, and the public before, during, and after an emergency or disaster. The CIC shall be present at the ECC for counsel and overall guidance. Responsibilities of the Chief Incident Controller shall include the following:-

a. preparation, review and updation of the OSCP;

b. assessment of situation and declaration of an oil spill emergency;

c. mobilisation of main coordinators and key personnel;

d. activation of ECC;

e. taking decision on seeking assistance from mutual aid members and external agencies;

f. continuously reviewing situation and deciding on appropriate response strategy;

g. taking stock of casualties and ensuring timely medical attention;

h. ensuring correct accounting and position of personnel after the emergency;

j. ordering evacuation of personnel as and when necessary;

k. taking decision in consultation with local Coast Guard and District Authorities, when a tier 2 or tier 3 spill is to be declared.

2.5.2 SITE INCIDENT CONTROLLER

The Site Incident Controller (SIC) shall be identified by the Chief Incident Controller and will report directly to him. SIC should be nominated by the entity in each shift of 24 hours. During lesser incidents, the SIC shall have overall responsibility for managing the response. Persons in charge of sea ports and oil installations should ensure that the SIC is assisted by a response team with appropriate planning, operational, technical, scientific, chemical, environmental, logistical, administrative, financial, and media liaison skills.

Responsibilities of the Site Incident Controller shall include the following:-

a. to maintain a workable oil spill emergency control plan, establish emergency control centers, organize and equip the organization with OSCP and train the personnel;

b. to make quick decisions and take full charge;

c. to communicate to the ECC where it can coordinate activities among groups;

d. to be responsible for ensuring that appropriate local and national government authorities are notified, preparation of media statements, obtaining approval from the CIC and releasing such statements once approval received;

e. to ensure that the response to the oil pollution emergencies is in line with entity procedures, and to coordinate business continuity or recovery plan from the incident;

f. to co-ordinate any specialist support required for the above purpose; and

g. to decide on seeking assistance of mutual aid members and external agencies.

2.5.3 ADMINISTRATION AND COMMUNICATION COORDINATOR

Responsibilities of the administration and communication coordinator shall include the following:-

a. to coordinate with mutual aid members and other external agencies;

b. to direct them on arrival of external agencies to respective coordinators at desired locations;

c. to mobilize oil spill responders and resources for facilitating the response measures;

d. to monitor mobilization and demobilization of personnel and resources;

e. to provide administrative and logistics assistance to various teams;

f. to be responsible for all financial, legal, procurement, clerical, accounting and recording activities including the contracting of personnel, equipment and support resources; and

g. to be responsible for the management of the ECC.

2.5.4 SUPPORT SERVICES

The following additional coordinators will be nominated at the sea ports and oil installations and delegated the specific responsibilities falling under the basic functions of SIC and/ or CIC :-

- Human Resources Services Coordinator
- Logistics Services Coordinator

In any response there is a vital need to ensure that response personnel are provided with adequate resources to enable an effective response to be mounted. The Logistics Services Coordinator shall ensure that all resources are made available as required. This includes the procurement and provision of personnel, equipment and support services for operations in the field and for the management of resource staging areas.

- Media and Public Relations Coordinator

The Media and Public Relations Coordinator shall ensure adequate liaison between the incident management team and the media. All queries received from the media should be directed to this person. Before releasing any information, the Media and Public Relations Coordinator's action should have the approval of either the relevant Coast Guard Commander or CIC, depending on the size of the spill.

- Operations and Technical Coordinator

The Operations and Technical Coordinator is responsible for the provision of scientific and environmental information, maintenance of incident information services, and the development of Strategic and Incident Action Plans. He shall ensure the distribution of all information to the Incident Management Team and to all response personnel generally. He is responsible to the CIC for all response operational activities. This includes ensuring that the requirements of Incident Action Plans (IAP) are passed on to operational personnel in the field, and for ensuring that the plans are implemented effectively.

- Environmental and Scientific Coordinator

The State Government shall pre-appoint the Environmental and Scientific Coordinator (ESC), either on a State, regional or local area basis. During a spill response, the ESC will normally form part of the Operations team. In this role the Operations Team is to provide the CIC with an up-to-date and balanced assessment of the likely environmental effects of an oil spill. The Planning Section will advise on environmental priorities and preferred response options, taking into account the significance, sensitivity and possible recovery of the resources likely to be affected. In major incidents, the ESC may directly advise the relevant Coast Guard Commander.

2.6 LOCAL ACTION GROUP AND LOCAL ACTION GROUP SUPPORT TEAM

2.6.1 LOCAL ACTION GROUP

The Local Action Group (LAG) provides support to the Union and State Governments in the event of a major oil pollution incident, specifically in the roles of response managers, and response team leaders. Each coastal State nominates personnel to the LAG as indicated in table 2.2, except Goa, Puducherry, Daman and Diu, Lakshadweep and Minicoy, and Andaman and Nicobar which will nominate one response team leader instead of five.

Role	Positions per State
Planning Coordinator	1
Operations and Technical Coordinator	1
Logistics and Administration Coordinator	1
Response Team Leader	5

Table 2.2. Composition of Local Action Group

2.6.2 LOCAL ACTION GROUP SUPPORT TEAM

The Local Action Group Support Team (LST) is required to support an incident. The following roles have been identified for a national capacity:

- Environmental Advisers
- Finance & Administration Officer
- Wildlife Officer
- Equipment Operator
    - Offshore Containment/Recovery
    - Inshore Containment/Recovery
    - Engine driver and Laskar
    - Vessel-based dispersant spraying
    - Shoreline Assessment
    - Shoreline Cleanup

The Equipment Operator role has been broken down into areas of specific expertise. Equipment Operators may be competent in more than one area. Training of LST is the responsibility of the respective coastal States with support of the sea ports, oil agencies, Coast Guard and other government agencies, non-governmental organisations, etc.

Each coastal State would identify personnel to fulfil these roles, as these personnel would be required when responding to major incidents within their own jurisdictions, and will become part of the LAG when succession planning. Sea ports and oil installations are expected to nominate personnel to these positions.

Certified personnel of private oil spill response organisations may also be considered for such roles.

During a National Plan incident, the Chief Incident Controller or the relevant Coast Guard Commander may require personnel from other coastal States to become part of the Incident Management Team or the incident response team. A formal requisition will be issued to the State Disaster Management Authority or District Disaster Management Authority.

A requisition for personnel will include :-

- roles or skills required (e.g. Planning Officer);
- number of personnel required to fill each role;
- contact name, address, and time of where personnel are to initially report; and
- brief overview of the work to be undertaken.

Suitable personnel will then be selected from the LAG or the LST of the coastal State, unless special circumstances exist.

This procedure does not apply to the activation of LAG and LST personnel from within the State where the incident has occurred. In such circumstances, the relevant combat or statutory agency is responsible for activation in accordance with applicable contingency plans or State arrangements.

The maximum release period will be ten days (including travel time) unless the LAG/ LST member's organisation has consented to a different period.

Personnel will remain in the employment of their own agency, and all entitlements in relation to their contract of employment will remain unchanged.

The individual's employer will initially meet all costs. Costs include salary, travel, accommodation, incidental expenditure, and where appropriate overtime expenses. The loaning agency may recover such costs by forwarding deployment cost details, including supporting documentation, directly to the polluter or the Directorate General of Shipping for cost recovery purposes.

2.7 ENVIRONMENT ADVICE AND MONITORING

Response to any maritime incident requiring a regional or national response would involve the establishment of an Environment Group. All those involved in operations at sea (including salvage) and shoreline clean up need timely environment advice.

The Environment Group would:-

a. perform a purely advisory role;

b. advise on environment aspects and public health impacts of the incident and associated response operations both, real and potential;

c. being a common facility, provide comprehensive advice to all response units and represent all environmental and public health interest considered being at risk;

d. as well as provision of expert advice based on immediately available and prepared data and information, may encourage the collection of real time environmental data by the relevant government agencies; such environment data may provide accurate baseline data of vulnerable environmental features immediately before impact of the pollution plume, so that risk can be identified and the damage can be quantified;

e. track the success of preventive and counter pollution measures throughout the incident, and begin to assess the overall long term environment impact, dependent on timely provision, from each response unit, of all relevant information on the fate and modeling of pollutants, and each unit's forecasts, plans actions and outcomes; and

f. if a marine pollution incident is expected to have a significant impact on the marine environment, or the shoreline, to promptly make arrangements to begin to monitor and assess the impact in the longer term.

Response units will make all reasonable efforts to consult the Environment Group, or its chair, about any proposed action that is likely to have lasting impact on the environment. If time does not permit the response unit to consult before acting, it will circulate a written report to the Environment Group and all other response units as soon as possible after the action (or decision) has been taken.

The statutory environment protection or fishery authority will consult locally with members of the standing Environment Group.

The Coast Guard would initiate the request on the relevant civil administrative authority for the formation of the Environment Group. The core membership of the Group would come from the relevant statutory authorities and include relevant civil administration authorities, forest and wildlife authorities, fisheries authorities, Block Development Officer, local public health officials and relevant non-governmental organisations for appropriate expert advice. The Group may also include a Coast Guard representative.

The chair decides when it is necessary to convene the Environmental Group at the scene of the incident and appoint an Environment Liaison Officer for each response unit established.

2.8 COMMUNITY

Support of the local community is essential for the success of any response operation, particularly shoreline response. The community will include volunteers from the National Cadet Corps, National Disaster Mitigation Resource Centres, National Service Scheme, Nehru Yuva Kendra, and Non-Governmental Organisations.

The specialized National Disaster Response Force may be called in addition to the community volunteers.

2.9 24-HOUR EMERGENCY ADVICE CENTRE

Ensuring access to the initial risk assessment capability 24-hours a day, 365 days a year should be a central element of the contingency planning to deal with chemical spills on water. At a national level, there would ideally be one contact point for ensuring immediate access to information on chemical hazards. It would be linked to the ICE (International Chemical Environment) scheme – a voluntary programme, co-ordinated through CEFIC, to create an international network for chemical distribution incidents. The aim of ICE is to ensure that information on the chemical hazards posed by an incident, practical help and, if necessary and possible, appropriate equipment is provided to the emergency services to minimise adverse effects.

However, it will take time to have a complete database in India and to establish an agency for monitoring the origin of chemicals, its hinterland movements, the destination, the customer, the chemical characteristics, the possible threats, the response to such threats and the likely threat to environment. In the interim, it is necessary that as much information available through open sources and from the manufacturers and exporters of the chemical substances that are moved from the Indian ports is gathered and a database maintained by Indian Ports Association or other suitable organisation, for supporting an effective spill response.

3. Division Of Responsibility

3.1 STATUTORY AND COMBAT RESPONSIBILITIES

Responsibilities for responding to oil spills in Indian waters are shared between the Indian Coast Guard, State Governments, Port Authorities and Corporations, and the oil industry. Liability for clean-up of both, oil and HNS spills remains with the polluter.

3.1.1 STATUTORY AGENCIES

The Statutory Agency is responsible for the institution of prosecutions and the recovery of cleanup costs on behalf of all participating agencies. The Statutory Agencies for oil spills are appended at table 3.1.

Source / Location	Statutory Agency
from ships	the relevant Designated Authority under the Merchant Shipping Act, 1958
from offshore installations and upstream pipelines	the relevant Designated Authority under the Petroleum Act, 1934
from shore terminals, refineries and downstream pipelines	the relevant Designated Authority under the Petroleum and Natural Gas Regulatory Board Act, 2006
in major ports	the relevant Port Authority under the Major Ports Act
in non-major ports	the relevant Designated Authority in the Coastal State, or Union Territory

Table 3.1. Statutory Agencies for oil spills

3.1.2 COMBAT AGENCIES FOR OIL SPILLS

Combat Agencies have the operational responsibility to take action in order to respond to an oil spill in the marine environment in accordance with the relevant contingency plan. The Combat Agency responsible for responding to marine oil spills in various locations is at table 3.2.

Source / Location	Combat Agency
at oil terminals	The relevant oil company or terminal operator using industry mutual-aid arrangements as required. Should a situation develop where the necessary response is beyond the oil company or terminal resources, or mutual-aid arrangements, responsibility for control will transfer to the Statutory Agency, with response assistance from other National Plan stakeholders as required
in ports	The port operator or responsible State Government authority, with response assistance from other National Plan stakeholders as required
within shoreline and in intertidal zones	The responsible State Government authority with response assistance from other National Plan stakeholders as required
beyond baseline	The Ministry of Defence via Indian Coast Guard, with response assistance from other National Plan stakeholders as required. In incidents close to shore when oil is likely to impact the shoreline, the State Government via the Statutory Agency will be the Combat Agency for protecting the coastline, whilst DG Shipping assumes responsibility for ship operational matters, for example, containing the oil within the ship, organizing salvage, etc.
spills emanating from offshore petroleum ops	The relevant company with assistance from the Statutory Agency and other National Plan stakeholders as required

Table 3.2. Combat Agency for oil spills

The responsibility for overseeing response action for oil spills, other than those from offshore petroleum operations, is as follows:

- within shoreline and intertidal zones – the State designated Statutory Agency
- beyond baseline – Indian Coast Guard, as the Statutory Agency.

The Combat Agency shall, as soon as possible, undertake preventive and cleanup action or may request another agency to act on its behalf. Regardless of which agency has lead responsibility, other agencies shall assist as far as is practical, in accordance with requests from the Combat Agency. In circumstances where the incident has exceeded, or is likely to exceed, the effective response capacity of the Combat Agency, or the response is not being conducted effectively, the Statutory Agency may assume control of the response.

A response by a Combat Agency and/ or Statutory Agency does not in any way indicate an admission of liability for the source of the spill or for acceptance of the costs of a spill or for cleanup which remains with the polluter. Liability for a spill is to be determined by due legal proceedings. Any response by a Combat Agency and/or Statutory Agency in good faith and any consequences thereof, direct or indirect, shall be immune from proceedings in any court of law in any State.

3.1.3 COMBAT AGENCIES FOR HNS SPILLS

Combat Agencies are the response organisations which are to be set up by the Chemical Industries that are responsible for the maritime transportation of the chemical and HNS materials that are manufactured, processed, stored, exported or imported by them through ships. The combat agencies are to maintain adequate response resources at strategic places to respond to a chemical or other hazardous or noxious substance spill in the marine environment in cooperation with the statutory authorities in accordance with the relevant contingency plan. Table 3.3 outlines the Combat Agencies for responding to chemical spills in various locations.

Source/ Location	Combat Agency
at chemical terminals near a maritime area	The relevant chemical company or terminal operator under industry arrangements, under the provisions of NDMA guidelines or under the provisions of the Chemical Accidents Rules 1996 established by the Ministry of Environment and Forests. If the response is beyond the capacity of the chemical company or terminal resources, the Statutory Agency like Port Trusts or NDMA will respond with assistance from the combat agencies maintained exclusively to address the maritime chemical spills.
In ports	The chemical industry/ exporter/ importer/ polluter through a tie-up with combat agencies and the relevant port as specified in the relevant contingency plan, with response assistance from other National Plan stakeholders as required.
within shorelines and inter-tidal zones	The relevant chemical company or terminal operator under industry arrangements/ polluter, under the provisions of NDMA guidelines or under the provisions of the Chemical Accidents Rules 1996 established by the Ministry of Environment and Forests. The polluter and the responsible State/UT Statutory Agency with response assistance from other National Plan stakeholders as required.
in the maritime zones of India	The Indian Coast Guard with response assistance from the combat agencies and other National Plan stakeholders as required. In incidents close to shore when chemicals are likely to impact the foreshore, the State/UT via the Statutory Agency will organize the Combat Agency for protecting the coastline, while DG Shipping assumes responsibility for ship operational matters and international coordination, e.g. organising salvage, claims, etc.

Table 3.3. Combat Agency for chemical spills

3.2 ALLOCATION OF RESPONSIBILITIES

3.2.1 MINISTRY OF DEFENCE

The Ministry of Defence with administrative responsibility for the Coast Guard organisation is the Ministry responsible for central coordination of oil spills of national significance in coastal and marine environment of various maritime zones.

3.2.2 INDIAN COAST GUARD

The Indian Coast Guard (ICG) is responsible for maintaining and implementing the National Oil Spill Disaster Contingency Plan. The Indian Coast Guard is also responsible for acting as the Central Coordinating Agency for combating of oil pollution in various maritime zones, except in the waters of ports and within five hundred meters of offshore exploration and production platforms, coastal refineries, and associated facilities such as single buoy mooring, crude oil terminal and pipelines.

As the Central Coordinating Authority for combating oil pollution, the Coast Guard will additionally:-

a. review the progress reports submitted by the State Crisis Management Groups;

b. respond to queries addressed to it by the State Crisis Management Groups and the District Crisis Management Groups;

c. publish State-wise list of experts and officials who are concerned" with the handling of oil pollution incidents.

3.2.3 MINISTRIES AND DEPARTMENTS OF THE GOVERNMENT OF INDIA

As outlined at section 1.1, an executive decision of the Committee of Secretaries on 04 November 1993 serves as the reference for obligations of the various Ministries and Departments of the Government of India in support of the NOS-DCP. The agreed functional responsibilities are at **Appendix A.**

3.2.4 STATE GOVERNMENTS

The State Governments of coastal states are responsible for coordinating the district and local administration and operation of the National Plan for shore line response and as per the provisions of the National Disaster Management Act, 2005.

The State and District Authorities will provide a wide range of site-specific information and resources, either in relation to environmental impacts, or response activities through authorities, such as Transport, Conservation and Resource Management Departments, Environmental Protection Authorities, emergency services, port/ harbour authorities, and local conservation groups.

3.2.5 SUPPORT AGENCIES

The responsibilities allocated to various support agencies for implementation of the National Oil Spill Disaster Contingency Plan are described below.

The Navy/ coastal state authorities/ port authorities will make their communication/ operation centres facilities available to receive and disseminate reports of marine pollution accidents.

The Indian Navy and the Indian Air Force will provide fixed wing aircrafts or helicopters to conduct aerial surveillance or provide logistic support in movement of men and materials to the incident site. They will also provide ground to air communication link at the site for use by the on scene Commander.

The Port Authority will provide tugs and pollution control equipment at the incident site within port limits.

The Ministry of Shipping, and Ministry of Petroleum and Natural Gas will provide tankers or tank barges for storage of recovered oil or oil in water emulsions, and will arrange for storage and eventual disposal of recovered oil.

The Director General of Shipping, Ministry of Shipping, will be responsible for all negotiations with the vessel, cargo owners, and insurers and will also conduct all negotiations regarding compensations and indemnification.

The Ministry of Environment, Forest, and Climate Change and Ministry of Agriculture will provide scientific advice regarding species at risk, shore-line sensitivity, restriction of fishing activities, use of dispersant chemicals, beach cleaning methods, etc.

The Ministry of Finance will provide authorisation for expenditure and funds for initial response and ensure adequate financial records are maintained.

Coastal state authorities/ district administration/ departments/ public works/ civil defence corps will provide personnel and equipment, as required, for shoreline clean-up and ensure safety and protection of the local population and resources.

3.3 SPECIALIST ADVICE AND ASSISTANCE

Specialist technical advice is available to response managers from a variety of sources. Advice can vary from the fate of oil, selection and deployment of pollution control equipment, and dispersant use, to the associated environmental effects of an oil spill. Specialist advice can also be provided in relation to the safety and stability of ships.

The range of specialist environmental and operational technical advice in the event of an oil spill in the marine environment that can be provided by varied departments and organisations of the Government of India and other agencies is enumerated in the succeeding paragraphs.

3.3.1 DIRECTORATE GENERAL OF SHIPPING

a. Issuance of statutory notice to the polluting ship as per the provision of Merchant Shipping Act, 1958.

b. Invoking relevant provision of the Merchant Shipping Act, 1958 in case the polluting ship fails to take action as required by the act to prevent or minimize pollution.

c. Advising concerned affected ports or other entities to deal with evidences for the purpose of raising claims on accounts of damage caused by the pollution and initiating legal action against the polluter.

d. Reporting such incidents to the Flag State of the ship or the neighbouring Coastal State which is effected due to pollution.

e. Supervising salvage operations while dealing with oil pollution casualty if requested by the affected ports or other entity.

f. Investigating oil pollution contravention under the provisions of MS Act, 1958.

g. To keep Ministry of Shipping, Government of India and other concerned authorities posted on the pollution, action taken, progress report on combatment and follow-up action till normalcy of situation.

h. To advice Indian Coast Guard on pollution related matters under the provision of Merchant Shipping Act, 1958 whenever requested.

j. To take administrative and legal action for processing claims against damages incurred by Coast Guard and other agencies relating to any other oil pollution incidents.

k. Advice concerned agencies to collect evidences for the purpose of claims pollution ships.

l. To advice the receiver of wreck with respect to pollution aspect and response.

m. To advice Indian ship-owners to mobilize ships for the purpose of oil transhipment if required.

3.3.2 INDIAN REGISTER OF SHIPPING†

a. To provide advice relating to ship safety, structural integrity and stability of marine casualties.

b. To depute representatives to attend to a casualty and salvage at the SMCU when established.

3.3.3 MARITIME RESCUE CO-ORDINATION CENTRE

a. In addition to coordinating the rescue and saving of life, to provide drift calculations and advice on offshore currents.

b. Enabling messages to be communicated directly to vessels, during an incident, with its range of communication facilities including International Maritime Satellite (INMARSAT) systems.

3.3.4 DG SHIPPING COMMUNICATION CENTRE

To provide advice relating to ship safety, structural integrity and stability of marine casualties and other details of the ship through coordination established with the Flag State of the stricken vessel.

3.3.5 MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

a. To develop and implement national policy, programs and legislation to protect and conserve India's natural environment including regulation of dumping of wastes at sea, declaration and management of marine protected areas in Indian waters and conservation of listed threatened, migratory and marine species.

b. To advise on matters relating to the Environment Protection from Dumping at Sea including the permitting and reporting of emergency dumping of material at sea.

c. To advise on potential impacts of oil spills on threatened marine and migratory species, such as seabirds, marine turtles, whales and dolphins.

d. To advice on likely to impact of oil spill on marine protected areas in Indian waters.

e. To provide advice on habitats in marine protected areas, seabirds, marine mammals, marine invertebrates and macro algae, along with advice on rates of hydrocarbon biodegradation, dispersal and the use of dispersants.

f. To determine policy for usage of dispersants in the sea areas of the territorial waters over which the state exercises jurisdiction.

3.3.6 ARCHEOLOGICAL SURVEY OF INDIA

a. Conduct underwater archaeological studies in Indian Waters.

b. Assist/ advise in protection and maintenance of cultural heritage of the nation near to shore.

c. Documentation of underwater sites and ancient shipwrecks.

3.3.7 INDIAN NATIONAL CENTRE FOR OCEAN INFORMATION SERVICES

a. To provide ocean state forecast.

b. To provide software based prediction of the trajectory of spilled oil.

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† *IRS is a classification society and a Recognised Organisation which provides independent third party technical inspection and certification services for ships, marine craft and structures and offshore and industrial projects.*

3.3.8 INDIAN NAVY

a. Augment aerial surveillance capability of Coast Guard as necessary in the area when oil spill has occurred.

b. To make arrangements for oil transhipment operations from any tanker which has caused or is causing or is expected to cause oil spillage.

c. Promulgate general cautionary messages.

3.3.9 INDIAN AIR FORCE

a. Augment aerial surveillance capability of Coast Guard as necessary in the area when oil spill has occurred.

b. To make available its aircraft for aerial monitoring of spills and aerial spraying of oil spill dispersants and mobilisation of response resources.

3.3.10 MINISTRY OF EARTH SCIENCES/ DEPARTMENT OF OCEAN DEVELOPMENT/ NATIONAL INSTITUTE OF OCEANOGRAPHY

a. Mapping of ecologically sensitive areas in the coastal and offshore region in consultation with Ministry of Environment and Forests.

b. Review of the sensitivity mapping listed by other agencies.

c. To provide scientific support through Coastal Ocean Monitoring and Prediction System (COMAPS) Centre and Units in investigations of oil pollution monitoring during oil spills and also deployment of its research vessels for this purpose, whenever necessary.

d. To organise research on impact of pollution on marine life based on actual oil pollution incidents.

3.3.11 MINISTRY OF AGRICULTURE/ DEPARTMENT OF ANIMAL HUSBANDARY, DAIRYING AND FISHERIES

a. To arrange for suitable fishing vessels on which oil dispersant equipment can be mounted if the local action group concerned is unable to mobilise this requirement locally.

b. Sensitivity mapping of the sea areas, particularly within the territorial waters with specific information on fish breeding grounds.

c. To provide Fishery Survey of India vessels for spraying of oil spill dispersants or other response measures.

3.3.12 MINISTRY OF PETROLEUM AND NATURAL GAS AND OIL AGENCIES

a. To assist, when required, in consultation with DG Shipping, with chartering of tanker/s for oil transhipment operations.

b. To make available anti-pollution equipment and chemicals as are available with them.

c. To assist in the storage ashore of oil transhipped from wrecked or damaged tanker.

d. To assist in the assessment of the value of the oil transhipped.

e. To provide equipment and personnel resources and advice on a range of issues, including oil characteristics and local industry resource availability.

f. To depute an Industry Adviser to the MRC during response to a major oil spill.

3.3.13 SHIPPING CORPORATION OF INDIA

a. To arrange for tankers or ships or tank barges for transport and collection of recovered oil.

b. To arrange for any personnel required to assist oil transshipment operation or to assist otherwise as may be required.

3.3.14 MAJOR PORTS/NON-MAJOR PORTS/OIL TERMINALS/OIL INSTALLATIONS/SPM OPERATORS

a. To be in charge of the overall co-ordination of oil pollution response actions in jurisdiction.

b. To identify suitable tugs, vessels and crafts when required for the operations.

c. To identify surface crafts, on which dispersant spraying equipment can be mounted, and which can be used for rigging the boom.

d. To ensure that for the purpose of part XIII of the Merchant Shipping Act, 1958, actions are taken by the various authorities under the overall legal responsibility of the receiver of wrecks.

e. To ensure that at least the minimum equipment are kept available locally at all times.

f. To arrange for training of personnel expected to be engaged in above operations.

g. To arrange for periodical mock drills and exercises so as to keep equipment and personnel on continuous readiness for oil spill response operations.

h. To consult the ICG, DG Shipping, OISD or other authority, when further advice/ assistance is required.

j. To keep the ICG apprised of actions being taken.

3.3.15 COASTAL STATE GOVERNMENTS AND STATE POLLUTION CONTROL BOARDS

a. To take all suitable measures to prevent pollution on shoreline.

b. To render all possible assistance to the coordinator of the On Scene Commander, Local Action Group and District Commander particularly in accordance with the contingency plan.

c. To maintain adequate quantity of basic pollution response equipment like deflective booms, fence booms, spray equipment along with specialised equipment for beach protection and shoreline cleanup.

d. To identify suitable type of tug/boat/fishing vessel in consultation with On-Scene Commander/ Coast Guard for mounting the dispersant spraying equipment.

e. To identify places for waste oil disposal/ pits.

f. To take actions as applicable to the major ports, in respect of incidents at ports under jurisdiction.

3.3.16 MERCANTILE MARINE DEPARTMENT

a. To assist the coordinator of local contingency plan if requested.

b. To provide a technical advice to local group if requested.

c. To identify surface craft to assist Coast Guard for pollution response if requested.

d. To assist Coast Guard if requested or instructed by DG Shipping to examine ships for efficiency of anti pollution equipments as per the provision of Merchant Shipping Act, 1958.

3.3.17 LOCAL FISHERIES AUTHORITY

a. To assist/advise Local Groups in identifying the rich fishing grounds so as to give priority for protection of such grounds from oil spills as well as use of dispersants.

b. The local action groups in consultation with Coast Guard regional headquarters to identify the fishing vessels suitable for mounting the oil spill dispersant equipment.

3.3.18 COASTAL OIL REFINERIES AND CRUDE OIL TERMINALS

a. To assist the local action group in the implementation of the Local Action Plan.

b. To assist the local action group in obtaining from their headquarters available additional equipment and chemicals if and when required.

c. To assist in chartering of tankers to undertake transportation / transhipment operations.

d. To arrange for the storage of oil transhipped.

e. To assess value of oil transhipped and cost of refining or disposal as the case may be.

3.3.19 OFFSHORE OIL INSTALLATIONS

a. Occupiers of offshore oil installations are to maintain an oil spill contingency plan meeting specified requirements and maintain appropriate manpower, equipment and resources for oil spill response taking into consideration any guidelines and suggestions that may be issued by the Government of India/ Coast Guard from time to time.

b. To periodically forward a list of response inventory to the Coast Guard for scrutiny, evaluation and updating holdings.

c. To provide response equipment, material, trained personnel, and ships when required by the Coast Guard/ OSC on as available basis and without affecting safety of operations.

d. To immediately combat oil pollution around its installations up to 500 metres and continue to provide equipment, material, trained manpower, sampling efforts, and vessels as may be required by OSC when such oil spill spreads beyond 500 metres.

e. To provide data on crude oil and oil discharges.

f. To provide data on sub-sea pipe lines as required by OSC or MRC or CG MRCC.

g. To provide transhipment facilities in case the offshore installation, or any agency under its control is the polluter.

h. To provide staging facilities for helicopters in the offshore areas when engaged in pollution response in the vicinity whether or not the installation and agencies under its control are the polluters.

3.3.20 RECEIVER OF WRECKS

a. To assist Local Action Groups in whatever manner necessary and possible.

b. To take all actions necessary under Part XIII of the Merchant Shipping Act, 1958 (In this connection, the receiver of wreck shall consult the DGS, as and when required).

c. In situations where he has the local responsibility for certain actions and/ or operations, he may authorise other agencies, who are better equipped.

3.3.21 BOMBAY NATURAL HISTORY SOCIETY

a. Advise in restoration and cleaning of affected wildlife.

b. Assist in estimating affected birds, mangroves in the area.

c. Identifying, monitoring and mitigating the adverse impact of oil spill to the bio-diversity.

d. Identifying Important Bird Areas (IBA).

e. Environmental Information System (ENVIS) Centre to study Avian Ecology.

f. Ecological Benchmarking in association with corporates, government and other NGOs.

3.3.22 CENTRAL MARINE FISHERIES RESEARCH INSTITUTE

a. Assist in estimating the effect of spill to fish and livelihood of fishermen in the area.

b. Assist in identifying the types of fishes in the area.

c. Assist in restoration of fishing in area after cleanup.

d. Assist in estimating the Economic loss due to ban of fishing in the affected area.

e. To understand the fluctuations in abundance of marine fisheries resources in relation to change in the environment.

f. To develop suitable mariculture technologies for finfish, shellfish and other culturable organisms in open seas to supplement capture fishery production.

g. To act as repository of information on marine fishery resources with a systematic database.

h. To provide consultancy services.

3.3.23 INTEGRATED COASTAL AND MARINE AREA MANAGEMENT PROJECT DIRECTORATE

a. Responsible for preservation and conservation of marine environment in India.

b. Identify the high risk areas.

c. Promulgate the sensitivity mapping and area of priority.

3.3.24 MANGROVE SOCIETY OF INDIA†

a. To protect and conserve Indian mangroves by adopting environment friendly, scientifically sound techniques/methodologies.

b. To build up their capacities for protection and conservation of Indian mangroves.

c. To act as watchdog and advise in matters concerning the conservation of mangroves.

d. To train younger generations and will create awareness amongst them to conserve and protect mangroves.

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† *Mangrove Society of India (MSI) is a non-profit and non-political organization working for protection, conservation and sustainable use of mangroves. Many of its members are consultants/advisers to various Government agencies. Some are on the National and International mangrove committees. MSI has affiliation with research and government institutions, corporate houses, NGO's and stakeholders etc. from Maharashtra, Gujarat, Kerala, Karnataka, Tamil Nadu etc.*

e. To organise alliances and networks with partners to develop an appropriate developmental perspective to conserve mangroves.

f. To organize issue-based Forums to achieve appropriate solutions to mangrove protection.

g. Capacity building of port and oil agencies, Central government and other state government agencies, stakeholders etc. by providing necessary training for their personnel.

h. To assist and coordinate activities pertaining to mangrove restoration consequent to oil pollution.

j. To play an active role in ensuring the participation of local people in making decisions in respect of mangroves.

k. To provide necessary scientific information in respect of mangroves.

3.3.25 NATIONAL BIODIVERSITY AUTHORITY

a. To regulate and advise the Government of India on issues of conservation, sustainable use of biological resources and fair and equitable sharing of benefits arising out of the use of biological resources.

b. To advise the Central Government agencies on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of benefits arising out of the utilization of biological resources; and advise the State Governments in the selection of areas of biodiversity importance to be notified under Sub-Section (1) of Section 37 as heritage sites and measures for the management of such heritage sites.

c. The State Biodiversity Boards (SBBs) are to advise the State Governments, on matters relating to the conservation of biodiversity, sustainable use of its components and equitable sharing of the benefits arising out of the utilization of biological resources.

d. The local level Biodiversity Management Committees (BMCs) are to promote conservation, sustainable use and documentation of biological diversity including preservation of habitats, conservation of land races, folk varieties and cultivars, domesticated stocks and breeds of animals and microorganisms and chronicling of knowledge relating to biological diversity.

3.3.26 REEF WATCH MARINE CONSERVATION†

a. To conduct education, awareness, training and capacity building programs for stakeholders.

b. To provide expertise through its Information Network of institutions and individuals working on marine and coastal issues for development of OSCPs and incident response.

c. To provide environmental information / education on biodiversity hotspots.

d. To provide policy support.

e. To facilitate a dialogue and consensus at various levels for conservation, management and sustainable utilization of coastal and marine resources / ecosystems in the development of protection priorities in OSCPs, NEBA and incident response.

† *Reef Watch Marine Conservation is dedicated to the protection of India's marine heritage. RWMC's efforts have put many coral species and marine fauna under the Wildlife Protection Act, and it has been nominated as a Member of the National Board for Wildlife, Govt. of India in May 2007*

3.3.27 MS SWAMINATHAN RESEARCH FOUNDATION †

a. To provide advice on conservation of mangrove wetlands and sustainable utilization of their resources.

3.3.28 WILDLIFE TRUST OF INDIA

a. To assist in managing or preventing wildlife crises and mitigating threats to individual wild animals, their populations and habitats through holistic strategies and practical interventions.

b. To maintain national database on wildlife protected area and share the data with stakeholders for development of OSCPs and incident response.

3.4 INTERNATIONAL ASSISTANCE

In the event of a major oil spill incident, it is likely that additional overseas assistance may be sought from overseas in accordance with the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 1990). In such cases, customs and immigration authorities of ports and air ports need to provide immediate facilitation for temporary import of equipment and personnel in order to transfer them in the scene of action expeditiously.

If resources in addition to the national resources are required to respond to an incident in India, then Oil Spill Response Limited (OSRL) will be called out invoking the membership of the concerned oil company. OSRL is a company based in Singapore, Bahrain and Southampton and is part of the Global Response Network. The Global Response Network is a collaboration of seven major oil industry funded spill response organisations whose mission is to harness cooperation and maximise the effectiveness of oil spill response services worldwide.

The Indian Coast Guard, in accordance with current MoU and relevant International Conventions, may also assist neighbouring countries in relation to oil spill incidents in their waters.

3.5 CROSS BORDER INCIDENTS

In case of incidents close to International Maritime Boundary Line, or incidents which are likely to result in trans-boundary pollution, high-level consultation and cooperation will be maintained with the Competent National Authority or Authorities of concerned State(s), with due regard to the provisions of any Regional Contingency Plan or Memorandum of Understanding or other arrangement, with an objective to ensure a clear delineation of responsibility for the response.

In case of incidents close to State or Union Territory borders, high-level consultation and cooperation will be maintained between the two Statutory Agencies, with an objective to ensure a clear delineation of responsibility for the response.

3.6 NATIONAL PLAN KEY CONTACTS

The Contact Directory listing contact details for key National Plan personnel is at **Appendix C.**

† *The Coastal Systems Research Programme of the MS Swaminathan Research Foundation aims at integrating ecological security of coastal areas and the livelihood security of coastal communities, in a mutually reinforcing manner, to achieve sustainable management of coastal resources.*

4. Preparedness Management

4.1 RISK FACTORS

The location of national resources is based on a risk profile of Indian waters. The risk is profiled based on data relating to the pollution of Indian waters by discharges of oil or chemicals from ships. The following are recognized as important risk factors:

- Type of oil/product
- Geographic location
- Weather
- Sea conditions
- Coastline
- Vigilance
- Traffic density
- Time of day
- Navigation hazards
- Terminal design
- Condition of facilities
- Legislation
- Vessel quality/ age/ sea worthiness
- Vessel types/ sizes
- Types of operation
- Quantities handled
- Frequency of handling
- Training program
- Risk of collision
- Risk of grounding
- Hazards to navigation
- Negligence and competence of the owner/operator, master or crew
- Stowage and control of cargoes
- Environmental factors including tidal flow and weather, etc.

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4.2 RESPONSE POLICY

The primary aim of an oil spill response is to:

- protect human health and safety;
- minimise environmental impacts; and
- restore the environment, as near as is practicable, to pre-spill conditions.

The environmental impact of an oil spill can be minimised by good management and planning, and by the response actions put into effect by the Combat Agency. Such actions will largely depend on several factors:

- the type of oil(s) involved;
- the size of the spill;
- the location of the spill;
- the prevailing sea and weather conditions at the spill site; and
- the environmental sensitivity of the coastline/site impacted.

4.3 LEVELS OF RESPONSE

Under the NOSDCP, oil pollution preparedness and response requirements are categorised into three 'tiers'. The tiered approach to oil contingency planning indentifies resources for responding to spills of increasing magnitude and complexity by extending the geographic area over which the response is coordinated. It provides a convenient categorization of response levels and a practical basis for planning. The NOSDCP recognizes three levels of tiered response.

4.3.1 TIER 1

Tier 1 is concerned with preparedness and immediate response to a small spill within the capabilities of facility operator or port authority. Seven hundred tons will be the upper limit of 'tier-I; however, the risk assessment of oil pollution and the surrounding environment will determine the required level of response preparedness and reflected in the standard of inventory for ports, oil agencies and coastal States.

The agencies should have capability to provide first response to oil spill in their areas. The capability includes trained manpower and equipment. In cases where additional resources are required, these will generally be available from the local port authority, or from adjacent industry operators under mutual aid arrangements or locally from the Indian Coast Guard.

4.3.2 TIER 2

Tier 2 is concerned with preparedness and response to a spill that requires the co-ordination of more than one source of equipment and personnel. 'Tier 2' describes a wide range of spill sizes and potential scenarios response assistance for which can come from entities within a port area or from national sources outside the immediate geographic area.

The resources of the Combat Agency will need to be supplemented by other local, regional, and national resources.

4.3.3 TIER 3

Tier 3 is concerned with a major spill requiring the mobilization of all available national resources and depending upon the circumstances, will likely involve mobilization of regional and international systems. It is this tier of response where positive advance customs arrangements are critical to facilitate a successful effort.

The Combat Agency will require local, regional, national and possibly international assistance. International resources will be facilitated by the Statutory Agency through the Ministry of External Affairs.

4.4 RESOURCE AGENCIES

The list of government departments and agencies that will act as resource agencies as required to support the combating of marine oil pollution is at **Appendix D.**

4.5 CONTINGENCY PLANNING

Statutory Agencies supported by Combat Agencies, are primarily responsible for ensuring that contingency plans are developed at national. state, regional and local levels, and that these plans complement adjacent plans.

Statutory Agencies may be supported by National Plan State Committees and will provide advice and support to Combat Agencies during pollution incidents.

The National Oil Spill Disaster Management Plan will be maintained by the Indian Coast Guard Headquarters with inputs from, and in consultation with, stakeholders to the national plan.

The Regional Oil Spill Disaster Management Plan will be maintained by the Regional Headquarters of the Indian Coast Guard at Gandhinagar, Mumbai, Chennai, Kolkata, and Port Blair with inputs from, and in consultation with, stakeholders to the regional plan.

The District Oil Spill Disaster Management Plan will be maintained by the District Headquarters of the Indian Coast Guard in each coastal state with inputs from, and in consultation with, stakeholders to the district plan.

The Local Contingency Plan for shoreline cleanup will be maintained by the Coastal State with inputs from, and in consultation with, stakeholders in the respective coastal state. The local contingency plan should include the following or a cross reference to where such advise can be located:

- the mechanism for escalating the response in accordance with the tiered response concept; guidance on what equipment and personnel is at the disposal of the SRC, including neighboring local authority resources;
- arrangements for establishing working accommodation and catering arrangements for members of the SRC and Environment Group and other groups involved in the incident who may need to be in the area away from their own base;
- arrangements for handing the media, including the logistics of their presence;
- temporary, intermediate and final sites and routes for the recovery, rescue or final disposal of waste.
- maps, clearly depicting sensitive sites, access points, terrain types etc;
- guidance on the health and safety of workers involved in preventing measures and clean-up activities;
- financial implications of coastal pollution and actions that can be taken for cost recovery.

Every ship is required by MARPOL regulations to maintain a SOPEP approved by the Flag State Administration. The Merchant Shipping (Prevention of Pollution by Oil) Rules, 2010 requires maintenance of a pollution emergency plan by Indian ships approved by the Administration or Recognized Organisation acting on its behalf.

Every sea port facility and offshore oil installation and every oil installation on shore with risk of marine oil or chemical pollution is required to maintain a facility contingency plan approved by the Coast Guard.

The elements of the Facility Contingency Plan are at **Appendix E1**. The Guidelines for contingency plan for pipelines carrying petroleum products and chemicals is at **Appendix E2**. Mapping of environmental sensitivities is integral to the contingency plan. Guidelines for ESI mapping are at **Appendix E3**. A Certificate of Endorsement and Certificate of Compliance is required to be submitted along with a facility contingency plan, formats for which are placed at **Appendices E4,** and **E5** respectively. An MSDS is required to be submitted by ports, terminals, installations, in respect of each oil or chemical handled at such facilities, format for which is placed at **Appendix E6**.

The facility contingency plans are to be updated at least annually and revised at least once in every five years or whenever there is a significant change in any of the elements underlying the plan. The occasions for revision could include, but may not be limited to, an addition to capacity, change in traffic density, change in risk, etc. A revision of a facility contingency plan will necessitate fresh approval.

The Ministry of Shipping will provide to the Ministry of Defence and the Indian Coast Guard, and update from time to time, the list of sea port facilities required to maintain a facility oil spill contingency plan.

The State Government of the coastal states will provide to the Ministry of Defence and the Indian Coast Guard, and update from time to time, the list of port facilities required to maintain a facility oil spill contingency plan.

The Ministry of Petroleum and Natural Gas will provide to the Ministry of Defence and the Indian Coast Guard, and update from time to time, the list of oil installations required to maintain a facility oil spill contingency plan.

The Petroleum and Natural Gas Regulatory Authority will provide to the Ministry of Defence and the Indian Coast Guard, and update from time to time, the list of onshore oil installations required to maintain a facility oil spill contingency plan.

Every plan holder will submit an annual return of preparedness to the Central Coordinating Authority viz., the Director General Coast Guard with a copy to the local Coast Guard authority, the District Administration and such other authorities as may be necessary. The format for the annual returns is at **Appendix E7**.

4.5.1 INTEGRATION OF FACILITY, LOCAL, DISTRICT, AND REGIONAL PLANS WITH NOSDCP

This NOSDCP document has been revised taking into account all possible inputs on the subjects from various stakeholders. Every effort has also been made to synergize this document with related international and national regulations, guidelines and documents such as the National Disaster Management Guidelines: Chemical Disasters (Industrial), 2007 and ERDMP, 2010.

4.6 RESPONSE INVENTORY

Tier 1 equipment for pollution response up to 700 tons is required to be held by port facilities and oil terminal and installations.

In addition to the tier 1 equipment, the Indian Coast Guard maintains stockpiles of equipment at its pollution response teams at Mumbai, Chennai, Port Blair and at Vadinar.

The Indian Coast Guard also operates two dedicated pollution response vessels. The third pollution response vessel in the series is in the final stages of commissioning.

Stocks of oil spill dispersant are additionally held at each Coast Guard Station/ Air Station.

The current national inventory is at **Appendix F1.** The standard of inventory for ports, oil agencies, and coastal states is at **Appendix F2.** The national oil spill response capability supported by the concerned Ministries is at **Appendix F3**. Appendix F1 is held by relevant authorities only.

4.7 OIL INDUSTRY ARRANGEMENTS

Combat Agency responsibilities of the oil industry are set out in the Petroleum Act and Petroleum and Natural Gas Act, and Rules. In general, at oil terminals the relevant oil company or terminal operator has Combat Agency responsibility. Should a situation develop where the necessary response is beyond the oil company or terminal resources, the Combat Agency responsibility will transfer to the Statutory Agency. For offshore petroleum operations, the relevant oil company has Combat Agency responsibility, with assistance as required from the Statutory Agency.

Generally the oil industry maintains membership with an oil spill response organisation, such as OSRL, Singapore. M/s OSRL holds a Tier 3 stockpile and provides response training, and other services. The oil industry membership provides for access to OSRL equipment and personnel at Singapore and in the United Kingdom.

In the event that the Statutory Agency takes over the Combat Agency responsibility from the affected company, industry resources will continue to be available to the response.

Each company will designate an **Industry Adviser**. During a tier 2 or tier 3 incident, the Industry Adviser of the affected company will provide a direct high-level linkage to the response organisation. Industry personnel will nominate their personnel to the respective State, District, and Local CMG, Local Action Group, and Local Action group Support Team (LST). Each company will designate its CIC and IC.

4.8 MUTUAL AID

Since combating major emergencies might be beyond the capability of individual unit, it is essential to have mutual aid arrangements with neighbouring industries. Consideration shall be given to the following while preparing mutual aid arrangements:-

a. Written mutual aid arrangements are to be worked out to facilitate additional help in the event of tier 2 emergencies by way of rendering manpower, medical aid or fire fighting equipments, etc. a copy of which shall be forwarded to DGICG, the concerned Coast Guard Regional Commander, and other concerned authorities.

b. The mutual aid arrangement shall be such that the incident controller of the affected installation shall be supported by neighbouring industries on call basis for the support services materials and equipment already agreed. Further, all such services deputed by member industry shall work under the command of the site incident controller of the affected installation.

c. Mutual aid associations shall conduct regular meetings, develop written plans and test the effectiveness of their plans by holding drills. Drills are essential to establish a pattern for co-operation, detect weaknesses in communications, transportation and training. Periodic drills also help develop experience in handling problems and build confidence in the organization.

d. To make the emergency plan a success, the following exchange of information amongst the member organizations of mutual aid association is considered essential: -

(i) The types of hazards in each installation and pollution response measures.

(ii) The type of equipment, that would be deployed and procedure for replenishment.

(iii) Written procedures which spell out the communication system for help and response. This is also required to get acquainted with operation of different pollution response equipment available at mutual aid members and compatibility for connecting at users place.

(iv) Familiarization area of operations and drills for access and exit details carried out by mutual aid members.

4.9 INSPECTIONS

The preparedness of ports and oil handling agencies will be inspected periodically, by nominated Coast Guard officers, acting on behalf of the Central Coordinating Authority, and if deemed necessary, jointly with the concerned statutory authority. The periodicity and manner of such inspections will be as decided by the Central Coordinating Authority. The format for the inspections is at **Appendix G**.

4.10 FINANCIAL ARRANGEMENTS

Detailed financial records, including all supporting information, are required, and are of particular importance when submitting claims to the Protection and Indemnity (P&I) insurers, as all claims will be assessed to ensure that the costs are reasonable, and are supported by satisfactory documentation.

Agencies should have in place appropriate systems to ensure that these requirements are met and that these are adequately outlined in contingency plans.

In general, costs will be considered “reasonable” if they result from actions :

- undertaken on the basis of a technical appraisal of the incident;
- sought to enhance the natural processes of recovery; and

- not undertaken purely for public relations reasons.

Capitation costs for deployment of government ships and aircraft shall be as promulgated by the Government of India, Government of any coastal State of India, or any other department or agency of the central or state government.

4.11 RECORD KEEPING AND PREPARATION OF CLAIMS

In order that claims may be processed with minimum delay, it is essential that accurate records are maintained to support claims. It should be noted that claims should be based on expenses actually incurred, that these are made as a direct result of an incident, and that the expenses incurred are reasonable. In the case of economic loss, documentation supporting the claims should demonstrate how the claim has been calculated. The following aspects are to be considered during reponse operations, and preparation of claims:-

- delineation of the area affected describing the extent of pollution and indentifying areas most heavily contaminated. This may be best presented as a map or chart accompanied by photographs;
- summary of events including a description of the work carried out in different areas and of the working methods chosen in relation to the circumstantial evidence linking an oil pollution with the ship involved in the incident (e.g. chemical analysis);
- labour costs (numbers and categories of labourers, rates of pay, hours worked, total costs etc);
- dates on which work was carried out (weekly or daily costs); and
- material costs (consumable materials, fuel utilized, food, shelter, etc.).

Preparation of claims shall be guided by the manuals, guidelines etc. published from time to time by the International Oil Pollution Compensation Funds (IOPC Funds) such as the claims manual and guidelines for claims in the fisheries and tourism sector.

4.12 COMMUNICATIONS

In a pollution incident it is important that the CIC has access to adequate communication facilities. In addition to the facilities available through the ECC it is envisaged that port and oil installation Very High Frequency (VHF) radio facilities, the Coast Guard communications networks would be available to coordinate a response. In a major incident it may be necessary to seek assistance from other Government agencies and utilise the Government Radio Network or the emergency services or Naval radio communications network.

4.13 WILDLIFE RESPONSE

When a marine oil pollution incident occurs, it is highly likely that oiling of birds, marine mammals and other wildlife will occur. The impact on wildlife and biodiversity will depend upon the environmental sensitivity, the type and quantity of the pollutant, and the location of the spill. Oiled wildlife attracts both, significant community and media attention. The effectiveness of a spill response is sometimes measured on the success of its wildlife rescue and rehabilitation.

4.14 PLACE OF REFUGE

India is a peninsular country and has a significant passing traffic that is not calling at Indian ports. The coasts are vulnerable to incidents involving passing traffic, particularly during heavy weather in the monsoons.

It is rarely possible to deal expeditiously and satisfactorily with a casualty in open sea conditions, and the longer a damaged ship is forced to remain at the mercy of the open sea, the higher the risk of its condition deteriorating and thereby becoming a greater pollution hazard. A place of refuge must provide favourable conditions to enable a ship to stabilize its condition, protect human life, and minimize the risk of environmental degradation.

The International Convention on Salvage 1989 places an obligation on response authorities to take into account the need for cooperation between various parties concerned in a salvage operation, including public authorities, when considering admittance of damaged vessels to ports. It is ideal to pre-designate places of refuge; however, where no pre-designated place exists, it is imperative to have policies in place to enable the selection of a place of refuge.

The State Government is required to adopt specific policies on places of refuge as part of its contingency plan, and these should be followed as appropriate. Regardless of whether places of refuge are pre-designated or not, the following criteria form the basis for their selection:

- adequate water depth;
- good holding ground;
- shelter from the effect of prevailing wind/swell;
- relatively unobstructed approach from seaward;
- environmental classification of adjacent coastline and fisheries activity;
- access to land/air transport; and
- access to loading/unloading facilities for emergency equipment.

Guidelines on places of refuge are at **Appendix H.** The checklist for grant of refuge to a ship in need of assistance developed on the basis of the IMO guidelines is at **Table H-1** and pro forma for Risk Evaluation of place of refuge is at **Table H-2**.

4.15 TRAINING AND EXERCISES

The Indian Coast Guard conducts regular training programs and exercises for personnel likely to be involved in a response to an oil spill in the marine environment. These training programs and exercises are designed to enable India to have sufficient numbers of trained personnel to mount a credible and effective response to an oil spill incident. Joint exercise and training programmes may also be conducted with neighbouring countries to fulfil the requirement of regional oil spill contingency plan.

Training programs are regularly conducted at two levels, which recognise the overall technical complexity of managing an oil spill response and that the associated knowledge required by personnel varies depending on their level of responsibilities.

The two levels of training conducted are:

- Level 2 for middle management personnel responsible for managing the operational response, e.g. incident controllers, their deputies and environment and scientific coordinators, and Fire Brigade (Hazardous Materials) specialists.
- Level 1 for operator level personnel, i.e. those undertaking on-site clean-up operations. In a major incident this would also include supervisors appointed as site managers.

A certificate of level 1 course is deemed to be valid for a period of five years from the date of its issue. It is imperative that personnel designated for oil spill response operations undergo periodic training to maintain currency of certification.

The persons qualified in level 2 course will be designated for carrying out duties as Chief Incident Controller and Incident Controller.

Mock drills and exercises will be conducted by every port facility ad oil installation at such periodicity and at such scales as required by the Central Coordinating Authority. However, such mock drills and exercises shall in any case be conducted at least once every three months and a record shall be maintained of its conduct including the

personnel participated, resources mobilized, etc. Area or regional level exercises will be conducted at least once every six months. National level pollution response exercises will be conducted at least once a year and involve mobilization of stakeholder resources.

In addition, communication mock drills will be conducted by the Coast Guard at the national and area or regional level as required.

4.16 MEASURES TO PREVENT AND CONTROL POLLUTION

The Central Coordinating Authority may notify through Circulars hosted on the Coast Guard website, or any other appropriate means, such reasonable measures as it deems fit, as may be required to be taken by ships, port facilities, and oil installations, to prevent and control pollution or enhance preparedness for response. A list of current Circulars is at **Appendix J** and hosted on the Indian Coast Guard website.

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5. Discovery and Notification

Marine pollution or a risk of significant pollution calls for an immediate response. The Indian Coast Guard is the national operational contact point for receipt and transmission of reports of oil pollution in Indian waters.

5.1 DUTY TO REPORT

Masters or other persons having charge of ships and persons having charge of offshore facilities involved in an incident, shall report without delay and to the fullest extent possible to the nearest Indian Coast Guard Maritime Rescue Coordination Centre (MRCC) the particulars of any event on their ship or offshore unit involving a discharge or probable discharge of oil, of any quantity, in Indian waters.

In the event of the ship or offshore facility involved in an incident being abandoned, or in the event of a report from such a ship or offshore facility being incomplete or unobtainable, the obligations shall, to the fullest extent possible, be assumed by the owner, charterer, manager or operator of the ship, or offshore facility, or the agent in case of a ship.

Masters or other persons having charge of ships and persons having charge of offshore facilities shall report without delay and to the fullest possible extent to the nearest Indian Coast Guard MRCC the particulars of any observed event at sea involving a discharge or probable discharge of oil, of any quantity, or the presence of oil in Indian waters.

Persons having charge of sea ports and oil handling facilities in India shall report without delay and to the fullest possible extent to the nearest Indian Coast Guard MRCC the particulars of any event at their sea port or oil handling facilities involving a discharge or probable discharge of oil, of any quantity, or the presence of oil in Indian waters.

Maritime inspection vessels and aircraft of other services including the Air Force, Navy, Border Security Force, Customs department, Forest department, Police, Marine Police, Fisheries Survey of India and Port Pilots, or officials and civil organisations such as Air India and other private aircraft operators shall report without delay to the nearest Indian Coast Guard MRCC any observed event at sea or at a sea port or oil handling facility involving a discharge of oil, of any quantity, or the presence of oil in Indian waters.

5.2 OCCASIONS FOR REPORT

The report shall be made when an incident involves:

a. a discharge above the permitted level or probable discharge of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea; or

b. a discharge or probable discharge of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and ship borne barges; or

c. damage, failure or breakdown of a ship of 15 metres in length or above which:

(i) affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding and cargo shifting; or

(ii) results in impairment of the safety of navigation; including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential ship borne navigational aids; or

d. a discharge during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the MARPOL Convention.

5.3 CONTENTS OF REPORT

Organizations sending information should make every practicable effort to identify, as a basis for decision:

- identity of ships or offshore facilities involved;
- time, type and location of incident;
- quantity and type of harmful substance involved;
- the weather, sea state and tidal conditions in the area;
- assistance and salvage measures; and
- events and actions so far.

5.4 SUPPLEMENTARY REPORT

Any person who is obliged under this Plan, as per the provisions of MARPOL, to send a report shall, when possible supplement the initial report, as necessary, and provide information concerning further developments; and comply as fully as possible with requests for additional information.

5.5 REPORTING PROCEDURES

The report to the Indian Coast Guard MRCC should be made urgently by radio or telephone or facsimile and will be besides any obligation to report to any other authorities, that may be placed on the persons in charge of ships, sea ports, offshore facilities, maritime inspection vessels, aircraft, or officials on government duty at sea. The spill notification *pro forma* for both, oil and HNS is at **Appendix K1**. **Appendix K2** gives the pollution report and message report in accordance with the International Maritime Organisation standards.

5.6 FOLLOW-UP ON REPORTS

The MRCC contacts the ship or offshore installation to ascertain, among other things:

- the nature of incident (collision, loss of containment, etc.);
- the number of people on board;
- the type, size and name of the ship or installation;
- the precise location, course and speed of the ship, and its proximity to other ships, offshore installations, shallow water and the shore;
- information on the ship's cargo, stores or bunkers, and whatever any are dangerous;
- the structural and mechanical integrity of the ship or installation;
- the weather, sea state and tidal conditions;
- any assistance available to the casualty and the intentions of the Master or Offshore Installation Manager (OIM); and
- any measures taking place.

The MRCC initiates any search and rescue response required and then reports any pollution incident or a risk of significant pollution (whether or not known to involve oil or any other hazardous substance, and even if of unknown origin) to the concerned Duty Staff Officer for response action.

Any other organisation (for example, a local authority, harbour authority or environmental organisation) receiving a report of marine pollution of any quantity, or a threat of marine pollution, whether from a ship, offshore installation or unknown sources, should send that information immediately to the nearest Indian Coast Guard MRCC. The MRCC contacts the concerned Duty Staff Officer.

After reporting of a tier 2 or tier 3 incident to the Coast Guard, the Regional On-Scene Commander or/ and the National On-Scene Commander will have responsibility of informing all concerned authorities and will coordinate with appropriate level in the State or/ and Central Government till termination of response.

5.7 INFORMATION FLOW CHART

The flow chart of information flow from the site of an oil spill to the Cabinet Secretariat in the event of an oil spill and its response is depicted in Figure 5.1.

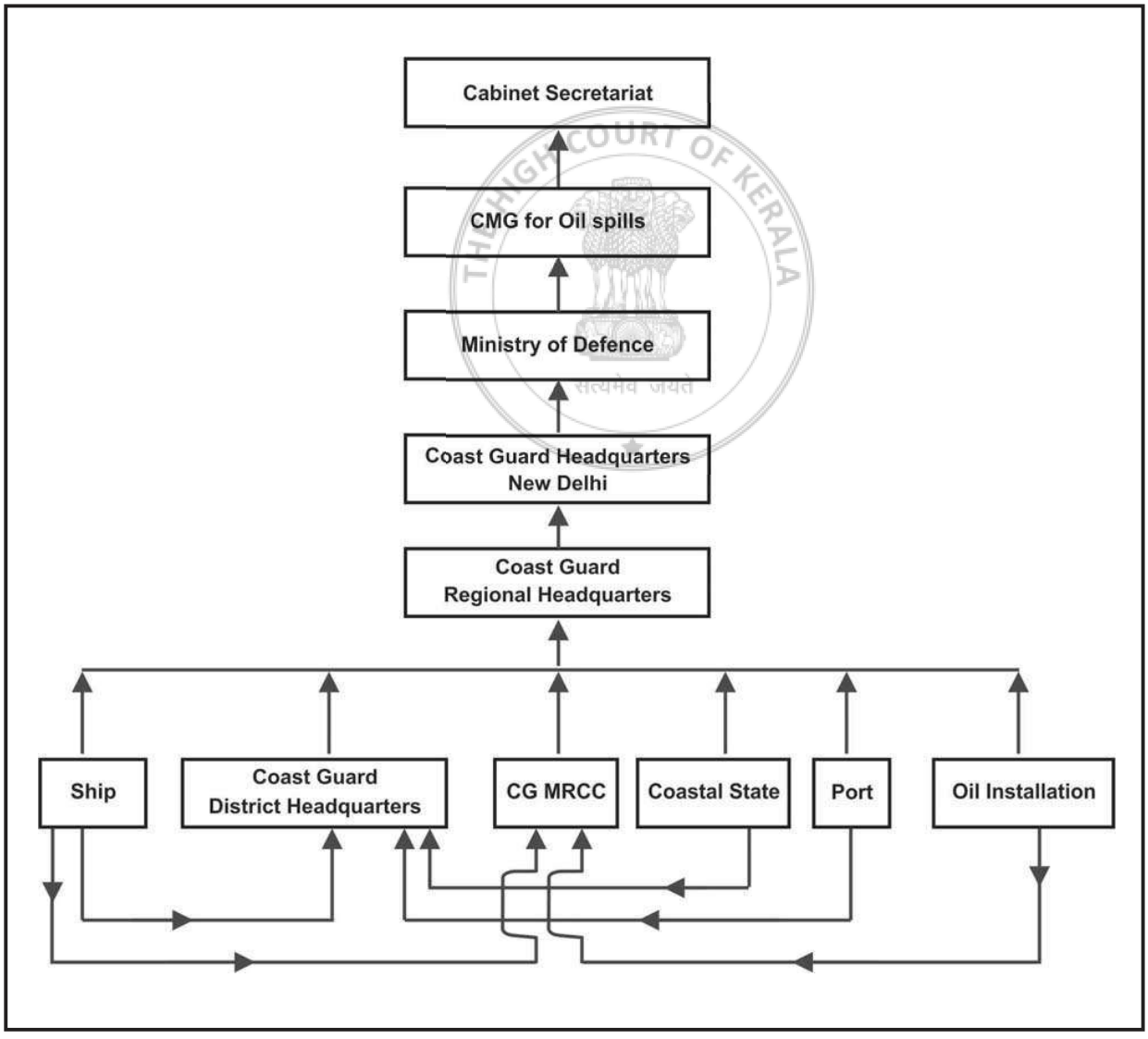


Figure 5.1. Flowchart of information on oil spill response

6. Initial Response

6.1 CRITERIA FOR TRIGGERING REGIONAL OR NATIONAL RESPONSE

Section 4.3 describes the tiered approach to planning for oil pollution incidents. Tier 1 is a spill within the capability of the local authority, harbour authority. Tier 2 requires mobilisation of resources within the region and is beyond the capability of the local authority. Tier 3 requires mobilization of all national and possibly international resources.

When the Indian Coast Guard MRCC is notified of an incident, the Coast Guard District, Regional or Seaboard Commander will decide if a regional or national response is warranted. In the event of an incident involving an offshore installation the decision on the level of response will be in consultation with the owner or operator of the offshore installation involved in the incident. This plan lays down no rigid criteria for triggering a regional or national response. However, the Coast Guard District, Regional or Seaboard Commander may trigger a regional or national response as appropriate if;

- a shipping casualty gives rises to the risk of significant pollution requiring a salvage operation;
- an oil spill from an offshore installation requires the deployment of vessels and/or aircraft by the Indian Coast Guard to contain, disperse or neutralize it;
- an oil spill within the jurisdiction of a port authority requires the deployment of regional or national resources to contain, disperse or neutralize its, or other action beyond the capacity of the harbour authority with support of mutual aid arrangements; or
- a local authority requests the deployment of shoreline response resources and manpower with other states or under national control because the action is beyond the local capacity with mutual aid arrangements.

In a regional response, the Coast Guard Seaboard or Regional Commander may deploy regional Coast Guard equipment and facilities to support the port authorities, contracted responders or local authorities.

In a local response, the Coast Guard has no role other than to maintain records of any pollution for statistical purposes.

6.2 INITIAL ACTIONS

The Coast Guard District, Regional or Seaboard Commander, in coordination with relevant agencies, considers the following initial actions:

- ordering aerial surveillance of the ship, if possible with an experienced observer;
- arranging for inspection of the ship by an IRS surveyor or other qualified person;
- putting on stand-by or deploying:
  - o dispersant spraying aircraft and ships,
  - o Oil recovery equipment,
  - o Booms, or
  - o ETVs or other tugs;
- establishing the availability of salvage and lightering ships;
- moving the ship to shelter;
- exercising the power of intervention;
- obtaining specific weather forecasts;
- requesting control of airspace in vicinity of the casualty; and
- establishing a temporary exclusion zone (TEZ).

The checklists for actions by Coast Guard Headquarters and the Coast Guard Regional Headquarters are at **Appendix L1** and **L2** respectively and held by relevant authorities only.

6.3 ONLINE OIL SPILL ADVISORY

The Online Oil Spill Advisory (OOSA) system has been developed by INCOIS for use by the Indian Coast Guard and other statutory authorities and combat agencies involved in oil spill cleanup and control measures in the event of oil spill. OOSA integrates high resolution current and delivers the trajectory of the spilled oil immediately, and thereby enables planning of clean up activity. On submission of necessary information like location of the spill, date, time, pollutant type and its quantity, the trajectory prediction set up is triggered in the background, along with the forecasted forcing parameters such as wind and currents. The trajectory prediction for a period of forty eight to ninety hours is generated and disseminated to registered users. The OOSA system provides trajectory prediction for both, continuous and instantaneous spills.

All stakeholders to the national plan can register as user and access OOSA under http://www.incois.gov.in/portal/osf/osf.jsp#, or alternately at http://115.113.76.60/OilSpill/Login.jsp

6.4 ACTION AFTER INITIATING A NATIONAL OR REGIONAL RESPONSE

When a threat of significant pollution justifies a regional or national response, the Coast Guard District or Regional Commander notifies the CCA of the incident. The CCA may decide to supplement the response or stand down a national response.

6.5 SITUATION REPORTS IN MAJOR INCIDENTS

In relation to incidents involving ships, the Indian Coast Guard with support of the Directorate General of Shipping takes the lead in providing the Ministry of Defence and other concerned ministries and the coastal state affected or potentially affected by the incident, with situations reports.

In relation to incidents involving offshore installations, the Ministry of Petroleum and Natural Gas takes the lead in providing both, operations and policy advice. The Indian Coast Guard also disseminates situation reports to the Ministry of Defence and other concerned ministries and the coastal state affected or potentially affected by the incident.

6.6 FINAL REPORT

A final closure report of all major incidents viz., tier 2 and tier 3 oil pollution incidents will be submitted post investigations and analysis to the Central Coordinating Authority and other concerned authorities within 45 days of termination of response by the facility or installation where the discharge occurred. The format for the final report is placed at **Appendix M**.

7. Response to Oil Spills

7.1 SALVAGE

If there is a threat of significant pollution the MRCC contacts the salvor or, if not yet appointed, the master or owner of the ship, and the harbour master, if the incident is in a port or its approaches, and offers assistance. The MRCC states that intervention powers may be exercised and instructs those in command of the vessel to provide the Indian Coast Guard information which must include:

- whether the owner has appointed a salvor and, if so, its name and contact details;
- the broad nature of the contract between owner and salvor;
- information on the intentions of the salvor; and
- any other important information that has not yet been gathered.

Simultaneously, as a pollution prevention tactic, the MRCC may also task the contracted emergency towing vessel (ETV) to proceed to the area.

The Indian Coast Guard District, Regional or Seaboard Commander decides whether it is necessary to set up a SMCU based on the merits of the incident. The members of the SMCU are;

- the Indian Coast Guard District or Regional Commander;
- the Salvage Manager from the salvage company appointed by the ship owner;
- the harbour master, if the incident involves a harbour or its services;
- a single representative nominated by agreement between the ship owner and insurers (for both the physical property and their liabilities);
- the District or Regional Pollution Response Officer;
- a Surveyor from the Mercantile Marine Department;
- a Surveyor from the Indian Register of Shipping, if required; and
- an Environment Liaison Officer, nominated by the Environment Group.

In the event that the SMCU is co-located with an MRU, the membership of the SMCU needs to include the members of the MRU with Indian Coast Guard staff fulfilling more than one role.

The Indian Coast Guard District, Regional or Seaboard Commander uses all the information to assess whether the actions proposed are in the public interest. One of the actions could be the consideration of appropriate places of refuge. And what could happen if the current salvage plan goes wrong or the incident escalates in severity.

7.1.1 ACCESS TO THE CASUALTY

If it is necessary for the salvage operation, an Onboard Salvage Team is established in addition to the SMCU comprising a Coast Guard representative, the Salvage Master and crew, and if the ship owner wishes, a Special Casualty Representative (SCR). The Salvage Master will, in consultation with the Coast Guard, strictly monitor and, if necessary, control access to the casualty, establishing any necessary protocols, through the SCR, with the security plan operated by the casualty in compliance with the ISPS Code. Consultation with Coast Guard is essential because every additional body increases the potential problem of rescue, and every additional person increases the risk of confusion as to what the Salvage Master and his crew are doing.

Guidelines on Salvage operations are at **Appendix N**.

7.1.2 THE ROLE OF THE COAST GUARD FOR OFFSHORE INSTALLATION

Incidents occurring at an offshore installation fall under the remit of the installation's oil spill response plan. In general, when there is a release of oil from an installation, the tasks of containing and responding to the oil on the water are identical to when a ship spills oil.

The installation manger is in control of implementation of the emergency plan at the installation, while on shore, the company activates its ECC. The role of the ECC is to support the installation manager offshore.

The company has a duty to implement its plan to contain the spill and minimize the environmental damage caused. There is unlikely to be a need to exercise the Central Government's powers of intervention. Nevertheless, in a major spill, or where there is threat of significant pollution, the Manager of the Offshore Installation, informs the Coast Guard who monitor the progress of the incident as it is being managed at the operator's ECC. The operator also initiates action to set up the Offshore Control Unit (OCU).

The approved oil spill contingency plan for the installation must identify the location for the OCU and it needs to be in close proximity to be operator's Emergency Control Centre. The OCU requires the same support and structure as an SMCU and similar links to their operations units engaged in other tasks including search and rescue, at sea clean up and shoreline clean up, as appropriate. The administrative support required by the OCU will be provided by MoPNG, or any suitable department or organisation designated by the MoPNG.

The members of the OCU are:-

- the Coast Guard Commander;
- the CIC, who acts a link between Coast Guard and the ECC where is a line to the Offshore Installation Manager;
- the Operator's Representative, who represents the interests of the owner, operator, contractors, and liability underwriters of the offshore installation;
- an Environmental Liaison Officer, nominated by the Environment Group, who advises the Coast Guard on the environmental implications of any proposed actions;
- the DGH, who provides the Coast Guard with advice on the importance of the installation to strategic supplies and other matters of public interest; and
- A specialist or technical advisor to the Coast Guard, either from the operator, the DGH or an independent source, who provides advice as circumstances require.

7.1.3 OFFSHORE RENEWABLE ENERGY INSTALLATIONS

This plan also recognizes the increasing number of offshore renewable energy installations (OREI) that are appearing around the Indian coast. It is considered that any major event involving an OREI would most likely be response to a vessel adrift or one that had collided with the installation. OREIs, and wind farms in particular, could potentially impede aerial spraying activities.

7.2 AT SEA RESPONSE

Mechanical containment and recovery of spilled oil at sea shall be the first response option provided that the response results in a net benefit to the environment.

7.2.1 MARINE RESPONSE UNIT

In almost all cases involving a national response, whether ship or offshore installation related, the Indian Coast

Guard establishes a Marine Response Unit (MRU) at the nearest MRCC or suitably equipped port ECC. It contains the following persons, although some of the Coast Guard staff may play more than one role.

- an ICG Pollution Response Officer, to manage sea borne and air borne operations;
- where a ship is involved, an MMD officer to manage cargo transfer operators;
- a Coast Guard Logistics Officer, to organize the deployment of the equipment needed and control all Coast Guard financial commitments;
- if the incident involves a port or its services, a representative of the port authority;
- an officer of the state fisheries department, to advise on the impact on fisheries and to liaise with fishing organisation;
- a local administration official to act as liaison officer with the Shoreline Response Centre;
- an Environmental Liaison Officer (ELO) nominated by the Environment Group; and
- a Defence Public Relations Officer, to liaison with the media

Additional manpower including officers and men will be deputed by the Coast Guard to the MRC to assist in the response.

7.2.2 OPTIONS FOR THE CLEANUP OPERATION

The Coast Guard District or Regional Commander decides on actions to contain, disperse, or neutralise pollution, and to remove potential pollutants from the scene. These decisions include the different methods of response namely, assessment and monitoring, dispersant spraying operations, mechanical recovery operations, and cargo transfer operations.

The aim of any cleanup operation is to minimize the damage (environmental, ecological, amenity or financial) that the spill would cause.

Once oil has been spilled, urgent decisions need to be made about the options available for clean-up, so that environmental and socioeconomic impacts are kept to the minimum. Getting the correct balance is always a difficult process and conflicts inevitably arise which need to be resolved in the best practicable manner. Whilst the ultimate goal of oil spill response is to reduce the impact on the environment, in some cases the response activity is also undertaken as a public relation measure. A measured and an objective decision in the aftermath of an oil spill is critical considering the long term social, economic and long lasting environmental impact. The advantages and disadvantages of different responses need to be weighed up and compared both with each other and with the advantages and disadvantages of natural clean-up to evolve a consensus for selecting the methodology of oil spill response and in defining the scope of implementation of the response. This process is known as Net Environmental Benefit Analysis (NEBA).

The list of Marine Protected Areas and designated coastal wetlands, classification of mangroves in India, and coral reef in Marine Protected Areas are at **Appendix P1, P2, P3,** and **P4** respectively. The Coast Guard decides between the options for clean up bearing in mind the following:

- the limitations on the effectiveness of at sea clean up techniques (selection matrix in respect of booms and skimmers is at **Appendix Q1** and **Q2**);
- the distance from shore of the casualty;
- the type of spill;
- the weather conditions and currents (weather in South-Asian seas is at **Appendix R**); and

- the time needed to deploy resources to the scene.

7.2.3 DISPERSANT SPRAYING

The guidelines on the use of dispersants are at **Appendix S1** and the list of dispersants approved for use in Indian waters is at **Appendix S2**.

7.2.4 FISHING RESTRICTIONS

The State Fisheries Authorities may temporarily prohibit or restrict fishing, on precautionary basis, if resources are, or are likely to become, contaminated to prevent health risk to consumers. A delay in revocation of such prohibition or restrictions must take into consideration the implications for reimbursement of claims for damages from the P&I Club and IOPC Fund. Guidance on sensory testing of seafood following an oil spill and imposition of fishing restriction is published separately by the Coast Guard.

7.3 HARBOUR RESPONSE

7.3.1 POWERS OF PORT AUTHORITIES

For an incident occurring inside the port authority's jurisdiction, the harbour master (or equivalent person) is in control of the incident response from the outset. Harbour masters have powers to direct the time and manner of a ship's entry into, departure from, or movement within a port. This gives a harbour master the power to regulate day to day movements within the port. However, it does not permit the harbour master to prohibit or insist upon entry.

Some port authorities have powers to issue general directions but, unlike the harbour master's powers, these powers are not ship and movement specific. Neither do they enable the port authority to prohibit or insist upon ship's entry into, departure from, or movement within a port.

7.3.2 ROLES OF THE PORT AUTHORITY AND THE COAST GUARD

It is envisaged that many incidents will be handled entirely adequately by implementation the local contingency plan and through the combined efforts of the port authority, salvors, ship owners and crew, and Coast Guard staff from the region. In such cases the Coast Guard may not need to issue any directions. But the Coast Guard will be monitoring the decision and actions being taken and ensuring that they are being taken in the light of full knowledge of the relevant environment sensitivities and an understanding of the effects that might ensure.

7.3.3 COMMAND AND CONTROL CENTRE

The SMCU is located either at the port's own ECC or at the nearest Coast Guard MRCC. Some ports can cope with large salvage operations. In these ports, it may be advantageous to exercise control using port facilities. The harbour master is a member of the SMCU and it may be beneficial to maintain their presence at the port so that they can keep control of to the activities within the port. The decision whether to use the port or Coast Guard facilities for the SMCU would be predetermined in the local plan taking account of many factors, including:-

- the availability and range of communications equipment (radio link with the casualty, salvors, and emergency units on scene, spare telephone lines, e-mail facilities, faxes etc.);
- the need for ancillary equipment such a radar equipment for the control of port traffic;
- the availability of local knowledge such as environmentally sensitive areas, bathymetry, port resources to supplement rescue, salvage and counter pollution efforts;
- size of building and number of rooms available (large rooms for press briefings and communication, quiet rooms for decision making by the SMCU).
- the availability of support staff; and

- location (ease of access, availability parking).

7.3.4 DIVISION OF RESPONSIBILITY FOR CLEAN UP

The responsibility for cleanup of pollution on the water and at jetties wharves/ structure within jurisdiction, and at beach/shoreline owned by the port authority, whatever the source of the pollution, lies with the port authority. Cleanup of shoreline (including land exposed by falling tide) beyond port jurisdiction vests with the local administration.

7.4 SHORELINE AND ON-SHORE RESPONSE

In the early stages of an incident, the local administration establishes a response as per its own contingency plan. When the threat of pollution of the shoreline exceeds the capability of the most affected local administration, the Coast Guard initiates a national plan response, and that local administration (or authorities) sets up a Shoreline Response Centre (SRC).

Each local authority's own contingency plan details the mechanism for escalating the response in accordance with the tiered response concept and specifies how to set up the SRC in the light of its own practices and organisation. These plans also contain the necessary authorisation to each local authority to enable the designated officer directing the SRC to take decision on behalf of the other local authorities concerned.

An SRC needs to contain representative of all the local authority services that may need to participate in the clean-up operation, and representative of all local and port authorities that may become involved. In addition, it contains an Environment Liaison Officer (ELO) nominated by the Chair of the Environment Group.

Guidelines for shoreline response are at **Appendix T**.

7.5 DISPOSAL OF RECOVERED OIL

Disposal of recovered oil is a difficult process. The recovered oil is to be stored in temporary storage devices or pits lined with plastic sheet until transferred to reception facilities. The Guidelines for disposal of recovered oil are at **Appendix U1** and the current list of approved recyclers is at **Appendix U2.**

8. Response to HNS Incidents

8.1 RESPONSE OPTIONS

In many cases, particularly if the release involves a chemical that evaporates or dissolves rapidly, it will not be possible to physically contain or recover the spilled product from the sea. In these cases, the response options may be limited to monitoring and measures designed to mitigate the potential hazards, for example communication to advise local residents to remain indoors or prohibition of fishing.

Following the identification of the hazards posed by the release, including consideration of the effects of fire and potential reactivity, the response operation must evaluate which techniques can be used. It is important to rapidly establish which response techniques are feasible in order to reduce or if possible eliminate the impacts of the hazardous substance on humans and the environment.

In most chemical incidents the rapid communication of relevant information, both internal and external to the response activities is likely to be the most important action that response agencies need to carry out. The polluter will, therefore, maintain continuous liaison with the chemical/ HNS manufacturer and repositories of data (such as the French Centre of Documentation, Research and Experimentation, or CEDRE) regarding HNS properties and response and promptly provide such data to the responders.

8.2 MONITORING

Many chemical spills will be difficult or impossible to observe with the naked eye and it is essential that an appropriate monitoring strategy is put in place to ensure the safety of responders and to confirm predictions of the spread and dispersion of the slick. The type of monitoring implemented will depend on the specific properties and hazards posed by the substance involved.

8.2.1 MONITORING GASES IN AIR

It is essential to systematically monitor the concentrations of chemicals in air throughout any incident involving gases or vapours. Key aspects of monitoring include:

- **Oxygen concentrations** any atmosphere having <19.5% oxygen i.e., an oxygen-deficient atmosphere, should be entered only by personnel wearing self-contained breathing apparatus, monitoring is carried out using oxygen cells.

- **Combustible or explosive gas levels** to identify areas where flammable air/fuel mixtures exist; a value below 10% of the Lower Explosive Limit may be considered safe. Typical instruments are combustible gas detectors and explosimeters. Continuous monitoring must be carried out as the situation and the concentration of gas can change rapidly raising the value over 10% LEL.

- **Toxic substances** to identify areas where toxic substances are present and to establish safe outer limits where it is reasonably safe for unprotected personnel. Instruments must be capable of measuring at ppm level and include gas detection tubes, flame ionization detectors, photo-ionisation devices, IR trace gas detection (these instruments typically provide only approximate levels) and portable gas chromatographs and portable mass spectrometers (these instruments typically require specialist personnel to operate them).

8.2.2 MONITORING THE WATER COLUMN

Monitoring the concentration of chemicals in the water column typically involves two main techniques:

- **Collecting water samples** – these are then transferred for analysis at fixed or mobile laboratories;

- **Use of towed probes** – a number of monitoring devices can be towed through the water column to establish the extent of a slick and to provide real-time data. Typical measurements include: pH, light absorption, electrical conductivity.

8.2.3 MONITORING SURFACE SLICKS

Thin films on the sea surface can damp capillary waves. A number of techniques have been developed that make use of the altered properties of the sea surface:

- **Side-Looking Airborne Radar** (SLAR) makes use of the reduced intensity of the backscatter and the surface slick appears as a darker area on the SLAR image;
- **UV scanners** can identify changes in the UV reflectivity of the sea surface;
- **IR scanners** and **Forward-Looking Infrared Imagers** (FLIR) identify changes in the radiation temperature of the sea surface.

The effectiveness of these techniques differs depending on the properties of the chemical involved and the environmental conditions. Understanding the available resources and their applicability is a key part of the contingency planning process.

8.2.4 MONITORING SUNKEN SPILLS

When a pool of liquid chemical collects on the seabed, there will be a phase boundary between the chemical and the sea water. It may be possible to use echo sounders to locate this phase boundary and hence to identify the area affected by the spill. Monitoring of the concentration of the spilt substance at different depths may also be useful to delineate the area affected.

8.3 RESPONSE TECHNIQUES

8.3.1 RESPONSE TO GASES AND EVAPORATORS

Plume modeling, air monitoring and defensive strategies such as water sprays are commonly used to respond to gas leaks. When applied as a fine droplet, i.e., as a mist and in calm conditions, they can:

- knock down water soluble gases;
- stop, steer or disperse sparingly soluble or insoluble gas clouds;
- reduce the risk of fire and explosion in flammable clouds of gases, by cooling hot surfaces, putting out sparks and suppressing flame formation.

When applying water sprays, it is also important to be aware of consequences such as high volume waste streams and, in extreme cases, contributing to the instability of the vessel.

8.3.2 RESPONSE TO FLOATING CHEMICALS

A chemical that floats on the water surface will spread and form a large contact surface with the air. Depending on its vapour pressure, it may evaporate and give rise to a vapour cloud above the slick. Monitoring of air concentrations is important in these situations to assess fire and explosion risks and health risks. The selection of response technique must also take account of these hazards and the overall objective of the response. It is possible to attempt to contain and recover spills of floaters, but only of those substances that evaporate or dissolve slowly i.e., category F substances. Typical techniques involve:

- **Covering the slick with foam** – for flammable substances, this reduces evaporation and hence reduces possible fire and explosion risks (taking care to use the type of foam appropriate to the chemical involved). It also restricts spread over the water surface and hence can increase the effectiveness of containment and recovery operations. In this case, consideration must be given to the toxicity of the foam to marine life.
- **Application of sorbents** either loose, as mats or in “sausages”. As many low viscosity chemical spills rapidly spread to cover a large surface area, these techniques are most applicable if the spread of the chemical can be confined.

- **Bubble curtains** created by releasing compressed air through a perforated hose may be used to contain floating slicks in shallow, slow-flowing waters.

- **Conventional oil spill response booms and skimmers** may be used to contain and recover spills of floating chemicals. The effectiveness of these techniques depends on the physical properties of the substance involved, as the equipment may not be able to deal with the thin films and low viscosity of some floating chemicals. Compatibility of the equipment with the chemical must also be considered.

8.3.3. RESPONSE TO DISSOLVED CHEMICALS

The potential to contain and recover spills of chemicals that dissolve is extremely limited. Response techniques are generally restricted to forecasting their spread, monitoring and mitigation of their effects. In the case of spills in shallow or confined waters, treating agents can include:

- Neutralizing agents;
- Flocculation agents;
- Oxidizing agents;
- Reducing agents;
- Gelling agents;
- Activated carbon; and
- Ion exchangers.

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In practice though, the use of these treating agents is often ineffective as the dosage is difficult to estimate and recovery of the substance may be difficult. Curtain barriers may also be used to contain dissolved chemical spills in shallow and almost stagnant waters. Response to sunken chemicals must consider not only the recovery of the chemical itself, but the removal and treatment of contaminated sediments. The principal technique is that of dredging.

8.4 HNS RESPONSE EQUIPMENT INVENTORY

The broad inventory of equipment for HNS response is at **Appendix V**.

8.5 DISPOSAL

Before commencing any actions that may lead to the recovery of spilled chemical, it is essential that an appropriate and legal disposal route has been identified for both the recovered chemical and any waste generated. Even temporary storage must take proper account of the physical properties of the chemical and its potential to evaporate or leak. Waste streams may be subject to transportation regulations covering hazardous waste, so relevant national regulations must be identified.

9. Plan Review

9.1 PLAN REVIEW

This plan will be kept under review by the Central Coordinating Authority.

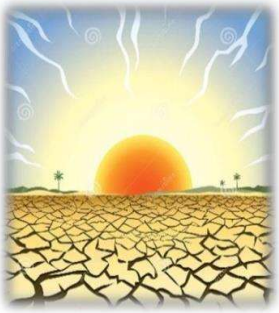
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KERALA STATE DISASTER MANAGEMENT PLAN

'towards a safer State'















2016

Kerala State Disaster Management Plan, 2016

Kerala State Disaster Management Plan

2016

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Published under Section 23 (1) of the Disaster Management Act, 2005 (Central Act 53 of 2005)

Towards a Safer State...

2.2 Hazard profile of Kerala

Kerala state is frequently ravaged by the disastrous consequences of numerous hazards and hence it is a multi-hazard prone State. Natural hazards are part of the natural evolutionary system of the earth which turned into 'hazards' when the human system started interacting with it. The human system itself was subjected to significant transformations over its history. These transformations and their links to the natural system have served as templates of the dynamics of naturally triggered hazards and therefore, of disasters (Alcantara-Ayala, 2002). This 'template of disasters' is particularly apparent in the state of Kerala where, within a short period of last 80 years, there has occurred a rapid socio-economic transformation from an agrarian society to a highly urbanized consumerist society. Parallel to this societal transformation, the population pressure along the coastline forced the then marginalized sections of the community to migrate from the coastal belt to the relatively inhospitable terrain of the Western Ghats (George and Chattopadhyay, 2001). A study conducted on migration suggested that in the past 80 years the coastal plains recorded a population growth of 306%, whereas the highlands, foot hills and uplands together experienced a growth of 1342% (Nair et al., 1997). This population with a density of ~819 people/km^2 (Census of India, 2001) is more or less widely distributed across all geomorphic units of the state, exposing them to multiple hazards.

Kerala is prone to high incidence of lightning, especially during the months of April, May, October and November. Apart from floods the mountain regions of the state experience several landslides during the monsoon season. It is known that a total of 65 fatal landslides occurred between 1961 and 2009 causing the death of 257 individuals (Kuriakose, 2010). Between 1871 and 2000, the state experienced 12 moderate drought years. The 570 km long coast line of Kerala is prone to erosion, monsoon storm surges and sea level rise. Land subsidence due to tunnel erosion or soil piping which is a slow hazard, is recently noticed to be affecting the hilly areas in the state. This often goes unnoticed and is a hazard with potential of causing landslides, infrastructural damages and crop loss covering vast areas in the high land regions of the state.

The high density of population of 860 people/km^2 (2011 Census), narrow roads, high density of road network, density of coastal population and the general higher standard of living of the public as compared to the rest of the country are factors that increase the vulnerability of the population to disasters.

KSDMP identifies thirty nine (39) phenomena with potential to cause disasters requiring L2 attention that the state is susceptible to and they are grouped under two categories based on the major triggering factors, they being Naturally Triggered Hazards (Natural Hazards) and Anthropogenically Triggered Hazards (Anthropogenic Hazards). Not all of these hazards turn into disasters that are 'beyond the coping capacity of the community of the affected area'.

Sl. No	Category	Type
1	Natural Hazards	Flood (Riverine, Urban and Flash Floods)
2		Landslides (includes debris flows, rock fall, rock avalanche, rock slide, landslips and mud slips)
3		Drought
4		Coastal hazards (High waves, Storm surges, *Kallakadal,* Tsunami, Salt Water Intrusion, Coastal erosion)
5		Wind (Cyclone, Gustnados, Gusty winds)
6		Lightning
7		Earthquakes
8		Human epidemics
9		Plant disease epidemics and pest attack on crops
10		Avian epidemics
11		Animal epidemics
12		Pest attack of human habitations
13		Forest Fire
14		Meteorite/asteroid impacts
15		Soil Piping
16		Heat wave/sunburn/sunstroke
17		Natural background radiation
1	Anthropogenic Hazards	Stampedes
2		Fire cracker accidents
3		Petro-chemical transportation accidents
3		Industrial accidents
4		Dam break
5		Dam spillway operation related floods & accidents
6		Oil spill
7		Road accidents involving civilian transport vehicles
8		Human induced forest fire
9		Human-animal conflicts
10		Fire accidents in buildings and market places
11		Boat capsizing
12		Accidental drowning
13		Building collapse
14		Hooch accident
15		Air accidents
16		Rail accidents
17		Terrorism, riots and Naxalite attacks
18		Nuclear and radiological accidents
19		Space debris impacts
20		Biological accidents
21		Occupational and recreational area related hazards
22		Accidents in Armed Forces premises
23	Disasters outside State's administrative boundaries, affecting Keralites	

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2.4.7 Oil spills

Oil spills have been reported from various parts of the coastal area of Kerala. In the last decade, oil spills have been reported from the Cochin Harbor, Ernakulam in the years 1992, 1993 and 2003. Oil spills can also occur during petro-chemical transportation accidents through road and rail. A tanker carrying Aviation Turbine Fuel from Kochi to Karipur overturned near Jyothi Theatre on the Tanur-Parappanangadi road in the early morning on 30-06-2016. The tanker had about 20,000 liters of fuel of which 1/6th of it spill on to Canolly Canal which also caught fire. The cannal being narrow and bordered by residential buildings, the oil spill could not be contained. The presence of 18 ports and numerous boats carrying fuel increases the probability of oil spill in water sources.

2.4.8 Human induced forest fire

It is noted that human induced forest fires in Kerala are increasing, primarily due to population pressure along the boundaries of protected areas and reserved forests. Over 300 ha of forest in Wayanad experienced forest fire in March 2014 which was later found to be caused by human intervention.

2.4.9 Nuclear and radiological accidents

Radiological exposure incidents have not been reported from Kerala in the last, at least 50 years. Radiation is used for medical purposes such as Teletherapy, Brachytherapy, Cath Lab, Computed Tomography, Radiography and Fluroscopy in the State. Medical Colleges and tertiary care hospitals in the state uses radioactive materials for various treatments. Instruments used for research purposes in various science and technology intuitions also have radiation emitting materials. However, the March 2010 accident at Mayapuri Scrap Market, New Delhi was an eye opener to agencies involved in radioactive safety regulations in the country. An AECL Gamma cell 220 research irradiator owned by Delhi University since 1968, but unused since 1985, was sold at auction to a scrap metal dealer in Mayapuri on February 26, 2010. The orphan source arrived at a scrap yard in Mayapuri during March, where it was dismantled by workers unaware of the hazardous nature of the device. The Cobalt-60 source was cut into eleven pieces. The smallest of the fragments was taken by the scrap metal dealer who kept it in his wallet and two fragments were moved to a nearby shop, while the remaining eight remained in the scrap yard. Eight people were hospitalized as a result of radiation exposure, where one later died.

This incident points to the hazard potential of otherwise non-hazardous radiation sources such as X ray units, CT scanners, PET scanner, Gamma Chambers, Auto Radiography, Gas Chromatograph Units, Atomic Absorption Spectrophotometer, Microwave digestion system, CHNS Analyzer and Cyclotrones.

		accidents				
3		Industrial accidents	PB & FB	PB & FB	PB & FB	PB & FB
4		Dam break	KSEB & WR	KSEB & WR	KSEB & WR	KSEB & WR
5		Dam spillway operation related floods & accidents	KSEB/WR	KSEB/WR	KSEB/WR	KSEB/WR
6		Oil spill	PCB, OC, OHA	PCB, OC, OHA	PCB, OC, OHA	PCB, OC, OHA
7		Road accidents involving civilian transport vehicles	P	P	P	P
8		Human induced forest fire	FD	FD	FD	FD
9		Human-animal conflicts	FD & LSG	FD & LSG	FD & LSG	FD & LSG
10		Fire accidents in buildings and market places	LSG & FS	LSG & FS	LSG & FS	LSG & FS
11		Boat capsizing	TD, IND & KWTC	TD, IND & KWTC	TD, IND & KWTC	TD, IND & KWTC
12		Accidental drowning	SYW & TD	FS	FS	SYW & TD
13		Building collapse	LSG & PWD	FS	FS	LSG & PWD
14		Hooch accident	E	E	E	E
15		Air accidents	AAI	AAI	AAI	AAI
16		Rail accidents	IR	IR	IR	IR
17		Terrorism, riots and Naxalite attacks	P	P	P	P
18		Nuclear and radiological accidents	RS & BARC	RS & BARC	RS & BARC	RS & BARC
19		Space debris impacts	P	P	P	P
20		Biological accidents	HS, FSa	HS, FSa	HS, FSa	HS, FSa
21		Occupational hazards and recreational-area related hazards	LSGD, LD & TD	LSGD, LD & TD	LSGD, LD & TD	LSGD, LD & TD
22		Accidents in Armed Forces premises and assets	AF	AF	AF	AF
Disaster occurring outside the state's administrative boundaries in which tourists from Kerala of non-residential Keralaites are affected			SDMA of the Respective State and NORKA		As decided by SEC or KSDMA	
AAI: Airport Authority of India; AF: Armed Forces (Indian Army, Navy, Air Force, Coast Guard, Indo-						

5.8 Animal Husbandry

- Map animal and avian disease prone areas
- Identify sources for emergency procurement of fodder, feed, water and medicines prior to monsoon season and disease prone seasons
- Ensure rate contracts for fodder, feed, water and medicines prior to monsoon season and disease prone seasons
- Identify and map safe locations for cattle and poultry camps in flood prone areas
- Ensure proper administration of deworming and vaccinations for cattle, sheep and goats, pigs and other relevant measures for disease management in cattle camps
- Identify and map locations for burial of carcases

5.9 Information and Public Relations Department

- Conduct regular training programmes for media on disaster management
- Ensure coverage of disaster risk reduction measures in Government publications
- Ensure accurate and controlled information dissemination in the event of major disasters as determined by the State/District Incident Commanders
- Ensure accurate communication of the reconstruction and rehabilitation measures being taken by various stakeholders
- Communicate with the affected communities with a view to appraising them of efforts being made for their relocation/rehabilitation/ reconstruction
- Using the communication network to get feedback on reconstruction and rehabilitation measures

5.10 Pollution Control Board

- Develop an oil spill contingency plan involving Coastal Police, Ports, Fisheries, Coastal Shipping & Inland Navigation Departments and Tourism Department and submit to KSDMA for approval

5.11 State Environment Impact Assessment Authority

- Ensure that disaster management plans and hazard susceptibility maps are consulted and adequate risk reduction measures are incorporated into project proposals, prior to issuing environmental clearance

5.12 Coastal Zone Management Authority

- Strictly implement the Coastal Regulation Zone Act, 1991
- Ensure implementation of coastal protection measures by concerned departments
- Promote bio-engineering and soft solutions for coastal protection

specialised and trained human resource is in short supply. Hence professional private agencies may be engaged)

- Ensure adequate emergency response equipment such as floating buoys with 100 m ropes attached, scuba diving gear, 100 m underwater camera (water proof tube camera), oxygen cylinders and first aid kits at all ports

5.24 Coastal Police

- Ensure the development of an oil spill contingency plan for the State and operationalize the plan in collaboration with Pollution Control Board, Ports Department, Coastal Shipping and Inland Navigation Department, Fisheries Department and Tourism Department and ensure the approval of the plan by KSDMA
- Develop a coastal terrorism contingency plan and operationalize it with the approval of the Crisis Management Group for Anthropogenic Hazards

5.25 Public Works Department

- Conduct structural audit of all public buildings in the State
- Conduct structural audit of all bridges in the PWD roads
- Identify and enlist life line buildings and priority buildings in the state and prepare a retrofitting plan for the buildings based on the structural audit report as required
- Provide technical support and expertise for repair, restoration and reconstruction of public infrastructure
- Prepare building and bridge collapse contingency plan
- Prepare an inventory of heavy earth movers, cranes, concreate cutters, jack hammers, JCBs and Hitachi in the State and update the data in IDRN database from the respective DEOCs
- Create a quick response team for responding to building collapse and bridge collapse
- Prepare for prompt clearance of debris post disaster
- Ensure prompt construction of new temporary roads and bridges for diverting traffic from the affected area
- Prepare for construction of temporary facilities like that of medical post, temporary shelters, etc. at short notice
- Prepare for restoration of government buildings damaged during disaster
- Ensure that vulnerable PWD roads as identified in the vulnerability assessment annexures are made disaster resilient

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Kochi container ship accident: Kerala faces oil spill threat, with no contingency plan, PCB at sea over what to do



Aswin J Kumar

PUBLISHED: MAY 26 , 2025 10:49 AM IST
UPDATED: MAY 27, 2025 01:40 PM IST
3 MINUTE READ



The Liberian container vessel, carrying marine fuel, that developed a critical 26-degree list nearly 38 nautical miles southwest of Kochi on Saturday, tilts further in the sea off the coast of Kerala, in Kochi, Sunday, May 25, 2025. Photo: PTI.

Kerala is dealing with a major oil spill incident without a contingency plan. The Liberian container vessel MSC ELSA 3 sank off the Kochi coast on Sunday. The vessel was loaded with 84.44 MT of diesel and 367.1 MT of furnace oil. It had 640 containers, including 13 with hazardous cargo and 12 containing calcium carbide. The containers which were adrift have started washing ashore in Kollam and Alappuzha districts. While the chances of an oil spill near the shore are less, the

Kerala State Pollution Control Board has been found ill-equipped to handle the situation.

PCB chairperson Sreekala S said that at present, the board doesn't have an oil spill contingency plan. "We are still in the process of finalising the tender and evaluating the report," said Sreekala. When asked about the standard operating procedure to deal with containers stocked with hazardous substances which are being washed ashore on the Kerala coast, Sreekala said respective district collectors will make that decision. "Our officers are stationed in Alappuzha and Kollam. District collectors will decide the procedure to deal with containers after meetings," said Sreekala.

The absence of a contingency plan to handle an oil spill off Kerala coast is seen as a major failure on the part of PCB. Experts associated with the disaster management said that steps to prepare the contingency plan began in 2016 and that it was shocking that the plan is yet to materialise.

Proceedings issued by the PCB in 2016 show that in June 2016, the Additional Chief Secretary, Environment, held a meeting to review the level of preparedness of major accident hazard units to deal with chemical accidents. In the meeting, it was decided that the PCB, in association with the Central Coast Guard, will prepare an oil spill emergency plan for the state.

In October 2016, an expression of interest was issued, and a committee was constituted to oversee the preparation of the plan. As part of the project, an agency was supposed to come up with ship board pollution emergency plan, tactical oil spill booming/site response plans, marine emergency response plan and crisis management plan. Shoreline response operations and shoreline oil spill response elements as well as administrative action for shoreline clean-up were included in the plan.

"Although the tender was issued, there was a difference of opinion over the cost estimate, and we had to go for a retender," said Sreekala, explaining the delay in the formulation of an oil contingency plan.

The Indian Coast Guard has deployed the ICG ship Saksham, carrying pollution response equipment at the site, and the ICG aircraft, which are equipped with advanced oil spill detection systems, are conducting aerial surveillance.

As per the terms of reference prepared to stress the need for an oil spill contingency plan, Kerala's entire coast is prone to oil spill disasters, as one of the international oil transportation routes is adjacent to the state's coastline. Out of 14 districts in Kerala, nine are oil spill-prone. The oil tankers and other ships visiting the ports located in Kerala pose a risk to the coastline areas whenever they are involved in accidents, and accidental discharges may involve escape of bunker fuel or oil cargo resulting from a marine incident, the document noted.

The plan was meant to cover marine oil spills of any manner that occur within 12 nautical miles (24 km) of Kerala's coastline and approaches and the riverine systems extending 40km inland or till tidal effect, or whichever is more.

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PCB/HO/TAMS/19/2005 Date: 17.10.2016

EXPRESSION OF INTEREST

Kerala State Pollution Control Board invites Expression of Interest from reputed and competent consultant organizations having prior experience in preparing oil spill contingency plan for the preparation of Oil Spill Contingency Plan for the State of Kerala. The service shall include mapping of Environmental Sensitive Index of oil spills at the coasts of Kerala, preparation of response focused oil spill contingency plans and associated documentation including:

- Crisis Management Plans
- Marine Emergency Response Plans
- State Oil Spill Contingency Plans
- Oil Spill Contingency Planning Corporate Guidelines
- Oil Spill Contingency Plans (site-specific, regional and corporate)
- Oiled Wildlife Response Plans
- Ship Board Pollution Emergency Plans
- Tactical Oil Spill Booming / Site Response Plans

Following are the aspects that should be highlighted in the Oil Spill Contingency Plan.

- Policy and responsibility
- Oil spill risks and protection priorities
- Shoreline oil spill response elements
- Shoreline response operations
- Administrative action for shoreline clean-up
- Data base of Authorities to be contacted in case of oil spill

THE HIGH COURT OF KERALA
सत्यमेव जयते

Pre-bid meeting will be conducted at Head Office of the Board at Thiruvananthapuram on 29.11.2016 at 11 a.m. for discussion of the topic and a presentation of similar work done by your organization. For details please visit www.keralapcb.nic.in

The last date of submission of EoI is 21.11.2016

Sd/-

CHAIRMAN

PREPARATION OF OIL SPILL CONTINGENCY PLAN FOR THE STATE OF KERALA

Terms of Reference

1) Need for Study

Kerala has a coastal line of 590 kms and the entire coast is prone to oil spill disasters as one of the international oil transportation route is adjacent to the coastal line of the State. Out of the 14 districts 9 of them are oil spill prone. Besides, the state has an oil refinery in Ernakulam, which increases the vulnerability of the state. There is one Major Port located in the State of Kerala. In addition, there are 3 Government captive ports. Some of these ports handle oil cargo. The oil tankers and other ships visiting the ports located in Kerala pose a risk to the coastline areas, whenever they are involved in fire incident, collision, allusion, grounding etc. Accidental discharges may involve escape of bunker fuel or oil cargo resulting from a marine incident. The threat is largely a function of the types of oil cargo and bunkers carried the degree of navigational hazards, the weather, and shipping density in the area. The passing merchant ships also pose risk to the coastal areas to the waters adjoining the Kerala coast.

As per the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, crisis groups have to review the status of onsite and offsite emergency plans. A review meeting was held by the Additional Chief secretary, Environment on 16.06.2016 to review the level of preparedness of major accident hazard units to deal with chemical accidents. In the meeting, it was decided that Kerala State Pollution Control Board in association with the Coast Guard shall prepare oil spill emergency plan for the State urgently and furnish it to Government for approval.

The scope of the study is to prepare Oil Spill Contingency Plan for the State of Kerala.

2) Objective of the plan

- To protect the environment by minimizing potential damage to marine and coastal environment and natural resources from impact due to oil discharge.
- To minimize spread of oil on the sea surface.
- To clean and restore oil contaminated shorelines to original state.

3) Scope of work

The scope of work includes marine oil spills of any manner that occur within 12 nautical miles (24kms) of Kerala's coastline &approaches and the riverine systems extending 40km inland or till tidal effect is evident or whichever is more.

The methodology of work shall include the following:

- Literature Survey
- Preliminary Data Collection
- Primary and Secondary Data Collection from various sources
- Initial Investigation
- Mapping using GIS
- Detailed Study

THE HIGH COURT OF KERALA
सत्यमेव जयते

4) General Terms & Conditions

i. The consultant shall submit three copies of draft report and final report, after including comments of SPCB. Beside this, a soft copy of draft report and final report in MS word format will also be submitted.

ii. Consultant shall make presentations on interim report, draft report, etc. as and when required.

iii. Consultant shall inform schedule of field study to SPCB well in advance, so the SPCB official may also participate.

iv. All the information generated and collected by consultant during the execution of the project is strictly confidential and sole property of SPCB.

v. In case, SPCB is not satisfied with the progress of project as planned, consultant may be asked to refund the installments released.

vi. In case of delay in execution of project, consultant shall provide reason for the same in writing.

vii. In case of dispute while project execution and afterwards, the matter shall be referred to Chairman, SPCB to arbitrate. The decision of Chairman, SPCB will be final and binding.

THE HIGH COURT OF KERALA
सत्यमेव जयते

5) Time Schedule

Duration of study- 2-3months from release of Ist installment

1	Inception Report	Within 15 days of payment
2	Draft Report 1	After literature survey
3	Draft report 2	After in depth study of identified industries
4	Draft Final Report	After completion of study
5	Final Report	Within one week after including comments of SPCB

6) Terms of Payment

1	Inception Report	10% of cost
2	Draft Report 1	10% of cost
3	Draft report 2	30% of cost
4	Draft Final Report	10% of cost
5	Final Report	40% of cost

A bank guarantee equal to 10% of Estimated project cost will be submitted by consultant during submission of inception report.

7) Facilities by SPCB

- Deputing officer(s) to accompany consultant during field visits.
- Providing authorization letters for data collection and in depth studies providing available date with KSPCB.

8) Compensation for delay

The consultant shall strictly follow the time schedule for the project. The consultant shall pay an amount equal to 1 percent on the total cost of the work as compensation, for every month delay after the due period, provided that the entire amount of compensation to be paid under the provisions of this clause shall not exceed 10 percent of the total cost of the work.

9) Arbitration clause/ dispute resolution

In case dispute arises while work is in progress or after the completion, matter shall be referred to the Chairman, State Pollution Control Board for decision. The decision of Chairman, SPCB will be final and binding on the parties to the MoU.

10) Eligibility criteria/ qualification

The interested expert agencies are requested to submit following documents:

1. Profile of the agency with supporting documents for qualifications mentioned at Sl.no. 1 to 5.
2. Brief of environmental projects completed during last three years, with one page summary, cost, duration and name & address of the client for each project.
3. Bio-data of technical & scientific personnel likely to be assigned with the project.
4. Details of laboratory facilities available.

Bids (Financial & Technical) may be submitted in separate sealed envelopes to Member Secretary, Kerala State Pollution Control Board.

THE HIGH COURT OF KERALA
सत्यमेव जयते

Sd/-

CHAIRMAN

PROCEEDINGS

Sub: Constitution of the committee in connection with the preparation of the State Oil Spill Contingency Plan - Sanctioned – orders issued

KERALA STATE POLLUTION CONTROL BOARD

No.PCB/HO/TAMS/19/2005 Thiruvananthapuram, Dated 18 .11.2016

Read: 1. The Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996

2. Letter No3281/B2/12/Envt. dated 24.06.2016 from the Additional Chief Secretary, Environment Department

ORDER

As per the Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996, crisis groups have to review the status of onsite and offsite emergency plans. A review meeting was held by the Additional Chief secretary, Environment on 16.06.2016 to review the level of preparedness of major accident hazard units to deal with chemical accidents. In the meeting, it was decided that Kerala State Pollution Control Board in association with the Central Coast Guard shall prepare oil spill emergency plan for the State and furnish it to government for approval.

Notice inviting Expression of Interest (EOI) from competent parties was published in the dailies on 18.10.2016 and is being processed with expert opinion. In the above circumstances, a committee is constituted, with the following members in connection with the preparation of the State Oil Spill Contingency Plan.

1. The Officer-in-Charge MRSC
   Kochi Headquarters , Coast Guard
   or his representative - Member
2. Chief Manager, BPCL-Kochi Refinery
   or his representative - Member
3. Member Secretary
   Kerala State Disaster Management Authority - Member
4. Chief Environmental Engineer-1,
   Kerala State Pollution Control Board
   Head Office, Thiruvananthapuram - Member

5. Chief Environmental Engineer
   Kerala State Pollution Control Board
   Regional Office, Ernakulam - Member
6. Accounts Officer
   Kerala State Pollution Control Board,
   Head Office, Thiruvananthapuram - Member

Environmental Engineer-1, Kerala State Pollution Control Board, Head Office shall be the member convenor of the committee.

The committee shall verify the proposals and recommend further course of action. Expenditure of the Committee shall be met from the head of account 'Contingency' from the current year's budget.

Sd/-
CHAIRMAN

To

1. The Officer-in-Charge MRSC
   Kochi Headquarters
   Coast Guard , District No. 04 (Kerala)
   Fort Kochi Kerala – 682001
   0484-2218969, 2217164
2. The Member Secretary
   Kerala State Disaster Management Authority
   Second Floor, Revenue Complex
   Public Office Building, Opp. Museum
   Thiruvananthapuram, Kerala 695033
   Phone:0471 233 1345
3. The General Manager
   BPCL- Kochi Refinery
   Ambalamugal, Kochi, Kerala 682302
4. The Chief Environmental Engineer-1, Kerala State Pollution Control Board, Head Office , Thiruvananthapuram
5. The Chief Environmental Engineer, Kerala State Pollution Control Board, Regional Office , Ernakulam
6. The Accounts Officer, Kerala State Pollution Control Board, Head Office
7. The Environmental Engineer-1, Kerala State Pollution Control Board, Head Office

Copy to:

1. Additional Chief Secretary, Environment Department
2. Stock file

FORWARDED / BY ORDER

ENVIRONMENTAL ENGINEER – 1

o/c

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **12/4/2018**

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Petition No.8249 of 2018

Meenava Thanthai K.R.Selvaraj Kumar
Meenavar Nala Sangam
rep. By its President
Mr.M.R.Thiyagarajan
Having Office at No.48 East Madha Church Street
Royapuram
Chennai 600 013. ... Petitioner

Vs

1. The Secretary to Government
   Union of India
   Ministry of Shipping
   Transport Bhavan
   New Delhi 110 001.

2. The State of Tamil Nadu
   rep. By its Secretary to Government
   Fisheries Department
   Fort St. George
   Chennai 600 009.

3. The District Collector
   Thiruvallur District.
   Thiruvallur.

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4. The District Collector
   Singaravelar Malligai
   Rajaji Salai
   Chennai 600 001.

5. The District Collector
   Kancheepuram District.

6. M/s. Kamarajar Port Limited
   rep. By its Chairman
   4th Floor, Super Specialty Diabetic Centre
   (Erstwhile DLB Building)
   Rajaji Salai
   Chennai 600 001.

7. MT DAWN Kanchipuram
   Arya Voyagers Private Limited
   rep. By its Managing Director
   No.15 B Chandermukhi Building
   Narman Point
   Mumbai 400 021.

8. MT B.W.Maple
   M/s. Interocean Shipping I P Limited
   (Local agent for M/s. BW Maple)
   3 Jafar Syrang Street
   Chennai 600 001.

9. The Director of Fisheries
   485, 5th floor
   MTB Building
   Anna Salai
   Anna Colony
   Nandanam
   Chennai. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of mandamus to direct the second respondent to pay the compensation to the persons affected by oil spillage happened on 28/1/2017 due to collide of ships M.T.DAWN Kanchipuram and MT BW Maple near Kamarajar Port, Chennai.

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For petitioner ... Mr.A.Kalaiselvan
for Mr.K.Mageshwaran

For respondents ... Mr.Christopher Kishore Vincent
for R.1.

Mr.E.Manoharan
Additional Government Pleader
for R.R.2 to 5 and 9.

- - - - -

ORDER

(Order of the Court was made by **S.MANIKUMAR, J)**

Claiming himself to be a public interest litigant, and espousing the cause of fishermen, President of Meenava Thanthai K.R.Selvaraj Kumar, Meenavar Nala Sangam, a registered body, has filed the instant writ petition for a mandamus, directing the Secretary to the Government, State of Tamil Nadu, Fisheries Department, Chennai, second respondent, to pay compensation to the persons affected by the oil spillage, which occurred, on 28/1/2017, due to collision of ships M.T.Dawn Kanchipuram and MT BW MAPLE, near Kamarajar Port, Chennai.

2. Contending inter alia that due to the said collision, several fishermen were affected, the above said Association has filed Application No.14 of 2017, before the National Green Tribunal (South

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Zone), praying for restoration of the environment by removing the oil layer with scientific methods and to provide compensation for the affected persons.

3. Petitioner has sent a representation, dated 10/5/2017, to the Secretary to the Government, Fisheries Department, second respondent, to consider the following:-

a. In pursuance to the specific order of the Hon'ble Tribunal, the department of Fisheries shall take it to consideration the following factors.

b. The fishermen, who are directly doing fishing profession, shall be given interim compensation of Rs.2,00,000/- per head, as per the list posted in counter of Fisheries Department.

c. The fishermen who attained the age of 58 and above shall be given interim compensation at Rs.2,00,000/- per head.

d. The equipments, vessels that are using for the fishing purpose like boat, machineries, Fish net, etc., are to be replaced immediately from the compensation amount.

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e. The persons who are doing or involving directly selling the sea foods at the sea shore are to be paid interim compensation amount at Rs.1,00,000/- per head.

f. The other persons who are indirectly depending or attaching with fishing business are to be paid Rs.1,00,000/- per head as interim compensation.

g. It is reported by the experts that the restoration of environment and seashore will take minimum three to five years if utmost care is taken. This shall be achieved with utmost care."

4. Representation is said to have been acknowledged, on 12/5/2017. Contending inter alia that no action has been taken, on the representation, as well as the directions/observations issued by the National Green Tribunal (South Zone), instant writ petition has been filed for the relief stated supra.

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5. With the above averments, Mr.A.Kalaiselvan, learned counsel for the petitioner submitted that as on today, National Green Tribunal (South Zone) is not functioning. Writ jurisdiction is not ousted and therefore, mandamus would lie.

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6. Taking notice on behalf of the respondents 2 to 5, Mr.E.Manoharan, learned Additional Government Pleader submitted that much water has flown, after 10/5/2017, the date on which representation is stated to have been made and considering the plight of the fisherfolk, National Green Tribunal (South Zone) has issued directions. He submitted that directions of the Tribunal have been considered and action is being taken.

7. Learned Additional Government Pleader, acknowledged the submission of the learned counsel for the petitioner that National Green Tribunal (South Zone) Bench, is not functioning and all the matters are taken up by the Principal Bench at Delhi.

8. He further submitted that about 1,12,051 applications have been received. Petitioner, submitted about 21,382 applications. Out of which, 18,416 applications were repetitive. Applications have been scrutinised.

9. Inviting the attention of this Court to a decision of the Hon'ble Division Bench, in W.A.No.537 of 2018, dated 13/3/2018, learned Additional Government Pleader submitted that Indian Ocean

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Shipping Private Limited, Mumbai and Owners of BW MAPLE, appellant and fourth respondent, respectively, in W.A.No.537 of 2018, have entered into a compromise, dated 2/3/2018. Joint Memo of Compromise, dated 2/3/2018, reads as follows:-

> "1. The U.K. P & I Club, on behalf of the Owners of LPGC BW Maple and the M.T.Dawn Kanchipuram, shall deposit a sum of Rs.141 Crores, strictly without prejudice, towards the various claims lodged by the fishermen and their Associations for a sum of Rs.240 Crores, preferred by the Government of Tamil Nadu, including the restoration claims of Rs.10 Crores, with such deposit being made within 14 days from the date on which an order is passed by this Hon'ble Court in this Memo.
>
> 2. To secure the remaining claims out of the total claim of Rs.240 Crores preferred by the Government of Tamil Nadu before the Hon'ble National Green Tribunal, Southern Zonal Bench and in addition to what is stated in paragraph 1 above, the U.K. P & I Club and the Steamship Mutual Underwriting Association Limited, shall, on behalf of the Owners of both the LPGC BW Maple and M.T.Dawn Kanchipuram, also arrange for the execution of a Bank Guarantee for a sum of Rs.84 Crores (Rs.99 Crores less Rs.15 Crores paid earlier by the Steamship Mutual Underwriting Association Limited) in favour of Government of Tamil Nadu represented by the Director of Fisheries within 21 days from the terms of such Bank Guarantee being mutually agreed.

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3. The petitioner shall comply with the condition stipulated by the 1st respondent herein the Memo filed before this Hon'ble Court dated 13.02.2018. The petitioner shall furnish a Bank Guarantee of Rs.5.68 Crores towards the claim of the Department of Environment paid by Kamarajar Port Ltd., as stated in the said memo within 7 days from the date of receipt of the copy of the order of this Hon'ble Court passed on the memo filed herein and keep the said Bank Guarantee alive until the claim secured by the said guarantee is finally decided by a competent court or settled.

4. Upon compliance of clauses 1, 2 and 3 above, the Director General of Shipping shall return to the U.K. P & I Club the Bank Guarantee dated 31.08.2017 executed by Kotak Mahindra Bank Ltd., along with the covering letter confirming the return/discharge of the said Bank Guarantee at the earliest.

5. Upon compliance with clauses 1, 2 and 3 above, the Vessel Dawn Kanchipuram shall be permitted to immediately sail out from Kamarajar Port Ltd., Ennore, and the 2nd and 3rd respondents shall on demand provide their clearance and consent to the 1st respondent so as to enable the Dawn Kanchipuram to sail.

6. Since the Hon'ble National Green Tribunal, Southern Zonal Bench has directed, in Application Nos.14, 16, 38 and 40 of 2017, the Fisheries Department, Government of Tamil Nadu, to entertain, appraise and disburse the claims of the fishermen and their Associations, the Government of Tamil Nadu would do so upon the sum of Rs.141 Crores being deposited with them."

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10. Learned Additional Government Pleader further submitted that interim deposit of Rs.15 crores was made. Pursuant to the order of the Hon'ble Division Bench, in W.A.No.537 of 2018, dated 13/3/2018, on 19/3/2018, a Committee with six members under the Chairmanship of Additional Director of Fisheries was formed to suggest suitable ways to calculate the compensation amount to be given to different categories of fisher folk affected by Oil spill, viz., fishing labourers, fisherwomen, engaged in fishing allied activities, fish vendors, fisheries allied activity labourer, mechanised fishing boat owner, motorized country craft owner and non motorized country craft owner.

11. Learned Additional Government Pleader further submitted that the said Committee has submitted a report. It is also his further submission that a Committee has been formed to prepare blank data format, which contains the details of Society number, ration card number, Bank Account number and Adhar number. De-duplication process is also under preparation. Fisheries Department, Government of Tamil Nadu is taking appropriate steps to disburse the amount of Rs.141 crores to the oil spill affected eligible claimants through their

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Bank Account. He further submitted that considering the innumerable applications, reasonable time be granted for disbursement of compensation amount to the eligible category of persons.

12. Heard the learned counsel for the parties and perused the materials available on record.

13. Fact that National Green Tribunal (South Zone), Chennai, is not functioning, is admitted. Periodical interim orders passed by the National Green Tribunal (South Zone), Chennai, in Application Nos.14, 16, 38 and 40 of 2015, are extracted hereunder:-

Order dated 26/4/2017

"The learned counsel appearing for the applicant in Application No.14/2017 viz., Meenava Thanthai K.R.Selvarajkumar, Meenavar Nala Sangam would submit that in none of the meetings conducted either by the Department of Fisheries or by D.G.Shipping, the said Association was invited. According to him it is because of that reason office bearers of the Association which is registered under Tamil Nadu Societies

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Registration Act, were unable to participate. It is true that the Department of Fisheries has arrived at a tentative figure of Rs.135.35 crores to be the compensation amount.

Mr.Manoharan, Additional Government Pleader would submit that this amount has been arrived at based on the records available with the State Government. We are of the view that in the light of stand taken by the applicant Association in O.A.No.14 of 2017 that they have not been offered to participated in the public hearing to explain their grievances, the Department of Fisheries shall permit the said Association also to putforth their claim. We make it clear that the said Society shall through the Authorised Representative, make it claim to the Department of Fisheries within a period of 2 weeks from today. After receipt of the said claim, the Department of Fisheries after making study, shall fix a date and make an enquiry so as to arrive at an appropriate quantum of compensation to be recovered from the ship owners. Needless to state such claims which may be made by the said Association or any other person shall be substantiated with records.

It is pertinent to note that the aforesaid amount of Rs.135.35 crores has been arrived at by the Department of Fisheries immediately after

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the occurrence of the incident as it is seen in the letter of Principal Secretary, Animal Husbandry, Dairying & Fisheries Department to Government addressed to the Director General of Shipping, dated 7/2/2017. Therefore, it is incumbent on the part of the Department of Fisheries to arrive at a final amount of compensation to be paid after conducting proper enquiry and finalising the list of person who are affected. We make it clear that any person who is affected, shall make his/her application within two weeks from today and shall be finalised by the Fisheries Department so as to arrive at a proper conclusion."

Order dated 12/9/2017

"We have heard the learned counsel appearing for the parties.

Mr.Manoharan, learned Additional Government Pleader submits that around 1,21,051 applications have been received and the process of categorisation and approving of the claims are pending. He also submits that by the next date of hearing the entire particulars relating to the list of persons affected etc., will be furnished before the Tribunal.

We make it clear that the Department of Fisheries shall nominate suitable officers for the

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purpose of scrutinising and finalising the claims of the applicants and it has to be categorically stated in respect of each of the applicants viz., the nature of claim, amount received so far and other particulars relating to their identify etc., and such particulars shall be expedited and furnished in respect of all the claimants by the next date of hearing. If required, special cell may be created and officers from other Districts may be deputed for the purpose.

In so far as it relates to the investigation regarding the accident, we have already directed in our letter dated 26/4/2017 that the Government should take appropriate steps for the purpose of conducting investigation by property trained police officers. In our subsequent order dated 6/7/2017, we have also clarified that the Government should get the assistance from the experts specialised in the field and file a status report on the next date of hearing. The learned Additional Government Pleader would submit that the status report in this regard will be filed on the next date of hearing."

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Order dated 8/11/2017

"The learned counsel appearing for the applicant submits that as 10 months have already elapsed from the date of the incident, at least part of the compensation may be paid. When there is a

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dispute with regard to the identity of the applicants and the details of the damages claimed, we cannot direct payments of interim compensation at this stage. At the same time, taking into consideration of the fact that the incident occurred 10 months earlier, necessary interim payment could be paid where there is no dispute with regard to the identity of the applicants as well as the quantum of damages sustained. The State Government is directed to consider this aspect and decide on the issue of payment of interim compensation, if interim compensation is not so far disbursed."

Order dated 14/12/2017

"It is submitted by Mr.Kalaiselvan, learned counsel appearing for the applicant that by order, dated 26/4/2017 that a Committee has been constituted to conduct an enquiry about the cause of the accident and a FIR has already been registered and a report would be submitted to the D.G.Shipping and appropriate decision will be taken and report would be filed. A team consisting of properly trained officers were directed to inspect and nothing has been revealed about it before this Tribunal. Respondent No.2 is directed to furnish the stage

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of the investigation and file the report before the next date of posting.

It is pointed out by Mr.Yogeshwaran, learned counsel appearing for the applicant that the National Oil Spill Disaster Contingencies Plan has to be reviewed by the D.G.Shipping and nothing is done thereafter."

14. On 14/12/2017, Registry of the National Green Tribunal (South Zone), has been directed to place the matter on 30/1/2018. However, for the reasons stated supra, there was no hearing thereafter.

15. **Section 26 of the National Green Tribunal Act, 2010, reads thus:-**

Penalty for failure to comply with orders of Tribunal.

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(1) Whoever, fails to comply with any order or award or decision of the Tribunal under this Act, he shall be punishable with imprisonment for a term which may extend to three years, or with fine which may extend to ten crore rupees, or with both and in case the failure or

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contravention continues, with additional fine which may extend to twenty-five thousand rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention:Provided that in case a company fails to comply with any order or award or a decision of the Tribunal under this Act, such company shall be punishable with fine which may extend to twenty-five crore rupees, and in case the failure or contravention continues, with additional fine which may extend to one lakh rupees for every day during which such failure or contravention continues after conviction for the first such failure or contravention.(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be deemed to be non-cognizable within the meaning of the said Code.

16. Contention of the petitioner is that his representation, dated 10/5/2017 has not been considered and thus, left with no other alternate remedy, he has approached this Court, for the issuance of a writ of mandamus.

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17. As rightly pointed out by the learned Additional Government Pleader, after 10/5/2017, National Green Tribunal (South Zone) has passed several orders.

18. Non-disbursement of compensation has been brought to the notice of this Court. Though Section 26 of the National Green Tribunal Act, 2010, envisages penal action, for non-compliance of the order or decision of the National Green Tribunal (South Zone), Rs.141 crores has now been deposited with the Government by the insurers of the ships involved and meant for disbursing the same to the above said category of persons. As on date, National Green Tribunal (South Zone) is not functioning. About 1,12,051 applications have been received. We cannot expect all the applicants to move the Principal Bench at Delhi, for suitable orders. Government have already constituted a Committee, which has submitted its report. Government is stated to be scrutinising the report of the committee. Blank data format has already been prepared for de-duplication. Taking note of the orders of the National Green Tribunal (South Zone), extracted supra and of the fact that responding to the directions, steps have been taken, though claim of the petitioner is in the nature of public interest, on the basis of the representation, dated 10/5/2017, mandamus cannot

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be issued. However, having regard to the fact that large number of fishermen are affected, due to the collision of the ships and oil spillage, this Court, in exercise of the powers under Article 226 of the Constitution of India, entertains the suo motu Public Interest Litigation, based on the information.

19. It is submitted that the Director of Fisheries is the competent authority, to disburse the compensation to the eligible persons, and he is not a party. To enable disbursement by a competent authority, in exercise of powers under Article 226 of the Constitution of India, **we *suo motu* implead the Director of Fisheries, Chennai, as ninth respondent.**

20. Inasmuch as the report has already been submitted by the Secretary to the Department, Fisheries Department, second respondent, we direct scrutiny and approval be granted, as expeditiously as possible. Preparation of de-duplication process be completed as expeditiously as possible. Disbursement of due compensation to those eligible be done by the Director of Fisheries, Chennai, within four weeks from today.

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21. With the above directions, **suo motu, public interest writ petition is disposed of.** No costs. Consequently, the connected Miscellaneous Petition is closed.

(S.M.K.,J) (V.B.S.,J)
12th April 2018

mvs.

Index : Yes

Internet : Yes

Note: Issue order copy on 13/4/2017

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To

1. The Secretary to Government
   Union of India
   Ministry of Shipping
   Transport Bhavan
   New Delhi 110 001.

2. The Secretary to Government
   State of Tamil Nadu
   Fisheries Department
   Fort St. George
   Chennai 600 009.

3. The District Collector
   Thiruvallur District.

4. The District Collector
   Singaravelar Malligai
   Rajaji Salai
   Chennai 600 001.

5. The District Collector
   Kancheepuram District.

4. The Director of Fisheries
   485, 5th floor
   MTB Building
   Anna Salai
   Anna Colony
   Nandanam
   Chennai.

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S.MANIKUMAR,J

&

V.BHAVANI SUBBAROYAN,J

mvs.

W.P.No.8249 of 2018

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12/4/2018

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To

1. **The Hon'ble Prime Minister of India**
   Prime Minister's Office, South Block,
   Raisina Hill, New Delhi – 110001.
2. **Chairman, National Green Tribunal, New Delhi.**
3. **The Secretary**
   Ministry of Environment, Forest and Climate Change,
   Indira Paryavaran Bhavan, Jor Bagh Road, New Delhi – 110003.
4. **Chief Minister**, State of Kerala, Secretariat, Thiruvananthapuram.
5. **The Chief Secretary**
   Government of Kerala, Government Secretariat,
   Thiruvananthapuram – 695001.
6. **Director General (Shipping),** Kabjur village Rd, 9th Floor Beta Building,
   i-Think Techno Campus, Kanjurmarg East, Mumbai, Maharashtra 400042

Subject: Urgent Intervention Requested Regarding Environmental Disaster Caused by Shipwreck off Kochi Coast – Ecological Crisis, Livelihood Destruction and Administrative Failure

By:
Mr. T.N. Prathapan
Former Member of Parliament & MLA, Thrissur.
Chairman, Kerala State Fishermen Co-ordination Committee

Respected Sir/Madam,

I write to bring to your immediate attention a **marine environmental disaster** of considerable magnitude, caused by a recent **shipwreck off the coast of Kochi, Kerala on 24th May 2025**, resulting in the **release of hazardous substances** into the marine ecosystem. The wreck has created both an **ecological emergency** and a **severe economic crisis** for over one lakh fisherfolk and coastal communities across multiple districts in Kerala.

1. The Incident and Immediate Aftermath

A cargo vessel carrying **hazardous materials including plastic granules and some hazardous chemical substances** sank near the Kochi coast. The accident has had **far-reaching consequences**:

- **Plastic granules and chemical containers** have already washed ashore, especially along the Kollam coast.
- **Toxic materials remain submerged** within the shipwreck, posing a grave and continuing threat to marine biodiversity and public health.
- **Prohibitory orders** restricting fishing within a **20 nautical mile radius** of the site have been issued by the State, affecting four districts:
    - **Thiruvananthapuram**
    - **Kollam**
    - **Alappuzha**
    - **Ernakulam**

THE HIGH COURT OF KERALA

2. Impact on Livelihoods – District-Wise Statistics

The **marine fishing sector** is the **lifeline** of Kerala's coastal economy. The following data illustrates the **scale of socio-economic disruption**:

District	Marine Fishermen	Allied Fishing Workers
Thiruvananthapuram	57,369	4,116
Kollam	12,449	7,979
Alappuzha	39,399	23,418
Ernakulam	24,888	8,000

In total, over **1.2 lakh individuals** are directly and indirectly impacted by the disruption of marine activities. This has led to **massive income loss, food insecurity**, and **economic hardship**, with no concrete steps initiated for **interim relief or compensation.**

3. Legal and Administrative Lapses

Despite the scale of the disaster, **no immediate clean-up operation** or removal of hazardous materials has been initiated. This constitutes:

A. Statutory Failures:

- **Merchant Shipping Act, 1958**, Section 356J–356L empowers the Central Government to remove wrecks, prevent marine pollution, and recover costs from shipowners.
  - These statutory obligations remain unfulfilled in the present case.
- Section 356L mandates **mandatory notification and preventive action** upon a wreck containing hazardous substances — a requirement not complied with.
- Under **Section 9 of the Environment (Protection) Act, 1986** and the **Chemical Accidents (Emergency Planning, Preparedness and Response) Rules, 1996**, the State Government must formulate a comprehensive SOP to manage such emergencies. Despite constituting a **State-Level Crisis Group in 2016, no SOP has been formulated or implemented.**

4. Constitutional and Judicial Framework

The inaction violates:

- **Article 21** of the Constitution – Right to Life and Livelihood
- **Article 48A** and **51A(g)** – Environmental protection and civic duty
- **Polluter Pays** and **Precautionary Principles** upheld by the Supreme Court in
  - *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647
  - *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212

In **M.E. Raja v. Inspector General of Coast Guard & Ors** (W.P. No. 10455 of 2008), the **Madras High Court** held that:

"Coastal marine ecosystems form a national asset and the authorities including Coast Guard, Ministry of Environment and Pollution Control Boards are under a public duty to take pre-emptive, remedial and compensatory actions when chemical or oil-based marine disasters occur."

This judgment also mandated the **formulation of marine disaster mitigation SOPs**, emergency response units, and holding **shipowners accountable** for damage caused.

5. Violation of International Environmental Law

India's obligations under the following **international conventions** are being violated:

- UNCLOS – Obligation to prevent and mitigate marine pollution from ships.
- OPRC Convention, 1990 – Requires national preparedness for marine oil and chemical pollution.
- Basel Convention – Governs control of hazardous waste and their disposal.

6. Reliefs and Directions Sought

In view of the foregoing, the undersigned humbly seeks the following urgent actions:

A. Immediate Environmental Action:

- Direct Indian Coast Guard, DG Shipping, and MoEF&CC to initiate operations to safely remove hazardous materials from the sunken ship.
- Deploy marine pollution mitigation teams with international technical support if needed.

B. Compensation and Rehabilitation:

- Provide immediate financial relief and compensation to the fishermen and allied workers in the four affected districts.
- Include them in a relief package under the National Disaster Response Fund (NDRF) or a specially created scheme.

C. Accountability:

- Initiate inquiry into administrative lapses by the Kerala State Pollution Control Board and Disaster Management Authorities.
- Take disciplinary action against those responsible for non-compliance with the Chemical Accidents Rules and Merchant Shipping Act.

D. Policy Reform:

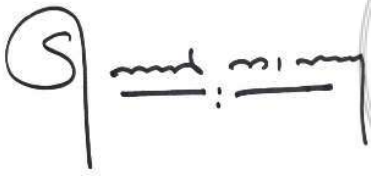
- Ensure the State Pollution Control Board frames and publishes a comprehensive SOP for marine chemical/oil spill response within a time-bound schedule.
- A high-level committee may be constituted to ensure compliance, monitor cleanup efforts, and oversee rehabilitation.

Conclusion

This is not merely an accident — it is a **governance failure**, an **ecological threat**, and a **social injustice.** The fisherfolk of Kerala, who form the **first line of guardians of the sea**, are paying the price for systemic inaction. We seek justice through timely, transparent and compassionate action by the Central and State governments.

29.05.2025

Yours faithfully,





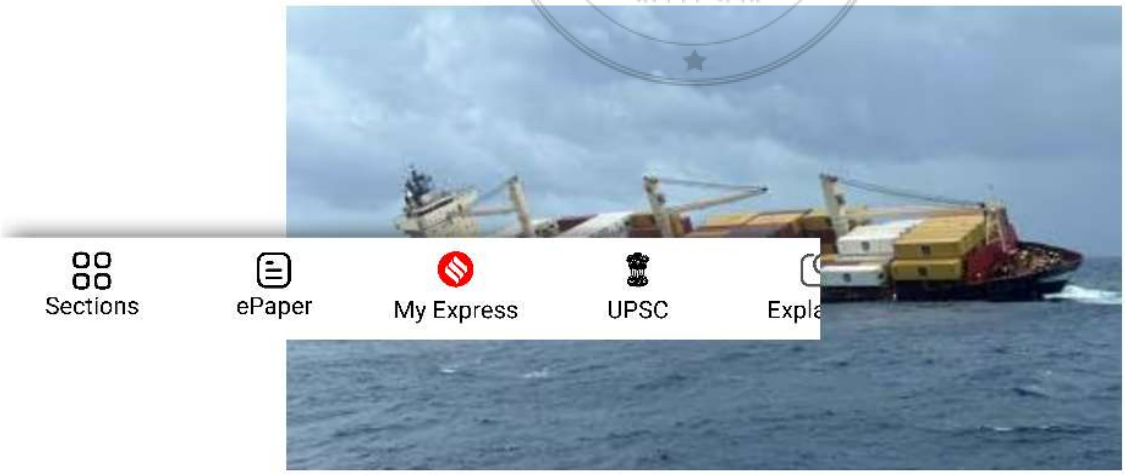
T.N. Prathapan
Former MLA & MP
Chairman, Kerala State Fishermen Co-Ordination Committee
2nd floor, Centre Square, MG Road, Thrissur.

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Who is responsible for the container ship that capsized off Kerala's coast? The answer is intentionally confusing

The flag of convenience model disproportionately shields shipowners from liability while exposing coastal nations to ecological and legal fallout

HIGH COURT OF KERALA
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India must leverage this moment to advocate for a stronger Port State Control regime, real-t public disclosure of hazardous cargo (Photo: Ministry of Defence)

First published on:
May 30, 2025 at 18:50
IST

Written by Prasanth Nair

On May 25, the MSC ELSA 3 — a container ship sailing under the flag of Liberia — was officially declared a "total loss" following its capsizing off th Kerala coast. What appeared to be a maritime accident at first glance, upor closer scrutiny, unravels a troubling trail of red flags, regulatory laxity, anc legal voids. The capsizing is not just the story of one ship's failure, but a symbol of a deeper rot in the global shipping regulatory architecture, whei loopholes in law, flag registries, and oversight regimes collide to produce disasters waiting to happen.

THE HIGH COURT OF KERALA
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A Vessel of Many Names—and Many Escapes

ADVERTISEMENT



The vessel's history is, by itself, a narrative of evasion. Since 2000, MSC EL 3 has borne at least 10 different names, including CSAV Barcelona, TMM Hidalgo, Delmas Tourville, and Alexandra N. The ship has alternated flags between Liberia and Germany, switching its legal identity as frequently as commercial one. These frequent changes — often referred to in the shippir industry as "flag-hopping"— are a common tactic used to escape stricter inspections, debt liabilities, or ageing ship regulations. This persistent history of regulatory circumvention raises serious questions about the due diligence exercised by classification societies and international maritime registries.

THE HIGH COURT OF KERALA

Flags of Convenience and the Dilution of Responsibility

The MSC ELSA 3 was operating under a Flag of Convenience (FoC) — a system where ships are registered in a country other than that of the ship's owners to benefit from more lenient regulatory regimes. Liberia, Panama, and the Marshall Islands dominate this space. While FoC is not illegal und the United Nations Convention on the Law of the Sea (UNCLOS), it has oft been criticised for diluting safety and labour standards.

In this case, Liberia — despite being the official flag state — has refused to

participate in the investigation into the ship's capsizing, effectively forcin
Indian authorities to conduct an independent probe.

STORY CONTINUES BELOW THIS AD



This refusal is permitted under international law but undermines the idea
shared global accountability and allows shipowners to operate in a legal gr
zone. As India invokes the Merchant Shipping Act, 1958, the absence of th
flag state from the proceedings sets up a complicated path to legal
enforcement and environmental restitution. This adversely impacts the
affected parties.

Ignored Warnings from Port State Inspections

From 1999 to 2024, MSC ELSA 3 underwent dozens of Port State Control

inspections across Europe, Asia, and the Americas. A more detailed examination reveals a disturbing pattern: The ship was frequently flagged deficiencies related to crew preparedness, equipment failure, and structura risks. Notably, in July 2023, the Indian port of Tuticorin flagged nine deficiencies, four of them in the "human element" category — an indicatio of training and competency issues among the crew. Such cutting corners b the ship-owners to maximise their profit endangers innocent citizens of unsuspecting distant countries.

In Rotterdam (2010), this ship was detained for two days after being found with 21 deficiencies — a staggering number by maritime standards. Simila patterns occurred in Hamburg, Bilbao, and Dunkirk over the years. Yet, the ship was never declared unseaworthy by classification agencies.

HIGH COURT OF KERALA
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The Role of P&I Insurers and Cross-Jurisdictional Quagmires

Share this article

As of May this year, the ship was listed as being insured by multiple Protection and Indemnity (P&I) Clubs — namely, Steamship Mutual (as recently as May 21), the UK P&I Club, and earlier, North of England P&I Association. While P&I insurers are tasked with covering liabilities like pollution and wreck removal, their involvement also underscores the complex legal web that must now be navigated across jurisdictions — Libe

Switzerland (where the owner company is registered), and India.

Certificates in Order — But to What Effect?

MSC ELSA 3 had all the paperwork: A valid Safety Management Certificate issued by Bureau Veritas (valid until November 2025) and a classification survey as recent as November 13, 2023, certifying its seaworthiness until 2028. That a ship with such "clean" certification could capsize within mon is a striking indictment of the efficacy or superficiality of the inspection ar certification ecosystem. It calls into question whether some inspections ar conducted merely as procedural checkboxes, with minimal probing into actual risks. Questions of corruption and lax regulatory inspections also come in.

Also Read | Why India needs to strengthen its maritime laws and regulatory mechanisms

The involvement of multiple Protection and Indemnity (P&I) Clubs within short span of time may also indicate transitions in ownership, coverage ga or underwriting hesitations — all signs of a vessel falling out of insurabilit comfort zones. Additionally, if Automatic Identification System (AIS) data during parts of its voyage are found missing or erratic, it would indicate deliberate obfuscation of route or port activity, a tactic commonly associat with higher-risk ships. Finally, the ship's certification was extended till 20

despite its age and history of deficiencies — a highly unusual decision that may point to weak oversight by the classification society.

The Cargo: A Hidden Danger

The capsized ship reportedly carried 640 containers, including some that contained hazardous chemicals like calcium carbide — which can react explosively with water. Coastal communities and fishermen were later warned not to touch floating containers.

It is now confirmed that the MSC ELSA 3 had loaded its cargo, including 12 containers of calcium carbide, from Vizhinjam Port before heading toward Kochi. Calcium carbide, a highly reactive chemical used primarily in the production of acetylene gas for industrial welding and cutting, poses sever risks when exposed to moisture — potentially triggering explosions or toxi gas release. While the cargo manifest listing calcium carbide was accessibl to Indian authorities at Vizhinjam, the absence of urgent local advisories c preparedness protocols after the capsize reveals a systemic gap in translati technical information into public safety measures.

Parallels with Similar Maritime Incidents

The MSC ELSA 3 incident is not unique. In 2012, the MV Rena, a Liberian-

flagged vessel, ran aground near New Zealand, spilling oil and cargo. Liber again distanced itself from the investigation. In 2020, the MV Wakashio, a Japanese-owned but Panamanian-flagged bulk carrier, spilled over 1,000 tonnes of fuel oil off Mauritius. Investigations revealed lapses in route planning and fatigue among the crew — red flags similar to those noted in the MSC ELSA 3's history.

These incidents show that the flag of convenience model disproportionate shields shipowners from liability while exposing coastal nations to ecologi and legal fallout.

THE HIGH COURT OF KERALA
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When the System Sinks Alongside the Ship

The story of MSC ELSA 3 is not just about a capsized vessel; it's about a regulatory system that failed at every level — certification, enforcement, transparency, and accountability. The ship may have gone down physically on May 25, but its structural failure had been foretold through years of ignored warnings, regulatory loopholes, and paper-thin oversight.

MOST READ

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How to

India must leverage this moment to advocate for a stronger Port State Control regime, real-time public disclosure of hazardous cargo, and a review of legal powers under the Merchant Shipping Act and UNCLOS. It is time for the international community to reform the FoC system and ensure that accountability does not sink with the ship. The world cannot continue to tolerate a system wh flags can be chosen like wallpaper, red flags are ignored, and accountabilit disappears as easily as a sunken hull.

5 life and son

Nair is an IAS officer, author and filmmaker. Views are personal

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NewsGuard

boat capsize • # Indian submarine

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भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1487] नई दिल्ली, मंगलवार, जून 14, 2016/ज्येष्ठ 24, 1938
No. 1487] NEW DELHI, TUESDAY, JUNE 14, 2016/JYAISTHA 24, 1938

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 13 जून, 2016

का. आ.2097 (अ).— भारत के राजपत्र असाधारण के भाग- II, खंड-3, उपखंड (ii) में प्रकाशित दिनांक 27 अगस्त, 1981 की गृह मंत्रालय, भारत सरकार की अधिसूचना सं. का. आ. 671 (अ.) के भाग- II अनुच्छेद-2 के साथ पठित टेरिटोरियल वाटर्स, कॉन्टिनेन्टल शेल्फ, एक्सक्लूसिव इकॉनोमिक जोन तथा अन्य मेरीटाइम जोन्स एक्ट 1976 की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्वारा यह निदेश देती है कि नवीबन्दर तटीय पुलिस स्टेशन, जिला पोरबन्दर (गुजरात), येलो गेट पुलिस स्टेशन, मुम्बई (महाराष्ट्र तथा दमण एवं दीव), हार्बर तटीय सुरक्षा पुलिस स्टेशन, हार्बर, मारमूगांव, जिला दक्षिण गोवा (गोवा), मंगलौर तटीय सुरक्षा पुलिस स्टेशन, जिला दक्षिण कन्नड़ (कर्नाटक), फोर्ट कोच्चि तटीय पुलिस स्टेशन, कोच्चि (केरल तथा लक्षद्वीप), बी 5 हार्बर पुलिस स्टेशन, चेन्नई (तमिलनाडु तथा पुडुचेरी), गिलाकालाडिंडी, मछलीपट्टनम, जिला कृष्णा (आंध्र प्रदेश), पारादीप मरीन पुलिस स्टेशन, जिला जगतसिंहपुर (ओडिशा), नयाचार तटीय पुलिस स्टेशन, जिला पूर्वा मेदिनीपुर (पश्चिम बंगाल) तथा केन्द्रीय क्राइम स्टेशन, पोर्ट ब्लेयर (अंडमान एवं निकोबार द्वीपसमूह) नामक पुलिस स्टेशन को उक्त अधिनियम की धारा 7 की उप-धारा 7 के तहत एक्सक्लूसिव इकॉनॉमिक जोन तक यथा-विस्तारित किसी अधिनियम के प्रावधानों के अंतर्गत किसी व्यक्ति द्वारा किए गए अपराध की जांच करने के उद्देश्य से पुलिस स्टेशन होंगे।

[फा. सं. 5/1/2014-तटीय सुरक्षा]

प्रदीप गुप्ता, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 13th June, 2016

S.O. 2097(E).– In exercise of the powers conferred by section 13 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act,1976 read with paragraph 2 of Part II of the Notification of the Government of India in the Ministry of Home Affairs number S.O.671(E), dated the 27th August, 1981, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), the Central Government hereby directs that the police stations, namely, Navibandar Coastal Police Station, District Porbandar (Gujarat), Yellow Gate Police Station, Mumbai (Maharashtra and Daman and Diu), Harbour Coastal Security Police Station, Harbour, Mormugao, District South Goa (Goa), Mangalore Coastal Security Police Station, District Dakshina Kannada (Karnataka), Fort Kochi Coastal Police Station, Kochi (Kerala and Lakshadweep), B5 Harbour Police Station, Chennai (Tamil Nadu and Puducherry), Gilakaladindi, Machilipatnam, District Krishna (Andhra Pradesh), Paradeep Marine Police Station, District Jagatsinghpur (Odisha), Nayachar Coastal Police Station, District Purba Medinipur (West Bengal), and Central Crimes Station, Port Blair (Andaman and Nicobar Islands) shall be the Police Stations for the purpose of the investigating the offence committed by any person under any of the provisions of any Act as so extended to the exclusive economic zone under sub-section (7) of Section 7 of the said Act.

[F. No. 5/1/2014-Coastal Security]

PRADEEP GUPTA, Jt. Secy.

THE HIGH COURT OF KERALA
सत्यमेव जयते

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

ഡോ. എ. ജയതിലക് ഐഎഎസ്
ചീഫ് സെക്രട്ടറി
Dr. A. JAYATHILAK IAS
CHIEF SECRETARY

കേരള സർക്കാർ
തിരുവനന്തപുരം 695 001
Government of Kerala
Thiruvananthapuram-695 001

No. 60/SpecialCell/2025/CSO

29th May 2025

NOTE

The points from the discussion between the Hon'ble Chief Minister and the Director General of Shipping, Government of India in the presence of the Chief Secretary at 11:00 AM on 29th May 2025 may be seen below.

1. All containers which reached the shores of Kerala will be handed over to the Customs. At present 20 containers have already been handed over to the Customs. The remaining containers will be towed to Kollam and handed over.

2. The Director General of Shipping informed that the Deputy Nautical Advisor Captain Anish Joseph is the officer deputed to assist the Government of Kerala in filing of the compensation claims. Captain Joseph has had extensive experience in assisting other State Governments in doing the same.

3. A damage liability desk has been set up at Kochi by the Protection and Indemnity (P&I) Insurance Agency. The Deputy Nautical Advisor Capitan Anish Joseph is the Nodal Officer who is in contact with this agency.

4. Captain Joseph may be invited to Thiruvananthapuram this week itself and a meeting arranged with Nodal Officers of all the stakeholder Departments as this would facilitate filing of claims in a manner that is both accurate and timely.

5. The oil in the hull of the ship would be extracted by experts on 3rd July 2025. Therefore, till the oil is extracted or the buoys are placed around the sunken skip, it is best not to permit fishing within 20 nautical miles of the ship.

6. The removal of the shipwreck and containers near the ship can be undertaken only after the monsoon.

7. The general consensus was that a criminal case need not be filed immediately and that the entire focus at this time should be on collecting evidence of damages so that evidence based claims can be raised.

8. The MSC is a reputed company which patronises the Vizhinjam International Sea Port and the company requires the goodwill of Kerala for their operations here. It is also in their interest to cooperate with Kerala and settle the claims through

the insurance agency. Considering all these aspects, our claim should be raised based on strong evidence and without any compromise.

Smt. Tinku Biswal IAS
Principal Secretary
Disaster Management Department

THE HIGH COURT OF KERALA
सत्यमेव जयते

OFFICERS AUTHORISED FOR TAKING COGNIZANCE OF OFFENCES

S.O. 394(E).-In exercise of the powers conferred under clause (a) of section 19 of the Environment (Protection)Act, 1986 (29 of 1986), the Central Government hereby authorises the officers and authorities listed in column (2) of the Table hereto for the purpose of the said section with the jurisdiction mentioned against each of them in column (3) of that Table:

TABLE

Serial No.	Officer	Jurisdiction
(1)	(2)	(3)
1.	Any Director, Joint Secretary, Adviser or Additional Secretary to the Government of India in the Department of Environment, Forests and Wildlife,	Whole of India
2.	The Chairman or Member-Secretary of the Central Pollution Control Board constituted under section 3 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974)	Whole of India
3.	The Government of the State (represented by the Secretary to the State Government incharge) of environment	Whole of the State
4.	The Chairman or Member-Secretary of the Slate Pollution Control Board constituted under section 4 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) or a State Pollution Control Board constituted under section 5 of the Air (Preventicn and Control of Pollution) Act, 1981(14 of 1981)	Whole of the State
5.	Collector	Whole of Revenue District
6.	Zonal Officers of the Central Pollution Control Board who have been delegated powers under sections 20,21,23 of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and section 24 of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981)	Area as laid down by the Central Board
7.	Regional Officers of the State Pollution Control Board Who have been delegated powers under section 20, 21 and 23 of the Water (Prevention and Control of Pollution) Act, 1974	Area as laid down by the Slate Board
8.	Regional Officers of the State Pollution Control Board who have been delegated powers under section 24 of the Air (Prevention and Control of Pollution) Act, 1981.	Area as laid down by the State Board
9.	Any Regional/Zonal Officer or a Director in charge of a Regiong/Zone of the Ganga Project Directorate.	Zonal/Regional area as laid down by the Ganga Project Directorate
10.	Any Deputy Secretary, Director, Joint Secretary or Additional Secretary to the Government of India in the Ganga Project Directorate.	Whole of the States in which the Ganga Action Plan is under implementation.
11.	Joint Director (Legal) in the Department of Environment, Forests and Wildlife, Ministry of Environment and Forests, New Delhi-110 003	Whole of India

Principal Notification No. S.O. 394(E) published in Gazette No. 185 dt. 16-4-87 S. Nos. 9 and l0 and entries relating thereto inserted vide S.O. 237(E) dt. 29-3-89 published in the Gazette No. 171 dl. 29-3-89. S.N. 11 and entries relating thereto inserted vide S.O. 656(E) dt. 21-8-89 published in the Gazette No. 519 dt. 21-8-89.

Presented on :14-06-2025 WP(PIL) 60/2025-Docket

ANNEXURE R9-III

RN 16/6/25

M/s (Port)

MV WANIHA Ship

E-FILING NO - EF-HCK-2025-057196

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No ..... Of Year 2025

111.00 PUBLIC INTEREST LITIGATION

111.00 PUBLIC INTEREST LITIGATION

60

PETITIONER(S)

1. UMMER OTTUMMAL

VS

RESPONDENT(S)

1. UNION OF INDIA AND OTHERS

Today

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

FILING NATURE : URGENT(TODAY)
FEES PAID & STATUS - 212 (SUCCESS)
C.F : 500 Under Schedule II Article 11 (l) (iii) of the Kerala Court Fees and Suit valuation Act

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GOVERNMENT PLEADER
SHRI.NAGARAJ NARAYANAN, SPL. G.P. (FOREST)
SRI. T.NAVEEN SC, KERALA STATE POLLUTION CONTROL BOARD,
FILED BY

1. Anil Thomas (T)
2. K.V.RASHMI
3. LAKSHMI
4. RAHUL ANIL

Sd/-
E-VERIFIED
ANIL THOMAS (T)(K/001062/1992)

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No ..... Of Year 2025

PETITIONER : UMMER OTTUMMAL

V/S

RESPONDENT : UNION OF INDIA & OTHERS

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5	Exhibit P2	A true copy of the news report on Malayala Manorama, dated 26.05.2025 with English translation	120-121
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Sd/-

E-VERIFIED

ANIL THOMAS (T)

K/001062/1992

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WRIT PETITION (PIL) NO. OF 2025

Ummer Ottummal : Petitioner

Vs.

Union of India & others : Respondents

SYNOPSIS

Facts of the case:

1. The present Writ Petition is instituted as a ***Pro Bono Publico*** action invoking the extraordinary Constitutional Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India, in its capacity as **Parens Patriae** and the **Sentinel on Qui Vive**, seeking immediate and continuing intervention in the matter concerning the maritime disaster involving the cargo vessel MSC ELSA-3, Owned/Operated by the 13th respondent - Mediterranean Shipping Company *(hereinafter referred to as MSC)*, CH Switzerland - having registered and bearing the Liberian Flag - which sank off the coast of Kerala while allegedly carrying Hazardous and Noxious Substances (HNS), oil, and other dangerous cargo and capsized on 25.05.2025 at Alappuzha Coast of the 4th respondent State *(hereinafter referred to as* - 'MSC ELSA 3 Incident'*)* and the major fire incident still continuing on another foreign ship *viz.*, MV Wan Hai 503, off the coast of Beypore in the 4th respondent State, occurred on 09.06.2025 (*hereinafter referred to as* - 'MV Wan Hai 503 Incident'*)* . The Petitioner - organisation acting in furtherance of the collective conscience of the

Citizens and coastal fishermen communities of Kerala - who are otherwise underprivileged, humbly submits that the grave and continuing threat posed by these incident to the fragile marine ecology, biodiversity, coastal environment, and the Fundamental Rights to Life, Livelihood, Health, and Cultural Integrity of the affected fisherfolk and shoreline populations, necessitates urgent Constitutional redressal, as the Respondents- Statutorily Duty bound to act- are sidelining their responsibilities, to the undue advantage of the Owners/Operators of the Vessel, especially in 'MSC ELSA 3 Incident'.

2. The petitioner represents the 'Collective Conscious' of the fishermen community in the Coastal area of Kerala; and is approaching this Hon'ble Court through this ***Public Interest Litigation/ Social Active Litigation,*** seeking to invoke its solemn role of 'Parens Patriae' and 'Sentinel On Qui Vive' - which arises from the gross negligence and inefficiency and abdication of the System Responsibilities of the Union of India & the State of Kerala (respondent Nos. 1 & 4, respectively), and their Departments/Instrumentalities in Maritime Traffic and Merchant Shipping, especially in handling the recent Ship Capsize of a Convenient Flag Bearing Vessel, viz., MSC ELSA 3 and the inferno occured/still occurring in another foreign Vessel MV Wan Hai 503, resulting in the consequential infringement of the Livelihood and Safety of the People in the Kerala Coast, laced with the lack of Protection and Maintenance of the Ecology, Biodiversity & Environment in the Kerala Coast - in abject violations of the **Right to Life** and the **'Public Trust Doctrine'**, against the Respondents who are arrayed herein, on **'Strict Liability Principles'**- as the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident' is causing immense harm to the Environment & Security in the India's Exclusive Economic Zone (hereinafter referred to as Maritime Zones Act, 1976), at the Kerala Coast. The sunken Ship MSC ELSA 3 was carrying Hazardous and Noxious substances in 13 containers (out of

640), along with 450 metric tons of Furnace Oil and Diesel - while, the MV Wan Hai 503 got ablazed with 143 (out of 1754) containing hazardous and highly reactive chemicals. The 1st, 4th, 7th, 10th, 17th and 23rd respondents - who are the Principal Authorities, duty bound to prevent, control and manage the incident, failed miserably on the **'Precautionary Principle'** in Jurisprudence ; and the 3rd, 5th, 6th, 12th & 22nd respondents - who are bound to protect the Ecology, Biodiversity; and the Environment in the Coast of Kerala, along with the respondents 8 & 9 have utterly failed in Disaster Management; and further, the respondents 1, 2, 4 & 17, 7, 10 & 23 failed in their Duties to conduct a proper investigation and cast absolute and **'Strict Liability'** on the 13th and 19th respondents, with the extended/vicarious liability on the respondents 15, 16 and 20 - as the 'Insurer' and the 'Classification Agents' of the Vessels involved in the incidents, respectively. Inviting, a continuous 'mandamus' from this Hon'ble Court, in order to secure justice to the fisher folk in the coastal areas of Kerala; therefore this *probono publico* on *parens patriae* and sentinel on qui vive jurisprudential principles; hence this Writ Petition.

Date and events:

25.05.2025 : MSE ELSA 3- Incident

09.06.2025 : MV Wan Hai 503 Incident

11.06.2025 : FIR registered in MSE ELSA 3 incident

Points to be urged:

This *Probono Publico* is being initiated before this Constitutional Court at an unprecedented circumstance – whereby the right to life, liberty and the eco system of the people living in the coast of Kerala is getting affected drastically with the imminent and continuing danger to the eco system, bio diversity and the total living environment, due to the haphazard manner in which the marital traffic, especially merchant shipping is being handled by the Union and the State Governments and their statutory instrumentalities – who are arrayed as respondents herein, violating the 'precautionary principles, 'public trust doctrine' and the 'strict liability principles'; therefore, the petitioner – acting in furtherance of the collective conscience of the fishermen community of Kerala, prays before this Hon'ble Court to invoke the *parens patriae* and the *sentinel qui vive* jurisprudential principles under Art. 21, 19(1)(g), 29, 48A, 51(g) of the Constitution of India, for immediate relief.

Precedent cited:

1. MC Mehta & another Vs. Union of India (AIR 1987 SC 1086)
2. Vellore Citizens Welfare Forum Vs. Union of India & others- (1995) 5 SCC 647
3. ESSAR Shipping Ports and Logistics Ltd Vs. Thrinavakkarasu (2025 KHC Online 320)

Laws/ jurisdictional principles Referred

1. Constitution of India
2. Territorial Waters Continental Shelf, exclusive Economic Zone and other Maritime Zones Act 1976.

3. Merchant Shipping Act 1958
4. International Conventions on Maritime Traffic.
5. Jurisprudential Principles to be invoked on '*parens partiae* and *sentinel on qui vive'* and 'continuous Mandamus'.

   5.i. Jurisdictional principles to be applied – in 'precautionary principles', 'public trust doctrine', 'strict liability principles' and 'polluter pays principle'.

Dated this the 13th day of June 2025.

Anil Thomas (T)
Counsel for the Petitioner.

E-FILING NO - EF-HCK-2025-057196

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM
WP(PIL) No ..... Of Year 2025

PETITIONER(S)

1. UMMER OTTUMMAL
   AGED 68 YEARS
   S/O KASMIKUTTY, KUPPACHAN HOUSE, OTUMMAL BEACH, PARAPPANANGADI PO, MALAPPURAM
   , PIN-676303

VS

RESPONDENT(S)

1. UNION OF INDIA
   REP. BY ITS SECRETARY, MINISTRY OF PORTS SHIPPING AND WATERWAYS, GOVERNMENT OF INDIA, TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI
   , PIN-110001
2. THE SECRETARY
   MINISTRY OF HOME AFFAIRS, NORTH BLOCK NEW DELHI
   , PIN -110001
3. THE SECRETARY
   MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE, H6P9+377, JOR BAGH, LODI COLONY, NEW DELHI
   , PIN -110003
4. STATE OF KERALA
   REPRESENTED BY ITS CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM
   , PIN -695001
5. DIRECTORATE OF ENVIRONMENT & CLIMATE CHANGE (DOECC),
   4TH FLOOR, KSRTC TERMINAL, THAMPANOOR, THIRUVANANTHAPURAM REP BY ITS

SECRETARY.

, PIN -695001

6. THE CHIEF WILDLIFE WARDEN,

FOREST HEAD QUARTERS VAZHUTHACAUD, THIRUVANANTHAPURAM

, PIN -695014

7. DIRECTOR GENERAL OF SHIPPING

JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI

, PIN -400001

8. NATIONAL DISASTER MANAGEMENT AUTHORITY

NDMA BHAWAN, A-1, SAFDARJUNG ENCLAVE, NEW DELHI REP. BY ITS DIRECTOR.

, PIN -110002

9. KERALA STATE DISASTER MANAGEMENT AUTHORITY

VIKAS BHAWAN PO, OBSERVATORY HILLS, OPP TO KANAKAKUNNU PALACE, NANTHANCODE, THIRUVANANTHAPURAM REP. BY ITS MEMBER SECRETARY.

, PIN -695003

10. INDIAN COAST GUARD

REP. BY ITS DIRECTOR GENERAL, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI

, PIN -110001

11. DIRECTORATE OF FISHERIES

REPRESENTED BY ITS DIRECTOR, 4TH FLOOR, VIKAS BHAVAN, UNIVERSITY OF KERALA SENATE HOUSE CAMPUS, PALAYAM, THIRUVANANTHAPURAM

, PIN -695033

12. KERALA STATE POLLUTION CONTROL BOARD

PLAMOODU, PATTOM P.O., THIRUVANANTHAPURAM, KERALA, REP. BY ITS CHAIRMAN.

, PIN -695004

13. MSC - MEDITERRANEAN SHIPPING CO.

THROUGH ITS NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI- KURLA ROAD, ANDHERI EAST, MUMBAI,MAHARASHTRA

, PIN -400059

14. THE SUB INSPECTOR OF POLICE

FORT KOCHI COASTAL POLICE STATION, X68V+VJ7, TOWER RD, FORT NAGAR, FORT KOCHI, KERALA

, PIN -682001

15. P&I CLUB LONDON

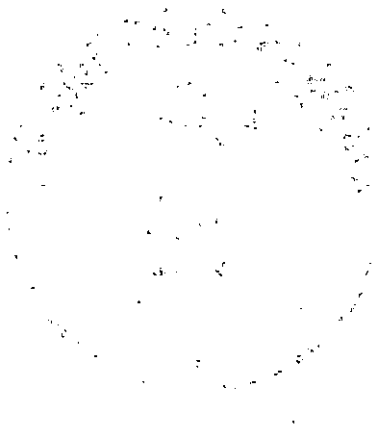
REP. BY P&I SERVICES PVT LTD B302, PRAMUKH PLAZA, CARDINAL GRACIAS ROAD,

CHAKKALA, ANDHERI(E), MUMBAI (SERVICING ENTIRE WEST COAST OF INDIA)
, PIN -400099

16. BUREAU VERITAS
REP. BY BUREAU VERITAS INDIA PVT LTD.72 BUSINESS PARK, GROUND FLOOR, MAROL INDUSTRIAL AREA, CROSS ROAD "C", MIDC, ANDHERI (EAST), MUMBAI CITY, MAHARASHTRA CLASSIFICATION AGENCY
, PIN -400093
17. ADANI VIZHINJAM PORT PRIVATE LIMITED
IS LOCATED AT ADANI CORPORATE HOUSE, SHANTIGRAM, NEAR VAISHNODEVI CIRCLE, S. G. HIGHWAY, AHMEDABAD GUJARAT, INDIA.REP BY NODAL OFFICER
, PIN -382421
18. CENTRAL EXCISE & CUSTOMS
REPRESENTED BY CHIEF COMMISSIONER, C.R. BUILDINGS, I. S. PRESS ROAD, COCHIN
, PIN -682018
19. WAN HAI LINES (MV WAN HAI 503)
A 102 & 103, THE QUBE, MAROL VILLAGE, ANDHERI EAST MUMBAI MAHARSHTRA ,REP BY NODAL OFFICER
, PIN -400059
20. MARITIME AND PORT AUTHORITY OF SINGAPORE (MPA)
460 ALEXANDRA RD, SINGAPORE 119963 - THROUGH THE LIASONING OFFICER OF THE CONSULATE-GENERAL OF SINGAPORE, 14TH FLOOR, MAKER CHAMBERS IV, 222 JAMNALAL BAJAJ ROAD, MUMBAI
, PIN -400021
21. MINISTRY OF EXTERNAL AFFAIRS
REPRESENTED BY ITS SECRETARY, 74B, SOUTH BLOCK,NIRMAN BHAVAN, NEW DELHI
, PIN -110011
22. NATIONAL POLLUTION CONTROL BOARD
PARIVESH BHAVAN, EAST ARJUN NAGAR, NEW DELHI REP. BY ITS CHAIRMAN
, PIN -110003
23. MINISTRY OF DEFENSE
REP. BY ITS SECRETARY, ROOM NO. 305, B WING, SENA BHAWAN, NEW DELHI
, PIN -110011
24. NATIONAL INVESTIGATION AGENCY
OPP. CGO COMPLEX, LODHI ROAD, NEW DELHI - 110003 - LOCAL OFFICE AT - X78X+3J9, GIRINAGAR HOUSING COLONY, GIRINAGAR HOUSING SOCIETY, KADAVANTHRA, KOCHI REP BY ITS DIRECTOR.

, PIN -682020

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA BY ANIL THOMAS (T),K.V.RASHMI,LAKSHMI,RAHUL ANIL
BELVERDIA LEGAL LLP, G-166B, 5TH CORSS, PANAMPILLY NAGAR COCHIN
PIN - 682036



STATEMENT OF FACTS

1. The present Writ Petition is instituted as a ***Pro Bono Publico*** action invoking the extraordinary Constitutional Jurisdiction of this Hon'ble Court under Article 226 of the Constitution of India, in its capacity as **Parens Patriae** and the **Sentinel on Qui Vive**, seeking immediate and continuing intervention in the matter concerning the maritime disaster involving the cargo vessel MSC ELSA-3, Owned/Operated by the 13th respondent - Mediterranean Shipping Company *(hereinafter referred to as MSC)*, CH Switzerland - having registered and bearing the Liberian Flag - which sank off the coast of Kerala while allegedly carrying Hazardous and Noxious Substances (HNS), oil, and other dangerous cargo and capsized on 25.05.2025 at Alappuzha Coast of the 4th respondent State *(hereinafter referred to as* - 'MSC ELSA 3 Incident'*)* and the major fire incident still continuing on another foreign ship *viz.*, MV Wan Hai 503, off the coast of Beypore in the 4th respondent State, occurred on 09.06.2025 (*hereinafter referred to as* - 'MV Wan Hai 503 Incident'*)* . The Petitioner - organisation acting in furtherance of the collective conscience of the Citizens and coastal fishermen communities of Kerala - who are otherwise underprivileged, humbly submits that the grave and continuing threat posed by these incident to the fragile marine ecology, biodiversity, coastal environment, and the Fundamental Rights to Life, Livelihood, Health, and Cultural Integrity of the affected fisherfolk and shoreline populations, necessitates urgent Constitutional redressal, as the Respondents- Statutorily Duty bound to act- are sidelining their responsibilities, to the undue advantage of the Owners/Operators of the Vessel, especially in 'MSC ELSA 3 Incident'.

1.a. In light of the apparent Regulatory failures and the systemic abdication of Statutory and Constitutional Duties by the concerned Instrumentalities of the Union and State Governments - which are projected hereunder - with the main focus on 'MSC ESLA 3 Incident' ; but, are applicable on *mutatis mutandis* basis and hence, this Hon'ble Court's intervention is most earnestly prayed for, to uphold the Right to Life under Article 21, Freedom of Occupation under Article 19(1)(g), Cultural Rights under Article 29, and the Directive Principles enshrined under Articles 48A and 51, alongside 'Any Other Purpose' under Article 226, so as to prevent irreversible environmental loss and to ensure Justice for present and future generations.

2. **Background - leading to the filing of this case is as follows :-**

2.a. The Petitioner, is a resident of Parappananagadi - Malappuram District of the State of Kerala ; and is the president of the Fisherman Workers Federation S.T.U *(hereinafter referred to as the* - 'Federation'*)*, which is a Registered Organisation under the Labour Department of the 4th respondent State ; and has been in existence to protect the interests of the Fisherfolk, for the last 5 decades.The 'Federation' has been consistently working towards the advancement and welfare of the traditional fishermen communities residing along the Coast of Kerala - who primarily depend on Marine fishing, for their livelihood. 'Federation's' well-established presence across the Coastal District of Kerala span from the Northern District - Kasargod to the Southernmost District of Thiruvananthapuram ; and at present - there are about 12,000 members and additionally, another 15,000 supporters of its cause throughout the State.

2.a.i. The petitioner represents the 'Collective Conscious' of the fishermen community in the Coastal area of Kerala; and is approaching this Hon'ble Court through this ***Public Interest Litigation/ Social Active Litigation,*** seeking to invoke its solemn role of 'Parens Patriae' and 'Sentinel On Qui Vive' - which arises from the gross negligence and inefficiency and abdication of the System Responsibilities of the Union of India & the State of Kerala (respondent Nos. 1 & 4, respectively), and their Departments/Instrumentalities in Maritime Traffic and Merchant Shipping, especially in handling the recent Ship Capsize of a Convenient Flag Bearing Vessel, viz., MSC ELSA 3 and the inferno occured/still occurring in another foreign Vessel MV Wan Hai 503, resulting in the consequential infringement of the Livelihood and Safety of the People in the Kerala Coast, laced with the lack of Protection and Maintenance of the Ecology, Biodiversity & Environment in the Kerala Coast - in abject violations of the **Right to Life** and the **'Public Trust Doctrine'**, against the Respondents who are arrayed herein, on **'Strict Liability Principles'**- as the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident' is causing immense harm to the Environment & Security in the India's Exclusive Economic Zone (hereinafter referred to as Maritime Zones Act, 1976), at the Kerala Coast. The sunken Ship MSC ELSA 3 was carrying Hazardous and Noxious substances in 13 containers (out of 640), along with 450 metric tons of Furnace Oil and Diesel - while, the MV Wan Hai 503 got ablazed with 143 (out of 1754) containing hazardous and highly reactive chemicals. The 1st, 4th, 7th, 10th, 17th and 23rd respondents - who are the Principal Authorities, duty bound

to prevent, control and manage the incident, failed miserably on the **'Precautionary Principle'** in Jurisprudence ; and the 3rd, 5th, 6th 12th & 22nd respondents - who are bound to protect the Ecology, Biodiversity ; and the Environment in the Coast of Kerala, along with the respondents 8 & 9 have utterly failed in Disaster Management ; and further, the respondents 1, 2, 4 & 17 ; 7, 10 & 23 failed in their Duties to conduct a proper investigation and cast absolute and **'Strict Liability'** on the 13th and 19th respondents, with the extended/vicarious liability on the respondents 15, 16 and 20 - as the 'Insurer' and the 'Classification Agents' of the Vessels involved in the incidents, respectively.

2.b. The petitioner submits that Section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (*hereinafter referred to the Maritime Zones Act, 1976)* categorically specifies that the EEZ - India, extends up to 200 nautical miles from the baseline ; and the sunken ship MSC ELSA 3 was within this EEZ , i.e., 38 nautical miles away from Kerala Coast ; while, the 'Blazing Ship' is positioned about 44-60 nautical miles of Kerala Coast near Beypore.

2.b.i Though the Kerala Coast's EEZ is not formally notified as an "International Shipping Channel" under Indian or International Maritime Law, has organically evolved into a high-density International Maritime Zone owing to a confluence of strategic developments. The commissioning of the Vizhinjam International Deepwater Port, its proximity to the east–west global shipping corridor,

and the relaxation of Cabotage Regulations have significantly increased the frequency and scale of Foreign-Flagged Vessels navigating near Kerala's littoral waters. This transition, while economically progressive, has also exposed the region to heightened risks associated with high-volume Maritime Traffic, including incidents of Hazardous Cargo leakage, shipwrecks, and Vessel fires — as evidenced by the recent MSC ELSA 3 disaster off Thotapally coast and the 'MV Wan Hai 503 Incident' involving another Foreign Vessel at Beypore. These events underscore an urgent imperative for the Union and State Governments to institute a bespoke Legal and Regulatory framework for coastal hazard mitigation, hybrid maritime threat management, environmental liability, and emergency response preparedness. The current Legislative architecture—fragmented across the Merchant Shipping Act, the Environment Protection Act, and Port-Level Administrative Protocols—is grossly inadequate to govern the emerging risks of a de facto International Maritime theatre along India's western seaboard. These incidents of the foreign Ship Capsize and other foreign ship catching fire - both continue causing 'present continuous dangers', opening up the lacuna - in the Statutory & Regulatory System in Marital Traffic - which calls for a comprehensive reform encompassing marine safety zoning, mandatory pre-arrival risk audits, ESG (Environment, Social and Governance) in compliance for foreign Vessels, and integrated coastal security protocols is therefore not only prudent but Constitutionally necessitated under Articles 21, 48A, and 355, to secure the Life, Environment, and Sovereignty of India's Coastal States. This is all the more required as the Section 6(2) of the Maritime Zone Act, 1976 - which specifies "India has and always

had, full and exclusive Sovereign Rights in respect of its Continental Shelf (Continental Shelf also extends up to 200 nautical miles from the baseline as per Section 6(1) of the said Act)."

2.c. State Specific Disaster :- The capsized Vessel - MSC ELSA-3, was a Liberian Flag bearing Foreign Vessel owned by the 9th Respondent - which sank 14.6 nautical miles off the Thottappally spillway near Kochi, Kerala (within 38 nautical miles off the coast of Kerala (EEZ- up to 200 nautical miles), loaded with 640 Containers, out of which 13 containers were filled with Hazardous and Noxious Substances sailing from Adani Vizhinjam Port (17th Respondent) to Tuticorin (*this incident may be referred to as 'MSC ELSA - 3 Incident'*). The Cargo on board also comprised of 84.44 metric tons of Diesel (Very Low Sulphur Fuel Oil (VLSFO)) and 367.1 metric tons of Furnace Oil (Marine Gas Oil (MGO)), along with the other undisclosed- potentially dangerous Goods, which have since been disturbing the life and living environmental conditions of the people and the biodiversity at sea.Visible oil slick and an invisible chemical hazard of unquantifiable scale, reported out of this incident. A true copy of a news item published on India Today, regarding the 'MSC ELSA-3 Incident' dated 25.05.2025 is produced herewith and marked as **EXHIBIT P1.** Immediately the State declared a fishing- ban and other trolling activities 20 nautical miles away from the shore and after a few days, the incident was declared as a 'State Specific Disaster'.

3. Imminent Threat of 'MSC ELSA 3 Incident':- The sinking of MSC ELSA-3 with Hazardous Materials & Substantial quantity of Oil poses a severe threat to

Kerala's marine ecosystem, known for its rich biodiversity, including coral reefs and mangroves. The potential oil spill from the vessel's fuel tanks could lead to widespread marine pollution and health hazard to the citizens. The Hazardous Cargo, including 'Calcium Carbide', which reacts with water to produce flammable 'Acetylene Gas', further exacerbates the risk of the marine ecosystem and the Life & Liberty of the People and Vessel travelling through the Coastal waters and those who are living in the Coastal Areas. On the next day's news paper- Malayala Manorama, the Public Health Expert, Doctor Rajeev Jayadevan, opined that these sort of instances are *"silent-tsunamis"*, as the chemical affected marine life will have drastic health hazards for the people who consume the same. A true copy of the news report on Malayala Manorama, dated 26.05.2025 with English translation is produced herewith and marked as **EXHIBIT P2.** Likewise, Dr. George Mathew, who is a Chemistry professor and research guide at St. Mary's College Bathery, expressed his opinion that the immense pollution caused/likely to be caused by leakage of Diesel, Furnace Oil and Calcium Carbide would cause immense environmental issues including destruction of Marine Life and the entire biodiversity. 'Calcium Carbide' would also cause fire, affecting the life situation of all beings. A true copy of the news report dated 26.05.2025 published in Malayala Manorama daily with English Translation is produced herewith and marked as **EXHIBIT P2A.** Dr. R.Venugopal, former Joint Chief Controller of Petroleum and Explosives, Safety Organisation had also mentioned in the newspaper that utmost importance is to be given for the protection of environment in the wake of the ship turned turtle - with the following expert opinion:-

a. To prevent oil from reaching the shore, booms and barriers should be deployed along the coastline.

b. Special consideration must be given to the protection of mangroves, coral reefs, fish resources, and drinking water sources.

c. Mechanical systems should be utilized to remove debris from the shoreline.

d. Scientific methods should be adopted for the disposal of recovered oil, contaminated materials, and waste.

e. Effluent Treatment Plants (ETP) in oil companies must be utilized with caution, as calcium carbide produces acetylene gas when it comes into contact with water, requiring careful handling.

The report further says, the Calcium Carbide, if leaked out would cause more harm than the Oil and Petroleum products and a combination of these pollutants would drastically impact on the total environment in the affected area of the Ocean ; and it is imperative that the maximum containers are to be recovered before they get leaked, causing irreparable damage. A true copy of the news reports to that effect, dated 26.05.2025 published in Malayala Manorama daily with its English translation is produced herewith and marked as **EXHIBIT P2B.** Sri Madhu S Nair, CMD of Cochin Shipyard, had stated that normally the vessels are designed to balance themselves in the adverse climatic conditions ; but, the ship which capsized was somehow not maintaining this balance - indicating the mechanical and technical defect of the ship - which was man-made, as proper ballasting was not done. A true copy of the news report dated 26.05.2025 published in Malayala Manorama daily with its English translation is produced herewith and marked as **EXHIBIT P2C.**

3.a. The former State Maritime Board Chairman and the Indian Maritime Law Association Vice President - Designated Senior Advocate in the High Court of Kerala, Adv. V.J Mathew had rendered

his considered view in a leading vernacular daily - Malayala Manorama dated 09.06.2025 that - the 'MSC ELSA 3 Incident' raises several questions as to the transparency and authenticity about the Vessel's Maritime Operations and the conduct of the State Government. The 'Cargo Manifest' is the official authenticated record of the container Cargos, Owner's and other details pertaining to the same. But, strangely enough none of the authorities including the Union and the State Governments (respondents 1 & 4), the Kerala State Pollution Control Board, 12th respondent, the Disaster Management Authorities, respondents 8 & 9, Director General of Shipping, 7th respondent and the Owner of the Vessel, 13th respondent have not revealed the 'Cargo Manifest', till date. Though the State Government had made a Committee to 'Study' about the Environmental impacts caused by the MSC ELSA 3 incident, no serious efforts were taken for conducting the investigation about the 'Cause of the incident' - which is of primary importance. If an investigation conducted, in the detailed analysis, the 'Voice Data Recorder', of the Ships, Log books of the - Captain, Chief Officer and Chief Engineer and chart of the Vessel would have revealed the said cause.

3.1 It is submitted that none of the advice given by the experts on the subject in the public domain were not even paid heed to the State Government and its Instrumentalities. The Central Government also followed suit. As a natural consequence, about 70 plus containers were washed onto the shore - many of them were empty, but a few contained plastic nurdles (pellets) in immense quantity - causing continuous harm to the ecology and the environment in general of the coastal sea/area.

One of the containers washed ashore off the Kollam-District coast, caught fire - as if it contained inflammable chemicals of Hazardous nature. The State Government, 4th respondent, merely declared a 20 nautical mile ban for fishing, initially ; but, of late, considering the gravity of the situation had declared the 'MSC ELSA 3 Incident' a 'State Specific Disaster'. Apart from this, no effective action was seen to have effected, in spite of the lapse of 3 weeks.

3.2. Imminent threat of 'MV Wan Hai 503 Incident':- The 'MV Wan Hai 503 Incident', another Singapore-flagged container ship operated by Wan Hai Lines, 19th respondent herein, caught fire off the coast of Beypore, in Northern Kerala, in June 2025, triggering an environmental emergency of grave proportions. The vessel, carrying over 1,754 containers—including at least 143 to 157 containing hazardous and highly reactive chemicals such as nitrocellulose, paraformaldehyde, pesticides, and organometallic compounds. There Despite the intervention of the Indian Navy and Coast Guard (10th respondent), the situation remains precarious, with the ship currently under cooling operations. The proximity of the burning vessel to the ecologically sensitive Malabar coastline, which harbours rich marine biodiversity, fragile mangrove ecosystems, and supports thousands of fisherfolk and coastal communities, has raised serious alarms. The potential leakage of chemicals, oil, or other toxic substances from the fire-damaged cargo poses an imminent threat of marine pollution, biodiversity, destruction of spawning zones, and contamination of coastal waters. The incident, coupled with the uncertainty surrounding the nature of the cargo (as no 'Cargo Manifest' published so far) and the slow pace of salvage

response, has created a looming danger to public health, livelihoods, and the marine ecology of Northern Kerala. There are credible news reports to the effect that there may be chances for BLEVE (Boiling Liquid Expanding Vapour Explosion) - which places this incident in a high continuing risk category ; but, the respondents seem to be adopting convenient actions, contrary to what the situation demands. A true copy of the news item in The Hindu dated 12.06.2025 is produced herewith and marked as **EXHIBIT P3.**

4. People Living in Coastal Areas - drastically affected due to the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident'. - Collapse of the Constitutional and Statutory System enforcement - dereliction of Duty by the respondents:- It is submitted that ever since 25.05.2025, none of the persons belonging to the fishermen community in the coastal area of Kerala - who depend on the sea for their daily living have been able to find sustenance for their families due to the above incident. The 'Federations', Members and Supporters - numbering about 27 thousand people are also sharing the suffering of the fisherfolk, due to the incidents of Disaster caused by the above mentioned Vessels. Many of the members are in penury and are in great difficulty to sustain their living due to the above mentioned unprecedented incidents. Such sufferings are extended throughout the Coast of Kerala and the fisherman community is the most affected lot. The breakup of the total people living in the Coastal areas, Numbers of the fishermen community- who directly and indirectly depend on the coastal sea, are enumerated hereunder:

Kerala has a coastline of 589.5 kilometers, with a high population density along the coastal regions. The exact number of people living in these areas isn't

specified, but it's notable that the coastal population is substantial, given the State's geography and economy; and all of them are facing imminent threat from the above Incidents, to their Health, Living & the Environment.

People Sustaining their living on Marine Products, are:-

- *Total Fisherfolk Population- Approximately 11.114 lakh (1.1114 million) people in Kerala, with 8.55 lakh (0.855 million) in the marine sector.*
- *Active Fishermen: Around 2.28 lakh (0.228 million) people, with 1.90 lakh (0.19 million) in the marine sector.*
- *Fishing Villages: There are 222 fishing villages in the marine sector, providing livelihoods to a significant portion of the population.*
- *Allied Activities : Nearly 8- 12% of fisherfolk depend on activities like marketing, net repair, fish vending, processing, and other fishery-related work for their livelihood.*

4.1. Unfortunately, neither the State Government nor the Union of India (4th and 1st respondents, respectively), are giving due consideration to the plight of the People living in the Coastal areas - who are faced with the consequences from both the incidents. Their Instrumentalities/Departments are also keeping silent or moving in lethargy. The fact unearthed by a prominent malayalam daily news report, regarding the 'Official Compromise' of the Statutory proceeding against the MSC ELSA 3's Owner/Operator MSC Shipping Company, 13th respondent, causes serious doubt about the actions so far taken by the respondents and arise serious concern about the Life and Living conditions of the people in the Kerala Coast, apart from the possible irreparable damages to the fragile ecology and biodiversity of the area affected and continued to cause the damage, unless arrested properly, on time.

4.1.a In 'MV Wan Hai 503 Incident', the State Government is not even caring, as if they have no role to play in the incident - which is Statutorily and Constitutionally wrong. The 14th respondent, Fort Kochi Police Station is conferred with the power to register case and conduct investigation under Section 7(7) Maritime Zone Act, as per the notification issued by the 1st respondent. It is dangerously getting closer to the coast of Kodungallore in Kerala; and there seems to be no proper coordination led by the 1st respondent. A true copy of the news item published in the Hindu daily dated 14.06.2025 is produced herewith and marked as **EXHIBIT P4**. Even then, no investigation has commenced by the State Government's Police - as there is a Soft Pedal Approach towards the Ship Owners/Operators, at the cost of life of the people living in the Coast - dependent on the sea - of whom the petitioner organisation represents. It is more evident a comparatively weak FIR got registered in 'MSC ELSA 3 Incident', after a lapse of 18 days.

4.2. Constitutional And Ecological Consequences Of Systemic Failure in the 'MSC ELSA 3 Incident':-

It is submitted that the environment of the Coastal area is being affected, drastically, by the gruesome incident- which impacts the Coastal People of Kerala - very much . "Environment", is a broader term that encompasses the external surroundings, while "Ecology", focuses on the relationships within those surroundings & Biodiversity is a specific aspect of "Ecology", highlighting the variety of life forms. As these concepts are interconnected, the damages caused/ likely to be caused by the 'MSC ELSA-3 Incident' is a "present continuous threat"

to the "Environment" ; and hence, the same cannot be sidelined by the Constitutional & Statutory Authorities, as a 'yet another incident'.

4.2.a. Due to the systemic dereliction and collective inaction of the Respondents—namely the Union of India, the State of Kerala, the Directorate General of Shipping, Indian Coast Guard, Pollution Control Authorities, and Disaster Management Agencies (respondents 1, 4, 7, 8, 9, 10 and 12) the incident reveals a flagrant violation of duties under the:

- *Merchant Shipping Act, 1958 (as amended),*
- *Indian Coast Guard Act, 1978,*
- *Environment Protection Act, 1986, and*
- *Binding International Maritime Conventions (e.g., MARPOL, OPRC, HNS Protocols) ratified and domestically implementable in India.*

4.3. 'MSc ELSA-3 Incident' - Warrants the interference of this Constitutional Court on 'Sentinel On The Qui Vive ' Principle: The overall Implementing Authority in India, in relation to Maritime Traffic is the Directorate General of Shipping, the 7th respondent, under the Merchant Shipping Act, 1958, as per Section 331 and Section 332. The 'MSC ELSA-3 incident', in light of Respondent's failure, seeks to invoke the **Precautionary Principle**, **Public Trust Doctrine**, and **Polluter Pays Principle**, by this Hon'ble Court. The incident demands a rigorous, multi-disciplinary analysis situated at the intersection of Constitutional Environmental Governance, Maritime Law, Human Rights, and Ecological Jurisprudence, by this Hon'ble Court as the Statutory Authorities failed to exercise the due care, caution & enforcement of the Statutory Regulations and expected vigil on Precautionary

Principles, Public Trust Doctrines & Strict Liability approach to the the Owner/Operator Vessel MSC ELSA-3 - Respondent.

4.4 Stated below is a Comprehensive Assessment of the present, continuous and long-term consequences of the 'MSC ELSA-3 Incident' - especially arising from the systemic failures of constitutional and statutory authorities under the Merchant Shipping Act, 1958 (as amended in 2014) and the Indian Coast Guard Act, 1978. The thrust is laid on the deepening existential, health, ecological, and cultural crisis faced by the Coastal communities of Kerala.

4.4.a Constitutional Backdrop:- The Constitution of India guarantees the right to life, health, livelihood, and a clean environment under Article 21. The Directive Principles under Articles 48A and 51A(g) cast an affirmative duty on both the State and citizens to protect the natural environment and biodiversity.

4.4.b Statutory obligation:- Further, both the Merchant Shipping Act and the Indian Coast Guard Act provide enforceable statutory obligations to :

- Prevent environmental and navigational disasters,
- Respond to oil spills and HNS contamination,
- Ensure seaworthiness and detain non-compliant foreign vessels,
- Protect human health and coastal resources.

The 'MSC ELSA-3 Incident' - is partly due to the lack of proper system enforcement of the Statutory Obligation ; therefore, represents a gross

dereliction of these duties, amounting to a **Continuing Constitutional Tort,** warranting public redress, compensation, and restoration.

4.4.c Present Continuous Consequences:

4.4.c.i. Environmental Contamination:-

- Leakage of HNS (Hazardous and Noxious Substances): These include flammable, reactive, corrosive, and toxic chemicals which may leach into the seabed, contaminating the marine food chain.
- Persistent Oil Discharge (450+ Metric Tonnes): Leads to degradation of seawater quality, blackening of the coast, and coating of marine organisms, impacting oxygenation and reproduction. Result is Irreparable damage to marine biodiversity, including plankton, mangroves , coral reefs, and migratory fish populations.

4.4.c.ii. Health Hazards to Coastal Communities:-

- Inhalation Risks:- Toxic vapours from certain HNS (e.g., nitric acid, phenols, alkalis) can cause respiratory distress, neurological damage, and even carcinogenic effects. Chronic health risks to coastal populations, especially vulnerable fisherfolk exposed to toxic fumes, contaminated water, and seafood bioaccumulation.
- Dermal Exposure:- Contact with polluted seawater leads to skin lesions, rashes, and infections, especially among children and fisherfolk.
- Contaminated Seafood:- Bioconcentration of toxins in fish and shellfish can cause gastrointestinal and reproductive disorders.

4.4.c.iii. Socio-Economic Disruption:-

- Fishermen's Livelihoods Paralyzed: A complete breakdown in fishing activities due to contaminated waters, port closure, and market distrust. Economic paralysis in fishing, aquaculture, and coastal tourism. Destruction of cultural heritage, rituals, and sustainable marine livelihoods rooted in centuries of coastal tradition, is the outcome, if not properly attended to.
- Food Chain Impact:- Coastal communities depending on seafood as primary protein face nutritional distress.
- Tourism Collapse:- Loss of ecological beauty, beach access, and safety perceptions has caused economic shock to coastal tourism industries.

4.4.c.iv. Long-Term & Irreversible Ecological Consequences:

A. Marine Biodiversity Collapse:-

- Trophic Level Disruption: Death or migration of plankton, molluscs, crustaceans, and pelagic fish causes long-term collapse in the food web.
- Endangered Species Threat: Contamination may critically endangered mangroves, coral reefs, turtles, and estuarine birds.

B. Ecosystem Mutation :-

Chronic presence of HNS alters salinity, pH, microbial life, and sediment quality, permanently disrupting ecological equilibrium.

C. Coastal Erosion and Habitat Loss :-

Spill-induced chemical destabilisation accelerates coastal erosion, loss of nesting grounds, and destruction of sacred groves and cultural sites of coastal communities.

D. Cultural and Psychological Trauma

- Loss of Cultural Heritage: Fishing is not merely economic but a cultural identity for Kerala's coastal communities. The disaster breaks intergenerational occupational continuity.
- Psycho-Social Trauma: Persistent fear, anxiety, and displacement-related uncertainty have created mental health crises among fisher families.
- Displacement Risk: Ecological degradation may force permanent displacement, thus raising climate refugee concerns.

AGENCY/STATUTE	DUTY OWNED	FAILURE COMMITTED
Directorate General of Shipping (Merchant Shipping Act, 1958)	Enforce Port State Control, vet hazardous cargo	Allowed entry of unseaworthy vessel without checks
Indian Coast Guard (ICG Act, 1978)	Monitor EEZ, intercept polluting ships	Failed to detect/respond to risk from aging vessel
Ministry of Shipping	Maritime oversight, compliance with IMO conventions	No direction for detention despite red flags (age, flag hopping)
State Maritime Board / Port Authority	Cargo stowage inspection	Did not assess or verify HNS cargo containers
Pollution Control Boards / DoECC	Environmental risk audit, early warnings	No EIA, no containment plan
NDMA / SDMA	Disaster risk preparedness	No pre-warning, no containment infrastructure for HNS and/or Oil spill

4.5 Systemic Failures: A A bird's eye view- 'MSC ELSA 3 Incident':-

4.5.a. Repeated Systemic failures:- The Systemic failures of each respondents have been narrated in detail in the subsequent paragraphs, in order to invite this Hon'ble Court's kind attention to their 'Statutory Duties' and how they failed in 'Precautionary Principle', containment of the danger/pollution from 'MSC ELSA 3 Incident' - which requires an immediate correction, in order to save the Life and Environment in

the Coastal region of Kerala. Such an intervention is the necessity of time, as frequent incidents of the Cargo Ship causing imminent threat to life in the area are being reported from yet another incident that happened 81.4 nautical miles away from the Coast of Northern Kerala, the details of which are covered in the subsequent paragraphs. A part of the sufferings of the people in the Coastal area, due to this incident is reported in the Hindu dated 07.06.2025. A true copy of the news paper dated 07.06.2025 is produced herewith and marked as **EXHIBIT P5** . It is submitted that these incidents are 'Continuing Constitutional Tort' - violating the rights guaranteed under Article 21 (Right to Life, Health, and Livelihood), Article 19 (1) (g) (Right to practice Occupation/ Trade & Business), Article 48A (Protection of Environment and Ecology), and Article 51A(g) (Fundamental Duty to Preserve Nature) - for which, immediate, scientific, and Judicial intervention is warranted.

4.6. The 'MV Wan Hai 503 Incident' of catching fire off the Coast of Beypore, Kerala, represents a serious 'Systemic Failure' on the part of both Port-State and Coastal Regulatory Authorities to enforce preventive measures in line with India's Constitutional Obligations and Environmental Jurisprudence. The vessel was carrying over 1,754 containers—including at least 143 to 157 containing hazardous and highly reactive chemicals such as nitrocellulose, paraformaldehyde, pesticides, and organometallic compounds. The collapse of containers into the Arabian Sea, following the fire, coupled with the lack of timely transparency regarding the 'Cargo Manifest', has precipitated a

situation of unmitigated ecological Risk and Infringement of the Right to Life guaranteed under Article 21 of the Constitution of India.

4.6.a The incident is a clear breach of the 'Precautionary Principle', which has been upheld by the Hon'ble Supreme Court in the *Vellore Citizens'* case. The failure of the Authorities to preemptively assess and neutralize the risk posed by the fire-stricken vessel—particularly when the coastline in question is ecologically sensitive and densely inhabited—demonstrates not only an abdication of their Constitutional and Statutory Duty to protect the environment and human life, but also reveals the insufficiency of the existing Statutory Systems in Marital Traffic through Coastal lines ; and also the non-ratification of the International Conventions like OPRC-HNS, 2000 - which deals with the International Cooperation on Hazardous and Noxious Substances along with Oil spill, as stated in this Public Interest Litigation. In such circumstances, lack of scientific certainty cannot be used as a Justification for inaction; instead, Precautionary Action was imperative to prevent harm.

4.6.b. Moreover, the 'Public Trust Doctrine', a foundational principle of Indian Environmental Law, has been blatantly violated in this 'MV Wan Hai 503 Incident'. The coastline, marine biodiversity, and natural resources in and around Beypore are held in trust by the State for the benefit of the Public. By failing to take proactive and transparent steps to safeguard these resources from marine pollution, chemical leakage, or ecological degradation, the responsible Authorities have betrayed the Fiduciary Duty imposed upon them by

the Constitution and Statutory Frameworks like the Environment (Protection) Act, 1986 and the Indian Coast Guard Act, 1978.

4.6.c. Further, the 'Polluter Pays Principle', another bedrock of Indian Environmental Jurisprudence, must be enforced in the wake of this catastrophe. If hazardous substances onboard the MV Wan Hai 503 result in environmental contamination, the ship owner/operator, insurer (19th and 15th respondents, respectively) are strictly and absolutely liable to compensate for the damage caused to the marine ecosystem and coastal populations. The role of Classification Societies and Port-State Clearance Authorities must also be examined for dereliction of Duty and potential complicity in allowing such vessels to operate without adequate safety assurances.

4.7 The incident, if left unaddressed by Judicial oversight, risks setting a dangerous precedent where foreign-flagged vessels can cause irreparable damage to Indian ecology and communities without accountability. The Hon'ble Court's intervention is therefore imperative to uphold the Constitutional vision of Sustainable Development, enforce International Environmental Commitments under the UNCLOS and MARPOL Conventions, and secure the Fundamental Rights of the people and protection of the environment.

5. Collective Responsibility and Liability of the respondents, primarily by the Union of India & others on 'MSC ELSA 3 Incident': -

5.1. 1st respondent, Union of India :- The 1st respondent is liable for enforcement of the International Conventions namely - UNCLOS (United Nations Convention on the Law of the Sea), MARPOL

(International Convention for the Prevention of Pollution from Ships), SOLAS (International Convention for the Safety of Life at Sea), HNS (International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea) and CLC (International Convention on Civil Liability for Oil Pollution Damage) through the provisions under Article 353 of the Constitution of India, as the Legislation on these subjects are its responsibility, as per Article 246 of the Constitution. Moreover, relaxation of the Cabotage Laws- permitting Foreign ships to ply in Indian waters, doing domestic carriage of Goods, should have been controlled by more safety and regulatory methods, through appropriate legislations in the interest of Life, Liberty and Security of its Citizens and the Nation as such. The present incident of capsizing MSC ELSA 3 Vessel unearth the flaws in the whole system of Mercantile operations of the Vessels in Indian waters ; especially relating to foreign ships - having 'Convenient Flags' of comparatively less enforcement States, like Liberia.

5.1.i. Legal Duty/Obligation:- The 1st respondent, Union of India, has the Legal Duty to coordinate Maritime, Environmental and Disaster Laws, in relation to the vessels plying through the Indian waters i.e., EEZ (Exclusive Economic Zone) - extending up to 200 nautical miles ; and taking up the Criminal prosecution in EEZ, falling beyond the Territorial Waters is the responsibility of the Union Government.

5.1.ii Nature of Lapse:- No coherent framework is seen in place for handling the safety requirements of Hazardous cargoes or post-disaster response, especially that of foreign Ships plying in Indian waters, as is evident from the incident in question - under consideration of this Hon'ble Court. The first respondent is duty bound to exercise its Constitutional Power under Article 73, 246 and Schedule VII entries 25&30 - to enforce the International Conventions like UNCLOS, CLC 1992 and OPRC-HNS, 2000, in a comprehensive manner under the Article 253 of the Constitution of India.

5.1.iii Ministry of Environment, Forest & Climate Change (MoEFCC) and the Central as well as State Control Boards (CPCB & SPCB)- Respondent Nos. 22 & 12 and MoEFCC (Respondent No. 3) are the Statutory authorities to prevent and control pollutions of any nature and destruction of biodiversity. MoEFCC (Respondent No. 3) is the primary authority to quantify the ecological loss, assess coastal biodiversity impact and enforce 'Polluter Pays Principle' under Environment (Protect) Act, 1986 and Coastal Regulation Zone (CRZ) Rules. The MoEFCC has got Administrative control and oversight over the Central Pollution Control Board (CPCB), and through it, it exercises indirect control and coordination over the State Pollution Control Boards (SPCBs). It makes it imperative to coordinate and activate the processes of controlling the pollution in the sea caused or still under imminent threat to the life of the Citizens and the biodiversity and environment - which has not occurred. Further, this respondent is duty bound to coordinate with the National Green Tribunal (NGT) for expedited environmental adjudication and for the quantification of

loss/damages on the environment and biodiversity. Real-time monitoring and clean up directives, with periodical reports published, ought to have been stressed by this respondent from the relevant quarters, including that of the 22nd & 12th respondents (CPCB & SPCB). Unfortunately, no such coordination is seen occurring.

5.1.iv. Legal Duty/Obligation - It is the Statutory Duty of the MoEFCC to care for 'Environmental Safety and Biodiversity'; but, unfortunately this crucial department in Government of the 1st respondent had not swung into action, even after a lapse of 20 days of this dreadsome incident - which is imminent to cause the drastic effect in the ecology and the biodiversity of the Kerala coast.

5.1.v This respondent's laxity amounts to failure to proactively monitor/mitigate the oil and chemical spill and the spread of other Presumed Hazardous and Noxious Substances, contra to its duty specified under the Environment protection Act, 1986 and Article 48(A) of the Constitution of India.

5.1.vi Ministry of Ports, Shipping and Waterways - This respondent No. 1 is responsible for enforcement of Maritime Safety Regulations, Environment, Social and Governance (ESG) Compliance of the Foreign Vessels, Vessel age norms and Port-entry due diligence. The sunken vessel, MSC ELSA 3, apparently, was transporting goods from Vizhinjam Port to Tuticorin Port and enroute to that, it is faced with mechanical/technical problem and sunk in the Kerala coast.

5.1.vii. Legal Duty/Obligation - Regulation of Maritime Safety and maintenance of the same is the primary duty of this respondent - which was not seen accomplished in Indian waters (EEZ), considering the nature of the incident - causing colossal threat to the people and the environment.

5.1.viii. Nature of Lapse/Allegation - Allowing a 28 year old Vessel into EEZ despite the probable cause of accident with the immediate effect of a havoc caused due to the presence of Hazardous and Noxious substances and substantial quantity of oil, adds onto the violations of the indian Merchant Shipping Act and the International conventions like SOLAS

5.1.ix Directorate General of Shipping (DGS) is statutorily empowered to enforce, i. Merchant Shipping Act, 1958, ii. Marine Insurance Laws & SOLAS-MARPOL, even in relation to the Foreign ships doing domestic operations under the relaxed cabotage laws, as per Chapter IX and IX-A. it may be noted that the capsized ship carrying the Liberian Flag falls in that category; therefore, the active intervention of 7th Respondent should have been in action; but the fact is otherwise. Added to this, the Union of India and the Directorate General of Shipping (DGS) should have taken effective measures to implement other Conventions on Hazardous and Noxious Substances like HSN - with the full force of Law enacted through the Parliament under Article 253 of the Constitution, in order to avoid such a gruesome incident in future and to ensure the lIFE and Liberty of its Citizens, Protection of

Biodiversity and the Environment in general. If the 1st and the 7th respondents claim inadequate enforcement of these mandatory conventions through the Statute, as envisaged under Article 253 of the Constitution of India, it causes serious infraction to the Rights of the Citizens under Article 14, 19, 21 and 29 of the Constitution referred to herein. Though the DGoSK conducted a press conference as to the cause of sinking of the Vessel - attributed to technical/mechanical error - no further actions were seen to be initiated effectively, for a proper investigation into the incident and for the recovery of the Hazardous and Noxious Substances from the sunken ship. No coordination efforts were seen made known to the public, so far - by these authorities.

5.1.x Legal Duty/Obligation - The 7th Respondent *per se* failed to enforce Maritime Regulatory and Control, by allowing the Vessel to transport Hazardous and Noxious Cargos, along with other Toxic Substances for the life of all living beings, including biodiversity and humanity, in a dangerous and through possible Accident Generating Scenarios.

5.1.xi. Nature of Lapse - The 7th Respondent failed to enforce the controls through inspection, ballast management and container safety protocols in stocking and lashing processes - which is *per se against* the ballast Water Management Rules and SOLAS.

5.1.xii State of Kerala - Though the capsize of the Ship in question is declared as "The State Specific Disaster", by this respondent, the lukewarm approach of the State of Kerala to the

disastrous accident of the Vessel MSC ELSA 3 in the Kerala Coast evidences the Governmental lethargy and lack of coordination in addressing the possible life threatening and the environmental damaging scenario - affecting all living beings not only in the coastal area but the entire stretch of the State as well as the EEZ - extending up to 200 nautical miles, falling under the jurisdiction of the 14th respondent police Station. Even then, not even a single FIR is registered against the sunken ship Owning/Operating Company for causing such a colossal damage (immediate and future) to the biodiversity ecosystem and to the Life and Liberty of the Citizens of this Country living in this State, till 11.06.2025. Even the FIR registered contained comparatively less stringent offences, in order to safeguard the interest of the 13th respondent - ship owner - whose interest was bent upon to be protected by the 4th respondent.

5.1.xiii Legal Duty/Obligation - The declaration of the incident in question as the 'State Specific Disaster' has not enabled the State to do active coordination between various departments in Governments - both Central as well as the State, to investigate arrest and to further prevent the imminent threat arising out of the incident consequential to carrying of Hazardous and Noxious Substances and other unreported materials - which may further cause imminent damage to the ecosystem, biodiversity and the life situation of the People of the State.

5.1.xiv Nature of Lapse - The ecosystem and the security element in the coastal waters of Kerala are fragile and it requires added surveillance, care and caution in the activities there, even though the

subject of legislation is a matter for consideration for the Central Government. There seems to be no effective pressure put on the side of the State for a coordinated operation in the coastal waters, if a mishap of this magnitude happens ; and the said failure was writ large on the face of the activities of the Government of Kerala, as it practically lacked any solid and effective plan for coordination with the various agencies involved in the process, including that of the Union Government and the Foreign Shipping owner/operator. The result is, abject delay in containment, community protection, biodiversity impact assessment and/or a proper investigation. The Disaster Management Act & Rules, 2005 under the administration of the 4th despondent, State, was quite ineffective, as majority of the Hazardous Substances, Oil and other Noxious materials are still submerged in the water - causing a potential threat to the total environment including biodiversity and the people living on the shores. it also drastically affected the life and the living Culture of a great number of the population - who resort to marine products as their livelihood.

5.1.xv. NDMA/KSDMA (National and State Disaster Management Authorities) - The entire coastal stretch of the State of Kerala, 4th respondent, covers 590 kilometers. Due to the increased domestic traffic of Foreign Ships *qua* the relaxation of cabotage laws permitted sea-worthy and other vessels to sail on permission and special permission respectively by the Shipping Authorities in India. Though the National Disaster Management Authority (NDMA) has claimed that it has established a comprehensive system to warn governments and the public about potential disasters, with the integrated advanced

technologies and collaborative frameworks to ensure timely dissemination of alerts and effective disaster preparedness, presumably and through this incident of capsize of the vessel MSC ELSA 3, it has come to light that these authorities are giving scant regard for the safety warning and Disaster Management, in the event of occuring an incident like the one in question. Even after a span of over __ days, neither the NDMA nor the KSDMA have come out with any concrete plans for proper management of this 'State Specific Disaster' officially declared by the State Government.

5.1.xvi. Legal Duty/Obligation - National and State Disaster Response to the situations cropping up, without delay and to keep vigil of the possible areas of disaster considering various parameters deviced by them for prevention as well, failed miserably in the case of this mishap under consideration of this Hon'ble Court.

5.1.xvi Nature of Lapse - Inadequate coordination and Environmental and Social/Human Disaster Response from these critical agencies 8th and 9th respondents, of the Union and State Governments respectively, made the Disaster Management Act, 2005 redundant, to the extent it was inoperative/insufficient to meet the situations of this mishap in the coastal waters of Kerala/India .

5.1.xvii Indian Coast Guard (ICG) - The Respondent no. 10 is responsible - Constitutionally and Statutorily for EEZ surveillance, Maritime Security Pollution Control and Emergency Response. This agency also failed to interdict or preempt the wreck in the case of the

Vessel MSC ELSA 3. The Indian Coast Guard (ICG) is legally empowered to take action against Foreign Ships violating safety norms within India's Exclusive Economic Zone (EEZ). In December 2019, the Ministry of Defence issued a notification under the Coast Guard Act, 1978, authorizing every member of the Coast Guard to "visit, board, search and seize" suspicious vessels within the EEZ and its continental shelf. This empowerment allows the ICG to enforce maritime laws up to 200 nautical miles from the Indian coastline, addressing the envisaged illegal issues. The ICG is designated as the central coordinating authority for oil spill response in India's maritime zones and is responsible for the preservation and protection of the marine environment. Under the Coast Guard Act, 1978, the ICG is tasked with preventing and controlling marine pollution, including incidents involving hazardous substances. Other illegal activities like fishing, smuggling, and any other unlawful activities could be prevented by the ICG, at present. Prior to 2019, the ICG's authority was limited, often requiring reliance on other laws like the Customs Act or the Narcotic Drugs and Psychotropic Substances Act, which were applicable only within territorial waters. With the new powers, the ICG can now directly act against foreign vessels violating safety norms in the EEZ, enhancing India's maritime security and law enforcement capabilities. Yet, the ICG failed to act with due seriousness, once they found the technically/mechanically unsustainable Vessel was carrying Hazardous and Noxious Substances - the stowage and lashing of which were done in a haphazard manner, causing imminent threat to the ecology, biodiversity and the human lives in the coastal areas and beyond The fact that no case was registered, investigated and no cargo/ship was

seized, prior to the accident as the Ship in question was evidently not seaworthy (28 years old) and was having/technical problem ; yet carrying the Hazardous goods along with large quantities of oil.

5.1.xviii ICG Legal Duty/Obligation - Marine Policing, Prevention and Rescue are the task attributed to ICG - with independent power for "visit, board, search and seize" the obnoxious materials from the board - which power was not exercised by them, as in the case of MSC ELSA 3 Vessel.

5.1.xix Nature of Lapse - As no early interception of the Vessel and/or spill management of the Oil and the other Hazardous Noxious Substances happened at the end of ICG - who effectively used the opportunity to rescue 24 crew members on board of MSC ELSA 3, could not effectively interfere with the disastrous situation of the Hazardous Goods carried, in a haphazard way. Effective interrogation could be had on to the circumstances which lead to such a situation prior to the sinking of the Vessel - as the ICG was the first lot of authorities - who have had the hands-on experience in rescuing the crew and interacting with the captain, Chief Engineer and other responsible officers, on-board of the Ship. The ICG could have seized the Cargo Manifest - containing the details of the Cargo and the contents therein, if not already seized. At any rate the people living in the coastal area and the general public is kept in oblivion as to what where the nature of the cargo - which had gone down along with the ship when it capsized, amidst various reports stating the more hazardous nature of the cargos thus not declared, apart from the 13 containers having hazardous and

noxious substances, as declared by the owner and/or operator of the ship.

5.1.xx SPCB, 12th respondent, is the Statutorily responsible Authority of the State to review 'Cargo Manifest' of the Vessels carrying Hazardous and Noxious Substances, in order to understand Environmental Impact Risk and to ensure State level compliance with handling of HNS under the 1986 Act ; but it failed miserably. From the above , it is discernible that the Statutory Authorities have not only failed in Precautionary Measures ; but, they have miserably failed swinging into action when the mishap occurred as if they have no idea how to coordinate in such a situation ; and it became evident that there is no Lead Central Agency to coordinate the affairs, if another incident like MSC ELSA 3 occurs.

5..1.xxi Fort Kochi Police - By exercising the powers under Section 13 of the Maritime Zone Act, read with paragraph 2 part II of the Notification of the Government of India, in the Ministry of Home Affairs number S.O.671(E)Dated 27th August 1981, Published in the Gazette of India, Extraordinary Part II, Section 3, sub-section (ii), the 1st respondent, Union of India directed that few Coastal Police Stations, including Fort Kochi Coastal Police Station, shall be the Police Stations for the purpose of investigating the offences committed by any person under any Provisions of any Act so as to extend to the Exclusive Economic Zone under sub-section 7 of Section 7 of the said Act. In spite of the said power, which is wide enough to cover any offences and

violations of Law within 20 nautical miles from the baseline of Coast of Kerala, the State Police had not moved their little finger on 'MSC ELSA 3 Incident' for 18 days; and finally, a flimsy FIR was registered, on 11.06.2025 - when the pressure mounted. A true copy of the Government Notification dated 14.06.2016 is produced herewith and marked as **EXHIBIT P6.** A true copy of the FIR dated 11.06.2025 with its English translation is produced herewith and marked as **EXHIBIT P7**

5.1.xxii Ministry of Central Excise & Customs, the 18th respondent, also failed in its precautionary duty to prevent 'MSC ELSA 3 Incident'.

5.2 Collective Responsibility and Liability of the Respondents, primarily by the Union of India & others on 'MV Wan Hai 503 Incident'

5..2.i. It may be noted that the following are the fair outlining of the Collective Responsibilities and Liabilities of each of the named Respondents, in this incident :

5.2.ii Union of India - The Union of India, being the sovereign authority under which all maritime and environmental agencies operate, bears overarching responsibility to ensure the enforcement of international conventions such as MARPOL, UNCLOS, and the Hong Kong Convention on Ship Recycling, to which India is party or signatory. Its failure to formulate or implement a coordinated emergency response protocol for foreign-flagged vessels causing

environmental hazards constitutes a dereliction of constitutional duties under Article 48A and its obligations under International Environmental Law.

5.2.iii Ministry of Environment, Forest and Climate Change (MoEFCC) - The MoEFCC is the nodal agency responsible for framing national policies and overseeing the execution of laws relating to environmental protection. Its inaction in issuing real-time directives, conducting environmental impact assessments, and failing to mobilize expert intervention in the wake of the MV Wan Hai 503 fire amounts to a violation of the 'Precautionary Principle' and failure to discharge duties under the Environment (Protection) Act, 1986.

5.2.iv State of Kerala - The State Government, under the constitutional scheme of cooperative federalism, is duty-bound to protect life, ecology, and public health within its territory. The inadequate local response to mitigate marine pollution and secure the coastal population from hazardous exposure points reflects the failure of the State in coordinating the Precautionary measures, Regulations and Safety Mechanisms in Marital Traffic, with the 1st respondent and its Instrumentalities, not to speak of the Systemic failures of the KSDMA, SPCB and the Fort Kochi Police (respondents 9, 12 and 14, respectively).

5.2.v. Department of Environment and Climate Change (DoECC), Kerala - The DoECC is directly responsible for ensuring environmental compliance and preparedness at the State level. It failed

to proactively monitor the ecological impact, issue emergency advisories, or trigger the Coastal Vulnerability Protocol in light of an obvious maritime environmental emergency, thereby breaching its public duty under State Environmental Regulations and the Coastal Regulation Zone (CRZ) Notification, 2011.

5.2.vi. Directorate General of Shipping (DGS) - As the primary maritime regulator under the Ministry of Ports, Shipping and Waterways, the DGS is obligated to inspect foreign vessels, issue port-state clearances, and ensure compliance with safety and cargo disclosure norms. Its failure to scrutinize the manifest or flag-state compliance, and lack of inspection diligence, represents a gross failure of Statutory Duty under the Merchant Shipping Act, 1958.

5.2.vii. National Disaster Management Authority (NDMA) & Kerala State Disaster Management Authority (KSDMA) - Both NDMA and KSDMA are responsible for disaster risk reduction and emergency response. Their lack of preemptive coordination, absence of public advisories, and failure to deploy rapid response units in a potentially toxic maritime fire event demonstrates negligence under the Disaster Management Act, 2005, and violates the public's right to safety.

5.2.viii Kerala State Pollution Control Board (SPCB) - The SPCB is mandated to monitor, assess, and act upon any pollution—air, water, or marine—within the State. The absence of water sampling, toxicity

testing, or pollution advisories from SPCB in the aftermath of the incident amounts to regulatory paralysis, breaching its statutory responsibilities under the Water (Prevention and Control of Pollution) Act, 1974 and Air Act, 1981.

5.2.ix Indian Coast Guard - As the designated authority for marine pollution control under the National Oil Spill Disaster Contingency Plan, the Indian Coast Guard is duty-bound to lead containment, salvage liaison, and pollution monitoring. Its delayed fire containment measures, lack of real-time maritime hazard communication, and failure to secure the cargo drift zone represent a failure of duty under the Indian Coast Guard Act, 1978.

5.2.x Fort Kochi Coastal Police - The Fort Kochi Coastal Police hold jurisdictional responsibility to initiate First Information Reports (FIRs) and assist in securing evidence related to maritime incidents. Their failure to register a suo motu FIR, investigate under relevant IPC and BNS provisions, and coordinate with central agencies, reflects administrative inaction and obstructs the due process of law.

5.3. The failure of the owner/operator of 'MSC ELSA 3' and 'MV Wan Hai 503' and their classification agents, viz., Bureau Veritas and Maritime and Port Authority of Singapore (MPA), in complying with the Statutes of India on EEZ and the International Regulations :-

5.3.i. The catastrophic sinking of the hazardous cargo vessel MSC ELSA 3 off the coast of Kerala within India's Exclusive Economic Zone (EEZ) is a direct consequence of the gross negligence and regulatory failure on the part of the shipowner and its classification agency, Bureau Veritas, 16th respondent. The Vessel, reportedly carrying Hazardous and Noxious Substances (HNS), appears to have been granted sea-worthiness certification despite mechanical and structural deficiencies, raising serious questions about the integrity and reliability of the classification process. The incident constitutes a blatant violation of the Statutes and Regulations in force in the EEZ area - where Section 7(7) of the Maritime Zone Act, 1976 prevails. Furthermore, the failure to prevent the sinking and the lack of transparent information regarding cargo and vessel condition amount to a breach of International Obligations under the International Convention for the Safety of Life at Sea (SOLAS), the International Convention for the Prevention of Pollution from Ships (MARPOL), and the UN Convention on the Law of the Sea (UNCLOS), to which India is a signatory. The classification agency and shipowner have thus violated both domestic maritime safety regulations and binding international maritime law, and must be held strictly accountable under the 'Polluter Pays Principle' and the 'Precautionary Principle', to prevent similar environmental disasters in India's Maritime Jurisdiction. The International Conventions like UNCLOS, SOLAS - which mandates that the flag state effectively exercise Jurisdiction and control over administrative, technical, and social matters on ships flying its flag, had not been complied with by the Liberian Flag bearing Vessel.

5.3.ii The 'MV Wan Hai 503 Incident', involving a massive onboard fire and the collapse of over 1,754 containers—including at least 143 to 157 containing hazardous and highly reactive chemicals such as nitrocellulose, paraformaldehyde, pesticides, and organometallic compounds—within India's Exclusive Economic Zone (EEZ) off the coast of Kerala, reflects a grave failure on the part of the shipowner, Wan Hai Lines, and the classification authority- the Maritime and Port Authority (MPA) of Singapore (respondents 19 and 20 respectively). Their inability to ensure that the Vessel met requisite safety, fire-control, and Structural Stability Standards before it entered Indian maritime zones constitutes a serious breach of both International and Indian maritime law. Under the Maritime Zone Act, 1976, India exercises Sovereign Rights for environmental protection and resource preservation in its EEZ, which includes the obligation of foreign vessels to adhere to Indian environmental and safety regulations. Further, the failure of MPA Singapore to ensure due diligence in vessel certification violates their responsibilities under Articles 94 and 217 of the United Nations Convention on the Law of the Sea (UNCLOS), which mandate that the flag state effectively exercise Jurisdiction and control over administrative, technical, and social matters on ships flying its flag. The incident also contravenes key international conventions such as MARPOL and SOLAS, which regulate pollution and maritime safety. Their collective negligence and the failure to notify Hazardous cargo as has resulted in an imminent threat to marine ecology, biodiversity, and the livelihood of Coastal communities in Kerala, thereby inviting accountability under the 'Polluter Pays Principle', 'Precautionary

Principle', and the 'Public Trust Doctrine' as evolved under Indian Constitutional Jurisprudence.

6. Unprecedented move of the Chief Secretary: the meantime, a prominent Vernacular Daily - Malayala Manorama reported that the State is colluding with the Vessel Owner, 13th respondent ; and surprisingly, the Chief Secretary issued an Official Note, *inter alia* mentioning about the conscious avoidance of Criminal case:

> *"The general consensus was that a Criminal case need not be filed immediately and that the entire focus at this time should be on collecting evidence of damages so that the evidence based claims can be raised."*

The next paragraph of the note of the Chief Secretary to the State of Kerala, reads:

> *"The MSC is a reputed company which patronises the Vizhinjam international Sea Port and the company required the goodwill of Kerala for their co-operations here. It is also their interest to cooperate with Kerala and settle the claims through the insurance agency. Considering all these aspects, our claim should be raised based on strong evidence and without any complaints."*

A true copy of the news item published in the vernacular daily - Malayala Manorama dated 12.06.2025 with English Translation, with the official note of the Chief Secretary of the 4th respondent is produced herewith and marked as **EXHIBIT P8.**

6.1. The petitioner submits that it is an unprecedented and alarming move on the side of the Chief Secretary of the State - who represents

the Constitutional machinery of the Government of Kerala, to enter into an 'Official Compromise' with the 13th respondent, Vessel owner, obliviating the Gross Criminal Negligence the continuing/imminent danger to the Ecology, Biodiversity and the Environment in the Coastal stretch of Kerala and the people living therein - who are in perennial danger of insecurity and loss of livelihood, due to the 'MSC ELSA 3 Incident'. The Official Compromise thus made is totally against the Constitutional and Legal Duty of the State of Kerala and its Instrumentalities - made respondents herein to protect the Life, Liberty and Wellbeing of its Citizens, not to speak of the total Environment harm caused and likely to be continued in future - the impact of which may even last for the next 10 years, with unpredictable harm to the Total Life Situation in the Coastal areas of Kerala.

6.1.i It is submitted that the actions and directives issued by the Chief Secretary of Kerala in the note dated 29th May 2025, purporting to operationally guide the response to the MSC ELSA-3 maritime incident, constitute a clear instance of constitutional overreach and jurisdictional impropriety. Under the Seventh Schedule of the Constitution of India, matters relating to shipping, navigation, maritime liability, and wreck removal fall squarely within the exclusive legislative and executive competence of the Union Government (Entry 24, List I). Accordingly, regulatory authority vests solely in central agencies such as the Directorate General of Shipping, Indian Coast Guard, and National Disaster Management Authority, governed by Union laws including the Merchant Shipping Act,

1958 and Disaster Management Act, 2005. The Chief Secretary, being an administrative head of a Constituent State, possesses no Statutory or Constitutional Power to issue binding directions or determinations regarding compensation, criminal liability, or environmental containment measures under Central Jurisdiction. The purported assertion of authority to defer criminal proceedings, manage wreck removal schedules, or negotiate liability with international insurers undermines both the federal balance and the rule of law. Any such exercise of power must be seen as *ultra vires* the Statutes and interested ; therefore, liable to Judicial correction to preserve the sanctity of India's Constitutional and Administrative architecture.

6.2 Approach of the State and the Union Governments: The overall approach of the State of Kerala and the Union Government (1st and 4th respondents, respectively), seems to be lethargic and made with the caution to protect the interest of the delinquent Ship Owner/Operator, rather adopting effective measures for a proper investigation and by enforcing the liabilities for the protection of Environment, Human Life, and to compensate the affected/suffering lot. This approach made the Petitioner to probe deep into the 'MSC ELSA 3 Incident'.

7. Probe in to the 'MSC ELSA -3 Incident' by the Petitioner - Further probe into the history of the Vessel 'MSC ELSA 3, by the Petitioner revealed the tainted history of the SHIP-MSC ELSA 3 - which makes it obligatory to be categorized under

'RED FLAG' by the authorities; but, surprisingly, none of the Authorities and/or the responsible entities have done so.

7.1. The Petitioners found that **'Flag Hopping'** and **'Change of Names'** in Merchant Shipping are indicative Factors of their frequent evasive approach towards Legal and Regulatory Compliance. The MSC ELSA-3 exhibits classic **'Flags of Convenience'** behaviour, as is evident from its multiple changes in Flag States, - which, in Shipping parlance - is called **'Flag Hopping'**- connoting - to be considered - **'Red Flag',** for Environmental Non-compliance and Asset Abandonment Risk, Internationally. Likewise, Several **Renaming** and **Re-registration** events across Jurisdictions- makes the Vessel, *prima facie* not reliable in terms of Compliances , including Environmental & Safety Regulations.

7.1.i. The report on MSC ELSA 3 goes on to say that it has borne at least 10 different names, including CSAV Barcelona TMM Hidalgo, Delmas Tourville and Alexandra N. The ship has had alternated flags between Liberia and Germany, switching its legal identity as frequently as its commercial one. *These types of **'Flag Hopping'***, is a common tactic used to escape stricter inspections, debt liabilities or aging ship regulations.

7.2. Further, it may be noted that the above mentioned conduct of the Vessel in question is Indicative of a Pattern to avoid regulatory

scrutiny, lower taxes, or weakened port inspections. Even then, none of the Respondents have been able to identify these anomalies - indicative of a larger 'Incident of Disaster', especially when the MSC ELSA 3 Vessel was carrying Hazardous & Noxious Substances, apart from the large quantities of Oil and other 'undisclosed'/ dangerous substances- which are capable of causing havoc in the Coastal areas and the sea water based Environment! Rather, the State Government had chosen to be on the side of the Vessel owner, for reasons best known to their convenience ; but not certainly, for the benefit of the People and the Environment thus affected/likely to be affected, as stated.

7.3. RED FLAG:- The Petitioner submits that, as indicated, the capsized Ship was having a **'Troubling Trail of Red Flags, Regulatory Laxity and Legal Voids'**. It may be noted that the capsizing is not just the story of one ship's failure, but points to a deeper rot in the Global Shipping Regulatory Architecture and the loopholes of Law, Flag Registry and Oversight Regime in the process, including that of Coastal States - colliding to produce disasters waiting to happen ; and in the case in hand, the situation was not different.

7.4. Flag of Convenience: Though the 'Flags of Convenience' (Liberia) and the 'Dilution of Responsibility' by MSC ELSA 3 Vessel makes the **Owner/Operator** - liable under **'Strict Liability Procedures'**, the same was not taken serious note of by the DGS, 7th respondent and other Statutory Instrumentalities in the Central as well as the State Governments. The 'Flag Country' [represented through the

Ministry of External Affairs (MEA)] and the 'Classification Agent' have made use of the loose regulatory system in implementation of the International Conventions and Domestic Loss, *qua* the Maritime Traffic , through Indian waters, especially the Coast of Kerala. It is evident that the mishap occurred as a result of the contributory factors at the end of the Owner/Operator of the Ship, i.e., MSC and the Regulatory Authorities in India.

7.4.i Ignored the Warning: MSC ELSA 3, reportedly ignored several warnings from India and other Port State Control Inspections. Reportedly, from 1999 to 2024 MSC ELSA 3 underwent dozens of Port State Control Inspections across Europe, Asia and the America. Disturbing patterns were revealed on detailed examination as to:

- In July, 2023, the Indian Port of Tuticorin flagged 9 deficiencies on MSC ELSA 3, four of them in the 'Human Element' Category - An indication of training and Competency issues among the Crew. Such cutting corners are practiced by the Ship owners to maximize their profit, endangering the Life, Health and Living conditions of the Citizens living in the Coastal areas, like in India.
- It is further reported that in Rotterdam, in the year 2010, the said Ship was detained for 2 days after being found with 21 deficiencies - a staggering number, by marine standards.
- Similar patterns of violations occurred in this Ship in Hamburg, Bilbao and Dunkirk over the years. Yet, alarmingly, the Ship was

never declared un-seaworthy by the classification agencies including the 16th respondent - which requires it to be investigated.

7.5 Haphazard way of functioning - certificates managed - The functioning of Vessel MSC ELSA 3 prior to the capsize and the evasive conduct of the Owner/Operator - from the regulatory networks and Statutory/Mandatory Compliances, NOT ONLY leads to serious doubt as to the authenticity of the 'Safety Management Certificates' (valid till November 2025), issued by 'Bureau Veritas', 16th respondent and a 'Classification Survey' certifying the seaworthiness until 2028 - conducted on 13.11.2023 ; BUT ALSO leads to a larger conspiracy between felonious Ship Owner/Operators and the Certification agency - 'Bureau Veritas' - **which requires to be investigated.**

7.6 Precautionary Responsibilities (Precautionary Principles) of the Respondent Authorities, as per Statute and Conventions at the Port and during voyage of MSC ELSA 3 - Enumerated - It is axiomatic that the 'Precautionary Responsibilities' for examining the 'Stowage' (storing) and 'Lashing' (securing) of Hazardous and Noxious Substances (HNS) containers - both at the port and during the voyage - is shared among several key agencies and parties under International Conventions and National Laws. The breakdown of responsibilities are shown as under :

7.6.i. On board the Vessel – Primary Responsibility -

7.6.i.a. Responsibilities of - Master of the Ship & Shipping Company (Operator)- :- Under SOLAS (Safety of Life at Sea)

and the IMDG Code (International Maritime Dangerous Goods Code), the master and the ship operator are responsible for :

a. Safe stowage and securing (lashing) of HNS containers.

b. Ensuring segregation, ventilation, and handling precautions.

c. Verifying 'Cargo Manifests' and container labels.

The 13th respondent miserably failed in their duties.

7.7. 'Flag State' Authority is responsible for :-

- Ensuring compliance through periodic inspections and audits.
- For MSC ELSA 3, this would be **Liberia** (its flag state).

The 21st respondent miserably failed in their duties.

7.8 At the Port – Before Loading :- The Port Authorities (in India: Vizhinjam Port / Customs / Shipping Ministry), are responsible under Indian Ports Act, 1908 and rules under the Major Port Authorities Act, 2021:

- To ensure hazardous cargo is stored temporarily and handled according to national and IMO safety regulations.

Respondent No. 21 miserably failed in their duties.

7.9 Terminal Operator (Adani Vizhinjam Port):-

a. Have operational responsibility for container yard safety, stacking, segregation, and documentation.

b. Must follow IMDG Code (International Maritime Dangerous Goods Code) and port-specific SOPs for hazardous cargo.

c. The Adani Vizhinjam Port (17th Respondent) should have a Designated Dangerous Goods Safety Officer (DGSO), as fo0und in some major ports to ensure proper classification, labeling, and stowage plans.

7.10. Customs and Central Excise – 18th Respondent:-

a. Shall inspect documentation, labeling, and compliance under Indian laws (Customs Act, 1962).
b. May inspect suspect cargo for safety and security. In the case of MSC ELSA 3, they should have inspected the cargo as it carried Hazardous and Noxious substances, along with Oil and poor stowage and lashing, reportedly.

7.11 Classification Society i.e., Bureau Veritas ought to have:-

a. Certified and audited the Vessel's 'Cargo Securing Manual'.
b. Reviewed and approved Ship plans for stowing hazardous substances.

The 16th respondent miserably failed in their duties.

7.12. Un-seaworthy Vessel carrying Hazardous Goods - with limited information:-

Strangely enough , there is no information forthcoming in a transparent and convincing manner to the Public , as to the nature of the substances contained in the remaining containers - which presumably causes doubt as to the presence of more hazardous and noxious substances in the vessel - which dangerous situation, is likely to affect the safety and health of the people of the State, not to speak of the drastic impact on the whole of 'Biodiversity' in the area. The 'Cargo Manifest' - is still kept secret by the responsible authorities - causing doubt as to the movement of the Vessel in Indian waters with Hazardous and Noxious substances. Besides this, the Vessel was not seaworthy, reportedly- due to the expired Service Life, Technical & Mechanical defects. As apparently, the maximum 'remaining useful life' of any vessel is prescribed by the Ministry of Shipping through the Director General, as up to 20 years of ship age beyond which no permission ought to have been granted for operation in the Exclusive Economic Zone of India - which is 200 nautical miles, as per Maritime Zone Act . The Vessel in question was 28 years old and plying in Indian waters (Coast of Kerala) with all the above mentioned lapses and laxity in regulatory compliance, as stated - which is required to be investigated.

8. Current Status of the Sunken Container and the problems faced by the Coastal areas of Kerala - Ignored by the respondents *sans* proper action :- As stated, the

MSC ELSA-3 sank near Thottappally, Alappuzha, on May 25, 2025. Of the 643 containers onboard, 70 were empty. Post-sinking, 54 containers drifted ashore between Alappuzha and Thiruvananthapuram, with 17 retrieved from Kollam and Thiruvananthapuram coasts between May 26 and 29. Most of these were empty, though some released plastic pellets, causing environmental concerns, particularly in areas like Kovalam . One of the containers caught fire in Kollam coast during the recovery operations. The remaining containers, including those with hazardous chemicals, are presumed to be submerged near the wreck site. Salvage operations are reportedly ongoing to prevent further pollution, as claimed by the Respondents/ Authorities - though no visible progress is seen.

8.1 Ecological and Biodiversity Impacts presently occurring:

The incident has led to several environmental issues:

- Plastic Pellet Pollution: Millions of plastic pellets, or nurdles, have washed ashore from Varkala to Vizhinjam. These pellets resemble fish eggs, posing ingestion risks to marine life, leading to starvation and health issues. Over time, they can absorb toxic chemicals and break down into microplastics, entering the food chain and potentially affecting human health .

- Chemical Hazards: The ship carried hazardous chemicals like calcium carbide, hydrazine, and hydroxylamine. Exposure to water can lead to reactions producing flammable or toxic substances, posing risks to marine ecosystems and human health. The authorities are not reporting to the public as to the measures taken, if any, with the help of the experts on the subject. Recently, one Container - washed ashore caught with 'intense fire' causing imminent threat to the Coastal People of Kollam District area- which raises

genuine doubt about the contents of the Containers - as against the declaration made, if any. Fortunately, no casualties occurred.

- Oil Spill Concerns: While no significant oil spill has been reported, the ship had over 450 metric tons of oil onboard. Oil spills can restrict oxygen supply to marine life, affect fish respiratory systems, and have long-term impacts on Marine Ecology & Bio- Diversity.

8.2. Environmental Consequences

The potential impacts from the current incident include :-

- Marine Life Mortality: Immediate and long-term mortality of marine species due to chemical exposure and ingestion of microplastics.
- Habitat Destruction: Damage to coral reefs, mangroves, and breeding grounds, affecting biodiversity and fishery resources.
- Bioaccumulation: Toxic substances entering the food chain, leading to health issues in higher trophic levels, including humans.
- Economic Impact: Adverse effects on fisheries and tourism industries, leading to livelihood losses for coastal communities.

8.2.a As of June 12, 2025, the MV Wan Hai 503 remains adrift approximately 44 to 88 nautical miles off the coast of Beypore and Azhikkal within India's Exclusive Economic Zone. The vessel, which caught fire while carrying **1,754 containers—including at least 143 to 157 containing hazardous and highly reactive chemicals such as**

nitrocellulose, paraformaldehyde, pesticides, and organometallic compounds—continues to pose a serious environmental and navigational threat. Although around 40% of the fire has been brought under control, flames and smoldering persist, particularly around the vessel's inner decks and fuel tank area. Salvage efforts are underway, with Indian authorities successfully attaching a towline to the stern and coordinating with a high-powered offshore tug, Offshore Warrior, to pull the vessel further away from the ecologically sensitive coastline. Multiple containers have already collapsed into the sea, significantly increasing the risk of chemical leakage and marine pollution. Meanwhile, out of the 22-member crew, 18 have been rescued and four remain missing, with search and rescue operations continuing under the supervision of the Indian Coast Guard and Navy. Despite partial containment, the situation remains precarious, with smoke and residual fires near the vessel's fuel storage posing ongoing risk. The incident demands immediate and coordinated intervention to prevent large-scale ecological and public health consequences along the northern Kerala Coast.

9. Maritime Traffic in INDIA - No Singular /Robust Enforcement Mechanism in India: The unfortunate capsizing of the Liberian-flagged container Vessel MSC ELSA 3 off the Kerala coast, reportedly carrying hazardous and noxious substances (HNS), has resulted in serious environmental pollution, still posing a grave risk to marine biodiversity and the coastal population, as narrated. Despite the potentially catastrophic consequences, it is understood that there exists **no singular/robust enforcement mechanism in India** for securing regulatory co-

ordination and for enforcement of marine insurance liabilities in such scenarios. While the 7th respondent, Directorate General of Shipping (DGS) is entrusted with enforcement under the Merchant Shipping Act, 1958, and the Indian Coast Guard undertakes immediate pollution response, there remains a significant regulatory vacuum in ensuring that the foreign ship owner/operator and their Protection & Indemnity (P&I) insurer are held financially accountable for wreck removal, pollution mitigation, and environmental compensation. The Insurance Regulatory and Development Authority of India (IRDAI) does not have jurisdiction over Foreign Marine Insurers, and the Ministry of Environment, Forest and Climate Change (MoEFCC) lacks a direct enforcement interface with maritime insurance frameworks.

9.a Fragmented approach undermines India's Maritime Safety & Security:- The above stated fragmented approach severely undermines India's preparedness and response to maritime disasters involving foreign vessels, especially in the Kerala Coast - where fragile bio- Diversity prevails and the Coastal line is thickly populated. Quite recently, one more incident of a Cargo Vessel catching fire in the Kerala Coast, approximately 81 nautical miles away from Beypore, causing immense potential damage to the environment and the people of Kerala (as the containers were filled with Hazardous and Noxious Substances), is reported; the crux of which is included in the later part of this Writ Petition.

10. The International Maritime Conventions - on Hazardous and Noxious Substances - not ratified - not incorporated to the Statute, comprehensively - failure of implementation regarding others:-

10.a The Union of India (respondent no.1) failed to ratify and incorporate into the Statute OPRC-HNS, 2000 - which is one of the most important conventions on International cooperation on Oil spill and hazardous substances - The consequence of which is being faced by the Coast of Kerala vide 'MSC ELSA 3 Incident'.

10.b. Other International Maritime Conventions - not Enforced or Implemented: From the perspective of the 'Precautionary Principles' , 'Public Trust Doctrines' & 'Strict Liability Principles', it may be noted that the International Maritime Traffic is regulated through important International Conventions, to be adopted by the respective Countries having Marine Traffic, Nationally & Internationally; and they have to be ***ratified*** and adopted in India, for implementation- through 'Legislation for giving effect to the International Agreements, Convention' etc., by resorting to Art. 253 of the Constitution. Though the 1st respondent, Union of India adopted and ratified some of the Conventions, it failed to implement the same in letter and spirit. The important International Conventions - wherein the 1st respondent participated - implemented, partly implemented or not implemented, are :-

10.b.i. MARPOL (Annex II & III- Regulates HNS discharges at sea). - MARPOL - stands for ' Marine Pollution'. The full name of this International Treaty is - "INTERNATIONAL CONVENTION FOR PREVENTION OF POLLUTION FROM SHIPS, 1973" - as modified by the Protocol of 1978 relating there to (MARPOL 73/78). This Convention is **FULLY ADOPTED** by India.

10.b.ii. Purpose of MARPOL:- Is to prevent & minimise (Precautionary Principle) pollution of the marine environment by the Ships, including:

i. Oil Pollution:- Regulating oil discharges and spills from ships.

ii. Chemical pollution: Controlling the discharge of hazardous chemicals and substances.

iii. Pollution from garbage: Regulating the disposal of garbage from ships.

iv. Sewage pollution: Controlling the discharge of sewage from ships.

v. Air pollution : Reducing emissions of harmful pollutants from ships.

10.b.iii. Importance of MARPOL :- MARPOL plays a crucial role in protecting the marine environment and promoting sustainable shipping practices by:

a. Setting international standards : Establishing global standards for pollution prevention and control.
b. Regulating ship operations: Governing ship operations to minimize pollution.
c. Promoting cooperation: Encouraging international cooperation to protect the marine environment.

10.b.iv. By implementing MARPOL regulations, the shipping industry can reduce its environmental impact and contribute to a healthier marine ecosystem.'MSC ELSA 3 Incident' exhibits that even MARPOL - which was fully adopted by India, have not been subscribed to for operational purposes by the Union of India - which is a great matter of concern as the Maritime Traffic in Indian Coast is increasing day by day and the Coastal sea has organically evolved into a high density International Maritime Zone owing to a confluence of Strategic developments, including Vizhinjam Port - the 17th respondent.

10.c. The Convention - not implemented by the Union of India:-

10.c.i OPRC - HNS Protocol, 2000- calls for National Preparedness for HNS (Hazardous & Noxious Substances) incidents. The OPRC-HNS Protocol, 2000- stands for Oil Pollution 'Preparedness, Response, and Co-operation' to Pollution Incidents by Hazardous and Noxious Substances. This international treaty aims to enhance cooperation among countries in responding to incidents involving hazardous and noxious substances (HNS) that could harm the marine environment.

10.c.i.a. Key Aspects of OPRC-HNS Protocol:-

a. Preparedness and Response: The protocol promotes international cooperation in establishing systems for preparedness and response at national, regional, and global levels.

b. Hazardous and Noxious Substances: The protocol covers a wide range of substances, including chemicals and other hazardous materials, that can harm the marine environment.

c. Framework for Cooperation: The OPRC-HNS Protocol provides a framework for countries to work together in responding to HNS incidents, sharing resources, and expertise.

10.c.i.b. Enforcement deficiency in India :- India, being a participant to the said International Maritime Convention, was expected to implement the provisions of the OPRC-HNS Protocol, at the earliest ; but, for the reasons best known to the 1st Respondent, it has not been implemented so far- giving room for the unseaworthy foreign ships to violate the OPRC- HNS safety and liability standards.

10.c.i.c Advantages of the OPRC-HNS Convention:- Had this Convention been ratified and enforced , 1st Respondent could have adopted the measures to develop National Contingency Plans. The Indian Coastal areas are in great need of a National Contingency Plan(s) to respond to Hazardous & Noxious Substances (HNS) incidents, as in the case of MSC ELSA 3. To establish a proper Response Mechanism, including trained personnel and equipment, in order to respond to HNS incidents, the Union of India has to Collaborate with International Organizations such as the International Maritime Organization (IMO), to share best practices and resources in responding to HNS incidents, for which - appropriate Statutory recognition is to be accorded to OPRC - HNS Convention, 2000,

the lack of which reflects the inability to handle such a contingency through 'MSC ELSA 3 Incident'.

10.c.i.d. The Petitioner seeks the immediate intervention of the Hon'ble Court to direct the Union of India to implement OPRC- HNS Convention by the 1st Respondent- Union of India, at the earliest, for securing the life of the Coastal Community and the total Environment, including Ecology & Biodiversity, in the wake of the increased Marine traffic in the Coastal waters of India - carrying Hazardous and Noxious Substances, as per the changed Policy in Sabotage Laws and the 'Sagarmala' Project of the Union Government. PRAYER REQUIRED

10.d. UNCLOS - Scattered implementation of the Convention:- UNCLOS stands for the 'United Nations Convention on the Law of the Sea'. It's an international treaty that sets out the legal framework for the use of the world's oceans, including territorial waters, navigation, and resource exploitation.

10.d.i Adoption & enforcement in India:- Though India has ratified UNCLOS, indicating its commitment to the Treaty's provisions, through Article 253 of the Constitution of India, the Statutory implementation part of this important Convention to fix the liability - lies scattered. While there isn't a single Law that directly covers UNCLOS, India's Legal framework incorporates UNCLOS principles through the Territorial Waters, Continental Shelf, Exclusive Economic Zone (EEZ) and Other Maritime Zones Act, 1976: The Maritime Zone Act defines India's

maritime zone (EEZ- up to 200 Nautical Miles) and outlines the Country's Rights and Responsibilities within these areas, aligning with UNCLOS provisions. UNCLOS assigns the Fundamental obligation and responsibility of protecting and preserving the marine environment to all States including the Union of India and requires them to take every necessary measure to prevent, reduce and control pollution of the oceans, up to 200 nautical miles from the shore; therefore, there is no legitimate reason for the respondents herein - for not taking any appropriate action in time to salvage the situation caused by 'MSC ELSA 3 Incident'.

10.e Global implementation of Ship safety standards :- SOLAS - stands for **'Safety of Life at Sea',** an International Maritime Treaty that aims to ensure ships are designed, constructed, and operated to minimize the risk of accidents and protect human life at sea.

10.e.i Key Aspects of SOLAS :-

a. Ship Safety Standards - SOLAS sets minimum safety standards for ships, including those related to fire protection, life-saving appliances, and navigation.

b. Global Implementation - The treaty is enforced globally, with countries that ratify it agreeing to implement its provisions.

c. India's Ratification and Enforcement :- India has ratified SOLAS and implements its provisions through various

domestic laws and regulations. The 1st respondent Union Government is duty bound to ensure compliance with SOLAS through :-

- The Merchant Shipping Act, 1958 : This Act governs maritime safety and security in India, aligning with SOLAS provisions.
- Directorate General of Shipping, India (7th Respondent) : This organization oversees maritime safety and security, enforcing SOLAS standards in Indian waters.
- By ratifying SOLAS, the Coastal States demonstrate their commitment to maritime safety and security, protecting human life and the environment.

10.e.ii. Unfortunately, the 1st respondent and its Instrumentalities have totally failed in ensuring and establishing SOLAS regulation, as is evident from 'MSC ELSA 3 Incident'

10.f. CLC - Civil Liability Convention :-

10.f.i. CLC provides Coastal State rights and liability mandates. **The International Convention on Civil Liability for Oil Pollution Damage**, aims to ensure that adequate compensation is available to victims of oil pollution damage resulting from maritime activities. India has ratified the CLC Convention.

10.f.ii. Key Aspects of CLC :-

a. Liability for Oil Pollution Damage: The CLC Convention establishes a framework for liability and compensation for oil pollution damage caused by ships.
b. Compensation Mechanism: The convention provides a mechanism for victims of oil pollution damage to claim compensation from shipowners or their insurers.

10.f.iii. In India, the Domestic Laws that encompass the principles of the Civil Liability Convention (CLC) for oil pollution damage include:

- The Merchant Shipping Act, 1958 : This Act governs maritime law in India, including provisions related to liability for oil pollution damage.
- The Merchant Shipping (Amendment) Act, 2014 : This amendment incorporates provisions related to liability and compensation for oil pollution damage, aligning with the CLC Convention.

10.f.iv. Other Relevant Regulation :

- The Indian Coast Guard Act, 1986 : While not directly related to CLC, this Act empowers the Indian Coast Guard to respond to oil pollution incidents and enforce maritime safety regulations.

10.f.v. Lack of Implementation and insufficient Enforcement :

The Ministry of Shipping- 1st respondent and the Directorate General of Shipping in India, 7th respondent, are responsible for implementing and enforcing these laws and regulations, ensuring compliance with the CLC Convention and protecting the marine environment ; but, to the utter dismay of the Citizens living in the Coastal areas of Kerala - who are the potential risk bearers, no co- ordinated effects were seen operational, by these Respondents. Rather, the Chief Secretary of the State of Kerala enters into a Convenient 'Official Compromise' with the ship Owner/Operator, *sans* authority.

11. Necessity for exercising preventive, protective & curative Jurisdiction by this Hon'ble Court:-

11.a Criminal Corporate Negligence and abject violations of Law / Regulations/ Conventions- by MSC ELSA-3 :

11.a.i. Aged, unseaworthy Vessel :- The fact that the age of the Vessel which got capsized was reportedly **28 years** - which shows ***'gross criminal corporate negligence'*** on the side of the Maritime Traffic Regulatory Authorities, ie., Respondents 1 to 9 and the owner of M/s Mediterranean Shipping Company (MSC ELSA-3), which is arrayed as the 13th respondent. The recent report of the Director General of Shipping, Kochi, 7th respondent, reiterates the fact that the mishap occurred due to the *"failure of its Ballast Management System,*

which ensures the vessel's stability." The Ballast Management System is a critical system on a ship that manages the ballast water and its treatment. Ballast water is used to stabilize the vessel, adjust its trim and ensure safe navigation. Added to this, many operational and technical defects like no proper - 'stowing' and 'lashing' processes were there for the containers carried by the vessel & other **'Precautionary Principles'** were not applied to, as per reports. All these mechanical, technical and operational lapses make the 13th respondent, shipping company responsible with 'strict liability' for compensation for causing this mishap and for addressing the consequences resulting thereof; but, surprisingly, no such efforts were seen initiated by the Union or the State government or its Instrumentalities - figured, in order to curb the possible oil spill, spread of Hazardous and Noxious substances for location and recovery of the containers and ship, in a coordinated manner - after fixing the liability on the 13th respondent as the owner and operator of the ship under the laws of India.

11.a.ii. 'Flag Hopping' :- It is to be noted that the ' flags of convenience and the dilution of responsibility' by MSC ELSA- 3 Vessel makes the Owner/Operator - liable under **'Strict Liability Procedures'**, as the mishap occurred is the result of the contributory factors at the quarter of the Owner/Operator of the Ship & the Maritime Licencing & Regulatory Authorities of the 1st respondent Union of India & the State of Kerala - the 1st and 4th respondents - which are self - evident from their incapacity & inaction, witnessed so far.

11.a.iii. International Conventions :- Though India has been party to several International Conventions on Maritime Traffic, the 1st respondent has implemented - only MARPOL as the acceptable process for Maritime Operations. Other Conventions like UNCLOS, SOLAS, CLC etc have been implemented partially. Whereas, one of the most important Conventions on Oil spill and Hazardous Goods viz., OPRC-HNS 2000 have not been implemented at all. This causes undue hardship and sufferings for the local people and the ecology, as no proper coordination between the Flag Nations, IMO, Classified Agents, Law Enforcement Authorities and Insurance Consortium occurs, as is evident from 'MSC ELSA 3 Incident'.

12. Immediate intervention by the Constitutional Court - Required:- It is imperative that this Hon'ble Court calls for the establishment of a coordinated Statutory Mechanism in India, spearheaded by the 1st Respondent, Union of India, for the enforcement of the Laws, Regulations, Conventions and Marine Insurance Claims, based on the 'Precautionary Principles' and 'Polluter Pays Principle' - ensuring that polluters and their insurers—whether foreign or domestic- bear full financial liability, in the interest of the Environmental Justice and the Fundamental Right to Life under Article 21 of the Constitution, especially in the wake of the introduction of the Policy of the Central Government, 1st respondent, in 'SAGARMALA'- where by, the Maritime Traffic of the Coastal areas of India is likely to be exponentially increased; and the people living in the Coast of Kerala, are subject to all these 'risk and uncertainty' , if not interfered by this Hon'ble Court.

12.1. Constitutional Principles - 'Sentinel on the Qui Vive' is to be invoked - as imminent danger is still in existence :- As stated, the respondents herein,

though responsible in various modes, measures and engagements, in such an eventuality like 'MSC ELSA Incident'- have not shown any interest in their respective duties, seriously addressing the issue, including protection of the environment, marine life, biodiversity and for affording sufficient compensation to the fishermen community on the coastal areas or for enforcing the liability on the ship owner, insurance, the certifying agencies and the flag bearing Country - Liberia. **The imminent danger is still in existence** due to the continuation of the Cargo in the Hazardous & Noxious Substances (HNS), ie., Calcium Carbide in 12 containers- (which are capable ofcausing havoc in the sea and the shore), and another - HNS container, along with combined weightage of 450+ Metric Tons of Furnace oil & Diesel, apart from several undisclosed hazardous and commercial goods materials - which are capable of causing huge impact, adversely to the diverse ecology and the human beings living in coastal stretch of the State of Kerala; therefore, the petitioner is seeking the intervention of this Hon'ble Court, by invoking the **Constitutional Principle - "Sentinel on the Qui Vive".** PRAYER REQUIRED

12.i.a. ***Doctrine of Sentinel on the Qui Vive – Judicial Vigilance Mandate:***

Originating from landmark constitutional jurisprudence (***State of Madras v. V.G. Row, AIR 1952 SC 196***), the Hon'ble Supreme Court recognised that Constitutional Courts are the sentinels of fundamental rights. In the context of:

i) Article 21 (Right to Life & Liberty), now judicially extended to include clean environment, health, dignity, and ecological balance.

ii) Article 48A & Article 51A(g), imposing State duty and citizen responsibility to preserve and protect the environment.

12.i.b. Therefore, this Court may exercise **Preventive, Protective, And Curative Jurisdiction**, particularly when State inaction or Corporate negligence results in systemic ecological threat or violation of fundamental rights. In the process, this Hon'ble Court's attention is invited to the following DOCTRINES, in order **to cast Liability for Corporate Negligence & Conscious Violations :**

12.i.c Three important Legal Doctrines :- to be applied for violations of - *a)* Environmental & Bio- Diversity Protection, *b)* Public Health & Human Life Protection & *c)* National Security Protection, are : *i.* **'Precautionary Principle'**, *ii.* **'Public Trust Doctrine'** & *iii.* **'Strict Liability Principle'**, apart from the liability on **'Criminal Corporate Negligence'**, for the conscious infringement of the Fundamental & Constitutional Rights of the Citizens of India - vide it's Article 14, 19, 21 & 29 & 48 A and 51(g) & under the 'Public Law Remedy'. In this context, the Petitioner further seeks the indulgence of this Constitutional Court, exercising **Preventive, Protective & Curative Jurisdiction.**

13. 'Public Law Remedy' sought :- For failure of 'Precautionary Rule', 'Public Trust Doctrine' & 'Strict Liability' to be enforced:- Failure of the Respondents -

to enforce the Statutory Regulations and Conventions, cast the liability under the **'Public Law Remedy'** It is submitted the total failure of the movement of the Statutory Machineries and Conventional Mechanism, as stated above, makes the Union of India & the State of Kerala and their Instrumentalities in Government responsible under the 'Public Law Remedy' for the sufferings of the people living in the Coast of Kerala and others affected, consequent to the 'MSC ELSA 3 Incident', apart from the immense damage caused and continued to be caused to the Ecology, Biodiversity and Environment out of the failure of the **'Precautionary Rule'** and the **'Public Trust Doctrine'** - with the **'Strict Liability'** principle attached to the polluter - Ship Owner/Operator, under the **'Polluter Pays'** rule. To recapitulate, the respondents : *a.* Union of India, represented by the Ministry of Ports, Shipping and Waterways (1st respondent) *b.* State of Kerala (4th respondent), *c.* Ministry of Environment, Forest & Climate Change (MoEFCC) (3rd respondent), *d.* Directorate General of Shipping (DGS) (7th respondent), *e.* NDMA/KSDMA (respondents 8 & 9), *f.* Indian Coast Guard (ICG) (respondent 10), *g.* NPCB & SPCB, failed miserably on:

a. Precautionary Principles - Right from entry of MSC ELSA 3 Vessel owned to EEZ of the 1st respondent, till it sank.

b. Lack of Legal & Operational framework for Inspection & Maritime Safety in India, for effectively handling Oil spill and Hazardous Noxious Substances.

c. Insufficient implementation of the existing framework in Law and its enforcement.

d. No coordinated efforts between various agencies/instrumentalities of the Union and State Governments, by a centralised system to handle 'MSC ELSA 3 Incident' or similar accidents.

e. Scant regard for the Right to Life, Personally Liberty and the Culture in their Way of Living.

f. Abject negligence to the Ecology, Biodiversity and the Environment in total in the sea, Coastal areas and the shore.

g. Disaster Management Act plans for Coastal, industrial and Shipping accidents, especially for Oil spill and for and for Hazardous and Noxious substances have not been formed and implemented by the NDMA and SDMA.

14. Imposition of Strict Liabilities - on the MSC ELSA 3/Bureau Veritas/P&I - by the Union of India & the State of Kerala:- It is submitted that as Primary 'Strict Liability' lies on the Vessel Owner/Operator, Classification Agency, Flag State & Insurers – Enforceable under International and Indian Law; therefore, the respondents 1 & 4 shall take immediate measure to quantify the damages so far made and escalating in a present continuous manner, to the affected people of the Coast of Kerala, especially the fisherfolk ; and to protect, mend & maintain the damages suffered/continued to suffer to the Environment, including Bio-Diversity, for which intervention of this Hon'ble Court is sought for. It may be noted that it is legally valid and enforceable to cast 'primary strict liability' on the following non-state actors under both Indian law and international maritime conventions ratified and domestically implemented by India

A. Entities Liable Under Strict and Absolute Liability Doctrines

1. Ship Owner / Operator (MSC Mediterranean Shipping Co. S.A.)

- Strictly liable as the polluter and owner of the hazardous substances that caused irreversible environmental and economic damage.
- India follows the "**polluter pays**" principle, recognised under Article 21 jurisprudence (e.g., Vellore Citizens, Oleum Gas Leak cases).

2. Classification Society (e.g., Bureau Veritas)

   - As the agency issuing Seaworthiness Certificates, Cargo Securing Manual (CSM), and Lashing Certificates, it owes an international standard of due diligence.
   - Its failure to detect material technical/structural defects (given the vessel's age and repair history) attracts professional and civil liability, enforceable under both Merchant Shipping Act, 1958 and under tort law principles of negligent certification.

3. Flag State (Liberia)

   - The IMO (International Maritime Organization) conventions (MARPOL, SOLAS, UNCLOS, HNS Convention, etc.) require Flag States to enforce vessel compliance, especially for aged and potentially unseaworthy ships.
   - Flag of Convenience misuse (flag hopping, regulatory evasion) does not dilute India's jurisdiction under its

Exclusive Economic Zone (EEZ) and UNCLOS Article 94 obligations.

B. Insurers/P&I Clubs

- They are financially liable under international conventions and marine insurance contracts to compensate affected States and populations.
- Under the HNS Convention and CLC (Civil Liability Convention), owners are required to carry liability insurance which can be directly proceeded against.

Therefore, the Union and State Government ought to initiate recovery proceedings against these respondents to ensure fiscal restitution for the environmental, economic, and social loss resulting from the MSC ELSA-3 disaster.

14.1 Immediate Relief from the Ship Owner/Operator:

The petitioner submits that during the interregnum period taken for the Litigation measures by the Union & the State Governments 1st and 4th respondents, respectively, the Owner/ Operator of the ship may be held liable in this PIL, for Immediate Monetary Deposit for Compensation & Remediation under the expanded scope of Article 226, and particularly under the Court's **Epistolary Jurisdiction** as **Sentinel on the Qui Vive** , it is both reasonable and justiciable for this Hon'ble Court to direct the Indian Administrative Office of the 13th Respondent to deposit a sum of USD 500 Million to the Union of India , for the Prevention of the Environmental Disaster, Protection & Maintenance

of the Environment, Ecology & Biodiversity of the Coastal area of the State of Kerala, the disbursement of which is done through a Special Board or High- Level Committee Constituted by the Central Government - comprising of Experts in Marine Life , Bio-Diversity, Environmental Protection, Disaster Management of the occurrences in Sea with the reports generated to this Hon'ble Court , periodically, for the next 10 years. The funds to be channelised, controlled and disbursed through a Specific Account of the Special Committee of Experts - headed by a Chief Justice (Retd) of the High Court, appropriately constituted by this Constitutional Court and direct the Union of India to constitute Coastal Victims Compensation, Rehabilitation and Environment Restoration Fund (CVCRERF) to immediately secure in an escrow fund, under the supervision of this Hon'ble Court. Legal & Constitutional basis for these relief originates from **Article 21** which envisages to enforce the **'Right to Life'**- which encompasses clean environment, sustainable livelihood, and inter-generational equity, as held by the Apex Court. Likewise, **Article 226** Empowers this High Court to issue any writ, order, or direction for enforcement of fundamental rights or "for any other purpose" - **covering preventive, remedial, and compensatory relief.** The **'Doctrine of Parens Patriae'** & Public Trust Doctrine are equally applicable in the event of intervention by this Constitutional Court, as prayed for, as the State is constitutionally bound to protect the commons (air, water, oceans) for its citizens ; and in the process, it can cast 'strict liability', on the Polluter.

15. Security concern in the Coastal belt of Kerala:

The petitioner, through this Composite Paragraph, invites this Hon'ble Court's attention to the duty of the Union Government (1st Respondent) to act under Article 355 of the Constitution of India, to handle the Hybrid Maritime Threats & Constitutional Responsibility:

Under the considered constitutional framework of federal equilibrium, Article 355 of the Constitution of India imposes a solemn duty upon the Union of India to protect every State from external aggression or internal disturbance. In the instant context of the 'MSC ELSA-3 Incident' and 'MV Wan Hai 503 Incident', the Petitioner respectfully submit that the facts and materials disclosed before this Hon'ble Court give rise to a high probability of systemic regulatory negligence which, if left unchecked, could expose India's coastline—particularly Kerala's ecologically rich but geopolitically sensitive coast—to future hybrid maritime threats.

15.1 Such threats may include the deliberate or covert use of unseaworthy, "flag-hopping", or misdeclared cargo vessels for (i) ecological sabotage, (ii) biological warfare vectors, or (iii) transnational trafficking of hazardous or dual-use substances. The lax enforcement of international maritime safety, security, and inspection protocols within India's Exclusive Economic Zone (EEZ), and particularly the failure to detect, seize or scrutinise the MSC ELSA-3, reveals a significant lapse in the precautionary regime expected under both international law and domestic maritime statutes, notably the Merchant Shipping Act,

1958 (as amended in 2014), the Indian Coast Guard Act, 1978, and relevant IMO frameworks.

15.2 Such a systemic failure, if not remedied through judicial foresight, may embolden non-State actors or hostile elements to replicate such "accidental" ecological strikes, undermining both national security and environmental sovereignty. In this constitutional setting, the Petitioners humbly seek that this Hon'ble Court, may invoke its extraordinary Jurisdiction under Article 226 and alert the 1st respondent under Article 355 of the Constitution, to take measures by :-

a. The Ministry of Defence, Ministry of Home Affairs, and Indian Coast Guard to undertake a comprehensive hybrid threat assessment arising from the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident'.

b. The Union of India to frame and place before this Hon'ble Court a National Coastal Hybrid Threat Prevention Framework, constituting a High-Level Inter-Ministerial Task Force, with inclusion of the Defense, Home and Environment Ministries, to address strategic maritime security breaches, beginning with the circumstances surrounding 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident'

16. The petitioner presents here under a 'Strategic Framework' by the 1st respondent Union of India in preventing/reducing future marine disasters, for the

continued protection of ecology and biodiversity and for the peaceful living of the posterity on the Coastal areas of Kerala :

16.1 The 'MSC ELSA-3 Incident' and 'MV Wan Hai 503 Incident' highlights critical gaps in maritime regulatory oversight - in the traffic of Vessels carrying Hazardous and Noxious Substances and other harmful pollutants to the environment as well as the humanity, without environmental compliance, and coastal security. To address these vulnerabilities and to prevent future maritime disasters, the 1st respondent ought to adopt a comprehensive, proactive strategy - the framework of which shall outline actionable measures across Ecological Security, Coastal Surveillance, ESG (Environmental, Social, Governance) Enforcement, and Maritime Sovereignty, emphasizing Pre-entry Controls, Infrastructure Enhancements, Legal Reforms, Environmental Monitoring, International Cooperation, and Community Empowerment, including proper communication. Enforcement of the convention on Oil spill and Hazardous and Noxious Substances i.e., OPRC-HNS 2000, for international cooperation is imperative in this regard.

16.2 Pre-Entry Controls and Maritime Risk Vetting :-

9.2.i Advanced Maritime Risk Assessment System (AMRAS)

To bolster maritime safety and ecological security, India must implement the **Advanced Maritime Risk Assessment System (AMRAS)**, mandating real-time electronic disclosure of critical vessel data prior to port entry. Key requirements include:

- Cargo Manifest: Detailed disclosure, including hazardous material classifications.
- ESG Compliance History: Records of the vessel's environmental and social governance performance.
- Insurer and P&I Club Credentials: Verification of protection and indemnity insurance.
- Pollution Incident History: Documentation of prior environmental violations &
- Special declaration on Hazardous and Noxious Substances, before entering into EEZ

AMRAS will be managed through the **Coastal Regulatory Intelligence Platform (CRIP)** under the Directorate General of Shipping, ensuring stringent vetting and risk mitigation.

16.3 High-Risk Vessel Blacklisting Protocol

A robust **High-Risk Vessel Blacklisting Protocol** will target vessels operating under Flags of Convenience (FoC) with poor compliance records. Key measures include:

- **Intensified Inspections or Denial of Port Access**: High-risk vessels will face rigorous scrutiny or be barred from Indian ports.
- **Leveraging Global Databases**: Utilize IMO and INTERPOL databases to identify and flag operators with deficient ESG records.

16.4 Strengthening Coastal and Port Security Infrastructure - with the multiple Statutory agencies/stakeholders involved.

16.5 Integrated Coastal Surveillance Grid (ICSG) :-

To enhance maritime surveillance, the existing **Coastal Surveillance Network (CSN)** will be upgraded into the **Integrated Coastal Surveillance Grid (ICSG+)** through:

- **Inter-Agency Integration**: Seamless coordination among port authorities, Indian Navy, Coast Guard, Customs, and Pollution Control Boards.
- **Real-Time Satellite Monitoring**: Continuous tracking of non-Indian flagged vessels within India's Exclusive Economic Zone (EEZ).

16.6 Port State Control (PSC) Augmentation

Port State Control (PSC) inspections will be strengthened in alignment with international standards (MARPOL, SOLAS, ISM Code) and supplemented by:

16.7 Mandatory Environmental Safety Clearance (ESC): Issued by the Ministry of Environment, Forest and Climate Change (MoEFCC) for vessels carrying hazardous and noxious materials.

16.8 Institutional and Legal Reforms like:

16.8.i Mandatory ESG Compliance Certification to enforce environmental and ethical maritime practices, all foreign vessels docking in India must obtain:

- **Environmental Impact & Preparedness Declaration**: Outlining measures to mitigate ecological risks.
- **Human Rights Assurance Audit**: Mandatory for vessels from FoC jurisdictions to ensure compliance with labor and ethical standards.
- Non-compliance will result in denial of port clearance and downgrading of insurance risk ratings.

16.9 Legislative Amendments :-

Reforms to the **Merchant Shipping Act** and **Environment Protection Act** will introduce:

- **Stringent ESG Obligations**: Mandatory for vessels operating within India's EEZ.
- **Environmental Threat Vessels (ETVs)**: Classifying high-risk vessels as national security threats, akin to terror risks.
- **Disaster Bond Insurance**: Mandatory for ships carrying hazardous cargo to cover potential environmental damages.

16.10 Environmental Monitoring and Emergency Preparedness:-

16.10.i Coastal Ecological Early Warning System (CEEWS) : -

A proactive Coastal Ecological Early Warning System (CEEWS), leveraging AI and satellite data, will be deployed to detect:

- Oil slicks and chemical discharges.

- Shipwreck risks and abnormal environmental activities.

This initiative will be a collaborative effort between the MoEFCC, Indian Space Research Organisation (ISRO), and Indian National Centre for Ocean Information Services (INCOIS).

16.10.ii. Rapid Environmental Response Task Force (RERTF) :-

A multidisciplinary **Rapid Environmental Response Task Force (RERTF)** will be established, comprising:

- Maritime engineers.
- Toxicologists.
- Human rights officers.
- Marine biodiversity specialists.

The RERTF will ensure swift, coordinated responses to maritime environmental incidents.

16.11 International Maritime Engagement

16.11.i. Maritime ESG Treaty Proposal:-

India will champion a **Regional Maritime ESG Treaty** under frameworks like **Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation** (BIMSTEC) or the Indian Ocean Rim Association (IORA), focusing on:

- Joint liability frameworks for environmental damages.
- Mandatory ESG audits for vessels.
- Cross-border environmental compensation policies.

16.11.ii. P&I Club Regulation and Transparency Charter India will advocate for a **Global P&I Regulation Authority** under IMO or UNCLOS reforms, ensuring:

- A public registry of all Protection and Indemnity (P&I) claims and shipowner liabilities.
- Enhanced transparency in maritime insurance practices.

16.12. Cultural and Human Rights Safeguards

16.12.i. Coastal Rights Tribunal (CRT)

A specialized **Coastal Rights Tribunal (CRT)** will be established to address:

- Cultural rights violations.
- Livelihood destruction due to maritime incidents.
- Coastal health emergencies.

The CRT will operate in coordination with the National Human Rights Commission (NHRC) and State Legal Services Authorities.

16.12.ii Community Resilience and Legal Empowerment Program

To empower coastal communities, a **Community Resilience and Legal Empowerment Program** will provide:

- Legal training on filing ESG-related claims.
- Satellite-based alert apps for real-time environmental monitoring.
- Access to environmental litigation funds for affected communities.

The petitioner respectfully submits the above proposal for the kind consideration of this Hon'ble Court, for issuing appropriate directions to the 1st respondent - for addressing the gaps in the Statutory and Governance system of the 1st and 4th respondents, as revealed from 'MSC ELSA 3 Incident' AND 'MV Wan Hai 503 Incident'.

It is humbly submitted that the petitioner for and on behalf of the Coastal Communities and for protection of the fragile ecology in the Kerala Coast, the petitioner humbly appeals to this Hon'ble Court to kindly invoke its Constitutional Conscience as a "Sentinel on Qui Vive", and "Parens Patriae" not only for the protection of Article 21 Rights of present coastal inhabitants, but also as a Custodian of the Intergenerational Environmental, Ecological systems covered under Article

48A and the National Security Interests of the Republic of India under Article 355 of the Constitution of India, by invoking the extra - ordinary power under the Article 226 of the Constitution of India, on the following among other :

GROUNDS

a. This ***Pro Bono Publico*** represents the collective conscience of the people living in the coast of Kerala who are faced with the imminent danger to the life, liberty and living conditions along with the destruction of biodiversity as well as the environment they live in, due to the irresponsible and haphazard way of marital traffic occurring through the coastal areas - naturally evolving itself as an International Water Channel, due to the recent policies of the Union of India in relaxing the Cabotage Laws, declaring the Sagarmala program and in the wake of the commissioning of the Vizhinjam port - represented by the 1st respondent. The loose implementation of Statutes and International Maritime Conventions, without casting 'Strict Liability' on the vessel owned by the (13th respondent) for transporting Hazardous and Noxious Substances - along with large quantities of oil in a sea-unworthy ship, resulted in causing the 'MSC ELSA 3 Incident'& 'MV Wan Hai 503 Incident' - violating the 'Strict Liability' principles and the 'Public Trust Doctrine' - which violated the Fundamental Rights of the people living in the Coastal areas under Article 21, 19(1)(g), 29 and under Article 48(A) r/w 51(g) of the Constitution of India.The members of the 'Federation' and a substantial number of supporters to the cause of the 'Federation' i.e., Welfare and Wellbeing of the coastal

community, are also the ardent sufferers along with the general public living in that area, especially the fisherfolk - who depend on the sea, for their daily bread.

b. The Exclusive Economic Zone (EEZ) of India extends to 200 meters from the baseline as per section 7 of the Maritime Zones Act, 1976; and the marital traffic through the same has increased exponentially due to the changed policies of the 1st respondent and the economic growth achieved by the Country, through Coastal waters - which is part of the 'Blue Ocean Economy'. The Coast of Kerala and the EEZ therein contains fragile ecosystem vide bio-diversity and the inter-linked ecology - which protects the Coastal life, marine life and other ecological balances, in the State of Kerala. Non-consideration of these factors through the shipping channels and the related areas are causing grave threat to life and destruction of this valuable ecosystem - which is necessitated for the life of all living beings. The International Conventions and the Maritime Laws including the Merchant Shipping Act in India are to be enforced fully and comprehensively protecting this valuable environmental treasure of Kerala. The incident of the capsizing of MSC ELSA 3 vessel - which is 28 years old and bearing a convenient Flag - the history of which place it in the 'red flag' category was allowed into such a ecologically fragile area with 13 containers filled with Hazardous and Noxious Substances and 450 tonnes of diesel and furnace oil which sunk 38 nautical miles away from the baseline of Alappuzha, is causing immense danger to the fragile ecology as well as the human life; but the respondents are adopting a convenient stand to protect the interest of the owner/operator of the vessel - 13th respondent, without imposing the 'Strict Liability' and 'Polluter Pays' policy - as Internationally recognized and incorporated into the Laws of India. The 'Official Compromise' attempted by the Chief Secretary, *sans* Jurisdiction and authority vouchsafe for this. This element of illegal and

unjustified approach of the respondents, considering the fact that the said meeting called by the Chief Secretary was attended by the Statutorily responsible members of the Union of India as well - which ought to be taken serious note of by this Hon'ble court.

c. It may be noted that the sinking of the hazardous cargo vessel *MSC ELSA 3* and the MV Wan Hai 503 which caught ablaze, in succession, off the coast of Kerala is not merely an environmental accident but a multi-dimensional disaster—Legal, Ecological, Cultural, and Humanitarian in nature- which also raises security threats in the area. Both the vessels were carrying Hazardous and Noxious Substances, without taking 'Precautionary Measures' and 'Full Disclosure'. The accidents caused by both these Vessels have resulted in grave and irreversible damage to the marine ecosystems and livelihoods of thousands of fisherfolk who depend on these waters for survival. The visible oil and submerged toxins are already threatening long-term contamination of water sources, destruction of biodiversity, and disruption to fish breeding cycles. The Petitioner herein is informed that despite having binding responsibilities under Domestic Laws such as the *Environment (Protection) Act, 1986*, *Disaster Management Act, 2005*, and *Territorial Waters and EEZ Act, 1976*, as well as under International Treaties like *UNCLOS* and *MARPOL*, the concerned authorities have failed to proactively invoke emergency Maritime Environmental protocols or secure immediate redress for the affected communities. The fishing ban imposed by the State (4th respondent) on the day of the incident i.e., 25.05.2025, up to a distance of 20 nautical miles and the declaration of the 'MSC ELSA 3 Incident' as a 'State Disaster' not only infringed their Right to go into the sea for daily sustenance of the families about drastically affected their health and living conditions as harmful particles started washing off to the shore. The

newspapers produced in this Writ Petition reported such incidents - the worst being the plastic nurdles (pellets) of thermoplastics and other non-biodegradable materials washing onto the shore in uncontrollable manner - were fully neglected by the State Government and its Authorities concerned. In another gruesome incident, one of the containers washed ashore got ablazed - touching the sky, presumably due to the presence of harmful chemicals inside. Empty containers kept on coming to the shore causing threat to life and the ecosystem at sea. The State Government and the Union of India, including their Instrumentalities responsible under the various Statutes are consciously keeping silent and inaction, in order to express solidarity with the polluter Vessel and its owner/operator for reasons best known to them. This approach of the respective Governments and their Instrumentalities is a serious infringement of the Constitutional and Statutory Rights of the people living in the coast of Kerala - who are otherwise under-privileged. The failure to act with urgency is both a dereliction of Statutory Duty and a breach of the Public Trust reposed in these Institutions to protect National Ecological Sovereignty. The respondents cast with a Statutory, Regulatory and Constitutional Duty have provenly failed in preventing, managing and salvaging the situation caused by MSC ELSA 3 Vessel; thereby violating the **'Precautionary Principle'** and 'Public Trust Doctrine', inviting **'Strict Liability'** and **'Polluter Pays Principle'.**

d. A glimpse at the coastal communities of Kerala—especially its fisherfolk—would reveal that they are among the most vulnerable and least equipped to bear the brunt of such disasters. These communities, which include traditional marine-dependent castes and tribes, are not just economic stakeholders but Civilisational stewards of the sea, whose Culture, Spiritual practices, and Generational Knowledge systems are connected on a deeper level with the marine ecology. To subject them

to irreparable loss without swift compensation or restoration is not merely Unconstitutional—it is morally indefensible. The existing International Legal frameworks, such as the *International Convention on Civil Liability for Oil Pollution Damage (CLC)* and the *Hazardous and Noxious Substances (HNS) Convention*, are either too narrow in scope, not yet in force, or do not afford Sovereign remedies to the Coastal State in time-sensitive ecological disasters. The non-ratification and adoption into the Statute books of the 1st respondent makes the OPRC- HNS Convention, 2000 otiose, as where as its implementation in Indian waters are concerned. The said convention imposes a **'Strict liability'** procedure on the vessels carrying oil and hazardous substances - which could have come to the rescue to prevent, manage and/or salvage the 'MSC ELSA 3 Incident'. The petitioner understands the varied interest played from different quarters estopp the adoption and implementation of this precautionary and safety mechanism - Internationally recognized and duty-bound to cooperate in times of need as in the case in hand.

e. Article 21 of the Constitution of India not only guarantees the Right to Life but also includes the Right to Livelihood, which is inseparable from the Right to Live with Dignity. The coastal fisherfolk depend entirely on fishing for their livelihood. Due to the pollution caused by the sinking of MSC ELSA 3, large portions of their fishing areas have become unsafe and unproductive. The fish population has drastically reduced, making it nearly impossible for the fisherfolk to catch enough fish to sustain themselves and their families. This sudden loss of livelihood has resulted in severe economic hardship, pushing many families into poverty and distress. Such deprivation of livelihood is a clear violation of the fisherfolk's Fundamental Rights under Article 21. The State has a Constitutional Responsibility to protect the means of livelihood of all Citizens, especially

vulnerable and marginalized groups like these fisherfolk. The failure of the Authorities to prevent this accident, regulate the safe transportation of hazardous cargo, and take timely action to control and repair the Environmental damage shows negligence and a failure to fulfill their Constitutional Duties. Moreover, under Article 48A, it is the Fundamental Duty of the State to protect and improve the environment. Similarly, Article 51A(g) imposes a duty on every Citizen to protect the environment as well. The respondents - Instrumentalities of the 1st as well as the 4th respondents - State's failure to Prevent, Manage and Salvage 'MSC ELSA 3 Incident' makes it liable under the Statutes on the subject and the Constitution of India for not protecting the Rights guaranteed under Part III and Part IV of the Constitution. In defiance to the solemn Duty cast on the Government of Kerala to protect its people, unfortunately the Chief Secretary of the State is trying to make an 'Official Compromise' with the Ship Owner/Operator, causing utter dismay to the underprivileged lot living in the Coastal areas of the 4th respondent State.

f. It is respectfully submitted that the Chief WildLife Warden (CWLW) of Kerala - 6th Respondent herein, appointed under Section 4 of the Wild Life (Protection) Act, 1972 (WLPA), is legally and functionally bound to safeguard not only terrestrial ecosystems but also the Coastal and Marine Biodiversity, including endangered and migratory marine species.A judgement on ***Essar Shipping Ports and Logistics Ltd v. S. Thirunavukarasu, 2025 KHC OnLine 320,*** vouchsafe this. India is a ratified party to the Convention on Biological Diversity (CBD) and the Convention on the Conservation of Migratory Species of Wild Animals (CMS), having acceded to both Conventions with binding commitments. The Biological Diversity Act, 2002—enacted as a Statutory incorporation of the CBD—mandates the conservation of biodiversity in all ecosystems, including marine and coastal

zones, through a coordinated Institutional framework comprising the National Biodiversity Authority, State Biodiversity Boards, and Biodiversity Management Committees. In parallel, the WLPA, 1972, by virtue of its Schedules, extends the highest protection to classified marine species such as sea turtles, dugongs, dolphins, and corals, thereby directly imposing a duty upon the CWLW to intervene and ensure their protection, including in non-notified areas where threats emerge. These International and Statutory obligations must be read harmoniously with Article 48A (Directive Principle for environmental protection) and Article 51(c) (obligation to respect International Law) of the Constitution of India. Furthermore, the Hon'ble Supreme Court in ***Vellore Citizens' Welfare Forum v. Union of India***, (1996) 5 SCC 647, and ***T.N. Godavarman v. Union of India, 2012 (3) SCC 277***, has held that International Environmental principles, including Treaty Obligations, may be Judicially enforced where consistent with Fundamental Rights under Article 21. Hence, in light of the present continuous ecological threat caused by hazardous maritime incidents off the Kerala Coast, including the 'MSC ELSA 3 Incident' the CWLW is under a Statutory and Constitutional obligation to actively protect the coastal biodiversity and take remedial action in coordination with other State and Central authorities.

g. The Marine Pollution (Prevention of Pollution from Ships and Oil Pollution) Rules, 1998, were framed under the Merchant Shipping Act, 1958, to give effect to India's obligations under the *International Convention for the Prevention of Pollution from Ships, 1973*, as modified by the Protocol of 1978 (collectively referred to as *MARPOL 73/78*). These rules are aimed at controlling and preventing pollution of the marine environment by oil, noxious liquid substances, harmful substances in packaged form, sewage, and garbage from ships. The Rules require

that every ship, Indian or foreign, entering Indian waters, including the Exclusive Economic Zone (EEZ), must comply with the operational and equipment standards set out in MARPOL's various annexes. For example, Rule 4 of these Rules imposes restrictions on the discharge of oil or oily mixtures from ships into Indian territorial and international waters. Rule 10 mandates reporting of any incidents involving pollution or the risk of pollution from ships to the authorities. In the case of MSC ELSA 3, a hazardous cargo vessel, it was the duty of authorities such as the Directorate General of Shipping (2nd Respondent herein), the Indian Coast Guard, and the Ministry of Environment, Forest and Climate Change (4th respondent herein) to ensure that the vessel was in full compliance with MARPOL standards. This includes mandatory checks related to the vessel's structural safety, proper storage and containment of hazardous cargo, and readiness to prevent or mitigate pollution incidents. The fact that the ship was allowed to pass through Indian maritime jurisdiction without such regulatory scrutiny and eventually sank, causing the release of harmful substances, demonstrates a failure of enforcement under these Rules.

i. The 1st respondent - Union of India's reluctance to ratify the OPRC-HNS, 2000 Convention on Oil spill and Hazardous & Noxious Substances, during Maritime Traffic and the adopting of the same into the Statute as per Article 253 of the Constitution of India, reduces the Litigatory power against the Ship owner/operator in 'MSC ELSA 3 Incident' and in similarly placed situations of grave environmental damage and infringement of the life of the Citizens, as stated. It is high time this Hon'ble Court interfere under the 'Sentinel On Qui Vive' and 'Parens Patriae' Jurisprudential Principles to direct the Union of India to take appropriate measures under Article 253, in order to secure the ends of Justice to its Citizens and the total environment of living beings.

h. India's Exclusive Economic Zone (EEZ) is within its sovereign jurisdiction for the purposes of environmental regulation and natural resource protection under UNCLOS. However, in this case, India was unable to assert full control over disaster response, containment, and restitution because of an absence of clear regional emergency Jurisdiction protocols, thereby failing to meet both National Constitutional expectations and International standards of Sovereign Environmental Governance. Under the 'Polluter Pays Principle' and the 'Precautionary Principle'—now firmly embedded in Indian Constitutional Jurisprudence as per ***Vellore Citizens Welfare Forum v. Union of India*** **(AIR 1996 SC 2715)** —there is both a legal and ethical imperative to hold polluters strictly liable and ensure that no economic activity takes precedence over environmental integrity and human dignity. These principles stand violated in the present case.

i. It is respectfully submitted that the maritime incident involving the vessel MSC ELSA-3, which capsized off the coast of Kerala with hazardous cargo, constitutes a grave and continuing ecological threat to the coastal and marine environment, local biodiversity, and the Fundamental Rights of Coastal communities. The Vessel, being a part of the Mediterranean Shipping Company (MSC) fleet, is reportedly covered under a Protection and Indemnity (P&I) insurance policy issued by a London-based P&I Club, which operates through its Indian correspondent office. This insurer bears liability for environmental damage, clean-up obligations, and third-party compensation under international maritime norms, including provisions of the International Convention on Civil Liability for Oil Pollution Damage, 1992, and corresponding common law principles recognised within Indian admiralty jurisprudence. Despite this, there has been a discernible

absence of coordinated and coercive enforcement by the concerned authorities—namely, the Directorate General of Shipping (DGS), Ministry of Ports, Shipping & Waterways, Kerala State Maritime Board, and the State Disaster Management Authority (SDMA)—in initiating claim procedures and invoking strict liability principles against the vessel owner and insurer.

j. It is submitted that because the maritime disaster involving the capsized vessel MSC ELSA-3 off the Kerala coast, coupled with the subsequent fire incident on the Singapore-flagged vessel near Beypore, viz., MV Wan Hai 503 constitutes not isolated events but indicators of a persistent and ongoing threat to the fragile coastal ecology, biodiversity, and marine environment of the State of Kerala. These incidents have collectively resulted in the release and risk of further leakage of hazardous materials, chemical-laden containers, microplastic residues, and marine debris into the Exclusive Economic Zone (EEZ) of India, causing irreversible damage to critical habitats of endangered marine species, disruption of food chains, degradation of benthic ecosystems, and contamination of fish breeding zones. The fragile ecological character of this coastline—scientifically documented by national agencies such as the Central Marine Fisheries Research Institute (CMFRI), Zoological Survey of India (ZSI), Centre for Marine Living Resources & Ecology (CMLRE), and in the Kerala State Environment Reports—renders it especially vulnerable to cumulative and cascading impacts from maritime pollution events. These developments are not past, isolated harms but constitute an ongoing and escalating environmental crisis, warranting judicial recognition of a 'present continuous' injury under Article 21 of the Constitution, and necessitating urgent remedial, compensatory, and preventive action by statutory, regulatory, and insurance-related authorities. Failure to act undermines not only the constitutional duty under Article

48A but also international obligations under the CBD, CMS, and the MARPOL Convention, to which India is a party.

k. Instead of applying the 'Polluter Pays Principle' and 'Precautionary Principle', which are deeply entrenched in Indian environmental jurisprudence as upheld by the Hon'ble Supreme Court in ***Indian Council for Enviro-Legal Action v. Union of India, (1996) 3 SCC 212***, a soft-handed regulatory posture appears to have been adopted, potentially shielding the ship owner, operator, and flag state from their legal and environmental accountability. The inaction not only jeopardises Article 21 rights of affected communities but also undermines Article 48A of the Constitution. The failure to invoke the insurer's liability, particularly through the P&I Club's India correspondent, and the lack of exigent measures for environmental remediation and compensation to fisherfolk and coastal dwellers reflect systemic regulatory failure and a departure from the doctrine of absolute liability as laid down in *M.C. Mehta v. Union of India, (1987) 1 SCC 395*. It is therefore imperative that the Hon'ble Court direct the Central and State authorities to immediately initiate proceedings for environmental compensation, ecological restoration, and community relief, by engaging the P&I insurer under binding international and domestic legal norms.

l. Several official documents—notably the Compendium of Environment Statistics (Environmental Dept., Govt. of Kerala), the State Action Plan on Climate Change, and peer-reviewed studies from Zoological Survey of India—unequivocally describe Kerala's coast as an ecologically fragile region, teeming with high biodiversity, including endangered marine species like turtles and corals. These findings are corroborated by statutory bodies such as CMFRI and CMLRE,

mandated to monitor and assess marine ecosystems under central government authority. In light of this landscape, the MSC ELSA-3 Incident, involving hazardous cargo and potential ecological damage, poses a significant risk to the coastal environment and dependent livelihoods. These official and institutional sources collectively establish that the coastal sea of Kerala is not only rich in biodiversity but also exceptionally vulnerable—thereby mandating immediate judicial intervention for ecological assessment, mitigation, and restoration. A report from the 11th Repondent - Directorate of Fisheries may be called to find out the 'present continuous' damage on the Marine Life caused by the 'MSC ELSA -3 Incident' and action initiated by this Hon'ble Court .

m. Since no meaningful reparative framework currently exists to recognize civilisational loss—the loss not only of income or species but of spiritual, cultural, and historical connections with the sea. The southwestern coast of Kerala, with its Vedic and Sangam-era maritime traditions, temple settlements near water bodies and centuries-old fishing rites, is worthy of international recognition as a Marine Cultural-Ecological Zone. The destruction of such a zone is not just environmental—it is anthropological, civilisational, and intergenerational. It is the duty of the present generation to preserve such fauna so that the coming generations shall benefit from the culture of their land.

n. As the MSC ELSA-3 maritime disaster poses a "present and continuing threat" to the sensitive coastal and marine ecosystems of Kerala, involving potential leakage of chemical-laden cargo, hazardous pollutants, and marine debris with long-term and cascading impacts on marine biodiversity, fishery stocks, fragile benthic

life forms, and ecologically sensitive habitats, there is an urgent and constitutionally mandated need for the formation of an Independent Expert Panel. Such a panel must consist of representatives from statutory environmental institutions such as the Central Pollution Control Board (CPCB), Kerala State Pollution Control Board (KSPCB), National Centre for Sustainable Coastal Management (NCSCM), CMFRI, ZSI, and CMLRE, along with independent marine ecologists, to undertake a comprehensive, time-bound, and science-based assessment of the present and projected ecological harm, including assessment of restoration cost, remediation strategies, biodiversity loss, and marine pollution indicators. The Constitution of such a panel aligns with the 'Polluter Pays Principle', the 'Precautionary Principle', and is consistent with the Supreme Court's directives in ***Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647, and A.P. Pollution Control Board v. Prof. M.V. Nayudu, (1999) 2 SCC 718***, wherein expert-led environmental decision-making was deemed integral to upholding the right to life under Article 21 and enforcing the mandates of Article 48A of the Constitution of India

o. The Boiling Liquid Expanding Vapour Explosion (BLEVE) , if occurred aboard MV Wan Hai 503, approximately 60 nautical miles off the Northern Kerala coast, will trigger severe ecological and public safety concerns for the region. Given that 143 out of the 1,754 containers onboard carried highly flammable, toxic, and chemically unstable cargo—including nitrocellulose, naphthalene, paraformaldehyde, and organometallic compounds—the BLEVE has likely resulted in the uncontrolled release of toxic vapours and particulate matter into the atmosphere and infuse hazardous residues into the marine ecosystem. The magnitude of the explosion, even at such a distance, poses a serious risk of airborne contamination, which may travel inland with coastal winds, potentially impacting

human respiratory health, especially among vulnerable populations. Additionally, toxic fallout settling into seawater can lead to mass fish mortality, coral bleaching, and long-term bioaccumulation of pollutants in the marine food chain, directly affecting the livelihood and food security of fisherfolk and coastal communities. The risk is compounded by ocean currents, which may carry dissolved pollutants toward the shores, leading to shoreline contamination, threatening biodiversity hotspots and marine breeding grounds. Without immediate containment and environmental assessment, the BLEVE fallout from MV Wan Hai 503 could result in irreversible ecological degradation and public health crises along Kerala's northern coastline.

p. Because the coastal fisherfolk communities of Kerala represent a vulnerable and culturally distinct population whose livelihoods, health, traditional way of life, and socio-cultural existence are deeply intertwined with the health of the marine ecosystem, the 'MSC ELSA 3 Incident' and the 'MV Wan Hai 503 Incident' have triggered not just environmental fallout, but multidimensional human harm—including disruption of livelihood, occupational health hazards, psychological trauma, economic dislocation, and erosion of marine cultural heritage. In keeping with the doctrines of Environmental Justice and Intergenerational Equity, it is imperative that the Hon'ble Court direct the constitution of a Judicially-Supervised Commission or Fact-Finding Committee, comprising social scientists, occupational health experts, anthropologists, representatives from the State Human Rights Commission, and officials from the State Fisheries Department and Disaster Management Authority, to assess, quantify, and document the direct and consequential damages inflicted on the coastal fisherfolk, including potential compensation models and policy-level safeguards. This is essential to fulfil the constitutional guarantee under Articles 21, 39(a), 41, 47, and 51(c), and accords with

the jurisprudential reasoning in Indian Council for Enviro-Legal Action v. Union of India (1996) 3 SCC 212 and Samatha v. State of Andhra Pradesh, (1997) 8 SCC 191, which recognise custom-based livelihood rights of coastal and tribal communities in ecologically sensitive zones.

q. The need for a Civilisational Compensation Protocol (CCP), and a UN-supervised Sovereign Environmental Escrow Reserve, is a just and rational response to the visible failure of commercial insurance and liability systems to respond in time. It is unjust to expect impoverished communities to litigate across borders against faceless shipowners when immediate relief is needed for basic sustenance, health, and livelihood restoration. As a result of prohibition from fishing within a 20-nautical mile radius, dozens of hazardous containers have begun washing ashore. Children, pregnant women, and the elderly living in shoreline villages face health risks without access to any medical monitoring or chemical safety information. This humanitarian crisis has unfolded in silence, without a single policy acknowledgment of the emotional, psychological, and spiritual trauma endured by these communities.

r. The Respondents have failed to invoke the settled principle of strict or absolute liability, as laid down in ***M.C. Mehta v. Union of India (1987)***, to hold the shipowner, carrier, or flag-state responsible for the environmental, economic, and civilisational harm caused by the hazardous cargo vessel *MSC ELSA 3* and MV Wan Hai 503. The carriage and marine transport of dangerous substances—such as calcium carbide, diesel, and furnace oil—constitutes an ultra-hazardous activity, where the occurrence of an accident imposes automatic liability on those in control of the operation. At the same time, the failure to apply strict liability in this case—despite the occurrence of environmental damage within India's Exclusive Economic

Zone (EEZ)—sets a dangerous precedent of impunity for foreign polluters, and violates the principle of environmental justice as enshrined in Articles 21 and 48A of the Constitution. The strict liability standard is essential not only for ensuring swift and non-contentious compensation to affected communities, but also for signalling India's commitment to preventive environmental governance and sovereign ecological protection in international maritime law.

s. The State Government of Kerala, by virtue of its territorial proximity and under the framework of Indian federalism and international maritime law, bears primary responsibility for initiating immediate environmental protection measures and legal proceedings against the shipowner. While the Union of India holds treaty-making power, it is the State that bears the brunt of ecological, economic, and social fallout. The State cannot be a passive bystander and must be directed to act under its constitutional, statutory, and humanitarian obligations. India's jurisdiction over the EEZ under Section 7 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976 clearly entitles both the Union and the concerned State to regulate and protect the marine environment. Under the terms of UNCLOS, the coastal State has enforcement rights over pollution control, disaster response, and the safety of navigation which are certainly powers which Kerala is well-positioned to exercise in the instant case.

t. In an eventuality like 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident, both dealing with hazardous & noxious substances in the Coastal Waters of the 4th respondent, Kerala, it is proven that there is no proper mechanism available with the Union of India or the State of Kerala and their different Instrumentalities functioning under separate Statutes. This incident shall be an eye-

opener for the Union as well as the State Governments; and therefore, a unified coordinate system is to be devised under the active intervention and Governance of the Union of India - bringing the respective State Governments and all the respective Instrumentalities/Departments of the Government falling under Environment Protection Act, 1986, Water (Prevention and Control of Pollution) Act, 1974, Coastal Regulation Zone (CRZ), notifications, Wildlife (Protection) Act, in consonance with the Merchant Shipping (Prevention of Pollution) (Rules), 2009, Hazardous Waste(Management and Handling) Rules , 2016, Merchant Shipping Act, Marine Insurance Act and the Bharatiya Nyaya Sanhitha (BNS) along with Customs Act, Ports Act, Coast Guard Act, for prevention, remedy and redressal of the grievances/damages sustained/ likely to be sustained from such incidents. PRAYER REQUIRED

u. The Legal Mechanism and the Authority Involved- if any mishap occurred as in the case of the vessel MSC ELSA 3, have been given in the below-mentioned table, for reference of this Hon'ble court. In a disaster like this, these authorities are at loggerheads as to what proper action is to be taken by exercising their respective jurisdiction/authority; and even when the respective authorities move independently without coordination, no desired results are obtained for the grievance of the common people like that of the petitioner and the people they represent in public interest. Therefore, a primary advisory committee will have to be constituted under the aegis of the Union of India for rendering proper guidance to the common people who suffer out of such gruesome incidents and the respective departments who are responsible for preventing/containing, managing and redressing various situations cropping out of the scenario. The inefficiency of the present system is writ large on the face of the actions, the respondents so far taken.

Step	Legal Mechanism	Authority Involved
1	Investigation into cause of sinking, cargo details, pollution extent	DG Shipping, Indian Coast Guard
2	Detention or arrest of sister vessels, or bank guarantees from owner	Admiralty courts (Bombay, Kochi, Chennai)
3	Claim for compensation from P&I club / marine insurer	Victims, State of Kerala, CPCB, MoEFCC
4	Criminal prosecution if criminal negligence or false disclosure is found	MoEFCC, Coast Guard, local police
5	Environmental compensation via NGT	National Green Tribunal
6	Ban or restriction on future port entry / blacklisting of operator	DG Shipping, MoPSW

v. The State's inability to coordinate and enforce 'Strict Liability Principles' and 'Strict Safety Rules' through the 1st respondent - Union of India, for transporting Hazardous and Dangerous goods through the Coastal waters of Kerala, runs against the Federal concept of 'Unity in Diversity' - to protect the Life, Ecology, Biodiversity and Environment under the Constitutional scheme and the 'Public Trust Doctrine', aptly invites 'Strict Liability Principle' on the 4th respondent - State, as well.The slow and ineffective response of the 1st and 4th respondents and their Instrumentalities, to the pollution caused by the sinking Vessel amounts to a breach of these Constitutional Duties. This failure has put at risk not only the environment but also the health, livelihood, and dignity of the affected fisherfolk communities. Given these facts, it is clear that the pollution from the MSC ELSA 3 sinking violates multiple Constitutional Protections and Duties, making it imperative for this Hon'ble Court to intervene and ensure Justice for the affected communities. The intervention of the 4th respondent's Chief Secretary to the State to enter into the 'Official Compromise' with the Ship Owner/Operator, by conducting a parley with the

Statutory Authorities including the Central Government, Director General of Shipping as evident from Ext.P8 news report - quoting the Official note, speak volume for the fact that the interest of the 4th respondent is not to protect the Coastal Fisherfolk and the fragile ecological system damaged/continued to be damaged by the sunken ship as the primary responsibility on 'Strict Liability' lies with the Ship Owner, the State ought to have pressed for immediate compensation for the fisherman community on the shore and for protection of ecological and biodiversity system. Rather, State adopted a soft pedal approach to the Ship Owner - *sans* Jurisdiction and the affected fisherfolk on the Coastal area were granted a negligible amount of Rs.1000/- and 6 kg of rice for a month to sustain their living!

w. In ***M.C Mehta and Anr vs. Union of India & ors (1987 1 SCC 395)*** and in ***Vellore Citizens Welfare Forum v. Union of India (AIR 1996 SC 2715)***, the apex court categorically held that the common citizens affected out of such a disaster affecting their rights under Article 21 and causing irreparable damage to the environment, ecology and biodiversity can seek "public law remedy" before the constitutional courts. The "state-specific" disaster caused by the 13th respondent ship owner/operator - with the contributory negligence on the side of the Union of India, State of Kerala and their instrumentalities - all arraigned as respondents herein are entitled to compensate the common citizens whose livelihood is dependant on the coast and the coastal sea, apart from yearmarking the required amount for the environment, ecology and biodiversity protection. The primary liability (strict liability) on this count rests with the shipowner/operator and his insurer ; and the secondary liability under the 'Public Trust Doctrine' rests with the Union of India and the State governments, including the respective instrumentalities/department, as stated. Further, this incident, in light of Respondents' failure to invoke the

Precautionary Principle, **Public Trust Doctrine**, and **Polluter Pays Principle**, has led to:

- Irreparable damage to marine biodiversity, including plankton, mangroves , coral reefs, and migratory fish populations;
- Chronic health risks to coastal populations, especially vulnerable fisherfolk exposed to toxic fumes, contaminated water, and seafood bioaccumulation;
- Economic paralysis in fishing, aquaculture, and coastal tourism;
- Destruction of cultural heritage, rituals, and sustainable marine livelihoods rooted in centuries of coastal tradition.

Therefore, the 'MSC ELSA-3', amounts to a 'Continuing Constitutional Tort' - violating the Rights guaranteed under Article 21 (Right to Life, Health, and Livelihood), Article 19 (1) (g) (Right to practice Occupation/ Trade & Business) , Article 48A (Protection of Environment and Ecology), and Article 51A(g) (Fundamental Duty to Preserve Nature) - for which, **immediate, scientific, and Judicial intervention is warranted.**

That, in such grave circumstances, this Hon'ble Court, acting as a "**Sentinel on the Qui Vive**", is constitutionally empowered and duty-bound to :

1. Direct the establishment of a Court-Monitored Coastal and Marine Restoration Task Force, comprising environmental scientists, maritime experts, and statutory regulators;

2. Order the Union and State Governments to immediately deposit an Environmental Rehabilitation and Coastal Compensation Corpus for restoration, clean-up, health care, and sustainable livelihood transition for affected communities;

3. Mandate continuous scientific monitoring, risk modelling, and biodiversity audits for the next 5–10 years;

4. Fix statutory accountability on all errant instrumentalities of both Union and State for abject negligence in compliance, enforcement, and disaster management responsibilities;

5. Impose costs, damages and direct enforcement of the polluter pays principle upon all liable parties, including the shipping company, classification agency, and flag state consortium.

Such directions are not only in the interest of natural justice and public accountability, but also to protect the inter-generational equity and constitutional environmental rights of present and future generations residing in the coastal regions of India.

On these and other grounds to be urged at the time of hearing, it is most humbly prayed that this Hon'ble Court may be pleased to:

PRAYERS

i. To declare that the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident' had caused the ongoing environmental degradation in the Kerala Coast and the State inaction on the side of the 1st and 4th respondents and their Governmental Instrumentalities - constituting a continuing violation of the Fundamental Right to Life, Liberty and Way of Living of the People living in the coastal area, under Article 21, 19(1)g and 29, r/w the Directive Principles of State Policy under Article 48A and the Fundamental Duties

under Article 51A(g) ; and hence the matter be placed under the continuing monitoring process of the Hon'ble High Court of Kerala, by invoking the Jurisdictional Principles of **'Parens Patriae'** and **'Sentinel on Qui Vive'**.

ii. Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing the 1st respondent to constitute the High Court monitored Multi Agency Special Investigation Team comprising of representatives from the 3rd respondent MoEFCC, 7th respondent. Directorate General of Shipping, 10th respondent Indian Coast Guard, 8th respondent NDMA and other involved institutions to conduct a comprehensive time-bound investigation into the incidents involving MSC ELSA 3 & MV Wan Hai 503, in order to unearth :-

A) cause of the accidents

B) violation of Environmental, Safety and Maritime regulations

C) The roles, responsibilities and failure, if any of the Classification Agencies (respondents 16 and 20, respectively), Insurer (15th respondent) and the 'Flag State' - Liberia & Singapore, respectively - through the 21st respondent MEA.

iii To constitute a Court-Monitored Environmental Restoration Task Force, composed of Independent Ecological Experts, Scientists, Maritime Safety Specialist and Representatives from the Statutory Bodies of the 1st and 4th respondents under the aegis of the 3rd respondent, MoEFCC.

iv Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing Respondent No. 4 to take immediate steps to enforce the 'Absolute Liability' based on 'Strict Liability Principles' to 13th and 19th respondent-owners, respectively and the 15th respondent - Insurer of both the Vessels.

v Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing the Respondent No. 1 - Union of India (through the Ministry of Port and Shipping), to establish immediately a dedicated Coastal Victims Compensation , Rehabilitation and Environment Restoration Fund (CVCRERF) - with the initial contribution of INR 1000 CR (Rupees One Thousand Crores) by the 1st respondent in order to restore the ongoing environmental degradation and the continued sufferings of the Coastal community - to be jointly administered by the 4th respondent and the Neutral High Level Committee comprised of members from the 1st respondent Union of India, 3rd respondent MoEFCC and the 23rd respondent, Ministry of Defense, as approved by the Hon'ble High Court of Kerala under the Chairmanship of a Chief Justice of a High Court (rtd), under the 'Public Law Remedy', for the benefit of the affected Coastal Community and for the restoration of the biodiversity and environment.

vi Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing the 1st despondent Union of India to take appropriate Legal action for prosecution and/or for compensation from the respondents 13 & 19 and 16 & 20 for violations of the Merchant Shipping Act and the applicable Laws in EEZ of India (Kerala Coast), including the International Conventions ratified in India, on 'Strict

Liability Principles' and 'Polluter Pays Rule' in 'Environmental Jurisprudence'

vii Issue a Writ of Mandamus or any other appropriate Writ, Order or direction, directing the Union of India - 1st respondent to frame and place before this Hon'ble Court a National Coastal Hybrid Threat Prevention Framework and Constitute a High-Level Inter-Ministerial Task Force, with inclusion of the Defense and Environment Ministries, to address strategic maritime security breaches, beginning with the circumstances surrounding MSC ELSA 3 and MV Wan Hai 503 immediately,

viii Issue a writ of mandamus or any other appropriate writ, order or direction, directing the State of Kerala, 4th respondent, to form an effective comprehensive mechanism, immediately, for casting liabilities onto the owners/operators of the Vessels of the 13th and 19th respondents and it's Insurance Agency, 15th respondent, and their Classification Agents (respondents 16 and 20 under the laws in existence in India for a) Environmental degradation, b)Threat to biodiversity and marine life, c) Loss of livelihood and health risks to people, d) Violations of statutory and international norms, prevalent in India.

ix Issue a Writ of mandamus or any other appropriate writ, Order or Direction directing the 1st respondent to consider the proposal of the Petitioner, as contained in paragraph No. 16.11.i of the Writ Petition for avoiding/reducing the future incidents of Vessel mishaps with the

Hazardous and Noxious Substances and for the Safety, Security of the people, environment and the Nation.

x Issue a Writ of mandamus or any other appropriate writ, Order or Direction directing the 4th respondent to handover the investigation of the Ext P 7 FIR registered, to the 24th respondent for a comprehensive investigation, forthwith.

xi To grant such other reliefs sought from time to time, including the cost of these proceedings.

INTERIM RELIEFS

For the reasons stated in the accompanying affidavit and the Memorandum of Writ Petition, it is most humbly prayed that this Hon'ble Court may be pleased to direct

a) the 1st respondent Union of India, to immediately coordinate the fire extinguishing and the rescue work with the DG of Shipping. Indian Coast Guard, the Disaster Management Authority (7th, 10th , 8th and 9th Respondents respectively) and the Indian Navy, and to control the inferno in 'MV Wan Hai 503 as the vessel is dangerously getting closer to the coast of Kerala, near Kodungallore, Kerala and place the 19th Respondent with absolute and strict liability,

b) the 4th respondent, State of Kerala, to constitute an immediate relief fund of a minimum of INR 100 crores (Rupees hundred crores) under 'Public Law Remedy' Jurisdiction of this Hon'ble Court for mitigation of the suffering of the people in the Coast of Kerala and for the prevention of the damage caused/continuing to cause in the Coastal area due to the 'MSC ELSA 3 Incident' and 'MV Wan Hai 503 Incident'; and disburse the same through a

High Level Committee appointed for the purpose, as approved by this Hon'ble Court.

Dated this the 13th day of June 2025.

Ummer Kunju

Petitioner

Counsel for the Petitioner.

Anil Thomas (T).

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

Writ Petition (PIL) No. of 2025

Ummer Ottummal : Petitioner

Vs.

Union of India & others : Respondents

AFFIDAVIT

I, Ummer Ottummal, aged 68 years, S/o Kasmikutty, Kuppachan House, Otummal Beach, Parappanangadi PO, Malappuram - 676303, do hereby solemnly affirm and state as follows: -

1. I am the Petitioner in the above case and I know the facts and circumstances of the case. This Writ Petition is filed as a Public Interest Litigation. I have no personal or private interest in this case. There are no authoritative pronouncements on the matter either by the Hon'ble Supreme Court of India or by this Hon'ble Court, which leads to any gain for me or for anybody associated with me. This is the first Public Interest Litigation filed by the deponent.

2. The submissions made in W.P (PIL). are based on my personal knowledge and information and on instructions given by me.

3. The Exhibits produced along with the Writ Petition are true copies of the originals. It is affirmed that no case is pending nor will be moved by the deponent

Ummer Ottumal

before any Court of Law or authority on the subject, till the above case is disposed of by this Hon'ble court.

For the reasons stated in the W.P.(PIL) it is most humbly prayed that this Hon'ble Court may be pleased to grant relief sought in the W.P.(PIL) or else not just me but all those depending on the Sea for their day-to-day life will be put to serious loss and injury.

The contentions raised in Paragraph nos 1 to 16 of the memorandum, grounds A to W, as well as the prayers i to xi including the interim prayers are true and correct.

Dated this the 13th day of June 2025.

Ummerkunhi

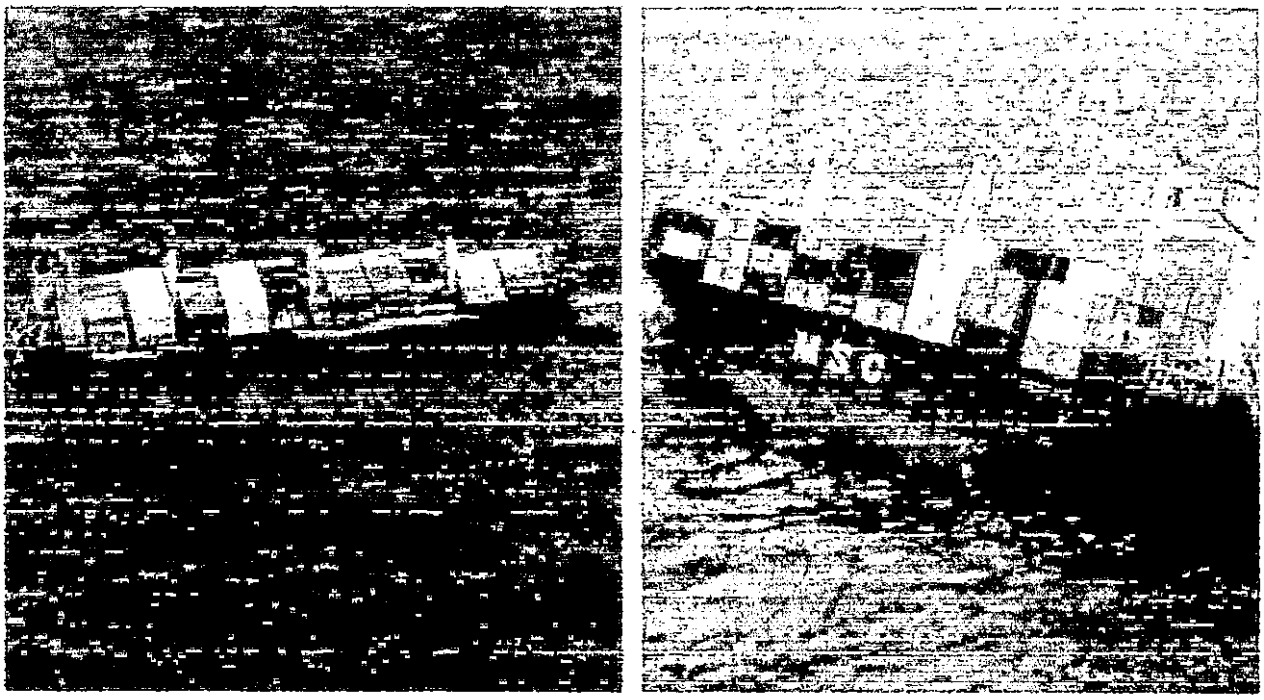
DEPONENT

Solemnly affirmed and signed before me, by the deponent, who is personally known to me, on this the 13th day of June 2025 in my office at Ernakulam.

Anil Thomas (T).
ADVOCATE

Kerala coastline on high alert after hazardous cargo spill from capsised vessel

The entire Kerala coastline has been placed on high alert as the authorities fear that some of the containers and oil slicks may drift toward the coasts of Alappuzha, Kollam, Ernakulam and Thiruvananthapuram.



The ICG remains on standby to respond to any environmental impact or spill that may arise due to the incident



Shivani Sharma
New Delhi, UPDATED: May 25, 2025 15:40 IST
Written By: Shipra Parashar

In Short

- Coast Guard on high alert as significant oil spill already confirmed
- Coast Guard is taking action to contain the oil using two ships
- Entire Kerala coastline has been placed on high alert

The Liberian-flagged container vessel MSC ELSA 3 completely sank on Sunday 14.6 nautical miles off the Thottappalli spillway, prompting a large-scale pollution response by the Indian Coast Guard. The incident has raised major environmental concerns, with around 100 containers feared to have fallen into the sea and a significant oil spill already confirmed.

The sunken vessel was carrying 640 containers, including 13 classified as hazardous

Authorities fear that some of the containers and oil slicks may drift toward the coasts of Alappuzha, Kollam, Ernakulam and Thiruvananthapuram. As a precaution, the entire Kerala coastline has been placed on high alert.

All 24 crew members aboard the Liberian-flagged ship were safely rescued, with 21 picked up by ICG ships and 3 by the Indian Navy's INS Sujata. Rescue efforts saw coordination between multiple agencies.

Twelve crew members were rescued by ICG ship Arnvesh and nine by MV Han Yi. By 10 PM on May 24, three key crew, including the captain, chief engineer and second engineer, remained onboard to support salvage efforts.

The ICG has deployed two ships to contain the oil spill, while a Dornier aircraft is spraying dispersant chemicals to limit environmental damage. Surveillance aircraft are also mapping the spill as it spreads.

The Director General of the Indian Coast Guard, who also serves as Chairman of the National Oil Spill Response Plan, is personally overseeing operations and taking necessary action to minimise environmental impact.

The vessel had earlier developed a severe 26-degree starboard tilt while en route from Vizhinjam to Kochi, prompting a multi-agency rescue operation coordinated by the Maritime Rescue Sub-Centre (MRSC) in Kochi.

The ship eventually capsised and sank early on May 25 after prolonged salvage efforts. An investigation into the cause of the incident is underway.

Furthermore, the Kerala State Disaster Management Authority (KSDMA) has issued a public advisory in light of the potential for cargo and oil to wash ashore. KSDMA has urged the citizens to not touch any containers or oil residues found along the coast and directed them to immediately report such findings to the police.

The authority has also warned of the possibility of oil films forming along stretches of the shoreline.

മലയാള മനോരമ + 2025 മേയ് 26 തിങ്കൾ

തുണ്ട്. കേരളത്തിന്റെ സമ്പദ്‌വ്യവസ്ഥയുടെ നട്ടെല്ലായ തീരദേശങ്ങളുടെയും മത്സ്യബന്ധന മേഖലയുടെയും ആധി തിരിച്ചറിഞ്ഞുള്ള പരിഹാര മാർഗങ്ങളാണ് അടിയന്തരമായി സർക്കാരിൽനിന്നുണ്ടാകേണ്ടത്.

സൈലന്റ് സുനാമി; ആഘാതം ദീർഘകാലം

ഡോ. രാജീവ് ജയദേവൻ,
പൊതുജനാരോഗ്യ വിദഗ്ധൻ



കടലിലെ ഇത്തരം അപകടങ്ങൾ ഒരു 'സൈലന്റ് സുനാമി' സൃഷ്ടിക്കും. അതിന്റെ ആഘാതം ദീർഘകാലത്തേക്കു നീണ്ടുനിൽക്കും. കടലിൽ പരക്കുന്ന വസ്തുക്കൾ പല രീതിയിൽ നമ്മുടെ ഭക്ഷ്യശൃംഖലയിൽ എത്തിച്ചേരാമെന്നതു വലിയ വെല്ലുവിളിയാണ്. കണ്ടെയ്നറുകളിൽനിന്നു പുറത്തേക്കു പരക്കുന്ന വസ്തുക്കൾ കടലിലെ ജീവജാലങ്ങൾ ഭക്ഷിക്കും. ഞണ്ട്, കൊഞ്ച് ഉൾപ്പെടെ പുറംതോടുള്ള മത്സ്യങ്ങളിൽ അതു പറ്റിപ്പിടിക്കും. ഭക്ഷണത്തിലൂടെ അതു നമ്മിലേക്ക് എത്താം.

കടലിൽ വീണ കണ്ടെയ്നറുകളിൽ എന്തൊക്കെ വസ്തുക്കളാണ് ഉള്ളതെന്നു നമുക്കറിയില്ല. എപ്പോൾ വേണമെങ്കിലും ഈ വസ്തുക്കൾ പുറത്തുവരാമെന്നതിനാൽ കടലിന്റെ അടിത്തട്ടിൽ കിടക്കുന്നതു ദോഷമാണ്.

കടലിൽ പൊങ്ങിക്കിടക്കുന്ന കണ്ടെയ്നറുകൾ കപ്പലുകളിലും മീൻപിടിത്ത ബോട്ടുകളിലും വന്നിടിച്ച് അപകടമുണ്ടാകാം. തീരത്ത് അടുക്കുന്ന കണ്ടെയ്നറുകൾ കൃത്യമായ പ്രോട്ടോക്കോളിന്റെ അടിസ്ഥാനത്തിലേ കൈകാര്യം ചെയ്യാവൂ.

Silent Tsunami; Long-lasting Impact

Dr. Rajeev Jayadevan, Public Health Expert

Such accidents at sea create what can be described as a "silent tsunami," with impacts that persist for a long time. A major challenge lies in the various ways the substances spreading in the sea can enter our food chain. Materials leaking from containers may be consumed by marine life. These substances can adhere to the outer shells of seafood like crabs and prawns. Through consumption, they can reach us as well.

We do not know exactly what materials are present inside the containers that have fallen into the sea. Since these substances can surface at any time, their presence on the seabed is a matter of concern.

Containers floating in the sea may collide with ships and fishing boats, causing accidents. Containers washing up on shore must be handled strictly following proper protocols.

Ext. P2 & Translation

സമുദ്ര ഭക്ഷ്യവലയത്തിന് വലിയ ഭീഷണി

ഡോ.ജോർജ് മാത്യു
രസതന്ത്രം പ്രഫസർ, റിസർച് ഗൈഡ്, സെന്റ് മേരീസ് കോളജ്, ബത്തേരി)



ലോകമായ പാരിസ്ഥിതിക സമുദ്ര ആവാസവ്യവസ്ഥയാണു കേരളതിരത്തുള്ളത്. ഡിസൽ, ഫർണസ് ഓയിൽ, കാൽസ്യം കാർബൈഡ് എന്നിവയുടെ ചോർച്ച മൂലമുണ്ടാകുന്ന ഗുരുതര പാരിസ്ഥിതിക പ്രശ്നങ്ങളും തീപിടിത്ത സാധ്യതയും ഈ സംഭവത്തെ കൂടുതൽ ഗൗരവമുള്ളതാക്കുന്നു.

കാൽസ്യം കാർബൈഡ് അപകടകരമായ രാസവസ്തുവാണ്. ജലവുമായി ചേർന്നാൽ കത്താനോ സ്ഫോടനത്തിനോവരെ സാധ്യതയുണ്ടാകാം. ഡീസലിനു പുറമേ ഫർണസ് ഓയിലും ഉള്ളതിനാൽ ആഘാതങ്ങൾ കൂടുതൽ ഗുരുതരമായേക്കാം.

ഡീസൽ കടൽവെള്ളത്തിൽ കലർന്നാൽ മണിക്കൂറുകൾക്കുള്ളിൽ അതു പാളിയായി പടരും. സമുദ്രപ്രവാഹങ്ങളും കാറ്റും പാളിയാകൽ പ്രക്രിയ വേഗത്തിലാക്കും. ഈ പാളി സൂര്യപ്രകാശം വെള്ളത്തിലേക്കു കടക്കുന്നതു തടയുകയും സൂക്ഷ്മജീവികളുടെ പ്രകാശ സംശ്ലേഷണത്തെ ബാധിക്കുകയും ചെയ്യും. നമ്മൾ ശ്വസിക്കുന്ന ഓക്സിജന്റെ ഭൂരിഭാഗവും ഇതിലുൾപ്പെടുന്ന സമുദ്ര ആൽഗകളിൽ നിന്നും ഫൈറ്റോപ്ലാങ്ക്ടണിൽനിന്നുമാണെന്നതു പ്രധാനമാണ്. പ്രകാശ സംശ്ലേഷണം തടയപ്പെടുന്നത് സമുദ്ര ഭക്ഷ്യവലയത്തെയും തകർക്കും.

കടൽപ്പക്ഷികളും ഭീഷണി നേരിടേണ്ടിവരും. മത്സ്യങ്ങൾക്കും ഇതേ പോലെ നാശവും പെരുമാറ്റ വ്യതിയാനങ്ങളും ഉണ്ടാകും. അവയുടെ തീറ്റയെയും പുനരുൽപാദനത്തെയും ബാധിക്കും. പോളിസൈക്ലിക് അരോമാറ്റിക് ഹൈഡ്രോകാർബണുകൾ പോലുള്ള ഡീസലിലെ വിഷ സംയുക്തങ്ങൾ സമുദ്രജീവികളിൽ കോശനാശത്തിനു കാരണമാകും. എണ്ണച്ചോർച്ച കടലിലെ ഭക്ഷ്യയോഗ്യമായ ചെടികളെയും ബാധിക്കും.

A Major Threat to the Marine Food Chain

Dr. George Mathew
Professor of Chemistry and Research Guide, St. Mary's College, Bathery

The Kerala coastline is home to a delicate marine ecological habitat. The leakage of diesel, furnace oil, and calcium carbide poses serious environmental hazards, along with the risk of fire, making this incident even more alarming.

Calcium carbide is a hazardous chemical. When it comes into contact with water, it has the potential to catch fire or even explode. In addition to diesel, the presence of furnace oil may intensify the severity of the impact.

When diesel mixes with seawater, it spreads out as a thin film within hours. Ocean currents and wind accelerate this spreading process. This film blocks sunlight from penetrating the water, thereby affecting the photosynthesis of microorganisms.

It is important to note that a significant portion of the oxygen we breathe comes from marine algae and phytoplankton. When photosynthesis is disrupted, the entire marine food chain is af

2025 ഡിസം 26 വ്യാഴം

പരിസ്ഥിതി സംരക്ഷണത്തിന് പ്രത്യേക പരിഗണന നൽകണം

ഡോ. ആർ. വേണുഗോപാൽ, മുൻ ജോയിന്റ് ചീഫ് കൺട്രോളർ ഓഫ് എക്സ്പ്ലോസിവ്സ് പെട്രോളിയം ആൻഡ് എക്സ്പ്ലോസിവ്സ് സേഫ്റ്റി ഓർഗനൈസേഷൻ (പെസോ)



കുപ്പലിൽ നിന്നുള്ള എണ്ണച്ചോർച്ച ഗുരുതര പാരിസ്ഥിതിക, സാമ്പത്തിക പ്രത്യാഘാതങ്ങൾക്ക് ഇടയാക്കുമെന്നതിനാൽ ഈ സാഹചര്യത്തെ അതിവ ഗൗരവത്തോടെ കാണണം. രാജ്യാന്തര മാനദണ്ഡങ്ങൾ പാലിച്ചും കുതുകമായ ആസൂത്രണത്തോടെയുമുള്ള നടപടികൾ ആവശ്യമാണ്.

- എണ്ണപ്പാട കരയിലേക്ക് എത്തുന്നതു തടയാൻ തീരമേഖലകളിലും ബുമുകളും ബാരിയറുകളും വിന്യസിക്കണം.
- കണ്ടൽക്കാടുകൾ, പവിഴപ്പുറ്റുകൾ, മത്സ്യസമ്പത്ത്, കുടിവെള്ള സ്രോതസ്സുകൾ എന്നിവയുടെ സംരക്ഷണത്തിനു പ്രത്യേക പരിഗണന നൽകണം.
- തീരത്തടിയുന്ന വസ്തുക്കൾ നീക്കം ചെയ്യാൻ യന്ത്രവൽകൃത സംവിധാനങ്ങൾ പ്രയോജനപ്പെടുത്തണം.
- വിണ്ടെടുത്ത എണ്ണ, മലിനമായ വസ്തുക്കൾ, അവശിഷ്ടങ്ങൾ എന്നിവയുടെ സംസ്കരണത്തിനു ശാസ്ത്രീയമായ മാർഗങ്ങൾ അവലംബിക്കണം. എണ്ണക്കറവനികളിലെ എഫ്ലുവന്റ് ട്രീറ്റ്മെന്റ് പ്ലാന്റ് (ഇടിപി) പ്രയോജനപ്പെടുത്താം.
- കാൽസ്യം കാർബൈഡ് വെള്ളവുമായി ചേരുമ്പോൾ അസറ്റലിൻ ഗ്യാസ് ഉൽപാദിപ്പിക്കപ്പെടുമെന്നതിനാൽ അതിവ ശ്രദ്ധയോടെ കൈകാര്യം ചെയ്യണം.

മറ്റു മേഖലകളിൽനിന്നു മാറ്റിയ ശേഷം അസറ്റലിൻ ഗ്യാസ് നിർമാണ പ്ലാന്റുകളുടെ സഹായത്തോടെ ഇതു സംസ്കരിച്ചു നീക്കണം.

Environmental Protection Requires Special Attention

Dr. R. Venugopal

Former Joint Chief Controller of Explosives, Petroleum and Explosives Safety Organization (PESO):

Leakage from ships can lead to serious environmental and economic consequences, and therefore, the situation must be treated with utmost seriousness. Action must be taken in compliance with international standards and with proper planning.

To prevent oil slicks from reaching the shore, booms and barriers should be deployed along coastal areas.

Special consideration should be given to the protection of mangroves, coral reefs, fish resources, and drinking water sources. Mechanical systems should be used to remove materials that wash up on the shore.

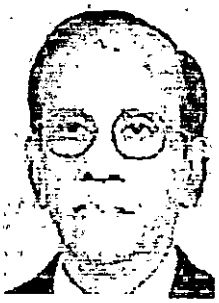
Scientific methods should be adopted for the treatment of recovered oil, contaminated materials, and residues. Effluent Treatment Plants (ETPs) in oil companies' treatment facilities may be utilized for this purpose.

Since calcium carbide reacts with water to produce acetylene gas, it must be han

2025 മെയ് 26 തിങ്കൾ

ഭാരസന്തുലന നഷ്ടം അടക്കം സാധ്യത പലത്

മധു എസ്.നായർ
(സിഎംഡി,
കൊച്ചി ഷിപ്‌യാഡ്)



കപ്പലിന്റെ ഭാര സന്തുലനം (വെയ്റ്റ് സ്റ്റെബിലിറ്റി) തെറ്റിയിട്ടുണ്ടെന്ന കാര്യം ഉറപ്പാണ്. ചില സാധ്യതകൾ പറയാമെന്നു മാത്രം. വളരെ പ്രതികൂലമായ കാലാവസ്ഥ പ്രധാന ഘടകമാണ്.

ആടാനും ചെരിയാനും കഴിയുന്ന രീതിയിലാണു കപ്പലുകളുടെ രൂപകൽപന. സാധാരണ ഗതിയിൽ കപ്പൽ ആടിയുലഞ്ഞാലും ഉള്ളിൽ വെള്ളം കയറില്ല. പക്ഷേ, ഈ കപ്പൽ ചെരിയുന്ന സമയത്തു കടൽ വെള്ളം ഉള്ളിൽ കയറിയിട്ടുണ്ടാകാം. അപ്പോൾ ആ ഭാഗത്തേക്കു കൂടുതലായി ചെരിയും. അപ്പോൾ, കണ്ടെയ്നറുകളുടെ കെട്ടുപൊട്ടി വെള്ളത്തിൽ വീഴാൻ സാധ്യതയുണ്ട്. കപ്പലിലെ കാലിയായ എതെങ്കിലും ടാങ്കുകളിൽ വെള്ളം (ഷിപ്പിങ് ഇൻ ഓഫ് ഗ്രീൻ വാട്ടർ) കയറിയിട്ടുണ്ടാകാം. സ്വാഭാവികമായും ആ ഭാഗത്തേക്കു കപ്പൽ ചെരിയും. അതിനൊപ്പം, കണ്ടെയ്നറുകൾ കൂടി വെള്ളത്തിലേക്കു വീണാൽ കൂടുതൽ ചെരിയും.

തീരത്തോടു ചേർന്നാണു സഞ്ചരിക്കുന്നതെങ്കിൽ പാറകളിലും പവിഴപ്പുറ്റുകളിലും ഇടിച്ചു ചെരിയാൻ സാധ്യതയുണ്ട്. പക്ഷേ, ഈ കപ്പൽ തീരത്തു നിന്നു 38 നോട്ടിക്കൽ മൈൽ ദൂരെയാണ് അപകടത്തിൽപെട്ടത്.

അവിടെ 750 - 1000 മീറ്റർ ആഴമുണ്ടാകാം. അത്രയേറെ ആഴമുള്ളതിനാൽ പുറത്തു നിന്നുള്ള എന്തെങ്കിലും വസ്തുവിൽ തട്ടി തകരാറുണ്ടാകാനുള്ള (എക്സ്റ്റേണൽ ഡാമേജ്) സാധ്യത വളരെ കുറവാണ്. കപ്പൽ ചെരിഞ്ഞപ്പോൾ കണ്ടെയ്നറുകൾ കെട്ടുപൊട്ടി ആ ഭാഗത്തേക്കു നീങ്ങിയതോടെ ഭാരസന്തുലനം നഷ്ടമായി. അതിനൊപ്പം ഏതോ ഭാഗത്തു കൂടി വെള്ളവും ഉള്ളിൽ കയറി. അൽപം വെള്ളം കയറിയാൻ കുഴപ്പമില്ല. ഇവിടെ പക്ഷേ, വീണ്ടും വീണ്ടും വെള്ളം കയറിയിട്ടുണ്ടാകാം. മനുഷ്യ സഹജമായ പിഴവുകളാണോ എന്ന് ഇപ്പോൾ പറയാൻ കഴിയില്ല.

കാറ്റടിച്ച് കണ്ടെയ്നർ തെന്നിയേക്കാം

Loss of Balance Among Several Possibilities

By Madhu S. Nair

(Cochin Shipyard)

It is confirmed that the ship lost its weight stability. We can only suggest some possible reasons. Extremely adverse weather conditions are a major factor.

Ships are designed in such a way that they can pitch and roll. Normally, even if the ship rolls or rocks, seawater does not enter the interior. However, in this case, seawater might have entered the ship while it was rolling. As a result, it may have tilted more to that side. If that happens, the lashing of the containers could break, and the containers could fall into the sea.

If any of the empty ballast tanks on the ship had taken in water (a phenomenon known as "shipping in of green water"), the ship could have tilted further to that side. If containers fall into the water along with this, the ship would tilt even more.

If the ship had been traveling close to the shore, there was a possibility of it hitting rocks or coral reefs, which could cause it to list. However, in this case, the ship met with the accident 38 nautical miles away from the coast.

The sea depth in that area could be between 750 and 1000 meters. Since it's so deep, the possibility of the ship getting damaged by hitting any external object is very low. When the ship tilted, the container lashing might have broken and the load shifted to that side, causing loss of weight stability. At the same time, water might have entered through some part of the ship. A small amount of water entry is not a big issue. But in this case, it appears that water kept entering repeatedly.

At this point, it's not possible to confirm whether the incident was due to any human error.

Ext. P2C and translation

THE HINDU

Kerala

Thursday, June 12, 2025
Kochi

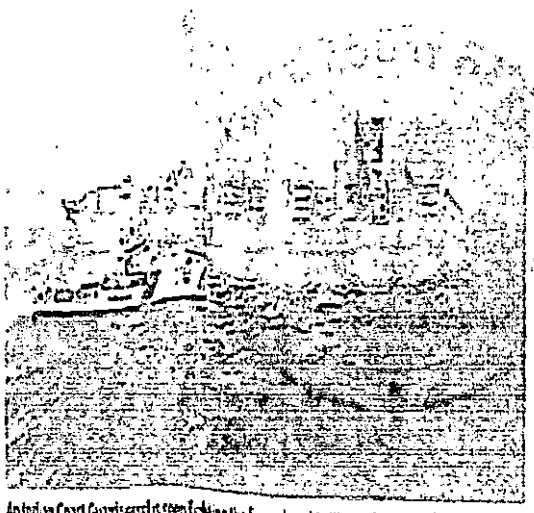
Towline connected to ship, but fire rages on

Chances of BLEVE explosion high as the fire rages near the ship's fuel tank; fallen containers of the ship may drift towards the coastal stretch between Kozhikode and Thrissur and parts of south Tamil Nadu and Sri Lanka in the next couple of days

Dhinesh Kallungal
THIRUVANANTHAPURAM

Two days after MV Wan Hai 503 caught fire off the coast between Beypore and Azhikkal on Monday, the Indian Coast Guard and MERC Salvage Master – a Marine Emergency Response Centre and a subsidiary of Vishwasamudra of Gujarat – could connect a towline to the burning ship in a daring operation. The movement of the ship is being controlled by Indian Coast Guard (ICG) ship Samudra Prahari after connecting the towline.

A three-member team deployed on a Cheetah helicopter successfully secured the towing hawser on the ship. Though flames have subsided significantly, the fire remains active in the inner decks and near fuel tanks. Constant air sorties are being undertaken by Dornier aircraft for sea-air coordination and real-time assessment. No new explosions were reported since early Tuesday morning. The tilt of the vessel remains unchanged at 10-15 degrees to the port (left) side. ICG ships Aryaman, Rajdoot, and Kavaratti Gandhi are undertaking an extended search for the four missing crew of the distressed vessel, said a statement.



An Indian Coast Guard vessel is seen fighting the fire on board MV Wan Hai 503 on Wednesday.

According to sources, the initial plan was to tow the ship to a safer region in the central Arabian Sea away from the coastline and from the international shipping channel. The team also toyed with the idea of bringing the ship to the New Mangalore port if the fire was contained.

Fallen containers

Sekhar Kuriakose, member secretary, Kerala State Disaster Management Authority, told *The Hindu* that as per the warning of the Indian National Centre for Ocean Information Services (INCOIS), the fallen containers of the ship may drift towards the coastal stretch between Kozhikode and Thrissur and parts of south Tamil Nadu to Sri Lanka in the next couple of days.

Meanwhile, there are chances for a BLEVE (Boiling Liquid Expanding Vapour Explosion) explosion. As the fire is raging near the fuel tank of the ship, the liquid fuel may evaporate and the vapour, which is more dangerous especially due to the high temperature present, could lead to a catastrophic explosion. The vessel has approximately 2,000 tonnes of fuel oil and 240 tonnes of diesel oil in tanks located near to the fire zone. However, no structural compromise to the ship has been reported.

Firefighting specialists

Meanwhile, firefighting specialists from Spain, the U.K., and the Netherlands identified by the salvors will be deployed for the firefighting operation subject to visa clearance within the next 72 hours. Firefighting and boundary cooling operations, led by the Coast Guard, Navy, Directorate General of Shipping, and ship salvage partners are going on in the forward bays where the fire originated.

The vessel is located about 65 nautical miles off the coastline, beyond the 1,000-metre depth contour. As per the owners, the ship was carrying a total of 1,754 containers, out of which 143 are carrying highly dangerous cargo.

Book on response to plastic pellet pollution

The Hindu Bureau
THIRUVANANTHAPURAM

Chief Minister Pinarayi Vijayan and Revenue Minister K. Rajan on Wednesday released a book on the guidelines for responding to plastic pellet pollution prepared by the State Disaster Management Authority. Finance Minister K.N. Balagopal was present.

The State Disaster Management Authority has prepared the book based on an existing work by International Tanker Owners Pollution Federation Limited (ITOPF), which was adopted considering the situation in Kerala in the context of the sinking of Liberia-flagged MSC Elsa 3 off the Alappuzha coast, which led to the accumulation of plastic pellets on the State's coastline. The book covers various aspects including the collection and disposal of plastic pellets.

Effort on to tow ship away from coast

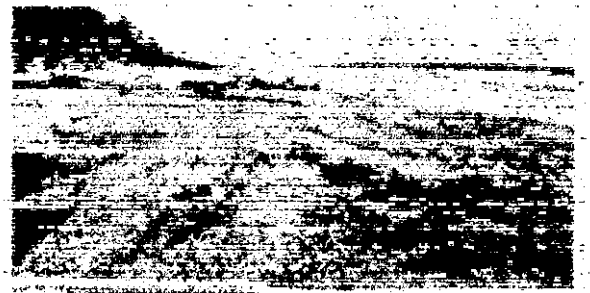


GROUND ZERO



STEEL WORKS





रजिस्ट्री सं० डी० एल०-33004/99 REGD. NO. D. L.-33004/99

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं. 1487] नई दिल्ली, मंगलवार, जून 14, 2016/ज्येष्ठ 24, 1938
No. 1487] NEW DELHI, TUESDAY, JUNE 14, 2016/JYAISTHA 24, 1938

गृह मंत्रालय

अधिसूचना

नई दिल्ली, 13 जून, 2016

का. आ.2097 (अ).— भारत के राजपत्र असाधारण के भाग- II, खंड-3, उपखंड (ii) में प्रकाशित दिनांक 27 अगस्त, 1981 की गृह मंत्रालय, भारत सरकार की अधिसूचना सं. का. आ. 671 (अ.) के भाग- II अनुच्छेद-2 के साथ पठित टेरिटोरियल वाटर्स, कॉन्टिनेन्टल शेल्फ, एक्सक्लूसिव इकॉनोमिक जोन तथा अन्य मेरीटाइम जोन्स एक्ट 1976 की धारा 13 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतद्वारा यह निर्देश देती है कि नवीचन्दर तटीय पुलिस स्टेशन, जिला पोरबन्दर (गुजरात), चेलो गेट पुलिस स्टेशन, मुम्बई (महाराष्ट्र तथा दमण एवं दीव), हार्बर तटीय सुरक्षा पुलिस स्टेशन, हार्बर, मारमूगांव, जिला दक्षिण गोवा (गोवा), मंगलौर तटीय सुरक्षा पुलिस स्टेशन, जिला दक्षिण कन्नड (कर्नाटक), पोर्ट कोच्चि तटीय पुलिस स्टेशन, कोच्चि (केरल तथा लक्षद्वीप), थी 5 हार्बर पुलिस स्टेशन, चेन्नई (तमिलनाडु तथा पुडुचेरी), पिलाकालाडिंडी, मछलीपट्टनम, जिला कृष्णा (आंध्र प्रदेश), पारादीप मरीन पुलिस स्टेशन, जिला जगतसिंहपुर (ओडिशा), नयाचार तटीय पुलिस स्टेशन, जिला पूर्वा मेदिनीपुर (पश्चिम बंगाल) तथा केन्द्रीय क्वाइम स्टेशन, पोर्ट ब्लेयर (अंडमान एवं निकोबार द्वीपसमूह) नामक पुलिस स्टेशन को उक्त अधिनियम की धारा 7 की उप-धारा 7 के तहत एक्सक्लूसिव इकॉनोमिक जोन तक यथा-विस्तारित किसी अधिनियम के प्रावधानों के अंतर्गत किसी व्यक्ति द्वारा किए गए अपराध की जांच करने के उद्देश्य से पुलिस स्टेशन होंगे।

[फा. सं. 5/1/2014-तटीय सुरक्षा]

प्रदीप गुप्ता, संयुक्त सचिव

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 13th June, 2016

S.O. 2097(E).– In exercise of the powers conferred by section 13 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act,1976 read with paragraph 2 of Part II of the Notification of the Government of India in the Ministry of Home Affairs number S.O.671(E), dated the 27th August, 1981, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), the Central Government hereby directs that the police stations, namely, Navibandar Coastal Police Station, District Porbandar (Gujarat), Yellow Gate Police Station, Mumbai (Maharashtra and Daman and Diu), Harbour Coastal Security Police Station, Harbour, Mormugao, District South Goa (Goa), Mangalore Coastal Security Police Station, District Dakshina Kannada (Karnataka), Fort Kochi Coastal Police Station, Kochi (Kerala and Lakshadweep), B5 Harbour Police Station, Chennai (Tamil Nadu and Puducherry), Gilakaladindi, Machilipatnam, District Krishna (Andhra Pradesh), Paradeep Marine Police Station, District Jagatsinghpur (Odisha), Nayachar Coastal Police Station, District Purba Medinipur (West Bengal), and Central Crimes Station, Port Blair (Andaman and Nicobar Islands) shall be the Police Stations for the purpose of the investigating the offence committed by any person under any of the provisions of any Act as so extended to the exclusive economic zone under sub-section (7) of Section 7 of the said Act.

[F. No. 5/1/2014-Coastal Security]

PRADEEP GUPTA, Jt. Secy.

Uploaded by Dte. of Printing at Government of India Press, Ring Road, Mayapuri, New Delhi-110064
and Published by the Controller of Publications, Delhi-110054.

Before the Hon'ble: JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KOCHI

CCTNS-R-IIF-1

FIRST INFORMATION REPORT

(പ്രഥമ വിവര റിപ്പോർട്ട്)

(Under Section 173 BNSS)

(ഭാരതീയ നാഗരിക് സുരക്ഷാ സംഹിത 173 പ്രകാരം)

1. District (ജില്ല) : ERNAKULAM CITY PS (പോലീസ് സ്റ്റേഷൻ) : FORT KOCHI COASTAL PS

FIR No.(പ്രഥമ വിവര നമ്പർ) : 0014 Year (വർഷം) : 2025

Date and Time of FIR (പ്രഥമ വിവര റിപ്പോർട്ട് തീയതിയും സമയവും) : 11/06/2025 13:45

2.

Sl No. (ക്രമ നമ്പർ)	Acts (നിയമം)	Sections (വകുപ്പുകൾ)
1	THE BHARATIYA NYAYA SANHITA (BNS), 2023	282,285,286,287,288,3(5)

3. (a) Occurrence of Offence (കുറ്റകൃത്യം സംഭവിച്ചത്)

1. Day (ദിവസം) : Intervening Day Time Period (സമയം) :

Date From (തീയതി മുതൽ) : 24/05/2025 Date To (തീയതി വരെ) : 25/05/2025

Time From (സമയം മുതൽ) : 00:00 hrs Time To (സമയം വരെ) : 00:00 hrs

(b) Information Received at P.S (പോലീസ് സ്റ്റേഷനിൽ വിവരം ലഭിച്ചത്)

Day (ദിവസം) : 11/06/2025 Time (സമയം) : 13:11 hrs

(c) General Diary References (ജനറൽ ഡയറി സൂചനാ വിവരം)

Entry No (നമ്പർ) : 012 Time (സമയം) : 13:45 hrs

4. Type of Information (ലഭിച്ച വിവരത്തിന്റെ സ്വഭാവം) : Written

Source of Complainant (പരാതിയുടെ ഉറവിടം) : Citizen/General Public

5. Place of Occurrence (കൃത്യസ്ഥലം)

1. i. Direction and distance from P.S : SOUTH-WEST, 70 KM
(PS ൽ നിന്നുള്ള ദിശയും അകലവും)
Beat No (ബീറ്റ് നമ്പർ) :

ii. Location / Address (സ്ഥാനം / മേൽവിലാസം) : Arabian sea

iii. In case, outside the limit of this Police Station, then
(പോലീസ് സ്റ്റേഷന്റെ അധികാരപരിധിക്ക് പുറത്താണെങ്കിൽ)
Name of P.S (പോലീസ് സ്റ്റേഷന്റെ പേര്) :
District (പോലീസ് ജില്ല) :
State (സംസ്ഥാനം) :

6. (1).Complainant / Informant (പരാതിക്കാരൻ / വിവരം നൽകിയ ആൾ)

(a). Name (പേര്) : C SHAMJI

(b). Father's / Mother's / Husband's Name :
(പിതാവിന്റെ / മാതാവിന്റെ / ഭർത്താവിന്റെ പേര്)

District (ജില്ല) : ERNAKULAM CITY
P.S (പോലീസ് സ്റ്റേഷൻ) : FORT KOCHI COASTAL PS
FIR No (പ്രഥമ വിവര നമ്പർ) : 0014 / 2025

(c). Age & Date of Birth (വയസ്സ് & ജനനതീയതി) : 40-50
(d). Nationality (പൗരത്വം) : INDIA
(e). UID No.(ആധാർ നമ്പർ) :
(f). Passport No.(പാസ്സ്പോർട്ട് നമ്പർ) :
Date of Issue (നൽകിയ തീയതി) :
Place of Issue (നൽകിയ സ്ഥലം) :
(g). ID details (Ration Card, Voter ID Card, Aadhar, Driving License, PAN) (തിരിച്ചറിയൽ രേഖകളുടെ വിശദാംശങ്ങൾ റേഷൻകാർഡ്, വോട്ടർ ഐഡി കാർഡ്, ആധാർ, ഡ്രൈവിംഗ് ലൈസൻസ്, പാൻ)

Sl No. (ക്രമ നമ്പർ)	Id Type (തിരിച്ചറിയൽ രേഖ)	Id Number (തിരിച്ചറിയൽ രേഖ നമ്പർ)

(h). Occupation (തൊഴിൽ) :
(i). Address (മേൽവിലാസം)

Sl No. (ക്രമ നമ്പർ)	Address Type (മേൽവിലാസത്തിന്റെ തരം)	Address (മേൽവിലാസം)
1	Permanent Address (സ്ഥിരമായ മേൽവിലാസം)	THEKKUM MURI, NEERKKUNNAM MALSYA GRAMAM, MEMBERSHIP NO .1276, NEERKKUNNAM, ALAPPUZHA, KERALA, INDIA
2	Present Address (നിലവിലെ മേൽവിലാസം)	THEKKUM MURI, NEERKKUNNAM MALSYA GRAMAM, NEERKKUNNAM, ALAPPUZHA, KERALA, INDIA

(j). Land Phone Number (ഫോൺ നമ്പർ) :
Mobile Number (മൊബൈൽ നമ്പർ) : 9562531483

(2).Victim / Missing / Deceased details (ഇര / കാണാതായ / മരണപ്പെട്ട ആളിന്റെ വിവരം)

Sl No. (ക്രമ നമ്പർ)	Name (പേര്)	Age (വയസ്സ്)	Sex (ലിംഗം)	Relative's Name (ബന്ധുവിന്റെ പേര്)	Address (മേൽവിലാസം)

7. Details of known / Identifiable / Suspected / Unknown accused with full particulars (അറിയാവുന്ന / കണ്ടാലറിയാവുന്ന / സംശയിക്കുന്ന / അറിയാത്ത കുറ്റവാളികളെ സംബന്ധിച്ച വിശദ വിവരങ്ങൾ)

Sl No. (ക്രമ നമ്പർ)	Name (പേര്)	Alias (അപരനാമം)	Present Address (നിലവിലെ മേൽവിലാസം)	Permanent Address (സ്ഥിരമായ മേൽവിലാസം)
1	OWNER OF MSC ELSA-3 SHIP			
2	MSC ELSA -3 SHIP MASTER			

District (ജില്ല) : ERNAKULAM CITY
P.S (പോലീസ് സ്റ്റേഷൻ) : FORT KOCHI COASTAL PS
FIR No (പ്രഥമ വിവര നമ്പർ) : 0014 / 2025

3	MSC ELSA -3 SHIPPING CREWS AND OTHERS			

8. Reason for delay in reporting by the Complainant / Informant (പരാതിക്കാരനോ / വിവരം നൽകുന്ന ആളോ പോലീസ് സ്റ്റേഷനിൽ അറിയിക്കുവാൻ കാലതാമസം വരുത്തിയതിനുള്ള കാരണം) :

9. Particulars of properties of interest (മോഷ്ടിക്കപ്പെട്ട / കറ്റകൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ വിവരം)

Sl No. (ക്രമ നമ്പർ)	Property Type (സ്വത്ത് തരം)	SubType (സ്വത്ത് ഉപതരം)	Description (വിശദാംശങ്ങൾ)	Value(In Rs) (മൂല്യം രൂപയിൽ)

10. Total value of property stolen (In Rs) (മോഷ്ടിക്കപ്പെട്ട / കറ്റകൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ ആകെ മൂല്യം) :

11. Inquest Report / U.D. case No.,If any (അപ്രത വിചാരണ റിപ്പോർട്ട് / അസ്വാഭാവിക മരണം കേസ് നമ്പർ ഉണ്ടെങ്കിൽ)

Sl No. (ക്രമ നമ്പർ)	Registration Type (രജിസ്ട്രേഷൻ തരം)	Registration Number (രജിസ്ട്രേഷൻ നമ്പർ)

12. First Information Contents (എഫ്.ഐ.ആർ ഉള്ളടക്കം)

MSC ELSA -3 എന്ന ചരക്ക കപ്പലിലുള്ള കണ്ടെയ്നറുകളിൽ എളുപ്പത്തിൽ തീപിടിക്കാൻ സാധ്യത ഉള്ള ചരക്കുകളും, സ്ഫോടക വസ്തുക്കളും ഉണ്ടെന്ന അറിവ് നിലനിൽക്കെ പ്രതികൾ മനുഷ്യ ജീവനും സ്വത്തിനും അപകടം ഉണ്ടാക്കും വിധം അപാകമായും ഉദാസീനമായും MSC ELSA -3 എന്ന ചരക്ക കപ്പൽ കൈകാര്യം ചെയ്തത് വഴി ടി കപ്പൽ സഞ്ചാര മാർഗേ 24.05.2025 തീയതി ആലപ്പുഴ തോട്ടപ്പള്ളിക്ക് പടിഞ്ഞാറ് വശം കടലിൽ മുങ്ങി താഴാനിടയാക്കി ടി അപകടത്തെ തുടർന്ന് ടി കപ്പലിൽ ഉണ്ടായിരുന്ന കണ്ടെയ്നറുകളിൽ നിന്നും വിനാശകാരികളായ പ്ലാസ്റ്റിക് അവശിഷ്ടങ്ങളും മറ്റും പുറം തള്ളപ്പെട്ടത് മൂലം പരിസ്ഥിതി പ്രശ്നങ്ങൾക്ക് ഇടയാക്കിയും കൂടാതെ പരമ്പരാഗത മത്സ്യബന്ധന മേഖലയെ പ്രതികൂലമായി ബാധിച്ച് മത്സ്യ തൊഴിലാളികൾക്ക് ലക്ഷകണക്കിന് രൂപയുടെ നാശനഷ്ടം ഉണ്ടാകുവാനും,ടി കപ്പൽ മൂലവും അതിൽ നിന്ന് കടലിൽ പതിച്ച കണ്ടെയ്നറുകൾ മൂലവും , കപ്പൽ ചാലിലും മറ്റ് സമീപ പ്രദേശങ്ങളിലും സഞ്ചാരം നടത്തുന്ന യാനങ്ങളുടെ പൊതു സഞ്ചാരത്തിന് മാർഗ്ഗ തടസ്സം ഉണ്ടാകുവാനും ഇടയാക്കിയ കാര്യം,

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. (സ്വീകരിച്ച നടപടി : മേൽ വിവരിച്ച റിപ്പോർട്ട് പ്രകാരം രണ്ടാം ഇനത്തിൽ കാണിച്ചിരിക്കും പ്രകാരമുള്ള വകുപ്പുകൾ അനുസരിച്ചുള്ള കുറ്റകൃത്യം നടന്നതിനാൽ)

Directed to take up the Investigation / Performing Self Investigation (അന്വേഷണം നടത്തുവാൻ നിർദ്ദേശം നൽകി / സ്വയം അന്വേഷണം നടത്തുന്നു) : Self Investigation

Name of I.O (അന്വേഷണ ഉദ്യോഗസ്ഥന്റെ പേര്) : Sivakumar T S

Rank (പദവി) : I (Inspector)

District (ജില്ല) : ERNAKULAM CITY
P.S (പോലീസ് സ്റ്റേഷൻ) : FORT KOCHI COASTAL PS
FIR No (പ്രഥമ വിവര നമ്പർ) : 0014 / 2025

PEN (പെൻ) : 402565

F.I.R.read over to the complainant / informant,admitted to be correctly recorded and a copy given to the complainant / informant free of cost (പ്രഥമ വിവര റിപ്പോർട്ട് പരാതിക്കാരനെ / വിവരം നൽകിയ ആളെ വായിച്ചു കേൾപ്പിച്ചു. ശരിയായ വിവരമാണ് രേഖപ്പെടുത്തിയതെന്ന് സമ്മതിച്ചു. റിപ്പോർട്ടിന്റെ ഒരു പകർപ്പ് പരാതിക്കാരന് / വിവരം നൽകിയ ആളിന് സൗജന്യമായി നൽകി) R.O.A.C (ആർ.ഒ.എ.സി)

14. Signature / Thumb Impression of the complainant / Informant (പരാതിക്കാരന്റെ / വിവരം നൽകിയ ആളിന്റെ ഒപ്പ് വിരലടയാളം) :

Signature of Officer in charge, Police Station (പോലീസ് സ്റ്റേഷന്റെ ചാർജ് വഹിക്കുന്ന ഉദ്യോഗസ്ഥന്റെ ഒപ്പ്) :

Digitally Signed by:
Sivakumar T S

Date: 11-Jun-2025

Name (പേര്) : Sivakumar T S
Rank (പദവി) : I (Inspector)
PEN (പെൻ) : 402565

15. Date and time of dispatch to the court : (കോടതിയിലേക്ക് അയച്ച തീയതിയും സമയവും)

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Helpline Number of District Legal Services Authority : 0484-2344223
(ജില്ലാ ലീഗൽ സർവ്വീസസ് അതോറിറ്റിയുടെ ഹെൽപ് ലൈൻ നമ്പർ)

District (ജില്ല) : ERNAKULAM CITY
P.S (പോലീസ് സ്റ്റേഷൻ) : FORT KOCHI COASTAL PS
FIR No (പ്രഥമ വിവര നമ്പർ) : 0014 / 2025

പ്രഥമ വിവരം

ഈ സംഗതിക്ക് ഇന്നേ ദിവസം 11/06/2025 C SHAMJI , THEKKUM MURI, NEERKKUNNAM, MALSYA GRAMAM,MEMBERSHIP NO. A.1276 എന്നയാൾ ബഹുമാനപ്പെട്ട കോസ്റ്റൽ ഇൻസ്പെക്ടർ ജനറൽ , കോസ്റ്റൽ സെക്യൂരിറ്റി അവർകൾക്ക് E MAIL മുഖാന്തിരം നൽകിയ പരാതി കോസ്റ്റൽ സെക്യൂരിറ്റി അസ്സിസ്റ്റൻറ് ഇൻസ്പെക്ടർ ജനറൽ അവർകൾ മുഖാന്തിരം ഫോർട്ട് കൊച്ചി കോസ്റ്റൽ പോലീസ് സ്റ്റേഷൻ ഹൌസ് ഓഫിസർക്ക് തുടർ നടപടികൾ സ്വീകരിക്കുന്നതിന് E MAIL മുഖാന്തിരം അയച്ചു നൽകിയത് SO PTN NO 01/P2/CPS/25 DTD 11.06.2025 ആയി സ്വീകരിച്ച് ടി പരാതിയുടെ അടിസ്ഥാനത്തിൽ ഈ കാര്യത്തിന് ഇന്നേ ദിവസം (11.06.2025) ഫോർട്ട് കൊച്ചി കൊസ്റ്റൽ പോലീസ് സ്റ്റേഷൻ ക്രൈം 14/2025 U/S 282,285,286,287,288 & 3(5) OF BNS 2023 പ്രകാരം കേസ് രജിസ്റ്റർ ചെയ്യുന്നു .

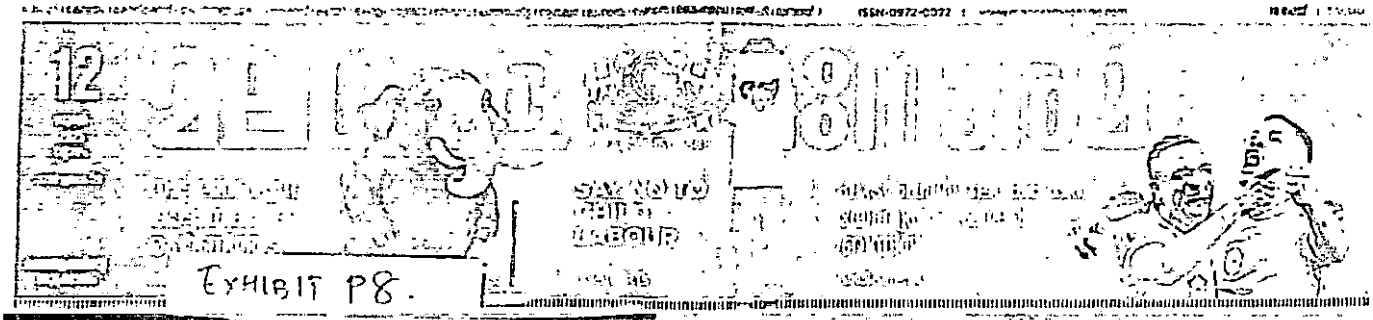
Submitted

Name (പേര്) : **Sivakumar T S**
Rank (പദവി) : **I (Inspector)**
PEN (പെൻ) : **402565**
PS (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
District (ജില്ല) : **ERNAKULAM CITY**
Date (തീയതി) : **11/06/2025**

Translated Ext. P7 !!!

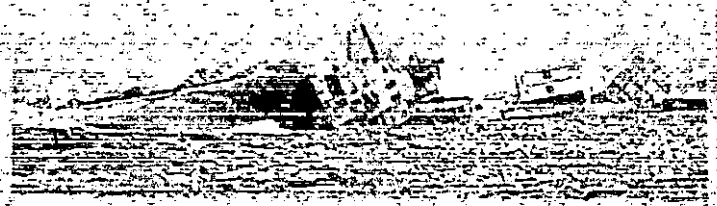
12th point - On 11/06/2025, C. Shamji, residing at Thekkum Muri, Neerkkunnam, Matsya Gramam, holding Membership No. A.1276, submitted a complaint via email to the Local Secretary and Inter General of the Fishermen's Association regarding the aforementioned incident. The Inter General forwarded the complaint to the Local Police Station, and the House Officer initiated necessary procedures. The complaint was officially acknowledged via email under SO PTN No. 01/P2/CPS/25 dated 11.06.2025. Based on this complaint, a First Information Report (FIR) was registered at the Local Police Station on the same day (11.06.2025) as Crime No. 14/2025, under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023.

Last portion (ബാക്കി വിവരം)- On 11/06/2025, C. Shamji, residing at Thekkum Muri, Neerkkunnam, Matsya Gramam, holding Membership No. A.1276, submitted a complaint via email to the Local Secretary and Inter General of the Fishermen's Association regarding the aforementioned incident. The Inter General forwarded the complaint to the Local Police Station, and the House Officer initiated necessary procedures. The complaint was officially acknowledged via email under SO PTN No. 01/P2/CPS/25 dated 11.06.2025. Based on this complaint, a First Information Report (FIR) was registered at the Local Police Station on the same day (11.06.2025) as Crime No. 14/2025, under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023.

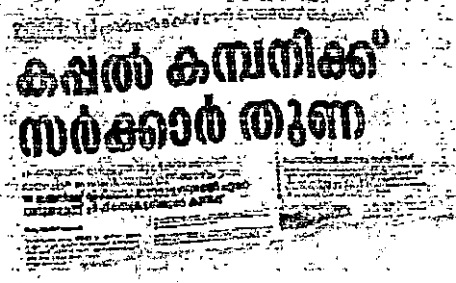

EXHIBIT P8.

കപ്പൽമുങ്ങൽ 18–ാം ദിവസം പൊലീസ് കേസ്

മുങ്ങിയ കേസ് പൊങ്ങി



കപ്പൽ കമ്പനിക്ക് സർക്കാർ തുണ



▸▸ കേരസടുത്തത് സിപിഎം ഏരിയ സെക്രട്ടറിയുടെ പരാതിയിൽ; ദുർബല വകുപ്പുകളെന്ന് ആക്ഷേപം

▸▸ കേസ് വേണ്ടെന്ന സർക്കാർ തീരുമാനം മനോരമ റിപ്പോർട്ട് ചെയ്തതിനു പിന്നാലെ ചുവടുമാറ്റം

കളമൊരുക്കാൻ കത്തുനാടകം

സ്വന്തം ലേഖകർ

കൊച്ചി / തിരുവനന്തപുരം ∙ എംഎസ്സി എൽസ 3 കപ്പൽ മുങ്ങിയ സംഭവത്തിൽ 18–ാം ദിവസം പൊലീസ് കേസെടുത്തു. കപ്പൽ കമ്പനി ഏജന്റ് കൊച്ചിയിലെ കെയർ സർവീസ് ഓഫിസ് പ്രതിനിധി മാസ്റ്റർ ഓഫ് പ്രതിയുമാണ്. മറൈൻ പ്രോസിക്യൂഷനാണു കേസെടുത്തത്. കപ്പൽ കമ്പനി ഏജന്റ് കൊച്ചിയിലെ ഓഫിസ് പൂട്ടി മുങ്ങിയതിനെ തുടർന്നു കപ്പലിലെ ജീവനക്കാരുടെ ബന്ധുക്കൾ നൽകിയ പരാതിയിലാണു നടപടി. കപ്പലിലെ ചീഫ് ഓഫിസർ ദിനേശ് കുമാർ മീണയുടെ ഭാര്യ നൽകിയ പരാതിയിൽ കൊച്ചി പൊലീസ് കമ്മിഷണർ പുട്ട വിമലാദിത്യയുടെ നിർദേശപ്രകാരം ഇൻസ്പെക്ടർ ജി.പ്രൈജുവാണു കേസെടുത്തത്.

കപ്പൽ കമ്പനിക്കു കൂടുതൽ കുരുക്കാകുന്ന വകുപ്പുകളാണു ചുമത്തിയിരിക്കുന്നത്. കപ്പലിലെ ജീവനക്കാരുടെ സുരക്ഷയ്ക്കു വീഴ്ച വരുത്തിയതിനു ഭാരതീയ ന്യായസംഹിത 106(1) വകുപ്പും ചുമത്തി. പൊലീസ് ഉടമയായ കപ്പൽ കമ്പനിക്കെതിരെ കേസെടുത്തത്. സമയത്തിനു ഭക്ഷണവും വെള്ളവും നൽകാതിരിക്കൽ, ജീവനക്കാരുടെ ജീവനു ഭീഷണിയുണ്ടാക്കുന്ന വിധത്തിൽ കപ്പൽ കൈകാര്യം ചെയ്യൽ തുടങ്ങിയ കുറ്റങ്ങൾക്കാണു കേസെടുത്തിരിക്കുന്നത്. കപ്പലിലെ ചീഫ് ഓഫിസർ ദിനേശ് കുമാർ മീണയുടെ ഭാര്യ നൽകിയ പരാതിയിൽ കൊച്ചി പൊലീസ് കമ്മിഷണർ പുട്ട വിമലാദിത്യയുടെ നിർദേശപ്രകാരം ഇൻസ്പെക്ടർ ജി.പ്രൈജുവാണു കേസെടുത്തത്. കപ്പൽ കമ്പനി ഏജന്റ് കൊച്ചിയിലെ ഓഫിസ് പൂട്ടി മുങ്ങിയതിനെ തുടർന്നു കപ്പലിലെ ജീവനക്കാരുടെ ബന്ധുക്കൾ നൽകിയ പരാതിയിലാണു നടപടി. കപ്പലിലെ ചീഫ് ഓഫിസർ ദിനേശ് കുമാർ മീണയുടെ ഭാര്യ നൽകിയ പരാതിയിൽ കൊച്ചി പൊലീസ് കമ്മിഷണർ പുട്ട വിമലാദിത്യയുടെ നിർദേശപ്രകാരം ഇൻസ്പെക്ടർ ജി.പ്രൈജുവാണു കേസെടുത്തത്. കപ്പൽ കമ്പനി ഏജന്റ് കൊച്ചിയിലെ ഓഫിസ് പൂട്ടി മുങ്ങിയതിനെ തുടർന്നു കപ്പലിലെ ജീവനക്കാരുടെ ബന്ധുക്കൾ നൽകിയ പരാതിയിലാണു നടപടി. കപ്പലിലെ ചീഫ് ഓഫിസർ ദിനേശ് കുമാർ മീണയുടെ ഭാര്യ നൽകിയ പരാതിയിൽ കൊച്ചി പൊലീസ് കമ്മിഷണർ പുട്ട വിമലാദിത്യയുടെ നിർദേശപ്രകാരം ഇൻസ്പെക്ടർ ജി.പ്രൈജുവാണു കേസെടുത്തത്.

ഈ വകുപ്പുകളെങ്കിൽ 6 മാസം തടവ്, 27,000 രൂപ പിഴ



പിടിച്ചു

▸▸ മഹിളാകോൺഗ്രസ് കലഹിച്ചതിനെ വിടാം കെ

▸▸ ബൈക്കിടിച്ചോടെ

Shipwreck

Police Registered Case on 18th Day

Sunken Case: Resurfaces

Case Registered Based on Complaint by CPM Area Secretary; Criticism Over Lenient Charges

Government Reverses Earlier Decision After Manorama Report

Manorama Reporters

Kochi / Alappuzha

On the 18th day after the MSC ELS 3 shipwreck, the Fort Kochi Coastal Police registered a case. The shipping company has been named as the first accused, the ship master as the second accused, and the crew and staff as third accused.

The case was registered based on a complaint submitted to the Coastal ADGP by C. Shamji, a member of the Fishermen's Relief Commission, CPM Ambalappuzha Area Secretary, and Alappuzha District Secretary of the Fishermen's Federation (CITU). The government's earlier decision not to file a criminal case immediately had sparked major controversy.

The incident occurred on May 24, and the ship sank the next day. However, during a meeting between the Chief Minister and the Director General of Shipping on May 29, a decision was reportedly made not to proceed with criminal charges immediately. This was reported by Malayala Manorama on June 9, along with a copy of the Chief Secretary's note. Soon after, the FIR was registered.

Charges have been filed under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita (BNS) for negligent navigation, obstructing the shipping channel, and irresponsible handling of hazardous materials. However, there is criticism in the fisheries sector that these charges are too weak. The release of toxic plastic residues is feared to lead to severe environmental consequences, raising serious concerns for the fishing industry.

A case may also be filed today against the Van Hai 503 vessel, which caught fire near Kannur on Monday.
Stage-Managed Drama to Justify Action

Thiruvananthapuram – On Tuesday, the Secretary of the Disaster Management Department wrote to the State Police Chief asking whether there were any complainants. Meanwhile, CPM leader C. Shamji submitted a complaint yesterday. According to the FIR, the police station received information about the incident, which occurred on the 25th, only at 1:11 PM yesterday.

The letter sent by the Disaster Management Department to the DGP states that the government had sought legal advice from the Advocate General (AG) regarding legal proceedings, and that the AG had advised initiating a case. The letter clearly attempts to establish that the delay was not due to any sympathy toward the company, but because they were waiting for legal advice. However, this explanation reveals a suspicious approach that casts doubt on the government's sincerity in pursuing legal action.

The sections mentioned in the FIR carry a maximum penalty of six months' imprisonment or a fine — the total fine amount for all the sections combined is ₹27,000. Although the complaint itself states that hazardous plastic waste and other debris were discharged from the containers, causing environmental damage and adversely affecting the fishing sector, the sections applied reflect a soft approach to prosecution.

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ANNEXURE R9-IV

E-FILING NO - EF-HCK-2025-061810

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No ..... Of Year 2025

111.00 PUBLIC INTEREST LITIGATION

111.00 PUBLIC INTEREST LITIGATION

PETITIONER(S)

1. CHARLES GEORGE

VS

RESPONDENT(S)

1. UNION OF INDIA
   AND OTHERS

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

FILING NATURE : URGENT
FEES PAID & STATUS - 717 (SUCCESS)
C.F : 500 Under Schedule II Article 11 (l) (iii) of the Kerala Court Fees and Suit valuation Act

SERVED ON
DSG OF INDIA
GOVERNMENT PLEADER
FILED BY

1. JAYESH MOHANKUMARK
2. PUSHPARAJAN KODOTH
3. VANDANA MENON
4. VIMAL VIJAY
5. DONA MATHEW

Sd/-
E-VERIFIED
JAYESH MOHANKUMARK(J-511)

BEFORE THE HONOURABLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No ..... Of Year 2025

PETITIONER : CHARLES GEORGE

V/S

RESPONDENTS : UNION OF INDIA & ORS

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Sd/-

E-VERIFIED

JAYESH MOHANKUMARK

J-511

THE HIGH COURT OF KERALA
सत्यमेव जयते

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P (PIL) NO. OF 2025

Charles George : Petitioner

Versus

Union of India & Others : Respondents

Synopsis

1. This Public Interest Litigation is instituted by Mr. Charles George, a veteran social activist and President of the Kerala Fish Workers Coordination Committee and the Swathanthra Matsya Thozhilali Union. The petitioner represents the voices of thousands of traditional coastal fishermen whose livelihoods and environmental rights are severely endangered by the recent maritime catastrophe off the Kerala coast. With no political or personal interest involved, the petitioner seeks judicial intervention under Article 226 of the Constitution to prevent irreversible environmental degradation, enforce statutory duties, and protect the constitutional and ecological rights of coastal communities.

2. On 25th May 2025, the container vessel MV MSC ELSA 3, a 28-year-old Liberia-flagged ship chartered by the 3rd Respondent, sank approximately 14.6 nautical miles off Alappuzha coast, Kerala. The vessel was carrying 643 containers, including 244 with hazardous and noxious substances, 58 with foreign waste, and over 450 metric tonnes of marine fuels (VLSFO and MGO). Despite the confirmed presence of this dangerous cargo, neither adequate wreck removal nor oil extraction has occurred. The 3rd Respondent unilaterally terminated its salvage contractor (T&T Salvage) and replaced them mid-operation with SMIT Salvage, citing vague technical grounds, delaying the process and raising credible suspicions of mala fide intent.

3. One of the gravest concerns emerging from the sinking of MSC ELSA 3 is the apparent and deliberate misdeclaration or non-declaration of cargo, which not only violates Indian customs laws and international maritime conventions but also poses significant risks to public safety, national security and

environmental integrity. Three reefer containers (MSDU9798078, MSDU9793604 and MSDU9792254) salvaged from the Kollam coastal region and now stored at the Kollam Minor Port, are also conspicuously absent from the official **Exhibit P2** cargo manifest provided. The non-disclosure of these containers raises strong suspicion of cargo misdeclaration, which is a violation of Section 111 (Confiscation of improperly imported goods) and 113 of the Customs Act, 1962.

4. The incident has triggered catastrophic ecological, economic and legal consequences. The permanent presence of hazardous containers and bunker oil poses severe risks to Kerala's marine biodiversity, particularly during the monsoon fish spawning season protected under the trawling ban. Oil sardines—a vital source of income for Kerala's coastal fishermen, are at risk of extinction due to this maritime disaster. The incident has exposed glaring regulatory failures: cargo misdeclaration, lack of advanced container scanning at 4th and 5th respondents ports, insufficient Port State Control (PSC) measures, and a disturbing attempt by the 3rd respondent to evade liability through corporate structuring. The 3rd Respondent's asset-light model makes arrest under the Admiralty Act ineffective, necessitating urgent judicial directions to secure USD 134 million as an environmental security deposit.

5. Through this PIL, the petitioner seeks urgent and comprehensive reliefs to mitigate the environmental, legal and economic fallout of the MSC ELSA 3 maritime disaster. These include: (i) a direction to arrest any MSC vessel within India's Admiralty jurisdiction to secure maritime claims; (ii) a writ of mandamus directing the 3rd Respondent to deposit equivalent to USD 134 million with this Hon'ble Court as interim security for environmental and economic damages; (iii) a direction for immediate and independent investigation into the gross cargo misdeclaration by the 3rd Respondent, including cross-verification of the Import General Manifest (IGM), the stowage plan and all recovered containers; (iv) a direction to repatriate all foreign-origin waste containers to the country of origin at the cost of MSC, in line with the binding precedent in ITC Ltd. v. Norasia Container Lines Ltd. and India's obligations under the Basel Convention; (v) an order mandating the installation of advanced scanning, detection, and verification infrastructure at all Indian ports; and (vi) a time-bound, court-monitored wreck removal and environmental remediation operation.

6. The present petition invokes India's statutory and constitutional obligations under the Nairobi Wreck Removal Convention, Bunker Convention, MARPOL, Basel Convention, and Articles 21, 14, and 48A of the Constitution, seeking to ensure environmental justice and regulatory accountability in the national interest.

Dated this 27th day of June 2025

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF KERALA
सत्यमेव जयते

E-FILING NO - EF-HCK-2025-061810

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

WP(PIL) No ..... Of Year 2025

PETITIONER(S)

1. CHARLES GEORGE
   AGED 65 YEARS
   S/O V.C GEORGE, RESIDING AT 21/1168 B AMAL NIVAS, S.N ROAD, PALLURUTHY,
   PALLURUTHY S.O, ERNAKULAM, KERALA
   , PIN-682006

VS

RESPONDENT(S)

1. UNION OF INDIA
   REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI
   , PIN-110001
2. STATE OF KERALA
   REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM
   , PIN -695001
3. MEDITERRANEAN SHIPPING COMPANY
   THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI
   KURLA ROAD, ANDHERI EAST, MUMBAI MAHARASHTRA, INDIA. EMAIL:
   COMM@MSCINDIA.COM
   , PIN -400059
4. ADANI PORTS AND SPECIAL ECONOMIC ZONE LIMITED (APSEZ)
   REP BY CHIEF EXECUTIVE OFFICER, ADANI CORPORATE HOUSE, SHANTIGRAM, NEAR
   VAISHNODEVI CIRCLE, S G HIGHWAY, AHMEDABAD-, GUJARAT, INDIA TEL : +91-79-26565555
   FAX : +91 79 2555 6490
   , PIN -382421

5. ADANI VIZHINJAM PORT PVT LTD
   REP BY CHIEF EXECUTIVE OFFICER 9XFW+Q83 PORT PVT LTD, ADANI, VIZHINJAM, THIRUVANANTHAPURAM
   , PIN -695521
6. THE DIRECTOR GENERAL OF SHIPPING
   JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI
   , PIN -400001
7. INDIAN COAST GUARD
   REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI
   , PIN -110001
8. THE COMMISSIONER OF CUSTOMS
   OFFICE OF THE COMMISSIONER OF CUSTOMS, CUSTOMS HOUSE, WILLINGDON ISLAND, COCHIN
   , PIN -682009
9. INSPECTOR GENERAL OF POLICE
   KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM
   , PIN -682031

HIGH COURT OF KERALA
सत्यमेव जयते

MEMORANDUM OF WRIT PETITION (PIL) FILED UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA BY JAYESH MOHANKUMAR K,PUSHPARAJAN KODOTH,VANDANA MENON,VIMAL VIJAY,DONA MATHEW
M/S MOHANKUMAR ASSOCIATES G-250,SANJAY, PANAMPILLY NAGAR KOCHI
PIN - 682036

STATEMENT OF FACTS

1. The Petitioner S/O V.C George, Aged 65 Years is a Public Interest Litigant, residing at 21/1168 B Amal Nivas, S.N Road, Palluruthy, Palluruthy S.O, Ernakulam, Kerala-682006. He is also the State Convener of the Kerala Fish Workers Coordination Committee and the Kerala Matsya Thozhilali Aikya Vedi, representing thousands of traditional coastal fishers across the State of Kerala. The livelihoods, physical safety, and constitutional rights of these vulnerable coastal communities stand gravely threatened by the recent maritime disasters along the Kerala coastline. This Public Interest Litigation is instituted under Article 226 of the Constitution of India, in utmost good faith and without any political, personal, or commercial interest. The primary objective of this petition is to safeguard the environment, uphold maritime safety, protect fundamental rights, and ensure that statutory authorities discharge their legal obligations.

2. The right to a clean, healthy, and pollution-free environment has been firmly recognized as part of the right to life under Article 21 of the Constitution of India, as consistently affirmed by the Hon'ble Supreme Court. Over the decades, the Apex Court has actively protected environmental rights by issuing binding directions under Article 32 in several landmark cases. The Petitioner respectfully submits that this Hon'ble Court is vested with similar powers under Article 226, and is earnestly urged to invoke the same to prevent irreparable harm to the marine ecosystem and the rights of coastal communities in Kerala.

3. Environmental jurisprudence in India has substantially developed through Public Interest Litigations filed by public-spirited individuals. The Hon'ble Courts have repeatedly recognized PIL as an essential tool to prevent environmental degradation and uphold constitutional governance. The present writ petition falls squarely within this judicial tradition and is therefore entitled to the urgent and considered attention of this Hon'ble Court.

4. Kerala's coastline has been rattled by two successive maritime disasters that have exposed not only the vulnerability of India's eastern maritime flank but also disturbing cracks in its maritime governance and environmental regulatory architecture: the capsizing and sinking of MV MSC ELSA 3 on 25 May 2025; and the explosion and fire onboard another vessel on 9 June 2025. These are not unfortunate one-off maritime mishaps. They are symptomatic of structural regulatory failures, bureaucratic inertia and commercial impunity, which have created a toxic ecosystem where public safety, environmental sustainability and constitutional duties are being routinely compromised.

5. The MV MSC ELSA 3, a 28-year-old Liberia-flagged container vessel operated by the 3rd Respondent—Mediterranean Shipping Company (MSC), was transiting from Vizhinjam to Tuticorin via Kochi when it developed a catastrophic list of 26 degrees and subsequently sank approximately 14.6 nautical miles southwest of the Alappuzha coast. The vessel was carrying 643 containers, of which 13 reportedly contained hazardous materials, chemicals and wastes but rather in truth it contained 244 containers, in addition to 367.1 metric tonnes of Very Low Sulphur Fuel Oil (VLSFO) and 84.4 metric tonnes of Marine Gas Oil (MGO), posing an unprecedented environmental and navigational hazard within India's exclusive economic zone.

6. Though 24 crew members onboard MSC ELSA 3 were successfully rescued by the 7th respondent - Indian Coast Guard and INS Sujata of the Indian Navy, the incident marked a critical failure in port-level screening, early detection systems and statutory maritime oversight. The 6th Respondent and Mercantile Marine Department (MMD) confirmed that the sinking of vessel was caused by ballast water management system failure, a serious operational defect that had apparently gone undetected or ignored by the 5th Respondent which is controlled and managed by the 4th respondent. A true copy of the article dated 29.05.2025 in the Times of India is produced herewith and marked as **Exhibit P1**.

7. The Cargo Manifest of MSC ELSA 3, reveals that the vessel was carrying a total of 643 containers at the time of its sinking. A classification of these containers, based on the manifest, is presented in the table below. Notably, 244 containers were declared to contain hazardous and noxious substances, and 58 containers were listed as carrying various forms of waste materials. In addition, the manifest records 87 containers carrying wood products, 15 with other chemicals, and 72 empty containers, with 254 containers overall categorized as general cargo (inclusive of wood-based goods). These figures underscore the magnitude of the wreck, the scale of underwater contamination and the urgent need for wreck removal, environmental assessment, and repatriation of unlawful waste to its country of origin. A true copy of the Cargo manifest of MSC Elsa 3 as received from Mercantile Marine Department, Kochi Dated NIL as of 10-6-2025 at 9.30 pm is produced herewith and marked as **Exhibit P2**.

Container Category	**Number of Containers**
Hazardous and Noxious Cargo	244
Waste Materials	58
Other Chemicals	15
Wood Products	87
Empty Containers	72
General Cargo (including wood)	254
Total Containers	**643**

ENVIRONMENTAL HAZARDS AND THE CONTINUED PRESENCE OF WRECKAGE IN INDIAN WATERS

8. Subsequent to the incident, none of the 643 containers or cargo were salvaged, and a total loss was declared by the 3rd Respondent. This impliedly means that all those 643 containers, majority of them stuffed with hazardous and noxious cargos,

chemicals and wastes, are currently left unrecovered and untreated in our environment. There is very limited or no information as to whether any of the respondents have initiated any wreck removal operations to date and whether any security amount has been furnished by the 3rd Respondent to cover environmental damage, salvage or compensation. This violation on the part of the 3rd Respondent attracts the provisions mentioned as per **Article 10 of The Nairobi International Convention on the Removal of Wrecks**, which states that:

"***Article 10 : Liability of the owner***

"Subject to article 11, the registered owner shall be liable for the costs of locating, marking and removing the wreck under articles 7, 8 and 9, respectively, unless the registered owner proves that the maritime casualty that caused the wreck:

(a) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character;

(b) was wholly caused by an act or omission done with intent to cause damage by a third party; or

(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function."

9. The liability of the 3rd respondent is again highlighted by **Article 3(1) of International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001**, which states that:

"***Article 3(1) : Liability of the shipowner***

1. *Except as provided in paragraphs 3 and 4, the shipowner at the time of an incident shall be liable for pollution damage caused by any bunker oil on board or originating from the ship, provided that, if an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences.*

   2. Where more than one person is liable in accordance with paragraph 1, their liability shall be joint and several.

3. No liability for pollution damage shall attach to the shipowner if the shipowner proves that: (a) the damage resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character; or

(b) the damage was wholly caused by an act or omission done with the intent to cause damage by a third party; or

(c) the damage was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

4. If the shipowner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, the shipowner may be exonerated wholly or partially from liability to such person.

5. No claim for compensation for pollution damage shall be made against the shipowner otherwise than in accordance with this Convention."

10. It is most pertinent to bring to the attention of this Hon'ble Court the massive physical dimension of the wreckage in question. As evidenced by the Equasis Report of the vessel, MV MSC ELSA 3 was built in the year 1997, measures 184 meters in length, has a deadweight tonnage (DWT) of 22,994 tons and operates under IMO number 9123221. The sheer volume and structure of the sunken vessel itself, combined with the weight and materials of 643 containers now submerged, represent a colossal accumulation of debris within India's maritime zone. A true copy of the Equasis report of the mv MSC ELSA 3 is produced herewith and marked as **Exhibit P3.**

11. It is also submitted that in the event of container seal rupture due to water pressure, corrosion or impact damage, the contents of such containers, whether hazardous, noxious, chemical, industrial, polymer-based or waste would be released directly into the marine environment, contributing to widespread and potentially irretrievable seabed contamination. Further, considering the dynamic nature of the Arabian Sea, including severe underwater currents, sediment movement and tidal flows, the wreck and its fragmented contents will not remain static but will gradually

disperse and settle across a wide and ecologically sensitive stretch of seabed, thereby increasing the area and severity of long-term environmental impact. These facts unequivocally demonstrate that this is not a singular wreck site, but a mobile and expanding maritime hazard, with implications for fisheries, underwater navigation, benthic ecosystems and coastal ecology.

12. As per the latest site port of the 6th Respondent released by the Kerala State Disaster Management Authority, it has been confirmed that the 3rd Respondent has unilaterally terminated its contract with **T&T Salvage**, a globally reputed marine salvage agency, which was originally engaged to undertake oil extraction from the sunken vessel's bunker tanks and execute the wreck removal operation. A new salvage contractor, **SMIT Salvage**, has reportedly been appointed in its place. The reason cited by the 3rd respondent is that T&T Salvage allegedly lacked the technical expertise to conduct recovery operations at a depth of 54 meters. However, this justification raises serious doubts regarding the bona fides and intention of the 3rd Respondent. Available public records confirm that T&T Salvage had deployed expert divers from Singapore and South Africa, had successfully capped and plugged the bunker fuel tanks, and was operating with the diving support vessel SEAMAC III, which returned to Kochi on June 12 for installation of a saturation diving system. The same has been corroborated in a news article published by Mr. Manoj Vishwanathan of the New Indian Express dated 24/06/2025. A true copy of the 6th Respondent's Site report No. 29 dated 23/06/2025 issued by the Directorate General of Shipping is produced herewith and marked as **Exhibit P4.** A true copy of the newspaper article titled "Oil extraction from sunken MSC Elsa 3 hits dead end as shipping firm drops salvage contractor" authored by Mr. Manoj Vishwanathan of the New Indian Express dated 24/06/2025 is produced herewith and marked as **Exhibit P5.**

13. Further, T&T Salvage had informed the 6th respondent that adverse monsoon conditions posed genuine safety challenges to hot-tapping operations and that required equipment had arrived and was under customs clearance. These explanations were presented after the 6th respondent had issued a 48-hour deadline

on 10/06/2025 for the commencement of oil extraction operations. The sudden and unexplained termination of T&T Salvage, despite its operational progress and preparedness, and the introduction of a new agency mid-operation, especially under the guise of technical incapacity raises a credible apprehension of delay, concealment and possible intentional derailment of the extraction and wreck removal process by the 3rd respondent.

14. The foregoing sequence of events reveals a troubling pattern. Even when globally reputed experts and highly specialized equipment were brought in for the oil extraction and wreck removal of MSC ELSA 3, either the 3rd Respondent arbitrarily terminated the salvage engagement without justification, or the salvage operations themselves stalled due to adverse and persistent technical or environmental challenges. These developments lead to the inescapable conclusion that, whether by wilful obstruction, evasive conduct, or lack of genuine intent, the 3rd Respondent is either unwilling or incapable of ensuring the timely and effective removal of the wreck and recovery of hazardous bunker fuel. The cumulative effect of these delays and shifting justifications gives rise to a strong and credible apprehension that the wreck may never be fully salvaged unless this Hon'ble Court exercises supervisory jurisdiction and directs the 3rd Respondent to furnish adequate security and complete the operations within a strict judicially monitored timeframe.

15. Because the conduct of the 3rd Respondent demonstrates a pattern of delay, obstruction, and non-compliance, despite access to globally reputed salvage experts and equipment, and despite urgent notices issued by the competent authorities, it is imperative that the State invoke the Admiralty jurisdiction of this Hon'ble Court under Section 4(1)(u) read with Sections 5 and 6 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. Section 4(1)(u) expressly recognizes maritime claims arising out of "loss of or damage to the environment caused by a ship, including pollution damage", which squarely applies in the present case involving large-scale environmental degradation due to the sinking of MSC ELSA 3 and the continued presence of hazardous bunker fuel in its tanks.

16. Given that the 3rd Respondent is not the registered owner of MSC ELSA 3 and follows a vessel chartering model, and in view of the recent filing of over 50 caveats before this Hon'ble Court to prevent arrest of other vessels operated by MSC, there is a real and imminent risk of evading financial and legal responsibility. It is therefore submitted that unless a vessel presently within the Admiralty jurisdiction of this Hon'ble Court is immediately arrested, the claim amounting to USD 134,000,000 (estimated for wreck removal, oil recovery, environmental restoration, and compensation to affected communities) will remain unsecured, and justice will be irreparably frustrated.

17. Accordingly, the State must be directed to immediately initiate an Admiralty action before this Hon'ble Court under Section 5, seeking arrest of a vessel of the 3rd Respondent within Indian waters, to secure the maritime claim and to ensure compliance with international obligations and domestic environmental mandates.

18. Urgent judicial direction is required to mandate immediate containment, salvage and mapping operations before irreversible degradation of the seabed and marine biodiversity occurs. The 2nd Respondent is vested with responsibilities as prescribed under **Article 194 and Article 195 (1) of the United Nations Convention on the Law of the Sea**. Both the Articles directs the state to take all measures to prevent, reduce and control pollution of the marine environment and Obligation not to transfer damage or hazards from one area to another.

19. In view of the magnitude of the environmental damage and the scale of the wreck described above, it is respectfully submitted that a minimum amount of INR 40 Crores ought to be directed to be deposited by the 3rd Respondent with the Registry of this Hon'ble Court as interim security for future compensation to be awarded to affected stakeholders. This includes, but is not limited to, local artisanal fishing communities, whose livelihoods have been disrupted by the contamination and restricted marine access, government agencies, including the State Government of Kerala, which have incurred significant public expenditure in emergency operations,

and environmental institutions who will be called upon to carry out long-term remediation and monitoring.

20. It is pertinent to note that the Kerala Coast is a place for Natural 'Chakara' of wide variety of fish and marine species. In fact Kerala Coast is the only place in the world where the phenomena of Chakara happens naturally, this ensures enough fish and marine catches for the fishermen. Moreover, it is only recently that Indian Oil Sardine and Shrimp species had been revived to its highest population. The sinking of the vessel has caused immersed depletion to the Natural Chakara and the population of various fish and marine species in Kerala Coast, this has significantly affected the fishermen who have been drawing their livelihood. The loss of marine species is something which is very hard to calculate monetarily as the impact lies to the areas far extending than what a normal mind can think or evaluate. However the Petitioner feels that the an expert committee consisting of the experts from Marine and Aqua Ecological experts could help to ascertain the marine and ecological losses.

21. The sinking of MSC Elsa 3 is a big environmental disaster resembling the vessel sinking tragedy of MV Express Pearl near Sri Lankan Coast. The fire and sinking of the vessel had caused wide spread damages to the marine and ecological species and environment of the Sri Lanka. The vessel MV Express Pearl was carrying 81 Containers of hazardous and toxic chemicals which had reportedly killed sea turtles and fish species which were found exclusively in the Sri Lankan Coast. The sea turtles, whales, dolphins and fish species were reportedly washed ashore. Not to say that oil spill and pollution caused by the vessel to Sri Lanka. Going by this Kerala is already bracing for a big tragedy pertaining to marine and ecological resources.

22. The very rationale for the 2nd respondent imposed monsoon trawling ban is to safeguard fish spawning, particularly for species such as oil sardines, which are ecologically significant and economically vital to Kerala's coastal communities. Historically, Kerala's coast has been the principal breeding ground for oil sardines, a fish that once vanished from these waters due to ecological disturbances and only recently began to reappear. Traditional fishermen, especially those engaged in canoe-

based and artisanal fishing, depend heavily on the seasonal return of these species for subsistence, trade and export income.

23. However, the presence of the sunken MSC ELSA 3, along with its hazardous cargo, leaking oil and suspected foreign waste, directly compromises this fragile marine revival. With the wreck lying in the very coastal zone that is otherwise protected during the spawning period, the likelihood of spawning disruption, contamination of eggs and larvae, and long-term bioaccumulation of toxins in fish stock is inevitable. This renders the entire protective purpose of the trawling ban futile. Worse still, it causes a secondary, irreversible collapse of the marine food chain, wiping out recent ecological gains.

24. The loss of oil sardines due to this maritime disaster, therefore, is not just an ecological issue, it is a severe economic tragedy for Kerala's traditional fishermen, whose principal income derives from the seasonal harvest and export of these fish. The continuing inaction of the authorities will result in a double violation: the environmental damage of breeding grounds and the economic extermination of the communities dependent on them. This Hon'ble Court is thus called upon to urgently intervene and ensure that the wreck removal and environmental remediation are judicially mandated and time-bound, to prevent permanent loss to both the ecosystem and the constitutional rights of affected citizens.

ILLEGAL TRANSPORT OF FOREIGN WASTE AND THE NEED FOR REPATRIATION

25. As per the Cargo Manifest marked as **Exhibit P2**, it is revealed that 58 containers onboard the sunken vessel MSC ELSA 3 contained waste cargo. These include a wide range of industrial by-products, packaging remnants and potentially hazardous chemical residues. This raises a grave and legitimate apprehension that the Indian coastline was once again being used as a dumping ground for foreign-origin waste, a practice explicitly prohibited by the Hon'ble Supreme Court of India in earlier landmark rulings. If the present incident is indeed part of such a larger illegal operation, it is respectfully submitted that the principle of "polluter pays" and

"repatriation of waste" must be invoked and enforced. All such waste, once recovered, must be sent back to the country of origin at the sole cost and responsibility of the 3rd Respondent. In order to achieve this this Hon'ble Court must issue a writ of mandamus or any other appropriate writ, order or direction, directing the 8th Respondent to immediately make public the complete Import General Manifest (IGM) filed by the 3rd Respondent in relation to MSC ELSA 3, in the interest of transparency and public safety. Because this will help the authorities to find the complete details of all the Exporters and Importers of the 58 waste containers onboard the vessel.

26. The critical and unanswered question before this Hon'ble Court is: Why were these containers of waste being transported to India at all? The transportation of waste materials, without express compliance with environmental, customs and international obligations, leads to a strong presumption that such waste was destined for unlawful dumping, either inland or at sea. As the vessel now lies sunk, with none of these 58 containers salvaged, the toxic content of such waste is already embedded in our marine ecosystem, with the potential to spread via ocean currents, settle on the seabed and enter the coastal food chain. This would permanently damage the marine environment and public health.

27. It is, therefore, most respectfully submitted that upon recovery of such containers or waste materials, there must be immediate judicial direction for their repatriation to their respective countries of origin, failing which there exists a real and imminent danger that such waste may be offloaded and dumped within India, contrary to established legal norms and environmental jurisprudence. India cannot be permitted to become the recipient of toxic foreign refuse under the garb of international shipping operations.

28. The Hon'ble Madras High Court in ITC Ltd. v. Norasia Container Lines Ltd. and Others, W.A. (MD) No. 721 of 2007, W.P. (MD) Nos. 5989 and 5994 of 2008, [(2009) 247 E.L.T. 60 (Mad.)], categorically held that the importation of municipal or industrial waste into Indian territory without proper declarations and clearances amounts to

"illegal traffic" under Rule 15 of the Hazardous Waste (Management and Handling) Rules, and ordered that such waste must be repatriated to the country of origin at the cost of the foreign shipping line. In the present case, the Cargo Manifest (Exhibit P2) of MSC ELSA 3 reveals the presence of at least 58 containers of waste materials of foreign origin. These containers now lie submerged in Indian territorial waters without any salvage or repatriation plan. In light of the above binding precedent, and applying the "polluter pays" principle, this Hon'ble Court may be pleased to direct the 3rd Respondent (MSC) to bear the entire cost of recovery and repatriation of the said waste containers, in accordance with Indian environmental jurisprudence and international norms. A true copy of the Judgement of the Hon'ble Madras High Court in the case of **ITC Ltd. vs. Norasia Container Lines Ltd. and Others**, [(2009) 247 E.L.T. 60 (Mad.)] is produced herewith and marked as **Exhibit P6.**

29. These observations were partly affirmed by the Hon'ble Supreme Court in Civil Appeal No(s). 9706-9708/2010 - **ITC Ltd. v. Norasia Container Lines Ltd., (2021) 13 SCC 805**, which upheld the direction for repatriation of waste to the country of origin at the cost of the carrier/importer, thereby reinforcing the polluter pays principle in transboundary waste transport matters. The judgement further affirmed that foreign shipping companies cannot escape liability for bringing toxic or waste material into Indian waters, whether by commission or omission. The principles laid down in that case are squarely applicable to the present matter. A true copy of the Judgement of the Hon'ble Supreme Court in **ITC Ltd. v. Norasia Container Lines Ltd., (2021) 13 SCC 805** is produced herewith and marked as **Exhibit P7.**

30. Furthermore, the continued presence of such waste and its environmental impact violates the fundamental rights under **Article 21 of the Constitution of India**, which guarantees every citizen the right to life and to a clean, healthy, and safe environment. The Hon'ble Supreme Court in a catena of decisions, including **Subhash Kumar v. State of Bihar, (1991) 1 SCC 598,** wherein the Hon'ble Supreme Court held that:-

"*The right to live is a fundamental right under Article 21 of the Constitution and it includes the right of enjoyment of pollution-free water and air for full enjoyment of life.*" (**Para 7**)

31. It further laid down that:-

"*If anything endangers or impairs that quality of life in derogation of laws, a citizen has the right to have recourse to Article 32 of the Constitution.*" (**Para 8**)

32. This applies to the petitioner's grievance that the continued discharge and embedded presence of hazardous and waste cargo from MSC ELSA 3 in the Kerala marine ecosystem gravely impairs the right to livelihood and life of thousands of artisanal fishers and residents of the coast.

33. M.C. Mehta v. Union of India, (1987) 4 SCC 463, has repeatedly held that environmental degradation constitutes a direct infringement of Article 21. The failure of the concerned authorities to remediate the illegal presence of waste containers, if unchecked, would amount to a continuing violation of the fundamental rights of the residents of the coastal regions of Kerala. The Hon'ble Supreme Court held that:-

"*Life, public health and ecology have priority over unemployment and loss of revenue.*" (**Para 8**)

"*The right to life under Article 21 of the Constitution includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter and facilities for reading, writing and expressing oneself in diverse forms.*" (**Paras 32–33**)

34. This Hon'ble Court may also invoke the Precautionary Principle, which has been adopted by the Supreme Court in **Vellore Citizens' Welfare Forum v. Union of India, (1996) 5 SCC 647**, as a part of the law of the land and an essential facet of Article 21. The principle, as codified in Principle 15 of the Rio Declaration on Environment and Development, provides that:-

"Where there is a risk of serious or irreversible damage to the environment, lack of scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation."

35. The unrecovered presence of 58 containers of foreign-origin waste on the seabed, many of which contain hazardous or chemical substances, poses a serious risk to the coastal environment. The failure to retrieve or remediate this contamination on the ground that conclusive scientific analysis is still pending constitutes a direct violation of the precautionary principle. A judicial direction is therefore warranted not merely to contain ongoing harm but to anticipate and prevent irreversible ecological degradation.

36. Therefore judicial intervention is not only necessary but constitutionally imperative to ensure that India's environmental sovereignty is not compromised, and that foreign polluters are held strictly accountable for their actions. A direction to repatriate all recovered waste containers to their country of origin would uphold both domestic environmental law and India's international obligations under the Basel Convention, while preserving the ecological integrity of the Indian coastline.

SERIOUS CARGO MISDECLARATION AND THE URGENT NEED FOR A FULL CONTAINER INVENTORY VERIFICATION

37. One of the gravest concerns emerging from the sinking of MSC ELSA 3 is the apparent and deliberate misdeclaration or non-declaration of cargo, which not only violates Indian customs laws and international maritime conventions but also poses significant risks to public safety, national security and environmental integrity. Credible visual media reports and local eyewitness accounts confirm that a reefer container bearing the number MSDU9798078, which was reportedly thrown overboard during the sinking and subsequently exploded and caught fire near the Karunagappally Church coast, is currently stored at Kollam Minor Port. Alarmingly, this container is not listed in the **Exhibit P2** cargo manifest that has been publicly

released by either the Kerala Maritime Development Corporation (KDMD) or the 3rd Respondent. The Photographs of the containers of MSC ELSA 3 washed ashore Kerala Coast is produced herewith and marked as **Exhibit P8.**

38. Similarly, two more reefer containers bearing numbers MSDU9793604 and MSDU9792254, salvaged from the Kollam coastal region and now stored at the Kollam Minor Port, are also conspicuously absent from the official **Exhibit P2** cargo manifest provided. The non-disclosure of these containers raises strong suspicion of cargo misdeclaration, which is a violation of Section 111 (Confiscation of improperly imported goods) and 113 of the Customs Act, 1962. Misdeclaration of containers, particularly when hazardous or temperature-sensitive cargo is involved (as in the case of reefer containers), is not a mere administrative lapse but a potentially criminal offense, as it can mask the presence of explosives, toxic chemicals, industrial waste or prohibited goods. Such misdeclaration undermines port safety systems, disables emergency preparedness mechanisms, and directly endangers coastal populations and marine life. Further, the above-said illegal omissions also attract Section 270 of the BNS, 2023. The explosion of the container MSDU9798078 also suggests the presence of an explosive material that was non-disclosed by the 3rd respondent which resulted in public nuisance.

39. The presence of these unlisted containers now physically recovered from Kerala's coastline, despite their absence from the declared manifest, calls for a court-monitored forensic reconciliation of:

- The Import General Manifest (IGM) submitted by MSC to Indian Customs;
- The onboard stowage plan of MSC ELSA 3;
- The records held by the 8th Respondent, the 6th Respondent and the 5th Respondents.

40. This Hon'ble Court may also note that such misdeclaration has global precedent as a primary cause of vessel fires, environmental accidents and international trade violations. It is, therefore, imperative that an independent and

transparent verification of all containers, both recovered and still submerged, is carried out, with the assistance of a court-appointed Amicus Curiae or technical committee. In light of this, the non-inclusion of these three reefer containers, despite their confirmed recovery, must be treated as prima facie evidence of willful suppression by the 3rd, 5th ,6th and 8th Respondents. Lastly, this Hon'ble Court's intervention is crucial to prevent further concealment and ensure accountability for what could otherwise become a repetition of previous illegal waste dumping and misdeclaration scandals that have already been condemned by the Hon'ble Supreme Court of India.

LACK OF ENFORCEMENT OF PORT-LEVEL SAFETY PROTOCOLS AND TO ENSURE THAT ALL MAJOR AND MINOR PORTS IN INDIA ARE EQUIPPED WITH ADVANCED SCANNING, DETECTION AND VERIFICATION MACHINERY

41. To make matters worse, the cargo was not only hazardous but was also poorly stowed and inadequately lashed. Reports confirm that heavy wooden containers were stacked on upper tiers without proper lashing, amounting to gross violations of the International Maritime Dangerous Goods (IMDG) Code and safe containerization protocols which is considered an extension to the provisions of SOLAS chapter VII. The IMDG Code was developed as an international code for the maritime transport of dangerous goods in packaged form, in order to enhance and harmonize the safe carriage of dangerous goods and to prevent pollution to the environment. That such serious lapses occurred in ports managed by the 4th and 5th Respondents raises legitimate questions about corporate negligence and the lack of technical oversight. The role of the 4th and 5th Respondents, being port operators of key maritime terminals in India, is not merely administrative but includes legal and operational obligations to ensure that cargoes entering Indian territory are safe, accurately declared and compliant with international shipping and environmental safety standards.

42. The International Maritime Dangerous Goods (IMDG) Code, adopted by the International Maritime Organization (IMO) and applicable under Indian law via the Merchant Shipping Act 1958, mandates port authorities and terminal operators to

strictly verify declarations, inspect potentially hazardous containers and ensure segregated, safe handling of dangerous goods.

43. In the case of MSC ELSA 3, which loaded and transited through the Vizhinjam Port operated by the 5th Respondent, and was scheduled for the Cochin terminal under the operational shadow of the 4th Respondent, no evidence exists of adequate scanning or verification of the 643 containers, 13 of which by admission, carried hazardous materials including chemicals with high flammability and toxicity risks. This raises the serious concern that both ports allowed unchecked passage of potentially mis declared and dangerous cargo, a direct breach of duty.

44. The absence of proper radiation scanning, thermal detection systems, cargo manifest validation, and sealing audits for containers is a severe lapse of port-level responsibilities. Without advanced cargo scanning and real-time manifest reconciliation, the port authorities become unwitting facilitators of unsafe shipping practices. In the case of T.X Harry V Cochin port trust (2021) 2021:KER:26936, the Hon'ble Kerala High court has held that in para 7 that:

"there is no scientific inspection system, such as a scanner, installed in the 1st respondent Port or 3rd respondent Terminal, to scan all the import and export containers entering the port/terminal by Customs. The Customs could not implant Electronic Data Interface system inside the Vallarpadam Terminal, due to the adamant stand taken by the 3rd respondent. Therefore, according to the petitioner, this situation is very delicate, and security & safety of the country is at stake."

45. Respondent 8 was also a party to this case and as according to para 26 of said Exhibit P9 which states the following,

"It is also stated by the 2nd respondent that installation of container scanners at the entry/exit gates of International Container Transshipment Terminal and at the Wharf gates of Cochin Port would be highly useful for detection of contraband and mis-declaration of cargo. Commissioner of Customs - the 2nd respondent had already taken up the issue of installation

of container scanners with the Directorate of Logistics, New Delhi and requested the Chairman, Cochin Port Trust - the 1st respondent, to provide the required space for installation of the container scanners."

A true copy of the judgement in WP(C) No.32187/2011 dated 22/07/2021 of T.X Harry V Cochin port trust (2021) by this Hon'ble High Court is produced herewith and marked as **Exhibit P9.**

46. The issue of better equipment and safety protocols is still a huge issue as there is no active participation on behalf of respondent 8 to improve the security of the international port of Vizhinjam. Additionally there is no supervision to ensure the quality of the cargo, which is a major setback to port security.

47. India's obligations under the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, 1989 can be brought into the attention of this Hon'ble Court in the backdrop of the MSC ELSA 3 incident. The Basel Convention, particularly Article 4(2)(e) and Annexes I and III, prohibits the import of hazardous waste intended for disposal and mandates Parties to prevent illegal transboundary movement and ensure environmentally sound management. 3rd and 5th respondents are accountable for allowing such hazardous and noxious cargo through Indian ports without appropriate verification or restriction, thereby breaching international and domestic regulatory safeguards. Article 9 of the Basel Convention, which talks about illegal trafficking, can also be allegedly done by the 3rd respondent by misdeclaring the cargo that was on board of MSC Elsa.

48. It is now on record that improper lashing, defective stowage configuration, and overstacking contributed to the 26-degree list that led to the sinking of MSC ELSA 3. This is a violation of the IMO's Code of Safe Practice for Cargo Stowage and Securing (CSS Code), which mandates both shipmasters and terminal operators to verify cargo securing plans and physical compliance with approved standards.

49. As per Chapter 5 of the CSS Code and the Cargo Securing Manual, terminal operators such as the 4th and 5th Respondents are required to ensure that lashing plans are aligned with the design of the vessel and are adequately supervised at the time of container loading. This was evidently not carried out, amounting to gross negligence.

50. Moreover, the training and qualification of port personnel, especially those tasked with container loading, securing and hazardous material handling remains questionable. There is no public record or audit trail proving that trained, certified safety professionals were present during the loading of MSC ELSA 3.

51. India is a contracting party to the Indian Ocean Memorandum of Understanding (IOMOU) on Port State Control, which empowers port authorities to inspect foreign vessels suspected of posing risks. PSC inspection is mandatory especially for aging ships, ships with a history of deficiencies, or those carrying hazardous cargo.

52. MSC ELSA 3, a 28-year-old vessel, had previously been detained for deficiencies (per Equasis database), and still held a valid seaworthiness certificate till 2028. This very fact should have triggered a red flag for additional checks, particularly at Vizhinjam and Cochin. Despite this, no proactive PSC or pre-berthing safety check was conducted by the Respondents.

53. The DG Shipping Annual Report on PSC 2023 recorded 68 inspections at Cochin and 47 in 2024, yet there is no record that MSC ELSA 3 was thoroughly inspected before transit. This shows a complete breakdown in PSC implementation by the Respondents.

REGULATORY INACTION AND EXECUTIVE FAILURE TO ENFORCE ENVIRONMENTAL AND MARITIME LAWS

54. The institutional response has been disturbingly inadequate. FIR was registered only on 11 June 2025, after intense pressure from the fishing community, environmental activists, and the media—more than two weeks after the incident. The State had sought legal opinion from the AG regarding the measures to be taken by the State Government. The Chief Secretary of Kerala's failure to initiate timely legal, environmental or inter-agency action further reflects a disturbing lack of administrative will.

55. It is evident from the note of the Chief Secretary of Kerala, that the initial advice to not register an FIR which caused the delay was based on the rationale of MSC's status as a "strategic partner" in the Vizhinjam Port project and the perceived need to maintain goodwill to ensure the continuity of their operations. A true copy of the chief secretaries notes No.60/Special Cell/2025/CSO is produced herewith and marked as **Exhibit P10**. A true copy of the FIR No.14/2025 registered on 11/06/2025 along with English Translation is produced herewith and market as **Exhibit P11**.

56. This justification insinuates a biased approach, as it reflects leniency towards the well- established fact that MSC's actions were solely and directly responsible for the environmental disaster. Prioritizing commercial relationships over accountability undermines public trust and such reasoning is legally untenable, as it directly contravenes the Bharatiya Nyaya Sanhita and the 2016 Gazette Notification empowering the Fort Kochi Coastal Police to investigate up to 200 nautical miles offshore.

57. Directive issued by the Advocate General of Kerala, as cited in the Government Order by the Secretary of KDMD, advises that the State Government may register an FIR against the crew members only on the basis of a complaint from a directly affected party, such as a fisherman, and thereby, restricting the scope of cognizance to offences under sections 282, 285, 286 & 287 of the Bharatiya Nyaya Sanhita, 2023. This effectively directs the State Police to take cognizance of only a limited subset of offences in connection with the sinking of the vessel, despite the broader framework

of sections being applicable. Such an approach unjustifiably curtails the independent powers of the police in matters involving cognizable offences and raises concerns regarding the selective and constrained enforcement of penal provisions in favor of shielding powerful commercial entities from full criminal scrutiny.

58. Even when an FIR was finally registered, it was under relatively mild provisions—Sections 3(5), 282, 285, 286, 287 and 288 of the BNS. Serious provisions such as Section 125 (Public Nuisance), Section 326(b) (acts rendering navigable channels unsafe), and Section 327 (mischief against large vessels) & relevant sections of the Environment (Protection) Act, Water Pollution Act and Merchant Shipping Act were omitted—further evidence of deliberate downplaying and potential collusion.

59. It is also pertinent to note that the police officers recording statements from affected fishermen were reluctant to include details that could potentially increase the criminal liability of the respondents and tried to restrict the statements on offences to those offences which fell under the AG's advice. This insinuates a critical selective application of the law raises serious concerns of an attempt to shield powerful stakeholders from full criminal liability.

60. This lack of urgency also extended to environmental response efforts. Despite declaring the incident a "State-Specific Disaster," recovery operations were sluggish, hot-tapping of the wreck remains incomplete, and no enforceable timetable has been announced. Committees have been formed but have yielded no substantive progress. Meanwhile, oil and chemical discharge continues to endanger Kerala's coastline.

61. India is a signatory to the Bunker Convention and the Nairobi International Convention on the Removal of Wrecks, both of which obligate shipowners to pay for environmental damage and removal operations. However, India has not ratified the Hazardous and Noxious Substances (HNS) Convention, which would have mandated compulsory insurance coverage and stronger liability regimes. The omission has left Kerala and its people to bear the consequences of a preventable regulatory vacuum.

RISK OF MSC EVADING LIABILITY AND THE URGENT NEED FOR JUDICIAL SAFEGUARDS

62. The 3rd Respondent is a foreign company with a complex asset structure. It is publicly known that many of its vessels—including MSC IRINA, the world's largest container ship is not owned but chartered or managed through third parties. It is further submitted that there exists a significant and legally tenable risk of the 3rd Respondent evading liability, even under the framework of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, which governs arrest of ships for enforcement of maritime claims. While affected stakeholders may seek to invoke the Admiralty jurisdiction of this Hon'ble Court to arrest vessels operated by the 3rd Respondent to secure their claims, such a remedy would be rendered ineffective and illusory, as the 3rd Respondent, despite publicly projecting itself as the world's largest shipping line does not hold ownership over the majority of vessels it operates. The 3rd Respondent primarily functions as a bareboat charterer or time charterer, without legal title or beneficial ownership in the ships. Consequently, under Section 5 of the Admiralty Act, a maritime claim can only be enforced against a vessel owned by the person liable, unless specific statutory conditions are met to proceed against a "beneficial owner" at the time the cause of action arose.

63. In fact, as evidenced by the **Exhibit P3** equasis report of the sunk vessel, MSC ELSA 3, is not even owned by the 3rd Respondent but by a third-party entity, and was merely being operated under their flag. The Equasis report of MSC ELSA 3, produced herewith as Annexure P2, clearly indicates that the 3rd Respondent has no proprietary interest in the vessel. This ownership structure is not incidental but is a deliberate corporate strategy to avoid legal exposure while continuing operations on a massive global scale.

64. Moreover, in the immediate aftermath of the sinking incident, the 3rd Respondent has filed over 50 caveats before this Hon'ble Court, seeking to preemptively prevent arrest of other vessels operated by them under various charters.

To support this submission, the Petitioner is placing on record a compilation of Equasis reports of the vessels against which caveats were filed, demonstrating conclusively that the 3rd Respondent is neither the registered owner nor the beneficial owner of any of these vessels. This pattern of operation indicates that the corporate veil is being exploited to shield the Respondent from maritime liability, while enjoying full commercial benefit and market representation as a global shipping conglomerate. A true copy of the series of the Equasis Reports is produced herewith and marked as **Exhibit P12.**

65. In these circumstances, mere procedural remedies under the Admiralty Act would not suffice to secure compensation for the affected communities and environmental agencies. Judicial intervention in the form of a pre-emptive financial security deposit is, therefore, not only warranted but essential to preserve the effectiveness of this Hon'ble Court's writ jurisdiction and prevent the frustration of justice.

66. If immediate steps are not taken to secure their financial liability by a Court-monitored deposit, they may evade legal responsibility by simply withdrawing their vessels from Indian jurisdiction.

CALCULATION OF ESTIMATED EXPENSES FOR SALVAGE OF THE CONTAINERS, BUNKERS, HAZARDOUS CARGO, FULL SALVAGE OF THE VESSEL AND THE WRECK (TOTAL LOSS)

Sl. No.	Component	Details	USD Estimate
1	Full Wreck Removal	Cutting, lifting, towing, export/disposal of hull and machinery; heavy lift barges; deep-sea ROVs	$85,000,000

2	Sunken Containers – Mapping & Monitoring Only	Sonar mapping of 643 container debris field (no retrieval), hazard identification	$3,000,000
3	Hazardous Cargo Remediation	244 containers with chemicals/waste: containment, underwater neutralization, seabed treatment	$12,000,000
4	Bunker Oil Recovery – VLSFO (367.1 MT)	Deep pump-out from fuel tanks, floating boom deployment, seabed contamination response	$6,000,000
5	Bunker Oil Recovery – MGO (84.4 MT)	Similar procedures as above; less viscous, spreads quickly	$2,000,000
6	Underwater Debris Clearance	Debris from broken containers, ship parts; seabed dredging where necessary	$6,500,000
7	Environmental Protection & Coastal Cleanup	Oil booms, shoreline protection, mangrove & marine habitat monitoring, bioremediation	$5,000,000

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8	Marine Pollution Monitoring (12 months)	Periodic sampling, bio-toxicity testing, fisheries impact assessment	$2,500,000
9	Contingency Reserve (10%)	For weather delays, monsoon disruption, inflation, unexpected risks	$12,000,000

TOTAL ESTIMATED COST FOR TOTAL LOSS SCENARIO = USD 134,000,000

*This is a very rough estimate of the expected financial requirement for the Salvage of the Containers, Bunkers, Hazardous Cargo, Full Salvage of the Vessel and the Wreck (Total Loss).

67. The said amount is not speculative but is proportional to the minimum projected expenses arising out of: (i) wreck removal, (ii) oil and chemical spill containment, (iii) biodiversity rehabilitation, and (iv) social-economic compensation to impacted coastal populations. Further, considering that the 3rd Respondent is a foreign corporation with no significant attachable assets within the territorial jurisdiction of India, and with a business model relying heavily on chartered vessels rather than owned assets, there exists a genuine and imminent risk that, in the absence of a secured deposit, the 3rd Respondent may evade or frustrate enforcement of future judicial determinations. Therefore, the deposit of a minimum corpus of USD 134,000,000 is not merely a protective remedy, but a judicial necessity to safeguard the efficacy of eventual reliefs and ensure that the principle of polluter pays is not rendered illusory.

GROUNDS

A. The continued presence of the sunken vessel MSC ELSA 3, laden with hazardous and noxious cargo, chemical wastes, and bunker fuel, within India's

exclusive economic zone constitutes an egregious breach of the fundamental right to life under Article 21. This right, as elucidated in *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598 and *M.C. Mehta v. Union of India*, (1987) 4 SCC 463, extends to a clean and safe environment. The failure to remove the wreck and neutralize its environmental hazards undermines this constitutional guarantee and perpetuates continuing harm to marine biodiversity and coastal livelihoods.

B. The 1st, 2nd, 6th, 7th, 8th, and 9th Respondents have collectively failed to discharge statutory obligations imposed under the *Merchant Shipping Act, 1958*, *Customs Act, 1962*, and *Environment (Protection) Act, 1986*. Despite possessing regulatory competence and investigative authority, these Respondents have neither initiated timely salvage, prosecution, or containment measures, nor coordinated enforcement mechanisms to address the unfolding environmental emergency.

C. The exclusion of containers numbered MSDU9798078 (which exploded near the Karunagappally coast), MSDU9793604 and MSDU9792254 (recovered and stored at Kollam Minor Port) from the officially declared cargo manifest (Exhibit P2) by the 3rd Respondent constitutes deliberate misdeclaration and suppression under Sections 111 and 113 of the *Customs Act, 1962*. Such omissions endanger public safety and violate statutory customs and port obligations.

D. The confirmed presence of 58 containers carrying waste materials, as per the manifest marked Exhibit P2, is in clear violation of Indian environmental jurisprudence and the binding precedent of *ITC Ltd. v. Norasia Container Lines Ltd.*, (2021) 13 SCC 805. The Hon'ble Supreme Court has held that such foreign-origin waste must be mandatorily repatriated to the country of origin at the sole expense of the polluter.

E. Ports operated by the 4th and 5th Respondents allowed the passage of MSC ELSA 3, a 28-year-old vessel with multiple known deficiencies and hazardous cargo, without implementing any of the mandatory scanning, detection, or lashing inspections mandated under the *International Maritime Dangerous Goods (IMDG) Code*, the *CSS Code*, and the Indian Ocean MoU on Port State Control. This gross operational negligence enabled the transit of unsafe cargo, contrary to international safety obligations.

F. Respondents 4 and 5 failed to install or operate X-ray scanners, radiation detectors, and verification machinery at the entry and exit points of Vizhinjam and Cochin Ports. In *T.X. Harry v. Cochin Port Trust*, (2021) KER 26936, this Hon'ble Court held that such failure imperils national safety. Judicial intervention is thus warranted to mandate urgent infrastructural upgrades across Indian ports.

G. MSC ELSA 3, measuring 184 meters and weighing 22,994 DWT, continues to rest on the seabed with all 643 containers intact or fragmented, including 244 containers of hazardous substances and over 450 metric tonnes of bunker fuels. The cumulative toxic effect of this wreck violates India's obligations under the *MARPOL* and *Nairobi International Convention on Wreck Removal*, and poses enduring threats to marine ecology and navigational safety.

H. The 3rd Respondent follows an asset-light business model, operating as a time or bareboat charterer, without owning the vessels it operates—including MSC ELSA 3, as confirmed by the Equasis Report (Exhibit P3). Filing of over 50 caveats before this Hon'ble Court by MSC further reflects its intent to avoid vessel arrest under the *Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017*. In this context, the deposit of USD 134,000,000 with the Court Registry is a legal necessity to secure environmental claims and avoid frustration of justice.

I. India's continued failure to ratify the *HNS Convention* has created a regulatory vacuum, depriving stakeholders of the mandatory insurance coverage and strict liability regimes applicable in cases of maritime carriage of hazardous substances. This has directly contributed to the failure to secure compensation and liability enforcement in the present case.

J. The delay of over two weeks in registering an FIR, based on flawed legal advice that privileged commercial partnerships over statutory duty, constitutes a gross abdication of constitutional responsibility under the Bharatiya Nyaya Sanhita and violates principles of transparency, due process, and environmental protection.

K. Unless judicial orders ensure that the 58 containers of waste are repatriated upon recovery, there exists a high risk that such waste will be dumped on Indian soil. This violates the *Basel Convention*, the "polluter pays" principle, and the Precautionary

Principle recognized in *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

L. Given the conduct of the 3rd Respondent and the projected environmental remediation cost of USD 134,000,000 (as detailed in the Petition), it is imperative that the State initiates Admiralty proceedings under Sections 4(1)(u), 5, and 6 of the *Admiralty Act, 2017* and secure the claim through immediate arrest of any MSC-operated vessel within Indian jurisdiction.

M. The executive's failure to take timely and effective remedial action necessitates judicial intervention to uphold Articles 14, 21, and 48-A of the Constitution of India. Judicial oversight is imperative to ensure that environmental governance and maritime safety are restored, and the coastal communities of Kerala are adequately protected.

PRAYERS

In light of the facts stated above and in the larger interest of justice, public safety and environmental protection, it is most humbly prayed that this Hon'ble Court may be pleased to:

I. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 3rd Respondent to initiate and complete the urgent wreck removal operations of the sunken vessel MSC ELSA 3 in s strict time bound manner forthwith, considering the grave environmental and navigational hazards posed by its continued presence in Kerala Coast & the exclusive economic zone of India;

II. Issue a writ of mandamus or any other appropriate writ, order, or direction, directing the 2nd Respondent or any other competent Respondent Authority to forthwith initiate proceedings under Section 4(1) (u) & Section 5 of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, before this Hon'ble Court in its Admiralty jurisdiction, for the arrest of any vessel operated, owned, managed, or chartered by the 3rd Respondent, is presently within the territorial or Admiralty jurisdiction of this Hon'ble Court, in order to secure the maritime claim amounting to USD 134,000,000, being the

estimated cost of complete wreck removal, bunker oil extraction, environmental remediation, and compensation to affected stakeholders arising out of the MSC ELSA 3 incident.

III. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 3rd Respondent to ensure that all components of the said wreck, including hazardous cargo and vessel debris, once recovered, are safely transported back to the flag State or the country of origin, in compliance with international maritime environmental obligations and at no cost to the Indian Government or the public exchequer;

IV. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 8th Respondent in coordination with the 9th Respondent, to conduct a free, fair, independent and comprehensive investigation into the operational and technical failure of the vessel,MSC ELSA 3, and to prosecute any violations under applicable laws, both domestic and international;

V. Issue a writ of mandamus or any other appropriate writ, order or direction, commanding the 4th Respondent and 5th Respondent to take all necessary steps to enforce port-level safety protocols and to ensure that all major and minor ports in India are equipped with advanced scanning, detection and verification machinery to identify and intercept the movement of hazardous and noxious cargo in all vessels entering Kerala Coast & the exclusive economic zone of India;

VI. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 8th Respondent to immediately make public the complete Import General Manifest (IGM) filed by the 3rd Respondent in relation to MSC ELSA 3, in the interest of transparency and public safety;

VII. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 8th Respondent to publicly disclose the complete inventory of all containers recovered or salvaged from the wreck of MSC ELSA 3, and further directing that any inspection of such salvaged containers by the 1st, 2nd, 6th, 7th, and 8th Respondents shall be conducted only in the presence of an Amicus

Curiae appointed by this Hon'ble Court to ensure transparency, credibility, and independent oversight;

VIII. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 1st, 2nd, 8th and 9th Respondents to publicly disclose all investigative steps, reports and findings undertaken thus far with respect to the sinking of MSC ELSA 3, and to make available such records for public scrutiny to uphold principles of transparency and accountability;

IX. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 3rd, 4th and 5th Respondents to produce and make public the official Stowage Plan of the vessel MSC ELSA 3, showing the exact configuration, type and placement of cargo onboard the vessel at the time of its departure;

X. Issue a writ of mandamus or any other appropriate writ, order or direction, directing the 3rd Respondent to deposit an amount of minimum USD 134,000,000, adequate amount with the Registry of this Hon'ble Court, as security for future compensation to be awarded to the affected stakeholders, including but not limited to, the local fishing community, environmental agencies and the State Government of Kerala, in proportion to the environmental and economic damage caused by the incident;

XI. Pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, to prevent irreparable harm and hardship to the general public, to uphold the rule of law, and to secure the ends of environmental justice.

INTERIM RELIEF SOUGHT FOR:

For the reasons stated in the memorandum of writ petition (PIL) and its accompanying affidavit it is most humbly requested and prayed that this Hon'ble Court may be pleased to:

A. Direct the 3rd Respondent to initiate and complete the urgent wreck removal operations of the sunken vessel MSC ELSA 3 forthwith, considering the grave environmental and navigational hazards posed by its continued presence in

Kerala Coast & the exclusive economic zone of India and to ensure that all components of the said wreck, including the hazardous cargo and vessel debris, once recovered, are safely transported back to the flag state or the country of origin, in compliance with International Maritime Environmental obligations and at no cost to the Indian Government or to the public exchequer.

B. Direct the 3rd Respondent to deposit an adequate amount with the Registry of this Hon'ble Court, as security for future compensation to be awarded to the affected stakeholders, including but not limited to, the local fishing community, environmental agencies and the State Government of Kerala, in proportion to the environmental and economic damage caused by the incident pending final disposal of this writ petition.

Dated this the 27th day of June, 2025

PETITIONER

COUNSEL FOR THE PETITIONER

BEFORE THE HON'BLE HIGH COURT OF KERALA AT ERNAKULAM

W.P (PIL) NO. OF 2025

Charles George : Petitioner

Versus

Union of India & Others : Respondents

Affidavit

I, Mr. Charles George, S/O V.C George, Aged 65 Years, Residing At 21/1168 B Amal Nivas, S.N Road, Palluruthy, Palluruthy S.O, Ernakulam, Kerala-682006, do hereby solemnly affirm and state as follows:

1. I am the petitioner in the above writ petition. I know the facts of the case and I am competent to swear this affidavit. I am filing the present writ petition in the interest of public. I have no personal or private interest in the litigation and the petition is not guided by self-gain or for gain of any other person / institution / body and that there is no motive other than of public interest in filing the writ petition.

2. That the petition, if allowed, would benefit the citizens of this country generally as rule of law is essential for democracy and such brazen violation of law by the respondents can be stopped by the orders of this Hon'ble Court only.

3. That the persons affected by such acts of the State are numerous and are not in a position to approach the Hon'ble Court hence the petitioner is filing the present PIL on behalf of such affected persons.

4. That, there is no authoritative pronouncement by the Hon'ble Supreme Court or the High Court on the question raised and the result of the litigation shall not lead to any undue gain to myself or to anyone associated with me.

Charles George.

5. That, I have not filed any writ petition (PIL) seeking similar reliefs in respect of the subject matter of this case. I have not filed any public interest litigations in respect to any other subject matters also.

6. I have not submitted any representation before the competent authority.

7. The Exhibits produced in the writ petition (PIL) are the true copies of the original documents. I have not filed any earlier petitions seeking similar relief's in respect of the same subject matter.

All the above stated facts in Paragraphs No. 1 to 67 and Grounds A to M have been explained to me in Malayalam and are true to the best of my knowledge and what is stated in Paragraphs No. 1 to 67 and Grounds A to M is based on information and belief derived from records and I believe the same to be also true.

Dated this the 27th day of June, 2025

Charles George.

DEPONENT

Solemnly affirmed and signed by the deponent before me this the 27th day of June, 2025, in my office at Ernakulam.

ADVOCATE
Jayesh Mohankumar.K
K/2535/1999

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THE TIMES OF INDIA

Mechanical failure caused ship to sink off Kerala coast

TNN | May 29, 2025, 09.57 AM IST



KOCHI: A preliminary probe by the Directorate General of Shipping has found that a mechanical failure led to the sinking of the Liberian cargo vessel MSC ELSA 3 off Kochi on Sunday. A detailed investigation is underway to determine the exact cause. Director General of Shipping Shyam Jagannathan and chief surveyor Ajithkumar Sukumaran told reporters on Wednesday that the preliminary probe showed a technical failure in the ballast tank that led to the accident. The valves in the tank did not function properly, leading to a failure in the ship's electrical system and causing it to list, they said.

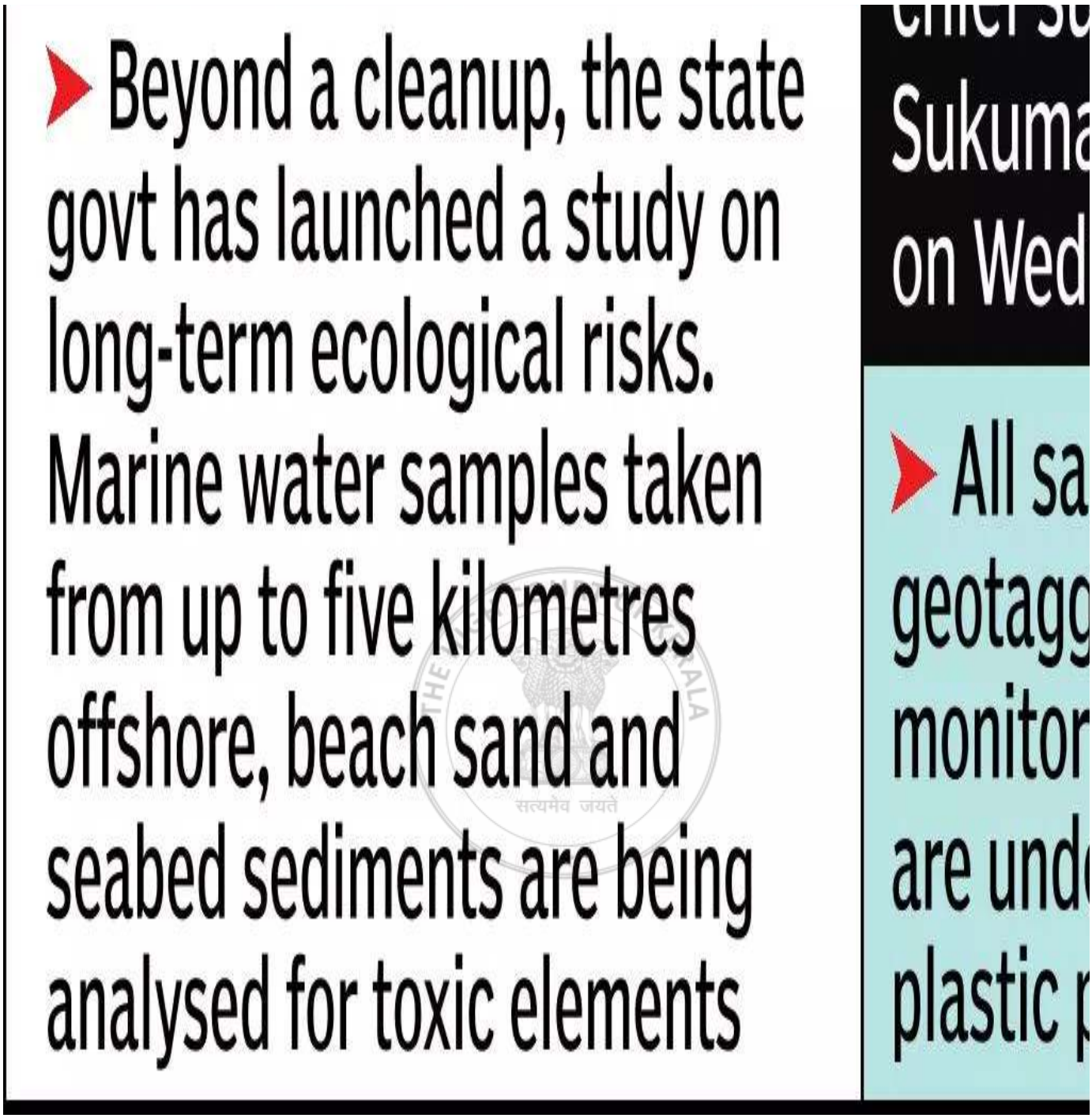
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STATE ASSESSES LONG

- Officials confirmed that the sunken ship was carrying 640 containers, including 13 with hazardous material --calcium carbide in 12 and rubber chemicals in one. It was also carrying 367.1 tonnes of very low sulphur fuel oil and 84.44 tonnes of marine diesel fuel



Directo
Shyam
chief s


Beyond a cleanup, the state govt has launched a study on long-term ecological risks. Marine water samples taken from up to five kilometres offshore, beach sand and seabed sediments are being analysed for toxic elements
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The Mediterranean Shipping Company (MSC) is cooperating with the investigation, and it is unclear how long the investigation procedures will take, the officials said. The ship was operating in compliance with the regulations of the International Maritime Organization, and its insurance documentation was valid. They said the chief officer on the ship was new, and it would be investigated if his lack of experience also contributed to the accident.

The voyage data recorder, which contains information like the ship's speed, direction, conversations among crew members, and communications with other ships, will be retrieved to obtain more details about the accident, they said.The Mercantile Marine Department (MMD), a statutory authority under DG Shipping, informed that there was no large-scale oil spill from the sunken vessel and the environmental threat it posed was being actively mitigated. Nautical advisor Capt Abul Kalam Azad and MMD Kochi principal officer Senthil Kumar, who also addressed the news conference, confirmed that the ship was carrying 640 containers, including 13 with hazardous material—calcium carbide and rubber chemicals, besides 367.1 tonnes of Very Low Sulphur Fuel Oil (VLSFO) and 84.44 tonnes of marine diesel fuel. The team said the oil recovery operation would be completed by July 3.

Azad said oil recovery from the sunken vessel, retrieval of drifting containers and removal of beached containers would be their priority. A multi-beam sonar survey has been initiated to locate and assess the wreckage of the ship, and experts have planned capping of venting points.

As many as 50 beached containers were identified by Wednesday, and the priority is to recover all of them within the next 48 hours. None of these containers contained hazardous material, and they were placed on the ship's deck, they said.

Hazardous materials are present in 13 containers; 12 of these contain calcium carbide while one contains rubber chemicals. Of the 13, eight were inside the ship. The remaining five could be either on the ship's deck or on the

seabed near the ship, they said.

The officials said over 100 containers were reported to have fallen into the sea. The Indian Coast Guard (ICG) has deployed ships and aircraft for surveillance, and dispersants were being used under the National Oil Spill Disaster Contingency Plan.

An onsite team in Kochi continues to monitor and manage pollution risks. High-range drones and precision scanning equipment are being used to detect and contain oil spills.

A total of 108 personnel have been deployed for shoreline clean-up and container retrieval operations. In addition to these, 38 personnel have been deployed for emergency response in Thiruvananthapuram, Alappuzha and Kollam. These teams will work in coordination with the district disaster management authorities and district collectors.

THE HIGH COURT OF KERALA
सत्यमेव जयते

The shipping company has been instructed to establish a damage and liability claim desk to address the losses and liabilities related to the shipwreck.

LOCATION MSC ELSA 3 - CARGO MANIFEST

Sr No	CntrNo	BAY	ROW	TIER	CARGO	OprCode	POR	POL	POD	Dest	FPOD	ISO.SzTp	SzTp	Wgt	F/E
1	GLDU5046345	01	01	10	SAWN TIMBER	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	26	F
2	GLDU9700990	01	02	10	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.6	F
3	MSMU8237551	02	00	08	CASHEW	MSC	TINCAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32	F
4	MSMU5828102	02	00	10	BAMBOO STICKS	MSC	XIAMEN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
5	TGBU4300980	02	01	12	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.6	F
6	MSMU7436625	02	01	84	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	31.5	F
7	MSMU7559105	02	01	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	13.8	F
8	CAIU8084859	02	02	12	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.4	F
9	TRHU8270418	02	02	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
10	TCLU5704422	02	02	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	13.6	F
11	FFAU2394781	02	03	12	WASTE PAPER - PRINTED TMP	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	25	F
12	TGHU6492646	02	03	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.8	F
13	CAAU7858855	02	03	86	WOODWORKING CLAMP CARRIER	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	15.5	F
14	MSMU6844392	02	04	12	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
15	MEDU7910999	02	04	84	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
16	MSMU6329324	02	04	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	13.5	F
17	GLDU9832039	02	05	84	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
18	MSDU5484865	02	05	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	13.2	F
19	MSMU5562603	02	06	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
20	MSDU7394462	02	06	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	14.3	F
21	TGBU7810040	02	07	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	30.8	F
22	MSCU5356639	02	07	86	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	13.8	F
23	MSDU6444527	02	08	84	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
24	FSCU3510856	03	00	04	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	24.9	F
25	GLDU3752928	03	00	06	CALCIUM CARBIDE.SIZE:50-80MM	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.9	F
26	MEDU3865839	03	01	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.9	F
27	MEDU6618806	03	01	08	CALCIUM CARBIDE.SIZE:50-80MM	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
28	TCLU2550703	03	01	10	CALCIUM CARBIDE.SIZE:50-80MM	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
29	DFSU2231980	03	02	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	25	F
30	MSDU1913339	03	02	08	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
31	AXIU2227284	03	02	10	CALCIUM CARBIDE.SIZE:50-80MM	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	28.8	F
32	TRHU2413764	03	03	10	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
33	IPXU3585748	03	04	10	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F
34	MEDU5451524	05	01	02	CONTINUOUSLY PRE-PAINTED GALVANIZED STEEL COILS	MSC	TIANJIN XINGANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	29.5	F
35	MEDU5372298	05	01	04	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	26.1	F
36	MSNU1198797	05	01	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
37	MSNU2728654	05	01	08	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23.1	F
38	MSMU1988490	05	02	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
39	MSMU1837390	05	02	04	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	26	F
40	FBIU0260644	05	02	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
41	MEDU3645731	05	02	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.6	F
42	MSDU1465743	05	03	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.6	F
43	MSMU1694031	05	03	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
44	MEDU2563881	05	03	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
45	BMOU2619296	05	04	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
46	MSNU1776719	05	04	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23.1	F
47	HPCU2286769	05	04	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
48	TEMU3396821	05	07	12	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
49	MEDU5456697	05	07	84	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
50	CRXU3062703	05	08	12	TENSAGEX EOM670B SODIUM LAURYL ETHER SULPHATE	MSC	PORT KLANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.8	F
51	MEDU9883594	06	01	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
52	CXRU1320977	06	01	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E

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53	CRLU1400379	06	01	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
54	MEDU9176210	06	02	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
55	MEDU9712544	06	02	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	45R1	40HR	4.4	E
56	BMOU9650591	06	02	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.3	E
57	CXRU1434497	06	03	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
58	OTPU6675888	06	03	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
59	TRIU8087165	06	03	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.8	E
60	CXRU1470299	06	04	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
61	TGHU9919515	06	04	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
62	MEDU9036033	06	05	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
63	FSCU5798607	06	05	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
64	TEMU9668758	06	06	10	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
65	OTPU6454341	06	06	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
66	SZLU9308506	06	08	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
67	OTPU6670335	06	09	84	EMPTY CONTAINER	MSC	DJIBOUTI	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.2	E
68	TRIU8922459	06	10	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	45R1	40HR	4.8	E
69	MSNU2431579	07	01	02	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	26.9	F
70	MEDU5533279	07	01	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
71	MEDU2513432	07	01	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
72	MEDU3694335	07	01	08	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
73	TGHU3305741	07	02	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
74	MSCU6523999	07	02	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.4	F
75	MSDU1542813	07	02	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
76	MSNU1340113	07	02	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
77	TGBU3207825	07	03	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.1	F
78	MSDU2660110	07	03	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
79	MSDU2580438	07	03	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
80	MSNU2119447	07	03	08	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23.2	F
81	MSNU2432106	07	04	02	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.3	F
82	MEDU3565169	07	04	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
83	FTAU1969256	07	04	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.8	F
84	MSDU1673346	07	04	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.7	F
85	MSNU2433165	07	05	06	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.3	F
86	MSNU2095073	07	05	08	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23.2	F
87	MSNU2002466	07	06	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23.1	F
88	SEKU1329020	07	06	08	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23	F
89	MEDU2940856	07	07	10	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
90	MSDU1118528	07	07	12	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
91	UETU2647575	07	07	84	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
92	GLDU9454849	07	08	10	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
93	TCLU2443731	07	08	12	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
94	CORU2426800	09	07	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	24.5	F
95	TEMU5053400	09	07	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	24.9	F
96	SEGU3108092	09	08	06	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	28.7	F
97	CAIU6911963	09	08	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F
98	MSDU7438935	10	01	02	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.8	F
99	TGBU6376120	10	01	04	UNCOATED KRAFT PAPER AND PAPERBOARD, IN ROLLS OR S	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.6	F
100	MSMU8511277	10	01	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.7	F
101	BMOU6743638	10	01	08	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
102	MSMU4192926	10	01	82	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
103	MSMU8311664	10	01	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
104	CRSU9163535	10	01	86	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	BALTIMORE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.6	F
105	MSNU9570832	10	02	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.4	F
106	MSDU8103176	10	02	04	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.3	F

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107	FFAU1968376	10	02	06	CASHEW	MSC	TINCAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.9	F
108	MSDU5020340	10	02	08	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
109	MSNU9569174	10	02	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
110	TIIU4199195	10	02	84	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
111	BMOU5634083	10	02	86	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.6	F
112	GAOU6717598	10	03	02	DICYANDIAMIDE 99.5 PCT MIN	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.8	F
113	MSNU5736458	10	03	04	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
114	MSDU5453170	10	03	06	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
115	TIIU4006260	10	03	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
116	MSBU5494845	10	03	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
117	MSNU5589104	10	03	84	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
118	MSDU7272464	10	03	86	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
119	MSDU6586389	10	04	02	HIGH BULK C2S ART BOARD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
120	MSMU8820548	10	04	04	CASHEW	MSC	TINCAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.7	F
121	MSDU7745525	10	04	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.7	F
122	CAIU7391022	10	04	08	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.6	F
123	MSMU4130842	10	04	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.5	F
124	MSMU8663602	10	04	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
125	MSNU6129741	10	04	86	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
126	CAAU5517525	10	05	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	32.4	F
127	MSMU8487226	10	05	04	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
128	MSDU6901460	10	05	06	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
129	TGBU7944970	10	05	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.1	F
130	TCNU3185367	10	05	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
131	TRHU7691412	10	05	84	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
132	MSDU7734011	10	05	86	WASTE	MSC	OSAKA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	25.9	F
133	TGBU5843981	10	06	02	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.8	F
134	MSMU5243355	10	06	04	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
135	FSCU8333075	10	06	06	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
136	GAOU7402949	10	06	08	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F
137	MSMU6896544	10	06	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	BALTIMORE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.7	F
138	MEDU9438710	10	06	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	27.3	F
139	FFAU2173245	10	06	86	WASTE PAPER - PRINTED TMP	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	23.6	F
140	MSMU8184805	10	07	10	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
141	TCLU1709051	10	07	82	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
142	MSDU7030964	10	07	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.7	F
143	FFAU1988937	10	07	86	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
144	MSMU4975979	10	08	10	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.8	F
145	MSNU7461684	10	08	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
146	TRHU8022849	10	08	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.3	F
147	MSDU6985136	10	08	86	WASTE PAPER - PRINTED TMP	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	23.7	F
148	CAAU7262721	10	09	82	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.5	F
149	TRHU7720995	10	09	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
150	MSDU7238623	10	09	86	USED OR NEW RAGS, SCRAP TWINE, CORDAGE, ROPE AND C	MSC	MANAGUA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	19.6	F
151	MSDU5396830	10	10	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.6	F
152	MSDU5851997	10	10	84	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
153	MSMU5762427	10	10	86	GAUZE ROLL 90 CM 17TH	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	19.3	F
154	TLLU3260369	11	07	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.2	F
155	MSMU2067289	11	07	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
156	MEDU5711766	11	07	08	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	25.3	F
157	DFSU1142277	11	08	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	25.3	F
158	MSBU1495139	11	08	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	26.5	F
159	MSNU3694965	11	08	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
160	MSMU2959752	13	01	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F

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161	DFSU2936965	13	02	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
162	MSMU1796706	13	03	02	BROWN FUSED ALUMINA	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	29.2	F
163	MSMU2978243	13	04	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.9	F
164	HPCU2318758	13	05	02	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	29	F
165	MSNU2421225	13	06	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.3	F
166	MSMU4243427	14	01	04	RUBBER CHEMICAL ANTI-OXIDANT 6PPD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	25.2	F
167	MSCU5260347	14	01	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.7	F
168	BMOU6117552	14	01	08	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
169	MSNU5275649	14	01	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
170	MSDU7920000	14	01	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
171	MEDU4556979	14	01	86	WASTE PAPER - PRINTED TMP	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	24.2	F
172	MSBU5488349	14	02	04	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
173	MSMU4069700	14	02	06	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
174	MSMU4267537	14	02	08	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
175	CAAU8115710	14	02	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.8	F
176	MSMU7932610	14	02	84	MOPLEN HP456J, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
177	TGBU8008683	14	02	86	STANDARD ACCESSORIES	MSC	YOKOHAMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	26.6	F
178	CAAU7366120	14	03	04	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
179	MSDU6396136	14	03	06	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
180	MSDU5935655	14	03	08	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
181	MSMU5928307	14	03	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
182	MSNU7324254	14	03	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.8	F
183	CRSU9238038	14	03	86	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	25.5	F
184	MSNU7084322	14	04	04	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
185	MEDU7587335	14	04	06	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
186	SEGU4102822	14	04	08	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
187	FFAU1152443	14	04	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
188	MSDU7713317	14	04	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
189	TXGU5490721	14	04	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
190	MSMU8539633	14	05	04	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.9	F
191	CLHU9096854	14	05	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
192	SEKU6756679	14	05	08	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.2	F
193	MSNU6641850	14	05	82	MOPLEN HP456J, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
194	MSNU5878853	14	05	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
195	MSDU8256088	14	05	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.8	F
196	FFAU3929785	14	06	04	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
197	MSMU6125697	14	06	06	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.4	F
198	FFAU3835198	14	06	08	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
199	MSDU7961442	14	06	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
200	CAAU8148550	14	06	84	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
201	MSMU7377923	14	06	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.9	F
202	MSDU8659519	14	07	04	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
203	MSDU6543392	14	07	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
204	MSDU7779905	14	07	08	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
205	MSBU8157196	14	07	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
206	TGBU5732458	14	07	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.8	F
207	TIIU4259870	14	07	86	HDPE LUBAN DGDZ-6097	MSC	SOHAR	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
208	MSMU7076149	14	08	04	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
209	TGBU5569090	14	08	06	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.2	F
210	MSMU7751885	14	08	08	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
211	MSMU4766222	14	08	82	MOPLEN HP462R, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
212	TRHU6546404	14	08	84	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
213	TEMU7962275	14	08	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
214	DFSU6579758	14	09	82	POLYPROPYLENE	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.9	F

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215	MSDU6902764	14	09	84	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
216	UETU6122498	14	09	86	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
217	CXDU2015607	14	10	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
218	MSBU6514118	14	10	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28	F
219	MSDU6063270	14	10	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
220	MSNU2149708	15	01	02	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	29	F
221	MSNU1128803	15	02	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.2	F
222	GLDU9792316	15	03	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
223	MSMU1207880	15	04	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.5	F
224	GLDU5626220	15	05	02	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.2	F
225	MSMU2708757	15	06	02	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.9	F
226	TEMU2390217	15	07	02	GRANITE, PORPHYRY, BASALT, SANDSTONE AND OTHER MON	MSC	CAPE TOWN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.1	F
227	DRYU2963086	15	08	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
228	MSDU2362462	17	01	82	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
229	MSDU2524199	17	02	82	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
230	MSCU6973595	17	03	82	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	29.8	F
231	MSDU1932220	17	04	82	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
232	TCNU3559512	18	01	02	ARTIFICIAL GRAPHITE	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.8	F
233	MSNU9657336	18	01	04	MOPLEN HP456J, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
234	MSDU8655154	18	01	06	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
235	MSMU7556620	18	01	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
236	FFAU1922312	18	01	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
237	FFAU3966002	18	01	86	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
238	MSDU8980278	18	02	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
239	MSMU5586082	18	02	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32	F
240	MSDU7215335	18	02	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	30.5	F
241	MSDU8647396	18	02	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
242	MSDU6251410	18	02	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
243	FFAU1691321	18	02	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.6	F
244	MSCU5380661	18	03	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.3	F
245	MSMU5579416	18	03	04	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	BALTIMORE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
246	MEDU7466755	18	03	06	RE420MO POLYPROPYLENE	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
247	MEDU8952828	18	03	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.4	F
248	MSDU7574253	18	03	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
249	MSNU6114886	18	03	86	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
250	MSNU6794335	18	04	02	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
251	MSDU5928595	18	04	04	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
252	TCLU7727160	18	04	06	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
253	FBLU0090922	18	04	08	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
254	TGBU4622923	18	04	84	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
255	BEAU4259321	18	04	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
256	TCLU5663663	18	05	02	DICYANDIAMIDE 99.5 PCT MIN	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32	F
257	MSDU8999479	18	05	04	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
258	MSDU8251255	18	05	06	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29	F
259	MSMU6531340	18	05	08	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
260	MSMU8766811	18	05	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.3	F
261	FBLU0063531	18	05	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
262	MSCU5412840	18	05	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.7	F
263	MSDU8601380	18	06	02	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F
264	MSDU5949319	18	06	04	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
265	TCNU2916220	18	06	06	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.8	F
266	MSDU7069204	18	06	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.4	F
267	MSDU5950325	18	06	82	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
268	MSMU5110820	18	06	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F

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269	MSDU5526699	18	06	86	WASTE PAPER - PRINTED TMP	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	23.7	F
270	CAAU7417206	18	07	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.4	F
271	MSMU5528492	18	07	04	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
272	FFAU2077806	18	07	06	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
273	MSMU5808750	18	07	08	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
274	MEDU7994900	18	07	82	HIGH BULK C2S ART BOARD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.3	F
275	MSDU6094856	18	07	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
276	FFAU4142006	18	07	86	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.2	F
277	MSMU8961525	18	08	02	ARTIFICIAL GRAPHITE	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.9	F
278	BMOU5933145	18	08	04	CASHEW	MSC	TINCAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31	F
279	MSMU7221463	18	08	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.8	F
280	MEDU4793060	18	08	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
281	CAIU7605762	18	08	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
282	MSMU7843410	18	08	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
283	MSMU4137195	18	08	86	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	31.3	F
284	TCLU5276371	18	09	82	POLYPROPYLENE	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32	F
285	MSMU4269150	18	09	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
286	CAIU4607479	18	09	86	STANDARD ACCESSORIES	MSC	YOKOHAMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	24.1	F
287	MSMU7180770	18	10	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
288	FFAU3824608	18	10	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
289	FCIU4619879	19	01	82	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
290	SEGU1488630	19	02	82	CALCIUM CARBIDE.SIZE:50-80MM	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	28.8	F
291	DFSU2681951	19	03	82	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
292	CAIU2703977	19	04	82	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.5	F
293	MSDU2942820	21	03	82	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.5	F
294	TRHU1269930	21	03	84	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
295	TEMU2040501	21	04	82	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F
296	MSMU1459264	21	04	84	THIS IS SEZ CARGO STEEL CORD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	16.7	F
297	TCLU2570422	21	05	82	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
298	TRHU1570624	21	05	84	STANDARD ACCESSORIES	MSC	YOKOHAMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	4.6	F
299	DFSU2765179	21	06	82	CALCIUM CARBIDE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.8	F
300	MSNU2295560	21	06	84	SPINNING MACHINE	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	2.5	F
301	FTAU1518118	21	07	82	SAWN TIMBER	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
302	MSMU3453692	21	08	82	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
303	MSMU1907878	21	09	82	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
304	MSMU1487158	23	01	02	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28.5	F
305	TEMU5860973	23	01	04	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.5	F
306	MSMU1409237	23	01	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27	F
307	MSBU3051616	23	01	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
308	MSNU2420933	23	02	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F
309	MEDU6890054	23	02	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
310	CAIU3197826	23	02	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.4	F
311	MEDU5780387	23	02	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.1	F
312	TGBU1192367	23	03	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	26.8	F
313	MEDU5849293	23	03	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
314	MEDU6139763	23	03	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
315	FCIU6368730	23	03	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	23	F
316	MSDU1187405	23	04	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	26	F
317	MEDU2917223	23	04	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.4	F
318	MEDU5746720	23	04	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	23	F
319	MEDU3174101	23	04	08	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.4	F
320	FBIU0412407	23	05	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	28	F
321	TEMU3811901	23	05	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
322	MSNU2431162	23	05	06	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23.6	F

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323	CAIU2783798	23	05	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
324	MSDU1720258	23	06	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27	F
325	MEDU3929810	23	06	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.4	F
326	MSDU1525375	23	06	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	25	F
327	TGBU3222049	23	06	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
328	TGBU1195108	23	07	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	26.7	F
329	MEDU6204365	23	07	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
330	MEDU3440330	23	07	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
331	MSDU2473893	23	07	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
332	MSNU2420548	23	08	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.1	F
333	MSDU2528738	23	08	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
334	MSNU1864640	23	08	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.2	F
335	MEDU5227860	23	08	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	23	F
336	MSNU5326849	24	01	10	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
337	MSNU9045285	24	01	82	HE125MO POLYPROPYLENE	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
338	MSMU5916883	24	01	84	MOPLEN HP456J, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
339	MSMU4723637	24	01	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
340	MEDU8593435	24	02	10	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.4	F
341	MSCU5358014	24	02	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.8	F
342	FDCU0241538	24	02	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
343	MSMU8295687	24	02	86	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.3	F
344	MSMU5309724	24	03	10	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
345	FFAU2841410	24	03	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.6	F
346	MSDU6166956	24	03	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
347	TCNU1313622	24	03	86	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
348	GLDU7653986	24	04	10	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.5	F
349	FFAU1994014	24	04	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
350	MSNU6582803	24	04	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
351	MSCU5091490	24	04	86	BE961MO PROPYLENE COPOLYMERS	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
352	MEDU7947299	24	05	10	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
353	CAAU5917898	24	05	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.5	F
354	MSNU8621560	24	05	84	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
355	TGBU7867133	24	05	86	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.3	F
356	CAAU7460162	24	06	10	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
357	MSMU6221134	24	06	82	HE125MO POLYPROPYLENE	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
358	TCNU4327661	24	06	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	BALTIMORE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.3	F
359	MSMU8660814	24	06	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
360	MSMU8315206	24	07	10	RE420MO POLYPROPYLENE	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
361	MSNU8507898	24	07	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
362	CAIU7737100	24	07	84	ELOTEX MP2050	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.3	F
363	MSNU8699677	24	07	86	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
364	TRHU6806667	24	08	10	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.7	F
365	MSBU8176128	24	08	82	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.6	F
366	TXGU5344558	24	08	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
367	MSDU5813641	24	08	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	12.9	F
368	MSDU5457730	24	08	88	WOOD SAWN OR CHIPPED LENGTHWISE, SLICED OR PEELED,	MSC	VERACRUZ	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
369	CAAU6763101	24	09	82	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
370	MSMU8660795	24	09	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.5	F
371	FSCU9885968	24	09	86	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
372	MSDU8553168	24	10	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
373	MSNU8668423	24	10	84	MOPLEN HP456J, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
374	FFAU2290489	24	10	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.8	F
375	MSBU3144262	25	01	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	28	F
376	MSDU1412527	25	01	04	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	22.4	F

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377	GLDU5051830	25	01	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
378	MSCU6300233	25	01	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	24.9	F
379	MSBU1487473	25	02	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.5	F
380	MSCU6014477	25	02	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.4	F
381	BMOU2055597	25	02	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	23	F
382	MSNU3547619	25	02	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
383	GLDU5121686	25	03	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	26.5	F
384	CAXU6391333	25	03	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
385	MEDU6313073	25	03	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
386	MSCU6867485	25	03	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
387	MSMU3385767	25	04	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
388	MSDU1964980	25	04	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.2	F
389	CAIU3142952	25	04	06	DRIED LEGUMINOUS VEGETABLES, SHELLED, WHETHER OR N	MSC	SEATTLE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.1	F
390	UETU2642486	25	04	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	26	F
391	MSNU3557197	25	05	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
392	MEDU5672422	25	05	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
393	FTAU1392797	25	05	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
394	MSNU2417647	25	05	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
395	MSMU3653577	25	06	02	BROWN FUSED ALUMINA	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	29.2	F
396	MSMU1185137	25	06	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
397	MEDU6350842	25	06	06	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
398	MSMU2760354	25	06	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
399	TEMU5104235	25	07	02	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	22G1	20DV	26	F
400	MEDU2488751	25	07	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
401	FCIU2073367	25	07	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	22.4	F
402	MSDU2246077	25	07	08	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	23	F
403	MSNU2420419	25	08	02	PRINTING PAPER	MSC	SHANGHAI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	27.3	F
404	TGBU3835950	25	08	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.2	F
405	MEDU3512261	25	08	06	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25.3	F
406	MSMU1218800	25	08	08	WOOD	MSC	LOME	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	2210	20DV	25	F
407	MEDU2076590	27	01	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.6	F
408	MSNU2654741	27	01	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
409	MSMU1878126	27	01	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.8	F
410	PGRU2312104	27	02	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
411	MSDU1590982	27	02	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
412	MSNU1564237	27	02	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23	F
413	MSNU3700250	27	03	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
414	FCIU5592350	27	03	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
415	CAXU3381959	27	03	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
416	FTAU1353002	27	04	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
417	MSMU2191793	27	04	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
418	MSNU3015508	27	04	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
419	CAXU3305476	27	05	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
420	MSMU1686036	27	05	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
421	TGBU3937530	27	05	06	PALMOCOL PDA 1300 DIETHANOLAMIDE HSCODE 3402139000	MSC	PORT KLANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	19.3	F
422	FCGU2267880	27	06	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
423	MEDU1436579	27	06	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.4	F
424	MSMU3295128	27	06	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
425	FCIU5964268	27	07	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
426	MSMU2560741	27	07	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
427	CORU2612039	27	07	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
428	MEDU1182411	27	08	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
429	MSDU1076968	27	08	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
430	CAIU6734343	27	08	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F

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431	MSDU7193848	28	01	08	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	45G1	40HC	28.8	F
432	MSNU5262702	28	01	82	MOPLEN HP456J, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
433	MSDU9837180	28	01	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.6	E
434	MEDU9660590	28	01	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
435	MSDU9792254	28	01	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
436	MSMU4799268	28	02	08	POLYETHYLENE LUPOLEN	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
437	MSMU8785684	28	02	82	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	26.7	F
438	MEDU9614722	28	02	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
439	MSDU9786652	28	02	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
440	TTNU8488604	28	02	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
441	BMOU6908527	28	03	08	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	28.8	F
442	MSDU9868663	28	03	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	3.6	E
443	MEDU9775310	28	03	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
444	MSDU9794560	28	03	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
445	GESU9273269	28	03	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
446	FFAU2505674	28	04	08	CHINA GREEN TEA	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	45G1	40HC	30.4	F
447	MSDU9799623	28	04	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
448	MSDU9797852	28	04	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
449	TTNU8122256	28	04	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4	E
450	MEDU9744433	28	04	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4	E
451	MSDU6596920	28	05	08	MOPLEN HP456J, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
452	MSDU9794093	28	05	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
453	MSDU9792167	28	05	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
454	GESU9440828	28	05	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4	E
455	SZLU9020150	28	05	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
456	MSMU6697497	28	06	08	LINEAR LOW DENSITY POLYETHYLENE LLDPE	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
457	TTNU8127828	28	06	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.7	E
458	SEGU9441496	28	06	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.5	E
459	CRSU6131489	28	06	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.7	E
460	MSDU9793836	28	06	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
461	TEMU8185971	28	07	08	LUPOLEN 2427K, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.3	F
462	MSDU9799752	28	07	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
463	OTPU6569314	28	07	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4	E
464	MSDU9793501	28	07	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
465	MSDU9793435	28	07	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
466	MSMU5750220	28	08	08	LUPOLEN 2427K, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.2	F
467	MSDU9797765	28	08	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
468	MSDU9797430	28	08	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
469	MSDU9893250	28	08	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.6	E
470	MSDU9798078	28	08	88	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
471	MSDU9019223	28	09	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
472	MSDU9793585	28	09	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
473	TRIU8172077	28	09	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.7	E
474	BMOU9227770	28	10	82	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45R1	40HR	4.2	E
475	MSDU9793604	28	10	84	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.4	E
476	MEDU9094770	28	10	86	EMPTY CONTAINER	MSC	TIANJIN XINGANG	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4532	40HR	4.2	E
477	MSNU3630805	29	01	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
478	MEDU2520982	29	01	04	TENSAGEX EOM670B SODIUM LAURYL ETHER SULPHATE	MSC	PORT KLANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	21.4	F
479	MSNU2958940	29	01	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
480	MEDU3937749	29	02	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.6	F
481	FCIU4295511	29	02	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
482	MSMU2212303	29	02	06	FISH BODY OIL - JAPAN CRUDE FISH OIL	MSC	TOMAKOMAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	23	F
483	MSNU2402061	29	03	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
484	TRHU1596526	29	03	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F

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485	MSDU2079977	29	03	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
486	MEDU5584532	29	04	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
487	FCIU6423484	29	04	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
488	TGBU1194415	29	04	06	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.2	F
489	MSCU6984579	29	05	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
490	CAIU6235093	29	05	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
491	MSNU3323645	29	05	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
492	INBU3896815	29	06	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
493	MSNU2215060	29	06	04	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
494	MEDU2343660	29	06	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
495	MSMU2660669	29	07	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.4	F
496	MEDU3005462	29	07	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	22.5	F
497	CAIU2523764	29	07	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
498	BMOU2765095	29	08	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.5	F
499	TGHU1013041	29	08	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
500	FCIU2736259	29	08	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
501	MSMU6691605	32	01	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.3	F
502	MSMU7525980	32	01	04	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	BALTIMORE	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.7	F
503	MSBU5363486	32	01	06	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.4	F
504	TRHU8731799	32	01	08	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
505	MSNU7166652	32	01	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
506	TEMU8622407	32	01	84	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.6	F
507	TRHU7331210	32	01	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
508	UETU6280528	32	02	02	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.9	F
509	MSNU6046668	32	02	04	HIGH BULK C2S ART BOARD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
510	MSMU5922124	32	02	06	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	27.9	F
511	MSMU8003065	32	02	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
512	MSBU5203092	32	02	82	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
513	MEDU7069547	32	02	84	BE961MO PROPYLENE COPOLYMERS	MSC	ABU DHABI	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
514	MSNU9610730	32	02	86	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.3	F
515	TIIU5564306	32	03	02	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
516	MSDU5586189	32	03	04	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.2	F
517	TEMU6906826	32	03	06	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
518	MSDU6902759	32	03	08	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
519	TRHU6548665	32	03	82	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
520	MSMU8666772	32	03	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
521	FBLU0053195	32	03	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.4	F
522	CAAU7119310	32	04	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	31.9	F
523	MSDU7392460	32	04	04	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
524	MSMU4201859	32	04	06	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
525	MEDU7774819	32	04	08	UNCOATED KRAFT PAPER AND PAPERBOARD, IN ROLLS OR S	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
526	MSMU6919911	32	04	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
527	MSDU6376438	32	04	84	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
528	CAIU7764830	32	04	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.4	F
529	MSMU4829357	32	05	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	CHARLESTON	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
530	MSDU8486959	32	05	04	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
531	MEDU4902074	32	05	06	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
532	MSDU6902609	32	05	08	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
533	TRHU5078187	32	05	82	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
534	MSNU5292610	32	05	84	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.5	F
535	UETU6863612	32	05	86	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.2	F
536	MSMU8809467	32	06	02	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.1	F
537	MSDU6992686	32	06	04	HIGH BULK C2S ART BOARD	MSC	QINGDAO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F
538	MSDU8716075	32	06	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F

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539	TEMU7978271	32	06	08	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.6	F
540	MSDU8943818	32	06	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.3	F
541	MSDU5067115	32	06	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.7	F
542	MEDU7409919	32	06	86	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
543	TIIU4778242	32	07	02	BAMBOO STICKS	MSC	XIAMEN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.1	F
544	UETU6084398	32	07	04	LINEAR LOW DENSITY POLYETHYLENE LLDPE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
545	TRHU8651456	32	07	06	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
546	TRHU6850799	32	07	08	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
547	TIIU4796230	32	07	82	COTTON, NOT CARDED OR COMBED	MSC	ABIDJAN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.3	F
548	TLLU7582790	32	07	84	LINEAR LOW DENSITY POLYETHYLENE LLDPE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
549	TIIU4801569	32	07	86	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
550	MEDU8562630	32	08	02	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F
551	CAAU7516092	32	08	04	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
552	MSMU5815738	32	08	06	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.4	F
553	MSNU7161096	32	08	08	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
554	UETU5581194	32	08	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	29.1	F
555	TGHU6048708	32	08	84	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
556	MEDU4479189	32	08	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
557	FSCU7995082	32	08	88	96768 SETS OF EMPTY TIN PLATE CAN	MSC	XIAMEN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	9.6	F
558	CAIU9482517	32	09	82	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.9	F
559	MSMU6438557	32	09	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.7	F
560	TGCU5017406	32	09	86	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
561	MSMU4287467	32	10	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30	F
562	MSDU5532460	32	10	84	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	30.2	F
563	MSNU7311935	32	10	86	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
564	MSMU1199249	35	05	02	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
565	MSDU1772626	35	05	04	CONTINUOUSLY PRE-PAINTED GALVANIZED STEEL COILS	MSC	TIANJIN XINGANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	29.8	F
566	MSNU1989083	35	05	06	CONTINUOUSLY PRE-PAINTED GALVANIZED STEEL COILS	MSC	TIANJIN XINGANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	29.7	F
567	MEDU5402113	35	05	82	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.3	F
568	MSDU1472742	35	06	02	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
569	MSNU2421610	35	06	82	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.1	F
570	MSMU1547236	35	07	04	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
571	MEDU6386486	35	07	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.4	F
572	DFSU2829144	35	07	08	CONTINUOUSLY PRE-PAINTED GALVANIZED STEEL COILS	MSC	TIANJIN XINGANG	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	29.7	F
573	MSMU1682200	35	08	82	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
574	MSBU5176145	36	01	82	TEA	MSC	JAKARTA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29	F
575	MSMU7909292	36	01	84	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	24.5	F
576	OTPU6023385	36	01	86	EMPTY CONTAINER	MSC	DJIBOUTI	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.2	E
577	CXRU1401615	36	01	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
578	TGBU5982333	36	02	82	CASSIA KABC GRADE INDONESIA ORIGIN	MSC	BELAWAN	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	28.8	F
579	MSDU8493979	36	02	84	LUPOLEN 2427F, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.2	F
580	CXRU1198637	36	02	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
581	CXRU1271466	36	02	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
582	MSMU4989838	36	03	82	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	28.6	F
583	MSDU5612879	36	03	84	CINNAMOMUM	MSC	BELAWAN	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	28.8	F
584	OTPU6086785	36	03	86	EMPTY CONTAINER	MSC	DJIBOUTI	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.2	E
585	MSDU9805201	36	03	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
586	MSMU7809117	36	04	82	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	45G1	40HC	28.8	F
587	MSNU6118808	36	04	84	MOPLEN HP456J, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
588	TEMU9300025	36	04	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
589	TEMU9062170	36	04	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	45R1	40HR	4.6	E
590	MSMU7378956	36	05	84	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	45G1	40HC	28.6	F
591	FFAU1376124	36	05	86	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	25	F
592	SEGU9212000	36	05	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4332	40RE	4.6	E

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593	TGBU7799825	36	06	84	MOPLEN HP456J, BG25BC	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
594	SZLU9261076	36	06	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
595	TEMU9293857	36	06	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
596	MSNU7822940	36	07	10	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	26.6	F
597	MSMU5710320	36	07	82	POLYPROPYLENE MOPLEN EP332K	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29	F
598	TLLU7953443	36	07	84	POLYPROPYLENE MOPLEN EP332K	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	28.8	F
599	CXRU1416979	36	07	86	EMPTY CONTAINER	MSC	DJIBOUTI	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.2	E
600	MSMU8868686	36	08	84	STANDARD NEWSPRINT	MSC	CORNER BROOK	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	27.7	F
601	CRLU1321433	36	08	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.6	E
602	MSCU7391897	36	08	88	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
603	MSDU5708733	36	09	82	POLYETHYLENE LUPOLEN 2421H	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.1	F
604	TTNU8470863	36	09	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.8	E
605	CXRU1389042	36	09	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
606	MSMU7213869	36	10	82	LINEAR LOW DENSITY POLYETHYLENE LLDPE	MSC	JUBAIL	VIZHINJAM	COCHIN	COCHIN	COCHIN	4510	40HC	29.2	F
607	CXRU1118797	36	10	84	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.5	E
608	SEGU9180638	36	10	86	EMPTY CONTAINER	MSC	NACALA	VIZHINJAM	COCHIN	COCHIN	COCHIN	4532	40HR	4.7	E
609	MSNU2421673	37	05	04	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.2	F
610	MSNU1070569	37	05	06	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
611	TGBU3615283	37	05	82	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
612	MSNU2431455	37	06	04	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.2	F
613	MSNU2433123	37	06	06	COATED PAPER C2S GLOSS	MSC	SHANGHAI	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	27.2	F
614	MSMU1103545	37	06	82	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	22.4	F
615	MSMU2711494	37	07	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
616	FBIU0191374	37	07	08	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
617	UETU2877109	37	08	06	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
618	GAOU2440550	37	08	08	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.2	F
619	MEDU5727839	37	08	10	QUICKLIME, SLAKED LIME AND HYDRAULIC LIME, OTHER T	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	2210	20DV	25.3	F
620	TRHU1265683	37	08	82	HYDRAZINE AND HYDROXYLAMINE AND THEIR INORGANIC SA	MSC	RAS AL KHAIMAH	VIZHINJAM	COCHIN	COCHIN	COCHIN	22G1	20DV	25.2	F
621	MSDU2261657	39	07	80	SHIP STOCK	MSC	ANTWERP	COLOMBO	OPTIONAL PORT			2210	20DV	5.2	F
622	MSDU7092673	40	01	80	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
623	BMOU6881025	40	01	82	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.6	F
624	CAIU7753517	40	01	84	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
625	MSNU7136745	40	02	80	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
626	MSMU6678579	40	02	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
627	CAAU7379220	40	02	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.8	F
628	MEDU7336849	40	03	80	POLYMERS OF PROPYLENE OR OF OTHER OLEFINS, IN PRIM	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
629	TCLU5649644	40	03	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.5	F
630	MSDU6369803	40	03	84	COTTON, NOT CARDED OR COMBED	MSC	SAN PEDRO	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
631	MSMU4358278	40	04	80	POLYMERS OF ETHYLENE, IN PRIMARY FORMS - POLYETHYL	MSC	SHUAIBA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.1	F
632	MSMU6961275	40	04	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29	F
633	MSBU5449363	40	04	84	LINEAR LOW DENSITY POLYETHYLENE	MSC	JUBAIL	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
634	CAAU7841003	40	06	80	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.7	F
635	MSMU8505850	40	06	82	BLEACHED CHEMI THERMO	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
636	MEDU7082019	40	06	84	MOPLEN HP462R, BG25BC	MSC	DAMMAM	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	29.2	F
637	MSDU6954053	40	07	82	BLEACHED CHEMI THERMO MECHANICAL PULP	MSC	VANCOUVER	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.9	F
638	MEDU7999815	40	07	84	RECOVERED (WASTE AND SCRAP) PAPER OR PAPERBOARD -	MSC	SHARJAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	28.6	F
639	CAIU4864796	40	09	82	COCONUTS, BRAZIL NUTS AND CASHEW NUTS, FRESH OR DR	MSC	TEMA	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	45G1	40HC	28.5	F
640	MSMU5054428	40	09	84	USED CIRCULAR KNITTING MACHINES	MSC	XIAMEN	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	25.8	F
641	MSMU5651296	40	10	84	WOOD IN THE ROUGH, WHETHER OR NOT STRIPPED OF BARK	MSC	SAVANNAH	VIZHINJAM	TUTICORIN	TUTICORIN	TUTICORIN	4510	40HC	32.3	F
642	CRXU5299926	41	05	80	SHIP STOCK	MSC		COLOMBO	OPTIONAL PORT			2232	20RE	3	E
643	MSCU3627900	41	07	80	SHIP STOCK	MSC		COLOMBO	OPTIONAL PORT			2232	20RE	3	F

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MSC ELSA 3
imo: 9123221

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Ship informations

• Ship particulars

Information		Since
IMO number :	9123221	
Name of ship :	MSC ELSA 3	(since 01/07/2015)
Call sign :	A8NR5	
MMSI :		
Gross tonnage :	16799	(since 01/06/1997)
DWT :	22994	
Type of ship :	Container Ship	(since 01/02/1997)
Year of build :	1997	
Flag :	Liberia	(since 01/11/2014)
Status of ship :	Total Loss	(since 25/05/2025)
Last update :	04/06/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
6253356	Registered owner	ELSA 3 MARITIME INC	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 22/09/2021
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 03/07/2015
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	during 07/2015

• Classification status

Classification society	Date change status	Status	Reason
Bureau Veritas (IACS)	since 03/07/2015	Delivered	
DNV-GL (ex GL) (IACS)	since 01/07/2012	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
Bureau Veritas (IACS)	13/11/2023	13/11/2028
DNV-GL (ex GL) (IACS)	22/06/2012	

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
Bureau Veritas (IACS)	10/11/2020	09/11/2025	10/11/2020	Delivered		Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	21/05/2025
UK P&I Club	20/02/2025
North of England P&I Association	09/06/2022

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
India	Manglore	19/11/2024	N	Indian Ocean MoU	Initial inspection	0	5
India	Tuticorin	20/07/2023	N	Indian Ocean MoU	Initial inspection	0	9
Singapore	Singapore	28/10/2022	N	Tokyo MoU	Initial inspection		14
Bangladesh	Chittagong	20/10/2022	N	Indian Ocean MoU	Initial inspection	0	1
Nigeria	Onne	13/01/2022	N	Abuja MoU	Initial inspection	0	
Togo	Port of Lome	08/12/2020	N	Abuja MoU	Initial inspection	0	
Nigeria	Apapa	15/10/2020	N	Abuja MoU	Initial inspection	0	
Jordan	Aqaba	14/05/2017	N	Mediterranean MoU	Initial inspection	0	3
Hong Kong, China	Hong Kong Marine Department	16/09/2015	N	Tokyo MoU	Initial inspection		3
Venezuela	Puerto Cabello	14/10/2013	N	Vina Del Mar MoU	Initial inspection	0	
Argentina	Dock Sud	28/12/2012	N	Vina Del Mar MoU	Re-inspection	0	3
Argentina	La Plata	26/12/2012	N	Vina Del Mar MoU	More detailed inspection	0	3
Morocco	Casablanca	19/09/2012	N	Mediterranean MoU	Initial inspection	0	
Spain	Algeciras	20/06/2012	N	Paris MoU	Initial inspection	0	
United States of America	San Juan, Puerto Rico	16/10/2011	N	US Coast Guard	Standard Examination	0	
Peru	Callao	06/10/2011	N	Vina Del Mar MoU	Initial inspection	0	2
Chile	Iquique	02/07/2011	N	Vina Del Mar MoU	Initial inspection	0	1
		02/07/2011	N	Tokyo MoU			
Germany	Hamburg	27/05/2011	N	Paris MoU	More detailed inspection	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
France	Dunkirk	25/05/2011	N	Paris MoU	More detailed inspection	0	4
Germany	Hamburg	29/12/2010	N	Paris MoU	More detailed inspection	0	7
		18/11/2010	N	Tokyo MoU			
Netherlands	Rotterdam	28/07/2010	Y	Paris MoU	More detailed inspection	2	21
		14/04/2010	N	Tokyo MoU			
Spain	Marin	22/12/2009	N	Paris MoU	Initial inspection	0	
Netherlands	Rotterdam	07/10/2009	N	Paris MoU	More detailed inspection	0	6
		08/09/2009	N	Tokyo MoU			
		02/09/2009	N	Tokyo MoU			
Netherlands	Rotterdam	09/03/2009	N	Paris MoU	More detailed inspection	0	7
		03/02/2009	N	Tokyo MoU			
Spain	Bilbao	08/01/2009	N	Paris MoU	More detailed inspection	0	5
Germany	Hamburg	18/08/2008	N	Paris MoU	More detailed inspection	0	13
		16/07/2008	N	Tokyo MoU			
		15/07/2008	N	Tokyo MoU			
Netherlands	Rotterdam	16/06/2008	N	Paris MoU	More detailed inspection	0	6
France	Dunkirk	14/06/2008	N	Paris MoU	More detailed inspection	0	5
United States of America	New York, New York	31/10/2007	N	US Coast Guard	Standard Examination	0	
United States of America	Norfolk, Virginia.	07/08/2007	N	US Coast Guard	Standard Examination	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
United States of America	Norfolk, Virginia.	16/07/2006	N	US Coast Guard	Standard Examination	0	
		20/06/2006	N	Tokyo MoU			
		22/05/2006	N	Tokyo MoU			
		05/01/2005	N	Tokyo MoU			
		28/07/2004	N	Tokyo MoU			
		15/01/2004	N	Tokyo MoU			
		03/07/2003	N	Tokyo MoU			
United States of America	MSO Los Angeles/ Long Beach	17/06/2003	N	US Coast Guard		0	
		27/05/2003	N	Tokyo MoU			
Japan	Kinki	06/09/2002	N	Tokyo MoU			
Hong Kong, China	Hong Kong Marine Department	02/05/2002	N	Tokyo MoU			
United States of America	MSO Los Angeles/ Long Beach	21/03/2001	N	US Coast Guard		0	
Canada	Vancouver	15/12/2000	N	Tokyo MoU			
Spain	Algeciras	16/06/2000	N	Paris MoU		0	1
Spain	Valencia	13/06/2000	N	Paris MoU		0	1
Spain	Barcelona	12/06/2000	N	Paris MoU		0	1
Italy	Livorno	03/04/2000	N	Paris MoU		0	
United States of America	MSO Charleston	13/03/2000	N	US Coast Guard		0	
United States of America	MSO Miami	15/11/1999	N	US Coast Guard		0	
United States of America	MSO Miami	03/08/1999	N	US Coast Guard		0	

• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Indian Ocean MoU	India	Tuticorin	20/07/2023	4
Indian Ocean MoU	Bangladesh	Chittagong	20/10/2022	1

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• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Paris MoU	Germany	Hamburg	29/12/2010	2
Paris MoU	Netherlands	Rotterdam	28/07/2010	3
Paris MoU	Netherlands	Rotterdam	07/10/2009	2
Paris MoU	Netherlands	Rotterdam	09/03/2009	2
Paris MoU	Spain	Bilbao	08/01/2009	2
Paris MoU	Netherlands	Rotterdam	16/06/2008	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC ELSA 3	since 01/07/2015	IHS Maritime
Alexandra N	since 01/11/2014	IHS Maritime
Adrian	since 01/06/2006	IHS Maritime
TMM Hidalgo	since 01/05/2003	IHS Maritime
Delmas Tourville	since 01/10/2002	IHS Maritime
Adrian	since 01/03/2002	IHS Maritime
Ivory Star	since 01/11/2001	IHS Maritime
TMM Manzanillo	since 01/06/2001	IHS Maritime
Adrian	since 01/03/2001	IHS Maritime
CSAV Barcelona	since 01/02/2000	IHS Maritime

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• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/11/2014	IHS Maritime
Germany	since 01/11/2014	IHS Maritime
Liberia	since 01/09/2007	IHS Maritime
Germany	since 01/04/2005	IHS Maritime

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• Current and former classification status

Classification society	Date of survey	Sources
Bureau Veritas (IACS)	13/11/2023	Bureau Veritas
Bureau Veritas (IACS)	27/11/2020	Bureau Veritas
Bureau Veritas (IACS)	14/09/2015	Bureau Veritas
DNV-GL (ex GL) (IACS)	22/06/2012	Germanischer Lloyd
DNV-GL (ex GL) (IACS)	29/06/2007	Germanischer Lloyd
DNV-GL (ex GL) (IACS)	26/06/2002	Germanischer Lloyd

• Company

Company	Role	Date of effect	Sources
ELSA 3 MARITIME INC	Registered owner	since 22/09/2021	
ONE STAR MSC LTD	Registered owner	during 08/2018	
MSC SHIPMANAGEMENT LTD	ISM Manager	since 03/07/2015	
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	during 07/2015	
ADRIAN MARINE INC-LIB	Registered owner	during 07/2015	
QUADRANT MARITIME PVT LTD	ISM Manager	since 19/02/2015	
QUADRANT MARITIME PVT LTD	Ship manager/ Commercial manager	since 19/02/2015	
DANAE INTERNATIONAL CORP	Registered owner	during 11/2014	
WILHELMSEN AHRENKIEL BULK GMBH	ISM Manager	since 25/07/2012	
UNKNOWN	ISM Manager	since 11/07/2012	

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• Company

Company	Role	Date of effect	Sources
WILHELMSEN AHRENKIEL BULK GMBH	Ship manager/ Commercial manager	since 01/07/2012	
KOMROWSKI BEFRACHTUNGSKONTOR	ISM Manager	since 26/04/2002	

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Directorate General of Shipping

SITREP – 29, 1800 hrs on 23/06/2025

Sinking of MSC ELSA 3 (IMO no. 9123221, Flag Liberia) South West of Kochi

The contents of this SITREP are based on both written and verbal inputs received from the stakeholders

1. Incident Overview:

Refer to SITREP – 6

2. Response Actions Initiated:

Refer to SITREP – 6

3. Present Status:

Tug Nand Saarthi remains deployed at the wreck site, carrying out patrols and monitoring operations. The latest reports confirm the presence of a light rainbow sheen around the wreck, covering an approximate area of 1 kilometre by 50 metres. The sheen is observed to dissipate naturally beyond this range, and no significant changes have been reported in the past 48 hours. SEAMAC III departed Kochi port this morning and is currently en route to Mumbai for off-hiring, with arrival expected by 24 June 2025.

The replacement tug, Canara Megh, departed Mumbai this morning following weather-induced delays. The vessel is expected to reach Kochi by 28 June 2025, where MERC personnel will board and the vessel will take over caretaking duties from Nand Saarthi, subject to operational readiness and favourable conditions.

Onshore, agreements have been finalised with relevant authorities for the storage of recovered nurdles at Kollam Port and Vizhinjam Port. Shifting of approximately 190 tonnes of nurdles from Trivandrum beaches to port storage facilities will commence from 24 June 2025 under the supervision of Customs and the Pollution Control Board. Cleanup efforts continue along affected shorelines with increased volunteer mobilisation. Trivandrum District Administration and disaster management agencies

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have facilitated the deployment of 500 volunteers across key locations, including Trivandrum, Kanyakumari, and Rameshwaram.

Indian Coast Guard continues daily aerial surveillance over both the MSC ELSA 3 wreck site and WAN HAI 503 area using Dornier aircraft. Patrols remain in place, and today's sortie was launched at 1000 Hrs, with updates awaited.

4. Situation Assessment:

The consistent light rainbow sheen observed near the wreck site is attributed to residual contaminants from enclosed compartments such as the engine room, machinery spaces, and structural components with trapped oil or lubricants. These residual discharges are minor and dissipate naturally due to sea conditions, with no evidence suggesting active fuel leaks from sealed tanks. Available underwater inspections during the earlier capping operations confirmed the tank openings are secure and no major hull deformation has been detected.

Given the ongoing light sheen, continuous observation is being maintained by Nand Saarthi at the site, complemented by aerial surveillance from the Indian Coast Guard. Experts have assessed that this type of light contamination is expected to persist intermittently until complete natural flushing occurs, which may take several weeks depending on sea conditions.

The offshore response is in a transition phase, with SEAMAC III demobilised and the replacement vessel, Canara Megh, expected to take over patrol and monitoring responsibilities by the end of June. Preparations for oil removal operations are underway, with Brand Marine Consultants and SMIT Salvage working on finalising a comprehensive removal and caretaking plan. However, no formal revised plan for oil extraction or wreck removal has been submitted by MSC as yet. DG Shipping has reiterated the requirement for immediate submission of a firm operational plan.

Onshore, the nurdle recovery and storage operation has been stabilised, with temporary storage solutions at port facilities secured and logistics commencing imminently. Volunteer participation has improved, though continued replenishment of nurdles on beaches requires sustained cleanup and monitoring efforts. Disposal and recycling solutions for the recovered nurdles are under discussion between Customs, the Pollution Control Board, and other relevant authorities.

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Ongoing coordination between DG Shipping, State Authorities, MSC, Salvors, Indian Coast Guard, and other stakeholders continues to ensure environmental risks are mitigated and offshore operations resume promptly.

5. Environmental Risks:

Refer to SITREP – 6, 1800 hrs on 28/05/2024

6. Coordination Measures

Refer to SITREP – 6 for the overall coordination measures being undertaken

Directorate General of Shipping, 9th Floor Beta Building, I-Think Techno Campus, Kanjurmarg (East), Mumbai - 400 042 (India)

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Kochi

Oil extraction from sunken MSC Elsa 3 hits dead end as shipping firm drops salvage contractor

The agency has said that it is not practical to remove the oil from the sunken vessel due to adverse weather conditions.



The diving team had completed capping and plugging of the fuel oil tanks of the sunken vessel Elsa 3 aided by diving support vessel SEAMAC III on June 12. (File Photo | PTI)

Manoj Viswanathan

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KOCHI: The efforts to extract oil from the bunkers of MSC Elsa 3, which sunk into the depths of Arabian Sea around 14.6 nautical miles off Thottappally harbour in Alappuzha has hit rock bottom as the Mediterranean Shipping Company (MSC) has ended the contract with T and T Salvage, a global leader in marine salvage and wreck removal.

According to the Mercantile Marine Department, the ship owners have said that T and T Salvage was removed as they lacked expertise in removing the oil and wreck from the ship which is at a depth of 54 m from sea surface.

The move of the shipping firm has raised doubts about their intention as T and T had brought expert divers from Singapore and South Africa for oil extraction and the team had successfully sealed the leaks in the oil bunker pipeline. The Director General of Shipping had issued a notice to the shipping firm on June 10 setting a 48-hour deadline for oil extraction.

The diving team had completed capping and plugging of the fuel oil tanks of the sunken vessel Elsa 3 aided by diving support vessel SEAMAC III on June 12. The diving support vessel had returned to Kochi for installation of saturation diving system to aid the diving operations.

The T and T Salvage had said that the shipment had arrived and were under customs clearance.The ship owner had sought extension of time to start oil extraction citing adverse weather conditions. They had informed the DG Shipping that it was difficult to extract oil from the vessel due to monsoon turbulence. They had said that the hot tapping of oil from the bunker was a complex operation and the limited weather windows made it a challenging task.

The agency has said that it is not practical to remove the oil from the sunken vessel due to adverse weather conditions. They are in search of a new salvage agency and have promised to start the operations once the weather improves. The U-turn of the firm has caused concern that the oil extraction and removal of ship wreck may be delayed inordinately.

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oil extraction MSC Elsa 3

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2008 SCC OnLine Mad 1161 : (2009) 247 ELT 60 : 2009 Writ LR 199

In the High Court of Madras at Madurai

Partly reversed in *ITC Ltd.* v. *Norasia Container Lines Ltd.*, (2021) 13 SCC 805

(BEFORE ELIPE DHARMA RAO AND R. SUBBIAH, JJ.)

ITC Ltd.

Versus

Norasia Container Lines Ltd.

Writ Appeal (MD) No. 721 of 2007, W.P.(MD) No. 5989 and 5994 of 2008

Decided on November 21, 2008[1]

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Common Judgment

ELIPE DHARMA RAO, J.:— Since all these matters are inextricably interconnected with each other, they have been heard in common and are being disposed of by this common judgment.

2. For the sake of easy reference, the parties are referred to as per their ranking in the Writ Appeal No. 721 of 2007. From the materials placed on record it is seen that the appellant/ITC Limited has placed an order with the seventh respondent/Evergreen Specialties Inc. for supply of Mixed Waste Papers single stream on 10-8-2005. According to the appellant/ITC Limited, they are India's largest manufacturer and exporter of paper/paperboards with multiple manufacturing facilities and in the manufacture of paper/paperboard, apart from wood pulp, they use 'recovered waste paper' which is their basis raw material and since Europe and USA being the high per capita countries in the consumption of paper/paperboard, they regularly import their requirement of cost competitive waste paper from these countries.

3. It is further seen that the appellant has filed two Bills of Entry bearing Nos. 371549, dated 13-9-2005 and 372089 dated 20-9-2005 through their agent M/s. Indev Shipping Services Limited/the third respondent for clearance of 40 numbers of containers, declaring the

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cargo as 'waste paper'. The goods on de-stuffing and on examination by the Customs on 22-9-2005, were found to be waste paper mixed with used plastic carry bags, pet bottles, used clothes, shoes and other household articles, used soft drink metal cans leaching out dirty liquid and emitting foul smell, thus falling within the definition of 'municipal waste' under Chapter 38 Note 4 of the First Schedule to the Customs Tariff Act and hazardous waste having characteristics of eco-toxic and infectious substances to be dealt with under the provisions of the Hazardous Wastes (Management and Handling) Rules, 1989.

4. Thus, since the goods imported were found to be unsorted scrap of waste paper, heavily contaminated with municipal waste/garbage attracting the classification of 'municipal waste' and 'hazardous waste', show-cause notice dated 26-9-2005 was issued by the Customs officials to the importer/appellant and their agent M/s. Indev Shipping Services (Tuticorin) Pvt. Ltd., to show-cause as to why they both (i) should not be held liable to confiscation under the Customs Act, (ii) should not be directed to re-export the goods at their own risk, costs and consequences thereon and (iii) as to why penalty should not be imposed on them under Section 112 of the Customs Act.

5. It is seen that the importer/appellant by their letter dated 27-9-2005 addressed to the Commissioner of Customs, Tuticorin/the fifth respondent has stated that the subject import consigned to them do not contain wastepaper and is in contrary to their order conditions and therefore, they have rejected the material 100% and informed the supplier.

6. It is also seen that the Central Pollution Control Board, Bangalore as Monitoring Committee of the Supreme Court on hazardous waste, pursuant to the judgment of the Honourable Apex court in *Research Foundation for Science Technology National Resource Policy* v. *Union of India* [(2005) 10 SCC 510] happened to visit and examine the above said cargo on 29-9-2005 and by their report dated 4-10-2005 to the Commissioner of Customs, Tuticorin, they have reported that 'the consignment is not satisfying the description of waste paper as the cargo was found to be mixed with used pet bottles, metal cans, plastic bags and jute rugs and other municipal solid waste' and has also opined that the hazardous waste in question does not conform to the shipping details provided

in the customs documents and therefore, it shall be treated as illegal traffic and required to be dealt with in accordance with Rule 15 of the Hazardous Wastes (Management and Handling) Rules notified in 1989

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by the Ministry of Environment and Forests, Government of India under the Environment (Protection) Act, 1986.

7. In the meantime, by the letter dated 26-9-2005, the Evergreen Specialties Inc., addressed to the Commissioner of Customs, Tuticorin Port has stated that by mistake somebody else's cargo, with plastic content destined for another country, was shipped to India. They have also stated that their buyers ITC, have never imported or made any attempts to purchase this kind of material at any time in the past, present or in the near foreseeable future.

8. As a reply to the above said show-cause notice, the appellant, by their letter dated 5-10-2005, has requested permission for re-export of the entire cargo of 40 containers enclosing the copy of supplier's letter dated 26-9-2005 and the Commissioner of Customs, by the Note Order dated 7-10-2005 has ordered immediate re-export of subject cargo in 40 containers. Accordingly, the appellant filed eight shipping bills for re-export of 40 containers to the consignees M/s. Evergreen specialities Inc., 394 Vanderveer Road, Bridgewater, UAE. Pursuant to this, the appellant requested the first respondent/M/s. Norasia Container Lines Limited to allot forty numbers of 40 feet empty containers to stuff their cargo to be shipped from Tuticorin to Ajman. On allotment of containers by the first respondent, the appellant took the 40 containers to the warehouse and did the stuffing, loading and sealing of the containers in the presence of the Customs officials and handed over the sealed stuffed container for shipment. Therefore, the first respondent would contend that neither themselves nor their agent have seen the cargo or its stuffing process or the contents of the 40 containers and the appellant and the third respondent/Indev Shipping Services have declared the details of cargo which were entered in the Bill of Lading as "mixed waste paper". When these 40 containers reached Ajman, the Customs Authorities at Ajman, UAE examining five containers out of 40, found that the said cargo was mis-declared in the Bill of Lading and accordingly directed the first respondent through their agents in UAE to re-export the containers back to shipment port in India or else to face necessary action. Immediately thereafter, the first respondent informed the agents of the appellant and the third respondent in UAE and the importer/JDH International LLC, Dubai, UAE by their letter dated 21-2-2006 about the letter issued by the Customs and instructed them that if they do not take delivery of the cargo, the carrier would re-export the cargo back to the port of origin/loading/Tuticorin, India, for which the appellant and the third respondent and also the JDH International LLC, Dubai, UAE would be held responsible for all charges including ground rent, demurrage charges, survey charges etc.

9. It is seen that for the letter dated 21-2-2006, addressed by the

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first respondent, the appellant had sent a reply on 27-2-2006, denying the liability and further stating that they are not the shipper of the cargo and that the cargo was shipped to the consignee M/s. JDH International LLC in Ajman by Evergreen Specialties, USA and that the cargo was originally wrongly shipped to them by Evergreen Specialities, USA and tried to shift the responsibility to the consignee M/s. JDH International LLC and Evergreen Specialities, USA. Therefore, the first respondent herein has filed W.P. (MD) No. 768 of 2007 before this Court, praying to issue a Writ of *Mandamus*, directing the respondents 4, 5 and 6 therein (viz. the Tuticorin Port Trust, the Commissioner of Customs and PSA Sical Terminal Limited

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respectively) to take steps to destuff the cargo from the containers belonging to him, which are lying in the customs yard, as provided under Sections 61 and 62 of the Major Port Trust Act and Sections 30 and 48 of the Customs Act and release the empty containers to the writ petitioner, wherein, the learned single Judge has passed the following order on 21-9-2007:

> "Para No. 43. Accordingly, the writ petition is disposed of with the following directions:
>
> (a) The petitioner is permitted to shift the 35 containers in question to any one of the Customs Bonded Warehouses in Tuticorin at his own cost within a period of two weeks, under the supervision of an officer nominated by the fifth respondent.
>
> (b) The Customs Bonded Warehouse to which the containers are shifted, shall be kept under the lock and key of an officer nominated by the fifth respondent.
>
> (c) If the petitioner or the second respondent is able to get 35 containers of the same size and description for hire, they shall be permitted by the fifth respondent to transfer the cargo from the containers in question to the newly hired containers, again under the supervision of the officials of the Commissionerate of Customs, as had been done at the time of re-export to Ajman, UAE. After such transfer, the petitioner may take away their empty containers.
>
> (d) Within four weeks from this date, the fifth respondent shall have the cargo examined by the Team of Officials nominated by the Central Pollution Control Board for a final determination of the question as to whether the goods are hazardous in nature which could only be incinerated or disposed of otherwise. The

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cost of such examination shall be borne in the first instance by the second respondent.

(e) If after the examination of the cargo, the Central Pollution Control Board comes to a final determination that it is hazardous, then the second respondent shall have the cargo incinerated or re-exported back to Evergreen Specialities Inc, USA or to any one else in any other country. If the material is held by the Central Pollution Control Board to be either non-hazardous or fit for disposal locally (through hazardous), the fifth respondent may permit the disposal of the cargo locally, subject however to the terms and conditions imposed by the Central Pollution Control Board. The incineration or re-export or local disposal shall be as recommended by the Pollution Control Board and it shall be at the cost of the second respondent, in the first instance. The second respondent shall carry out this obligation, as per the recommendation of the Pollution Control Board, within six weeks of submission of the report, by the Pollution Control Board.

(f) Till the time the cargo is re-exported or incinerated or disposed of locally, the petitioner shall bear the lease rental for the newly hired Customs Bonded Warehouse (to which it is shifted), as well as for the containers hired by them for the transfer of the cargo. It will be open to the petitioner to include this item of expenditure in the claim made by them in the Civil Court.

(g) The obligations carried out and the expenses incurred, by the petitioner or the second respondent or the fifth respondent in carrying out the above directions, shall be without prejudice to each other's rights agitated in the civil suit. No costs. Consequently, connected miscellaneous petitions are closed."

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10. Pursuant to the directions of the learned single Judge, the Central Pollution Control Board examined the impugned cargo on 7-11-2007 and have submitted a report dated 16-11-2007, wherein they have recommended as follows:

"The containers opened exhibited a putrid odour typical of non-segregated municipal garbage/waste. Significant number of insects could be observed in the containers which is indicative of organic municipal waste.

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In view of the above observations and present conditions of the consignments, it would be appropriate to deal the above consignments in accordance with the provisions laid down under Rule 15 of Hazardous Waste (Management and Handling) Rules, 2003, in view of the illegal traffic.

In order to avoid such illegal traffic into the country or discourage such illegal imports into the country in future and keeping in view the protection of the environment as well as the public in India, that may likely to pose a threat to the environment, if such illegal consignments are handled or disposed of in the country.

The visited team members hereby strongly recommend that the Commissioner of Customs, Custom House, Tuticorin shall direct the second respondent (ITC Limited) to re-export all such consignments to the exporter (in this case M/s. Evergreen specialities Inc. USA) in accordance with the Rules 15(2) of Hazardous Waste (Management and Handling) Rules, 1989 and further amendments made in the year 2000 and 2003."

11. Thereupon, the Customs Department by the order dated 23-11-2007 has directed the ITC Limited to comply with the above recommendations in the report of Expert Panel and to re-export the 35 containers in accordance with Rule 15(2) of the Hazardous Waste (Management and Handling) Rules, 1989 at the risk and costs of ITC. Aggrieved by the order passed by the learned single Judge in W.P. (MD) No. 721 of 2007, extracted supra, the second respondent therein viz. ITC Limited has filed this Writ Appeal (MD) No. 721 of 2007. Further, aggrieved by the above recommendations of the Expert Body of the Pollution Control Board, dated 16-11-2007 and the consequential order passed by the Commissioner of Customs, the same appellant viz. ITC Limited has filed W.P. (MD) Nos. 5989 and 5994 of 2008.

12. Heard Mr. Arvind P. Datar, learned senior counsel for the appellant, Mr. V.J. Mathew for the first respondent, Mr. M. Ravindran, Additional Solicitor General of India for respondents 2 and 5, Mr. K. Srinivasan, for the third respondent, Mr. S. Yeshwanth for the fourth respondent, Mr. S. Silambanan, Senior Counsel for the 6th respondent, Mr. G.R. Swaminathan for the 7th respondent and Mr. R. Ramanlal for the 8th respondent.

13. Mr. Arvind P. Datar, learned senior counsel appearing for the appellant has vehemently argued that the appellant is not the 'importer' of the cargo in the true meaning of the Hazardous Waste (Management and Handling) Rules, 1989 and therefore, the relief granted by the learned single Judge cannot be sustained under law. He has further argued that the finding of the Central Pollution Control Board, branding the cargo as 'illegal traffic' is illegal and there is no conclusive finding by the Central Pollution Control Board that the cargo

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is a hazardous waste; that since the cargo contains plastic, it cannot be called as hazardous and would submit that the entire impugned action has been initiated by the customs officials unnecessarily at the instance of the writ petitioner and if at

all the writ petitioner has got anything to be said against the appellant, it has to be done only in the civil suit already pending before the civil court.

14. The arguments advanced on the part of the learned senior counsel for the appellant were pooh-poohed by the learned counsel appearing for the first respondent and the learned Additional Solicitor General appearing for the respondents 2 and 5. They would argue that all the Bills of Entry show that the appellant is the importer of the cargo and even according to the appellant, he has ordered 'waste paper' from M/s. Evergreen Inc., USA and having found that the goods are not to his specifications or not the ones required by him, he sought to cancel the bills of entry and even the original exporter M/s. Evergreen Inc., USA has addressed a letter to the Customs Officials/regretting the mistake committed by him. Therefore, the appellant, cannot now turn down and say that he is not the importer of the goods in question.

15. If has also been argued by the learned Additional Solicitor General and the learned standing counsel for the Pollution Control Board that before the learned single Judge all the parties have agreed to send an expert body to examine the contents of the cargo and when, in pursuance of such a consent given by all the parties to the lis, the learned single Judge has passed the orders, issuing directions to the Customs Authorities and the Pollution Control Board, the appellant cannot challenge the said order of the learned single Judge, since he has also consented for passing of the same order. They would further argue that in due compliance with the directions of the learned single Judge and on the recommendations of the Expert Body, the appellant was directed to re-export the cargo, which cannot be challenged by the appellant.

16. The learned counsel appearing for the seventh respondent, who has been impleaded as a party respondent to these proceedings would submit that he has not been made as a party to the original writ proceedings. It has been repeatedly submitted on behalf of the seventh respondent that the appellant never informed the seventh respondent about the re-export of the cargo to UAE and would further submit that the seventh respondent has never instructed the appellant to send the

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cargo to UAE. It has been submitted on behalf of the 7th respondent that by mistake, the cargo destined for somebody else in a different country, was sent to India and having come to know about the mistake, they have addressed letters to the Customs Officials at India regretting their mistake.

17. In view of the above pleadings and arguments, the following points would arise for consideration in these matters:

1. Whether the writ Appeal and writ petitions filed by the appellant are maintainable under law?
2. To what relief the parties are entitled?

Point No. 1:

18. On a perusal of the materials placed on record and from Para No. 16 of the order passed by the learned single Judge, it is seen that the learned senior counsel appearing for the appellant has submitted before the learned single Judge that he has no objection to the prayer of the writ petitioner being allowed to the limited extent of permitting the containers to be shifted to a private bonded warehouse and after such shifting a team of experts as suggested by the Central Pollution Control Board examining the samples of the cargo to arrive at a final conclusion and if the conclusion so arrived at is that the cargo contained hazardous waste, it could be disposed of in a manner as suggested by the team of

experts and if the finding is otherwise, the material could be disposed of even by the Customs authorities, as abandoned material. Pursuant to the consent given by all the counsel in the matter, the learned single Judge has passed the order dated 21-9-2007, which is extracted supra and thereafter pursuant to the directions of the learned single Judge, the Central Pollution Control Board examined the cargo on 7-11-2007 and have submitted a report dated 16-11-2007, recommending that the cargo contains highly hazardous substances and disposal of the same in any manner will lead to pollution and that the cargo has to be reexported to the country of its origin.

19. When, admittedly, the appellant himself has consented to pass such an order of appointing a team of experts and even to dispose of the cargo in the manner suggested by the team of experts, after the recommendations of the Expert Body, the appellant cannot now take a 'U' turn and contend otherwise, as if he has not consented for such an order to be passed by the learned single Judge. On this sole ground, the writ appeal and the writ petitions filed by the appellant are liable to be dismissed as not maintainable.

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20. However, to give a quietus to the entire issue, we shall now proceed to discuss and decide the cases on merits also. This point is answered accordingly.

Point No. 2:

21. The learned senior counsel appearing for the appellant has argued that the appellant is not an 'importer' within the true meaning of Hazardous Waste (Management and Handling) Rules, 1989, which has been stiffly opposed on the part of the learned Additional Solicitor General of India.

22. To assess the case in hand, we shall now see the definition of 'import' and 'importer' provided for in Sections 2(23) and 2(26) of the Customs Act, 1962, which read as follows:

> "2(23):"import", with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
>
> 2(26):"importer" in relation to any goods at any time between their importation and the time when they are cleared for home consumption, includes any owner or any person holding himself out to be the importer."

23. Now we shall see the definition of the terms 'import' and 'importer' provided under Rules 3(17) and 3(18) of the Hazardous Wastes (Management and Handling) Rules, 1989, which read as follows:

> "3(17) "import" with its grammatical variations and cognate expressions, means bringing into India from a place outside India;
>
> 3(18) "importer" means an occupier or any person who imports hazardous wastes;"

24. The term 'Municipal Waste' is defined in Chapter 38 of the First Schedule of the Customs Tariff Act as:

> "Waste of a kind collected from households, hotels, restaurants, hospitals, shops, offices etc., road and pavement sweepings, as well as construction and demolition waste. Municipal waste generally contains a large variety of materials such as plastics, rubber, wood, paper, textiles, glass, metals, food materials, broken furniture and other damaged or discarded articles."

25. For further discussion in the matter, it is to be seen whether the cargo imported to India is a hazardous substance or not Voluminous material has been filed before this Court by the Pollution Control Board and the Customs

officials, showing even the photographs of the cargo. The report of the

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Expert Body of the Pollution Control coupled with the photographs of the cargo depicts a sorrowful picture that it contains contaminated material and if destuffed to the Indian land would cause danger to the environment. Therefore, in view of the factual aspects of the case, we have no hesitation to hold that the imported cargo is an hazardous substance.

26. The Bills of Entry available on record would show that the appellant has placed orders with the 7th respondent for supply of waste paper and even it has been admitted by the appellant that they have placed orders with the 7th respondent. But, instead of supplying waste papers as has been ordered by the appellant, municipal waste has been shipped to India by the 7th respondent, by mistake or otherwise and having been pointed out by the officials, the appellant has withdrawn his bills of entry and thereupon, exported the same to Ajman, mentioning their name as 'exporter' through the first respondent and the booking orders filed by the appellant before the first respondent, which are available at page Nos. 19 and 28 of the typed set filed by the first respondent, would justify this. Therefore, we have no hesitation to hold that the appellant is an 'importer' within the parameters of law and thus, the arguments advanced contra on the part of the appellant are rejected. Concluding this aspect, now we shall proceed to discuss and decide the other aspects involved in the case.

27. It is to be pointed out that the Ministry of Environment and Forest, vide their Memorandum dated 24-3-2005, alerted the Customs Department, and all Pollution Control Boards, stating that representations have been received from Environmental agencies of UK and Netherlands regarding illegal shipments of recovered waste paper contaminated or mixed with garbage/municipal solid waste to India and instructed the Customs Authorities to inspect and ensure that at all the Ports of entry, only properly segregated paper, paperboard and paper product wastes enter the country, without being contaminated with municipal waste.

28. The Central Pollution Control Board, during their visit to the Tuticorin Port, recommended for re-export of the consignments to the country of origin (i.e. USA) imported by the appellant/ITC as stipulated under Rule 15 of the Hazardous Waste (Management and Handling) Rules, 1989 as amended, as per which the importer is required to ensure import of only such wastes permitted under these Rules for the purpose of reprocessing, using environmentally sound technologies but not for ultimate disposal. Therefore, the appellant cannot disown the responsibility of the consignment having been imported primarily and later found to be 'illegal traffic' as per the above said Rules.

29. Since the appellant and the third respondent have engaged the

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services of the first respondent to provide the containers and also sent their consignment to UAE in those containers, when it has been rejected or refused at UAE, the liability fastens on them to act legally. But, unfortunately, a flimsy stand was invented by the appellant ITC that they were not the shippers of the cargo and that the cargo was shipped to the consignee M/s. JDH International LLC in Ajman by Evergreen specialities, USA and that the cargo was originally wrongly shipped to them by Evergreen Specialities, USA. At this juncture, it is to be pointed out that during the course of arguments before us, the specific stand of the Evergreen Specialities, USA is that the cargo was sent to Ajman by the appellant without their knowledge and at no point of time, they were informed by the appellant that the cargo was sent to UAE. It clearly indicates that the appellant

is playing a double game to save his skin.

30. Even from the materials placed on record, it is seen that M/s. Evergreen specialities, USA themselves have also admitted that the cargo meant for somebody else in some other country was shipped to India. If it is the case, the appellant should have sent back the cargo to the cousntry of origin that is to M/s. Evergreen specialities, USA as has been directed by the officials and the act of the appellant in sending the cargo to UAE, that too without the consent of the original owner M/s. Evergreen Specialities, USA and breaching the directions issued by the Customs officials cannot be appreciated, what made them to send the cargo to UAE instead of USA that is to M/s. Evergreen Specialties is a million dollar question that is left unanswered by the appellant.

31. When, admittedly, the appellant and the third respondent have engaged the empty containers of the first respondent/Norasia Containers Lines Limited for their own purpose of sending the shipment, definitely, the first respondent is entitled to collect all the charges incidental thereto from the appellant and the third respondent.

32. Having committed an illegality and inventing a reason for sending the cargo to UAE instead of to USA i.e. to the 7th respondent/M/s. Evergreen Specialities, that too without offering any legally sustainable ground for doing the same, the appellant is fighting a losing battle, only with a *mala fide* intention of causing loss and damage to the first respondent, which should not be allowed to happen, in the interest of justice.

33. When the exporter of the cargo is at USA, the first respondent himself has acted as the master of it and when the goods destined to

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the first respondent are not the ones for which they have placed orders, but a sheer municipal waste, the first respondent should have compiled with the directions of the Customs Officials of India scrupulously and in their true letter and spirit. The appellant, having received an undesired cargo from M/s. Evergreen Specialities, should have shunted it back to them only. As far as the first respondent is concerned, he has every reason to take and consider the appellant as the owner/shipper of the cargo, since he has no relationswhip of whatsoever with the seventh respondent/M/s. Evergreen Specialities, USA. The appellant should have cleared the amounts, which he is legally payable to the first respondent and if at all, he thinks that he was forced to shelve out the same only because of the fault committed by M/s. Evergreen Specialities or anybody else, the legal doors are always open for them to proceed against them. But, escaping their liability of paying the amounts to the first respondent, since it is the appellant and the third respondent who have engaged the containers of the first respondent, cannot be supported, since it is not the case of the appellant and the third respondent that they have not engaged the containers of the first respondent for shipment of the cargo to UAE.

34. The first respondent cannot be mulcted with the loss for the fault committed by the appellant in sending the cargo to UAE, resulting in rejection of the same at the hands of the Customs officials of UAE.

35. At this juncture, it is to be pointed out that the appellant has tried to give a different colour, trying to fasten liability on the first respondent, who has lent his containers to the appellant and the third respondent. In Ground No. 10 of the appeal grounds, it has been averred by the appellant that unless the appellant or the consignee M/s. JDH International LLC took delivery of the cargo from

Ajman Port within seven days, the first respondent would have declared it as 'abandoned cargo' and sold the same through private/public auction and instead of doing so, the first respondent has brought back the goods to Tuticorin. It is funny to see that what a 'municipal waste' would would fetch for the first respondent, when he is urging for the charges or other expenses involved in 'importing' the cargo. The appellant and the third respondent have full knowledge that the cargo is nothing but a municipal waste and have sent it to UAE and now when the cargo was rejected by the UAE Customs officials, the appellant and the third respondent are finding ways to throw the blame on the first respondent who has just carried on his obligation of providing the containers and inventing legally unsustainable grounds, the appellant

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and the third respondent are trying to cheat the first respondent by denying him his due.

36. Another ground urged on behalf of the appellant is that when once the permission was accorded to unload the 35 containers at Tuticorin Port, neither the Customs officials nor the Port Trust nor the PSA Sical, who are the in-charge of the container yard at Tuticorin Port took any step to dispose of the consignment. When admittedly, the consignment is nothing but a municipal waste and disposing the same in any manner will cause environmental pollution and only with this purpose, the re-export of the cargo to the country of original was ordered by the Customs officials, the Customs officials and the Port officials have correctly not allowed any kind of disposal of such a waste in the Indian waters or soil, which cannot be allowed to be commented otherwise by the appellant, particularly with the sole aim of washing their hands at the cost and expenditure of others. For these reasons, the judgment of the Honourable Apex Court delivered in *Union of India* v. *Sampat Raj Dugar* [(1992) 58 ELT 163], relied on by the appellant has no application to the facts of the case on hand.

37. At this juncture it is also to be noted that during the course of hearing, the appellant has came forward with a proposal that they have now found out new buyers in Bangladesh and also from Tuticorin, India and in order to comply with the directions of the learned single Judge and the Pollution Control Board's recommendations to re-export the cargo, the cargo contained in the present containers has to be segregated into plastic waste and paper waste and then only the buyers will accept the same. He has also submitted that buyers are available in India to buy plastic waste and paper waste. In view of the above request, a direction was given by the First Bench of this Court directing the Customs officials to get instructions and file an affidavit regarding segregation of cargo. But, this request of the appellant cannot be complied with since the Pollution Control Board has seriously objected the same as the cargo is a sheer municipal waste and dealing with the same in any manner would spoil the environment in India. We appreciate the efforts put in by the Central Pollution Board in this matter in not allowing or permitting any kind of pollution into the Indian soil.

38. The entire reading of the materials would clearly show the sheer negligence exhibited by the appellant and their way of finding ways to throw the blame on somebody or other. When, as has already been pointed out supra, the appellant found that the so-called cargo was not the one for which they have placed orders and when the Customs Officials have specifically directed them to re-export the cargo to the country of origin that is USA, they should have shunted it back to the

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sender, instead of trying to send it to another country, where, according to him, the true purchaser is available, that too without the

knowledge of the original sender M/s. Evergreen Specialities, USA.

39. It is really painful rather pathetic to note that the foreign developed countries are searching for dumping yards to dump their municipal waste and are dumping their municipal waste somehow or other in the waters or soil of developing countries and thus are trying to enjoy a pollution free surroundings in their countries. In the case on hand, the appellant, instead of trying to secure the pollution free environment in our country, by scrupulously following the instructions given to them by the Customs officials and the Pollution Control Board are raising legally unsustainable grounds, only to escape the legal liability of paying the amounts to the first respondent, which would not be allowed to happen.

40. The first respondent has prayed in the writ petition to direct the authorities to take steps to destuff the cargo from his containers as provided under Sections 61 and 62 of the Major Port Trusts Act and Sections 30 and 48 of the Customs Act and release the empty containers to him.

41. Sections 61 and 62 of the Major Port Trusts Act, 1963 read as follows:

> "Section 61 : Sale of goods after two months if rates or rent are not paid or lien for freight is not discharged.- (1) A Board may, after the expiry of two months from the time when any goods have passed into its custody, or in the case of animals and perishable or hazardous goods after the expiry of such shorter period not being less than twenty-four hours after the landing of the animals or goods as the Board may think fit, sell by public auction or in such case as the Board considers it necessary so to do, for reasons to be recorded in writing, sell by tender, private agreement or in any other manner, such goods or so much thereof as, in the opinion of the Board, may be necessary—
>
> (a) if any rates payable to the Board in respect of such goods have not been paid, or
>
> (b) if any rent payable to the Board in respect of any place on or in which such goods have been stored has not been paid, or
>
> (c) if any lien of any ship-owner for freight or other charges of which notice has been given has not been discharged and if the person claiming such lien for freight or other charge has made

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to the Board an application for such sale.

(2) Before making such sale, the Board shall give ten days' notice of the same by publication thereof in the Port Gazette, or where there is no Port Gazette, in the Official Gazette and also in at least one of the principal local daily newspapers:

Provided that in the case of animals and perishable or hazardous goods, the Board may give such shorter notice and in such manner as, in the opinion of the Board, the urgency of the case admits of.

(3) If the address of the owner of the goods has been stated on the manifest of the goods or in any of the documents which have come into the hands of the Board, or is otherwise known notice shall also be given to him by letter delivered at such address, or sent by post, but the title of a *bona fide* purchaser of such goods shall not be invalidated by reason of the omission to send such notice, nor shall any such purchaser be bound to inquire whether such notice has been sent.

(4) Notwithstanding anything contained in this section, arms and ammunition

and controlled goods may be sold at such time and in such manner as the Central Government may direct."

"Section 62 : Disposal of goods not removed from premises of within time limit.- (1) Notwithstanding anything contained in this Act, where any goods placed in the custody of the Board upon the landing thereof are not removed by the owner or other person entitled thereto from the premises of the Board within one month from the date on which such goods were placed in their custody, the Board may, if the address of such owner or person is known, cause a notice to be served upon him by letter delivered at such address or sent by post, or if the notice cannot be so served upon him or his address is not known, cause a notice to be published in the Port Gazette or where there is no Port Gazette, in the official Gazette and also in at least one of the principal local daily newspapers, requiring him to remove the goods forthwith and stating that in default of compliance therewith the goods are liable to be sold by public auction or by tender, private agreement or in any other manner:

Provided that where all the rates and charges payable under this Act in respect of any such goods have been paid, no notice of removal shall be so served or published under this sub-section unless two months have expired from the date on which the

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goods were placed in the custody of the Board.

(2) The notice referred to in sub-section (1) may also be served on the agents of the vessel by which such goods were landed.

(3) If such owner or person does not comply with the requisition in the notice served upon him or published under sub-section (1), the Board may, at any time after the expiration of two months from the date on which such goods were placed in its custody, sell the goods by public auction or in such cases as the Board considers it necessary so to do, for reasons to be recorded in writing sell by tender, private agreement or in any other manner after giving notice of the sale in the manner specified in sub-sections (2) and (3) of Section 61.

(4) Notwithstanding anything contained in sub-section (1) or sub-section (3)—

(a) the Board may, in the case of animals and perishable or hazardous goods, give notice of removal of such goods although the period of one month or, as the case may be, of two months specified in sub-section (1) has not expired or give such shorter notice of sale and in such manner as, in the opinion of the Board, the urgency of the case requires;

(b) arms and ammunition and controlled goods may be sold in accordance with the provisions of sub-section (4) of Section 61.

(5) The Central Government may, if it deems necessary so to do in the public interest, by notification in the Official Gazette, exempt any goods or classes of goods from the operation of this section."

42. Likewise, Sections 30 and 48 of the Customs Act, 1962 read as follows:

"**Section 30. Delivery of import manifest or import report.**:—(1) The per-son-in-charge of:—

(i) a vessel; or

(ii) an aircraft; or

(iii) a vehicle,

carrying imported goods or any other person as may be specified by the Central Government, by notification in the Official Gazette, in this behalf shall, in the case of a vessel or an aircraft, deliver to the proper officer an import manifest prior to the arrival of the vessel of the aircraft, as the case may be, and in the case of

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a vehicle, an import report within twelve hours after its arrival in the customs station, in the prescribed form and if the import manifest or the import report or any part thereof, is not delivered to the proper officer within the time specified in this sub-section and if the proper officer is satisfied that there was no sufficient cause for such delay, the person-in-charge or any other person referred to in this sub-section, who caused such delay, shall be liable to a penalty not exceeding fifty thousand rupees.

(2) The person delivering the import manifest or import report shall at the foot thereof make and subscribe to a declaration as to the truth of its contents.

(3) If the proper officer is satisfied that the import manifest or import report is in any way incorrect or incomplete, and that there was no fraudulent intention, he may permit it to be amended or supplemented."

"**Section 48 : Procedure in case of goods not cleared, warehoused or transshipped within thirty days after unloading.**— If any goods brought into India from a place outside India are not cleared for home consumption or warehoused or transshipped within thirty days from the date of the unloading thereof at a customs station or within such further time a the proper officer may allow or if the title to any imported goods is relinquished, such goods may, after notice to the importer and with the permission of the proper officer be sold by the person having the custody thereof;

Provided that—

(a) animals, perishable goods and hazardous goods, may, with the permission of the proper officer, be sold at any time;

(b) arms and ammunition may be sold at such time and place and in such manner as the Central Government may direct."

43. On a conjoint reading of all the above provisions would make it clear that these provisions deal with the goods which can be sold and the procedure to be followed for disposing of goods which are not cleared, warehoused or transshipped. But, as has been repeatedly observed supra, the cargo is a municipal waste shipped to India, which cannot be sold or allowed to be disposed of in any manner in India, since it will cause much danger to the Mother Nature, as has been correctly observed by the Customs Department and the Pollution Control Board.

44. It is also necessary to point out that before the learned single Judge all the parties have consented and agreed to constitute an expert body of the central Pollution Control Board for examining the cargo and submitting the report and also agreed that they will abide by the report

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of such an Expert Body. When the Central Pollution Control Board, pursuant to the directions of the learned single Judge, issued with the consent of all the parties, has filed a report, recommending to re-export the goods and consequently, the Customs officials have passed an order dated 23-11-2007 to re-export the goods, the appellant has filed the Writ Petitions No. 5989 and 5994 of 2008. Having already accepted to constitution of such an expert body before

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the learned single Judge, the appellant is estopped from challenging the said order passed by the learned single Judge now. On a careful perusal of the entire materials on record, we are not able to find any illegality or irregularity in the recommendations made by the Expert Body i.e. the Central Pollution Control Board, to re-export the hazardous goods to the country of its origin and the Customs officials, accepting the recommendations of the Expert Body, have issued the consequential order, directing the appellant to re-export the so-called cargo to the country of its origin. Therefore, there are no merits in both the above writ petitions and accordingly, they are liable to be dismissed along with the writ Appeal. Point No. 2 is answered accordingly.

45. As we have discussed at length, the first respondent has resorted to all kinds of illegalities in this case and giving a simple go-bye to the directions issued by the Customs officials and also without even the knowledge of the original sender viz. M/s. Evergreen Specialties, USA, they have sent the goods to UAE, resulting in rejection there and is exhibiting all its talents and business tactics to find a scapegoat to shift their burden and responsibility on to them.

In the result,—

(i) W.A. (MD) No. 721 of 2007, W.P. (MD) No. 5989 of 2008 and W.P. (MD) No. 5994 of 2008 are dismissed with a total cost of Rs. 50,000/- (Rupees Fifty Thousand Only) to be paid by the appellant, who is also the petitioner in both the writ petitions, to the Tamil Nadu Legal Services Authority, Chennai within a period of two weeks from the date of receipt of a copy of this order.

(ii) The 2nd respondent/Union of India, represented by the Secretary to the Ministry of Finance, the 4th respondent/Chairman of the Tuticorin Port Trust, the 5th respondent/Commissioner of Customs and the 8th respondent/Central Pollution Control Board, Bangalore, are directed to take all steps to de-stuff the cargo from the containers of the first respondent at the cost and expenditure of the appellant and see that the first respondent re-exports the

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cargo to the seventh respondent himself that is the country of origin

(iii) We make it clear that we are not interfering or dealing with the aspect of damages claimed by the first respondent from the appellant and others, since it is a matter to be decided by a civil forum, wherein already a suit in O.S. No. 7 of 2007 is pending. What we direct is that the containers of the first respondent should be handed over to him immediately by the appellant and the third respondent, after destuffing its contents and in the process the land and waters of India should be protected from any sort of pollution under the supervision of the Central Pollution Control Board and the Customs officials at the cost and expenditure of the appellant.

(iv) Since at each and every stage of this matter we found gross violation of directions issued by the Customs officials and Central Pollution Control Board by the appellant with dishonest intention and sheer negligence and only with an aim of augmenting his business and to gain wrongfully at the cost of others and the Mother Nature, we direct the second respondent/Government of India, represented by its Secretary to the Ministry of Finance, New Delhi and the 5th respondent/Commissioner of Customs,

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Tuticorin to initiate legal proceedings against the concerned officers at the helm of affairs of the appellant who have masterminded such illegal ideas, posing danger to the Mother Nature in India, within twelve weeks from the date of receipt of a copy of this judgment and report compliance to this Court, so as to prosecute them in accordance with both criminal and civil laws of the country, accordance with both criminal and civil laws of the country, so as to up hold the majesty of law and justice and to serve as an eye-opener for the appellant not to repeat such things in future.

---

[1] On appeal from (2008) 222 ELT 323 (Mad.).

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(2021) 13 Supreme Court Cases 805

(BEFORE S.A. BOBDE, C.J. AND B.R. GAVAI AND SURYA KANT, JJ.)

3J

ITC LIMITED . . Appellant;

Versus

NORASIA CONTAINER LINES LIMITED AND OTHERS . . Respondents.

Civil Appeals Nos. 9706-708 of 2010[*] with
Nos. 9709-711 of 2010, decided on February 5, 2020

Customs Act, 1962 — S. 112 — Import of objectionable material (hazardous waste) — Return back to original exporter — Thus, held, illegality in relation to the 1962 Act did not survive — Appellant has shown bona fides by ensuring return of offensive material — Hence, specific direction in judgment of High Court on this aspect, set aside

— Customs — Offences and Penalty — Hazardous goods/cargo

ITC Ltd. v. *Norasia Container Lines Ltd.*, 2008 SCC OnLine Mad 1161 : (2009) 247 ELT 60, *partly reversed*

DN-D/65412/S

Advocates who appeared in this case :

Arvind P. Datar, Senior Advocate [Kishan Rawat and Rajan Narain (Advocate-on-Record), Advocates], for the Appellant;

A.K. Shrivastava, Senior Advocate [M.T. George (Advocate-on-Record), Ms Susy Abraham, Johns George, S. Ravi Shankar (Advocate-on-Record), Rupesh Kumar, Ms Aruna Gupta, Umesh Kr. Saw, B. Krishna Prasad (Advocate-on-Record), Ms Anil Katiyar (Advocate-on-Record), R. Nedumaran (Advocate-on-Record) and S. Muthukrishnan, Advocates], for the Respondents.

Chronological list of cases cited ***on page(s)***

1. 2008 SCC OnLine Mad 1161 : (2009) 247 ELT 60, *ITC Ltd.* v. *Norasia Container Lines Ltd.* **(partly reversed)** 805*f-g*

ORDER

1. Heard the learned counsel for both sides. It is not disputed that the objectionable material has been sent back to the original exporter in the United States. Thus, any alleged illegality in relation to the Customs Act, 1962 has not survived. The appellant appears to have shown their bona fides by ensuring the return of the offensive material.

2. In these circumstances, we see no reason why Direction No. (*iv*) in para 45 of the impugned judgment[1] should not be set aside. We order accordingly.

3. However, OS No. 7 of 2007 pending before the District Court, Tuticorin may be disposed of as expeditiously as possible, if pending.

4. The appeals are disposed of in the above terms.

———

[*] Arising from the Judgment and Order in *ITC Ltd.* v. *Norasia Container Lines Ltd.*, 2008 SCC OnLine Mad 1161 : (2009) 247 ELT 60 [Madras High Court, Writ Appeal (MD) No. 721 of 2007, dt. 21-11-2008]

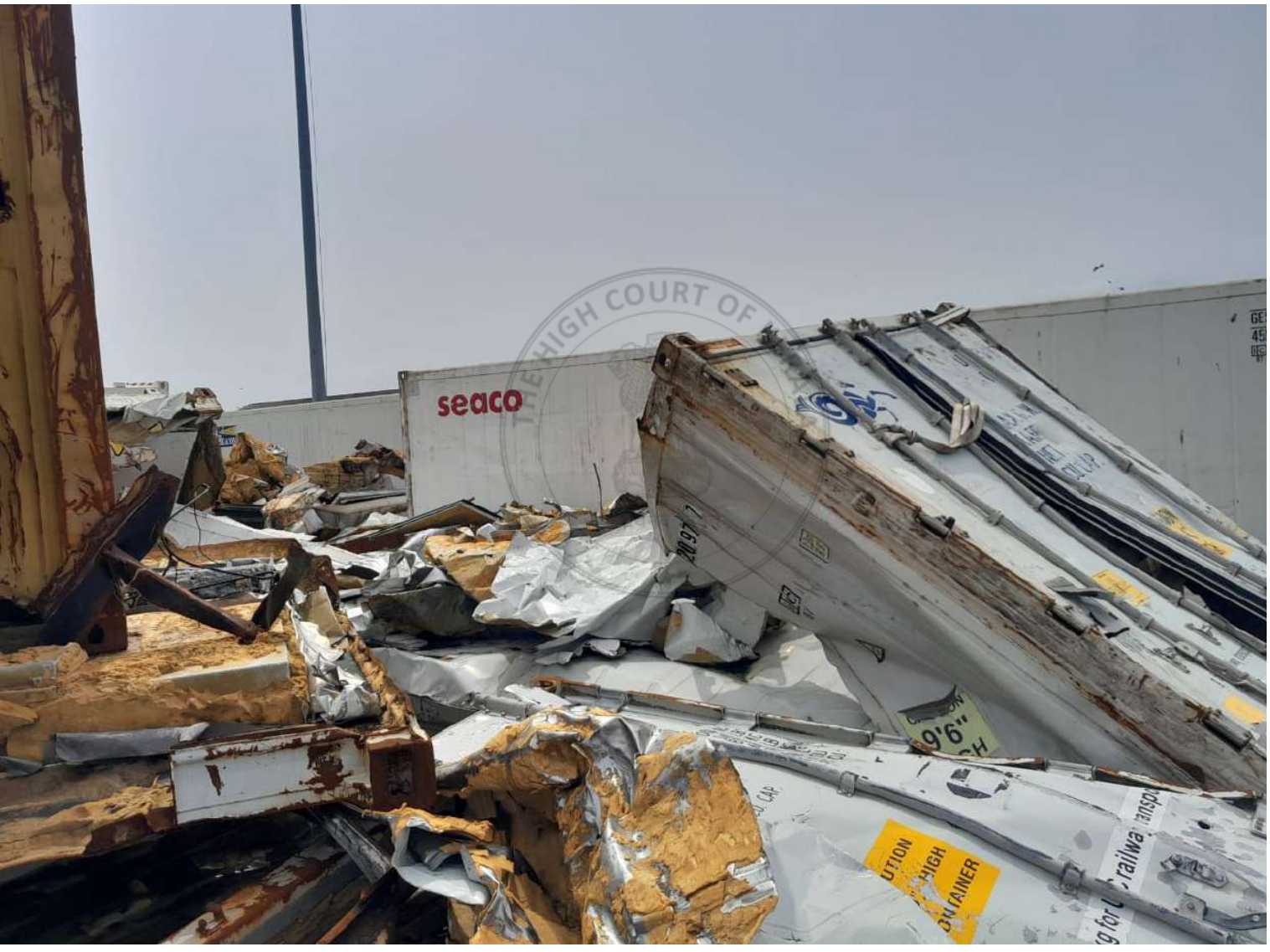
1 *ITC Ltd.* v. *Norasia Container Lines Ltd.*, 2008 SCC OnLine Mad 1161 : (2009) 247 ELT 60

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STAR COOL
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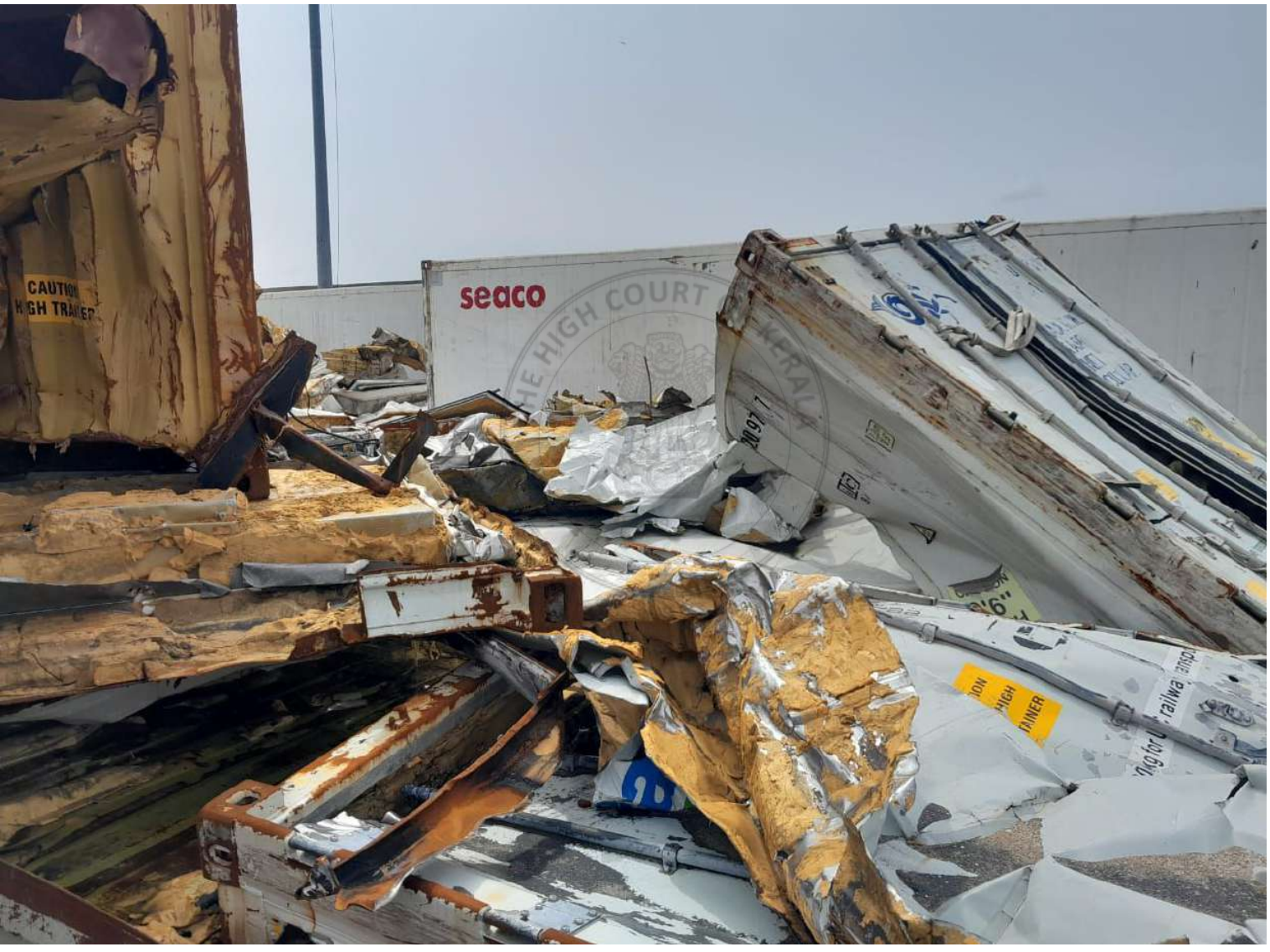



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STAR COOL
INTEGRATED
MEDU 974443 3
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WARNING
AV+
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MEDU 974443 3
45R1


SDU 979360 4
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2021:KER:26936

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR

&

THE HONOURABLE MR. JUSTICE SHAJI P.CHALY

THURSDAY, THE 22ND DAY OF JULY 2021 / 31ST ASHADHA, 1943

WP(C) NO. 32187 OF 2011

PETITIONER:

T.X.HARRY, S/O.XAVIER, AGED 63 YEARS,
THUNDIPARAMBIL HOUSE, 16/59A, CHEMMENS ROAD,
THOPPUMPADY P.O., COCHIN -682005.

BY ADVS.
SRI.V.J.MATHEW (SR.)
SRI.BIJISH B.TOM
SRI.VIPIN P.VARGHESE

RESPONDENTS:

1 COCHIN PORT TRUST
CHAIRMAN, WILLINGDON ISLAND, COCHIN - 9.

2 THE COMMISSIONR OF CUSTOMS OFFICE OF THE COMMISSIONR OF CUSTOMS, CUSTOMS HOUSE, WILLINGDON ISLAND, COCHIN - 682009.

3 INDIA GATEWAY PVT.LTD.- D.P.WORLD INTERNATIONAL CONTRAINER TRANSHIPMENT, TERMINAL (ICTT),KOCHI 682504, REPRESENTED BY, ITS CHIEF EXECUTIVE OFFICER.

4 THE COMMANDANT CENTRAL INDUSTRIAL SECURITY FORCE, WILLINGDON ISLAND,COCHIN-682009.

5 UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110001.

6 STATE OF KERALA REPRESENTED BY ITS SECRETARY, DEPARTMENT OF HOME, SECRETARIAT,, THIRUVANANTHAPURAM PIN - 695001.

7 MINISTRY OF COMMERCE AND INDUSTRY
REP BY ITS SECRETARY ,UDYOG BHAWAN,NEW DELHI - 110011

8 DEVELOPMENT COMMISSIONER
VALLARPADOM SPECIAL ECONOMIC ZONE, KAKKANAD ,COCHIN 682037

9 MINISTRY OF DEFENCE
REP BY ITS SECRETARY, SOUTH BLOCK, NEW DELHI 110011

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2021:KER:26936

SRI.TEK CHAND, SENIOR GOVERNMENT PLEADER FOR R6
SRI.V.ABRAHAM MARKOS FOR R1
SREELAL N. WARRIER, STANDING COUNSEL, CENTRAL BOARD OF EXCISE & CUSTOMS – R2
SHRI.P.VIJAYAKUMAR, ASG OF INDIA FOR R4 & R5

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22.07.2021, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THE HIGH COURT OF KERALA
सत्यमेव जयते

2021:KER:26936

JUDGMENT

S. MANIKUMAR, CJ

Instant writ petition is filed for the following reliefs:

a. issue a writ of mandamus or any other appropriate writ, direction or order, commanding the respondents to take immediate steps to jointly implement proper security measures by installing scanners at the 1st respondent Cochin Port's main gates and wharf gates, and at the entry and exit gates of the 3rd respondent terminal.

b. issue a writ of mandamus or any other appropriate writ, direction or order, commanding the respondents to implement proper security measures at the 1st respondent port and the 3rd respondent terminal, and not to prevent Customs officials/DRI and other Government security/ intelligence officials from examining the import / export / transshipped containers.

c. issue a writ of mandamus any other appropriate writ, direction or order, commanding the respondent Nos.1 and 3 not to prevent Customs officials and other Government security/ intelligence officials under the cover of SEZ notification from doing their duty and to declare that Customs officials and other Government security / intelligence officials has unrestricted access to examine the import and export/ transshipped cargo / containers as provided under Customs Act without restriction.

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d. Grant such other reliefs as this Hon'ble court may deem fit and proper under the facts and circumstances of the case.

e. issue a writ of certiorari, appropriate writ, direction or order quashing Exhibit P7 order dated 19.03.2008 issued by the Development Commissioner, Cochin (respondent No.8).

f. issue a writ of certiorari, appropriate writ, direction or order calling for all records leading to Exhibit P7 and quash the same.

2. Facts leading to filing of the writ petition are that, petitioner is a resident of Kochi city. The main relief sought for in this writ petition is for a direction to the respondents to take urgent steps, in order to implement proper security measures, at the India Gateway Pvt. Ltd.- D.P. World International Container Transshipment Terminal (ICTT), Vallarpadam, Kochi - 3rd respondent, operated by the 3rd respondent and also at Cochin Port, to prevent illegal import and export of contraband articles from/to India.

3. The petitioner also seeks to quash Exhibit P7 order dated 19.3.2008 passed by respondent No.8 – Development Commissioner, Vallarpadam Special Economic Zone, Cochin, granting Special Economic Zone (SEZ) Status accorded to the 3rd respondent – International Container Transshipment Terminal (ICTT) at Vallarpadam.

4. According to him, the area comes within the jurisdiction of the 1st respondent - Cochin Port Trust, Willingdon Island, Kochi, which is the Authority controlling Cochin Port covering Ernakulam Wharf, Mattancherry Wharf and Tanker Jetty. However,

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subsequent to the commissioning of the International Container Transshipment Terminal (ICTT) at Vallarpadam, the entire container operations have been shifted to Vallarpadam.

5. According to the petitioner, the entire security of the 1st respondent Port and the 3rd respondent International Container Transshipment Terminal is controlled by the 4th respondent/Central Industrial Security Force as per the security plan issued for Indian ports. It is the grievance of the petitioner that no proper security or precautionary measures are implemented by the 1st respondent, Cochin Port Trust, or the 3rd respondent Terminal, to check the cargo/ vehicles/containers by Customs/DEI inside Vallarpadam ICT Terminal or Wharf gate of Cochin Port, or at the entry point gate of Cochin Port, at Willingdon Island.

6. It is the case of the petitioner that as per the container shipment procedure, all the export containers shall be stuffed with export cargo, in the presence of Customs Officers, at the warehouse of the exporter or at the customs notified area. After stuffing the cargo, as declared with the customs as per shipping bill, the customs seals are put on the containers. Once the customs seal is put, the containers are brought to the Port for shipment. After verifying that the customs seal is intact, the Customs Officials present in the Port's Terminal will permit loading of the containers on board the vessel.

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7. According to the petitioner, subsequent to the commissioning of Vallarpadam Container Terminal, there is no checking of containers inside the Terminal as 3rd respondent - India Gateway Pvt. Ltd. - D.P. World is refusing permission under the wrap of SEZ. According to him, there is no scientific inspection system, such as a scanner, installed in the 1st respondent Port or 3rd respondent Terminal, to scan all the import and export containers entering the port/terminal by Customs. The Customs could not implant Electronic Data Interface system inside the Vallarpadam Terminal, due to the adamant stand taken by the 3rd respondent. Therefore, according to the petitioner, this situation is very delicate, and security & safety of the country is at stake.

8. In these circumstances, the 1st respondent Port and the 3rd respondent – India Gateway Pvt. Ltd. - D.P. World, ought to have installed scanning machines in the port/terminal premises, GPS should be fixed in all the containers, Electronic Data Interface and other security systems to be set up in co-ordination with the 2nd respondent – Commissioner of Customs, Kochi. Hence, this public interest writ petition is filed for the reliefs stated supra.

9. A detailed counter affidavit is filed by the Commissioner of Customs, Willingdon Island, Cochin, 2nd respondent, by which, averments and the prayers sought for in the writ petition have been addressed as hereunder:

10. It is stated by the 2nd respondent in the counter affidavit that for the

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effective checking of import/export containers and proper monitoring of container movements, Commissioner of Customs - the 2nd respondent, has already initiated actions for installing container scanners and establishing Indian Customs Electronic Data Interchange System (ICES) connectivity.

11. The Directorate of Logistics has been requested to provide container scanners and requested the Chairman, Cochin Port Trust - the 1st respondent and M/s. IGTPL - the 3rd respondent, to provide required space for installation of container scanners. Request was also made to M/s. India Gateway Terminal Private Limited - the 3rd respondent, to provide space and infrastructural facilities for establishing Indian Customs Electronic Data Interchange System (ICES) connectivity.

12. It is also stated by the 2nd respondent that Customs officers are deployed at entry gates of wharves at Cochin Port, to monitor movement through the gates. However, the Customs Department has no control over the main exit/entry gates of the International Container Transshipment Terminal, Vallarpadam.

13. Role of customs is limited to verification of seals of import and export containers at inner gates. As the unit functions within the Special Economic Zone, this issue has already been taken up with the unit, as well as the Development Commissioner, Special Economic Zone. No scanning facilities are available either at Cochin Port or at the International Container Transshipment Terminal, Vallarpadam.

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14. At present, there are no facilities for examination of cargo at the International Container Transshipment Terminal, Vallarpadam. The containers are moved to Cochin Port or to any of the Container Freight Stations for examination.

15. With reference to the averment in paragraph (6) of the writ petition, it is stated by the 2nd respondent that no examination facility or container scanners are available at the International Container Transshipment Terminal, Vallarpadam. Export containers stuffed at Container Freight Stations/Cochin Port/Warehouses etc., are permitted entry, at the International Container Transshipment Terminal, after verification of the seals of the containers. Likewise, imported containers are moved to Container, after Freight Stations/Cochin Port/Warehouses verification of the seals by Customs officers, at International Container Transshipment Terminal. Connectivity to Indian Customs Electronic Data Interchange System is yet to be established, as the unit has not provided the required infrastructure facilities and area, demarcated as a non-processing area, for discharge of the statutory functions of Customs Department, in relation to operations other than the authorized operations.

16. As regards the averments in paragraph No. 7 of the writ petition, it is stated that scanning facility is not available at the International Container Transshipment Terminal, Vallarpadam. Entry of export containers into the terminal and removal of imported containers out of the terminal are permitted, after

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verification of the seals, by the Customs officers.

17. Existing policy does not prescribe for 100% examination of the cargo. Only containers selected for examination are moved to Container Freight Stations/Cochin Port/Warehouses for detailed examinations. Customs does not have control over the main entry/exit gate of the Terminal or free access over the entire area. Further, proper monitoring of the container movement is hampered, due to non-establishment of Indian Customs Electronic Data Interchange System connectivity by M/s. India Gateway Terminal Private Limited – the 3rd respondent.

18. On the averments in paragraphs (8) and (9) of the writ petition, it is stated by the 2nd respondent that, one export container with Red Sanders (an internationally banned wood) seized at International Container Transshipment Terminal, Vallarpadam, by Directorate of Revenue Intelligence was stuffed at the customs notified Container Freight Station at Willingdon Island. The Container was originally stuffed with the declared cargo i.e., rubber mats, at the Container Freight Station and sealed by the customs. Thereafter, the original cargo was removed and replaced with the contraband wood, and moved to the International Container Transshipment Terminal for shipment. Such incidents/attempts can be detected, if container scanners are available at the International Container Transshipment Terminal and Cochin Port.

19. It is further stated that the Commissioner of Customs - the 2nd

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respondent, had already taken up the issue of installation of container scanners with the Directorate of Logistics, New Delhi and requested the Chairman, Cochin Port Trust - the 1st respondent and the 3rd respondent - India Gateway Terminal Private Limited, to provide required space for installation of the container scanners.

20. It is also stated that the International Container Transshipment Terminal at Vallarpadam Special Economic Zone is approved as a unit with 'Port Services' as the authorized operation. The unit operates in the processing area of the Special Economic Zone. As per provisions of the Special Economic Zones Act, 2005, and Special Economic Zones Rules, 2006, any operation other than the authorized operation, has to be carried out from the non-processing area of the Special Economic Zone. Handling and clearance of import/export cargo to Domestic Tariff Area (DTA), clearance of vessels, anti smuggling operations etc., do not form part of the authorized operation and are subject to the provisions of the Customs Act, Rules and Regulations.

21. In fact, more than 95% of cargo handled at the International Container Transshipment Terminal, pertains to Domestic Tariff Area (DTA). As per agreement between International Container Transshipment Terminal and the developer i.e., Cochin Port Trust, the entire business of Domestic Tariff Area (DTA) cargo, except bulk, has been shifted from Cochin Port to International Container Transshipment Terminal. An area at the Special Economic Zone has to be demarcated as a non-

processing area for these purposes from where the officers of customs could discharge the statutory functions of the Customs Department. It is a legal requirement under the Special Economic Zones Act, 2005, Special Economic Zones Rules, 2006, as well as Exhibit R2(a) Office Memorandum No. 5/4/200-SEZ dated 26-02-2009, issued by the Department of Commerce on administrative structure and process of clearing cargo in ports, in Special Economic Zones.

22. Though the Commissioner of Customs, Willingdon Island, Cochin, respondent No.2 has already made repeated requests to the Development Commissioner, Vallarpadam Special Economic Zone (8th respondent), Cochin Port Trust, represented by its Chairman, Cochin (1st respondent) and the 3rd respondent - M/s. India Gateway Terminal Private Limited, represented by its Chief Executive Officer, Kochi, for such a demarcation, the same is yet to be implemented.

23. With reference to the contentions in paragraphs 11, 12, 13, 15 and 16 of the writ petition, the 2nd respondent has stated that cargo for export, examined, stuffed into containers and sealed at warehouses/ container freight stations/port etc., by the Customs/Central Excise authorities are permitted entry at the International Container Transshipment Terminal, Vallarpadam, after verification of the seals by the Customs officers. Further examination is done only in cases of tampering of seals or on reasonable information about any illegal exports/smuggling. As there were no examination facilities at the International Container Transshipment

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Terminal, in such cases, the containers are moved to any of the Container Freight Stations for detailed examination.

24. In case of export cargo self-stuffed/certified by the exporter, only selected containers are examined in detail.

25. In case of import goods, only containers selected for examination and those found with tampered seals or suspect containers are moved to Container Freight Station or Port for examination. Other containers are released directly from the International Container Transshipment Terminal after seal verification.

26. It is also stated by the 2nd respondent that installation of container scanners at the entry/exit gates of International Container Transshipment Terminal and at the Wharf gates of Cochin Port would be highly useful for detection of contraband and mis-declaration of cargo. Commissioner of Customs - the 2nd respondent had already taken up the issue of installation of container scanners with the Directorate of Logistics, New Delhi and requested the Chairman, Cochin Port Trust - the 1st respondent, to provide the required space for installation of the container scanners.

27. On this day, when the matter came up for hearing, Mr. Vipin P. Varghese, learned counsel appearing for petitioner, submitted that the prayers sought for in the writ petition have been addressed, except installation of GPS units in the containers. Learned counsel also submitted that since substantially the requirements

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are satisfied, petitioner is not pressing for reliefs sought for, on merits. We have given due consideration to the pleadings and materials, produced on both sides.

28. We place on record the steps taken by the respondents, in addressing the grievance raised, find justificial, and accepted on merits.

We are of the considered opinion that no directions as sought for, need to be issued. The steps taken by the respondents are placed on record. Accordingly, writ petition is disposed of.

Sd/-

S. MANIKUMAR
CHIEF JUSTICE

Sd/-

SHAJI P. CHALY
JUDGE

smv

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APPENDIX

PETITIONERS' EXHIBITS

Exhibit P1	**P1 : The True Copy of the Instruction 1/2006-SEZ dtd 01/03/2006 issued by Development Commissioner, SEZ.**
Exhibit P2	**P2 : The True Copy of the Instruction 2/2007-SEZ 01/03/2007 issued by Development**
Exhibit P3	**The true copy of the news item reported in HINDU" online newspaper.**
Exhibit P4	**The true copy of the news item reported in the online newspaper dtd 28/10/2011.**
Exhibit P5	**The true copy of the news item reported in "IBN" newspaper dtd 09/11/2011.**
Exhibit P6	**The True Copy of news item reported in "DECCAN online newspaper dtd 05/11/2011.**
Exhibit P7	**The true copy of the Order dtd 19/03/2008 issued by the Addl Respondent No.8/ Development Commissioner, Vallarpadom Special Economic Zone.**

RESPONDENTS' EXHIBITS

EXHIBIT R2(a)	**TRUE COPY OF THE O.M.NO.5/4/2007 SEZ DT.26.02.2009.**

ഡോ. എ. ജയതിലക് ഐഎഎസ്
ചീഫ് സെക്രട്ടറി
Dr. A. JAYATHILAK IAS
CHIEF SECRETARY

കേരള സർക്കാർ
തിരുവനന്തപുരം 695 001
Government of Kerala
Thiruvananthapuram-695 001

No. 60/SpecialCell/2025/CSO

29th May 2025

NOTE

The points from the discussion between the Hon'ble Chief Minister and the Director General of Shipping, Government of India in the presence of the Chief Secretary at 11:00 AM on 29th May 2025 may be seen below.

1. All containers which reached the shores of Kerala will be handed over to the Customs. At present 20 containers have already been handed over to the Customs. The remaining containers will be towed to Kollam and handed over.

2. The Director General of Shipping informed that the Deputy Nautical Advisor Captain Anish Joseph is the officer deputed to assist the Government of Kerala in filing of the compensation claims. Captain Joseph has had extensive experience in assisting other State Governments in doing the same.

3. A damage liability desk has been set up at Kochi by the Protection and Indemnity (P&I) Insurance Agency. The Deputy Nautical Advisor Capitan Anish Joseph is the Nodal Officer who is in contact with this agency.

4. Captain Joseph may be invited to Thiruvananthapuram this week itself and a meeting arranged with Nodal Officers of all the stakeholder Departments as this would facilitate filing of claims in a manner that is both accurate and timely.

5. The oil in the hull of the ship would be extracted by experts on 3rd July 2025. Therefore, till the oil is extracted or the buoys are placed around the sunken skip, it is best not to permit fishing within 20 nautical miles of the ship.

6. The removal of the shipwreck and containers near the ship can be undertaken only after the monsoon.

7. The general consensus was that a criminal case need not be filed immediately and that the entire focus at this time should be on collecting evidence of damages so that evidence based claims can be raised.

8. The MSC is a reputed company which patronises the Vizhinjam International Sea Port and the company requires the goodwill of Kerala for their operations here. It is also in their interest to cooperate with Kerala and settle the claims through

Government Secretariat, Thiruvananthapuram, Kerala, India, PIN-695 001
Tel : +91 (471) 2333147, +91 (471) 2518181, Fax : +91 (471) 2327176
E-mail : chiefsecy@kerala.gov.in

Before the Hon'ble: JUDICIAL FIRST CLASS MAGISTRATE COURT - I, KOCHI

CCTNS-R-IIF-1

FIRST INFORMATION REPORT

(പ്രഥമ വിവര റിപ്പോർട്ട്)

(Under Section 173 BNSS)

(ഭാരതീയ നാഗരിക് സുരക്ഷാ സംഹിത 173 പ്രകാരം)

1. District (ജില്ല) : **ERNAKULAM CITY** PS (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**

   FIR No.(പ്രഥമ വിവര നമ്പർ) : **0014** Year (വർഷം) : **2025**

   Date and Time of FIR (പ്രഥമ വിവര റിപ്പോർട്ട് തീയതിയും സമയവും) : **11/06/2025 13:45**

2.

Sl No. (ക്രമ നമ്പർ)	Acts (നിയമം)	Sections (വകുപ്പുകൾ)
1	**THE BHARATIYA NYAYA SANHITA (BNS), 2023**	**282,285,286,287,288,3(5)**

3. (a) Occurrence of Offence (കുറ്റകൃത്യം സംഭവിച്ചത്)

   1. Day (ദിവസം) : **Intervening Day** Time Period (സമയം) :

   Date From (തീയതി മുതൽ) : **24/05/2025** Date To (തീയതി വരെ) : **25/05/2025**

   Time From (സമയം മുതൽ) : **00:00 hrs** Time To (സമയം വരെ) : **00:00 hrs**

   (b) Information Received at P.S (പോലീസ് സ്റ്റേഷനിൽ വിവരം ലഭിച്ചത്)

   Day (ദിവസം) : **11/06/2025** Time (സമയം) : **13:11 hrs**

   (c) General Diary References (ജനറൽ ഡയറി സൂചനാ വിവരം)

   Entry No (നമ്പർ) : **012** Time (സമയം) : **13:45 hrs**

4. Type of Information (ലഭിച്ച വിവരത്തിന്റെ സ്വഭാവം) : **Written**

   Source of Complainant (പരാതിയുടെ ഉറവിടം) : **Citizen/General Public**

5. Place of Occurrence (കൃത്യസ്ഥലം)

   1. i. Direction and distance from P.S : **SOUTH-WEST, 70 KM**
   (PS ൽ നിന്നുള്ള ദിശയും അകലവും)
   Beat No (ബീറ്റ് നമ്പർ) :

   ii. Location / Address (സ്ഥാനം / മേൽവിലാസം) : **Arabian sea**

   iii. In case, outside the limit of this Police Station, then
   (പോലീസ് സ്റ്റേഷന്റെ അധികാരപരിധിക്ക് പുറത്താണെങ്കിൽ)
   Name of P.S (പോലീസ് സ്റ്റേഷന്റെ പേര്) :
   District (പോലീസ് ജില്ല) :
   State (സംസ്ഥാനം) :

6. (1).Complainant / Informant (പരാതിക്കാരൻ / വിവരം നൽകിയ ആൾ)

   (a). Name (പേര്) : **C SHAMJI**

   (b). Father's / Mother's / Husband's Name :
   (പിതാവിന്റെ / മാതാവിന്റെ / ഭർത്താവിന്റെ പേര്)

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District (ജില്ല) : **ERNAKULAM CITY**
P.S (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
FIR No (പ്രഥമ വിവര നമ്പർ) : **0014 / 2025**

(c). Age & Date of Birth (വയസ്സ് & ജനനതീയതി) : **40-50**
(d). Nationality (പൗരത്വം) : **INDIA**
(e). UID No.(ആധാർ നമ്പർ) :
(f). Passport No.(പാസ്സ്പോർട്ട് നമ്പർ) :
Date of Issue (നൽകിയ തീയതി) :
Place of Issue (നൽകിയ സ്ഥലം) :
(g). ID details (Ration Card, Voter ID Card, Aadhar, Driving License, PAN) (തിരിച്ചറിയൽ രേഖകളുടെ വിശദാംശങ്ങൾ റേഷൻകാർഡ്, വോട്ടർ ഐഡി കാർഡ്, ആധാർ, ഡ്രൈവിംഗ് ലൈസൻസ്, പാൻ)

Sl No. (ക്രമ നമ്പർ)	Id Type (തിരിച്ചറിയൽ രേഖ)	Id Number (തിരിച്ചറിയൽ രേഖ നമ്പർ)

(h). Occupation (തൊഴിൽ) :
(i). Address (മേൽവിലാസം)

Sl No. (ക്രമ നമ്പർ)	Address Type (മേൽവിലാസത്തിന്റെ തരം)	Address (മേൽവിലാസം)
1	Permanent Address (സ്ഥിരമായ മേൽവിലാസം)	**THEKKUM MURI, NEERKKUNNAM MALSYA GRAMAM, MEMBERSHIP NO .1276, NEERKKUNNAM, ALAPPUZHA, KERALA, INDIA**
2	Present Address (നിലവിലെ മേൽവിലാസം)	**THEKKUM MURI, NEERKKUNNAM MALSYA GRAMAM, NEERKKUNNAM, ALAPPUZHA, KERALA, INDIA**

(j). Land Phone Number (ഫോൺ നമ്പർ) :
Mobile Number (മൊബൈൽ നമ്പർ) : **9562531483**

(2).Victim / Missing / Deceased details (ഇര / കാണാതായ / മരണപ്പെട്ട ആളിന്റെ വിവരം)

Sl No. (ക്രമ നമ്പർ)	Name (പേര്)	Age (വയസ്സ്)	Sex (ലിംഗം)	Relative's Name (ബന്ധുവിന്റെ പേര്)	Address (മേൽവിലാസം)

7. Details of known / Identifiable / Suspected / Unknown accused with full particulars (അറിയാവുന്ന / കണ്ടാലറിയാവുന്ന / സംശയിക്കാവുന്ന / അറിയാത്ത കുറ്റവാളികളെ സംബന്ധിച്ച വിശദ വിവരങ്ങൾ)

Sl No. (ക്രമ നമ്പർ)	Name (പേര്)	Alias (അപരനാമം	Present Address (നിലവിലെ മേൽവിലാസം)	Permanent Address (സ്ഥിരമായ മേൽവിലാസം)
1	**OWNER OF MSC ELSA-3 SHIP**			
2	**MSC ELSA -3 SHIP MASTER**			

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District (ജില്ല) : **ERNAKULAM CITY**
P.S (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
FIR No (പ്രഥമ വിവര നമ്പർ) : **0014 / 2025**

3	**MSC ELSA -3 SHIPPING CREWS AND OTHERS**			

8. Reason for delay in reporting by the Complainant / Informant (പരാതിക്കാരനോ / വിവരം നൽകുന്ന ആളോ പോലീസ് സ്റ്റേഷനിൽ അറിയിക്കുവാൻ കാലതാമസം വരുത്തിയതിനുള്ള കാരണം) :

9. Particulars of properties of interest (മോഷ്ടിക്കപ്പെട്ട / കൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ വിവരം)

Sl No. (ക്രമ നമ്പർ)	Property Type (സ്വത്ത് തരം)	SubType (സ്വത്ത് ഉപതരം)	Description (വിശദാംശങ്ങൾ)	Value(In Rs) (മൂല്യം രൂപയിൽ)

10. Total value of property stolen (In Rs) (മോഷ്ടിക്കപ്പെട്ട / കൃത്യത്തിൽ ഉൾപ്പെട്ട സ്വത്തുക്കളുടെ ആകെ മൂല്യം) :

11. Inquest Report / U.D. case No.,if any (പ്രേത വിചാരണ റിപ്പോർട്ട് / അസ്വാഭാവിക മരണം കേസ് നമ്പർ ഉണ്ടെങ്കിൽ)

Sl No. (ക്രമ നമ്പർ)	Registration Type (രജിസ്ട്രേഷൻ തരം)	Registration Number (രജിസ്ട്രേഷൻ നമ്പർ)

12. First Information Contents (എഫ്.ഐ.ആർ ഉള്ളടക്കം)

MSC ELSA -3 എന്ന ചരക്കു കപ്പലിലുള്ള കണ്ടെയ്നറുകളിൽ എളുപ്പത്തിൽ തീപിടിക്കാൻ സാധ്യത ഉള്ള ചരക്കുകളും, സ്ഫോടക വസ്തുക്കളും ഉണ്ടെന്ന അറിവ് നിലനിൽക്കെ പ്രതികൾ മനുഷ്യ ജീവനും സ്വത്തിനും അപകടം ഉണ്ടാക്കും വിധം അപാകമായും ഉദാസീനമായും MSC ELSA -3 എന്ന ചരക്കു കപ്പൽ കൈകാര്യം ചെയ്തത് വഴി ടി കപ്പൽ സഞ്ചാര മാർഗേ 24.05.2025 തീയതി ആലപ്പുഴ തോട്ടപ്പള്ളിക്ക് പടിഞ്ഞാറ് വശം കടലിൽ മുങ്ങി താഴാനിടയാക്കി ടി അപകടത്തെ തുടർന്ന് ടി കപ്പലിൽ ഉണ്ടായിരുന്ന കണ്ടെയ്നറുകളിൽ നിന്നും വിനാശകാരികളായ പ്ലാസ്റ്റിക് അവശിഷ്ടങ്ങളും മറ്റും പുറം തള്ളപ്പെട്ടത് മൂലം പരിസ്ഥിതി പ്രശ്നങ്ങൾക്ക് ഇടയാക്കിയും കൂടാതെ പരമ്പരാഗത മത്സ്യബന്ധന മേഖലയെ പ്രതികൂലമായി ബാധിച്ച് മത്സ്യ തൊഴിലാളികൾക്ക് ലക്ഷകണക്കിന് രൂപയുടെ നാശനഷ്ടം ഉണ്ടാകുവാനും,ടി കപ്പൽ മൂലവും അതിൽ നിന്ന് കടലിൽ പതിച്ച കണ്ടെയ്നറുകൾ മൂലവും , കപ്പൽ ചാലിലും മറ്റ് സമീപ പ്രദേശങ്ങളിലും സഞ്ചാരം നടത്തുന്ന യാനങ്ങളുടെ പൊതു സഞ്ചാരത്തിന് മാർഗ്ഗ തടസ്സം ഉണ്ടാകുവാനും ഇടയാക്കിയ കാര്യം.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. (സ്വീകരിച്ച നടപടി : മേൽ വിവരിച്ച റിപ്പോർട്ട് പ്രകാരം രണ്ടാം ഇനത്തിൽ കാണിച്ചിരിക്കും പ്രകാരമുള്ള വകുപ്പുകൾ അനുസരിച്ചുള്ള കൃത്യം നടന്നതിനാൽ)

Directed to take up the Investigation / Performing Self Investigation (അന്വേഷണം നടത്തുവാൻ നിർദ്ദേശം നൽകി / സ്വയം അന്വേഷണം നടത്തുന്നു) : **Self Investigation**
Name of I.O (അന്വേഷണ ഉദ്യോഗസ്ഥന്റെ പേര്) : **Sivakumar T S**
Rank (പദവി) : **I (Inspector)**

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District (ജില്ല) : **ERNAKULAM CITY**
P.S (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
FIR No (പ്രഥമ വിവര നമ്പർ) : **0014 / 2025**

PEN (പെൻ) : **402565**

F.I.R.read over to the complainant / informant,admitted to be correctly recorded and a copy given to the complainant / informant free of cost (പ്രഥമ വിവര റിപ്പോർട്ട് പരാതിക്കാരനെ / വിവരം നൽകിയ ആളെ വായിച്ചു കേൾപ്പിച്ചു. ശരിയായ വിവരമാണ് രേഖപ്പെടുത്തിയതെന്ന് സമ്മതിച്ചു. റിപ്പോർട്ടിന്റെ ഒരു പകർപ്പ് പരാതിക്കാരന് / വിവരം നൽകിയ ആളിന് സൗജന്യമായി നൽകി) R.O.A.C (ആർ.ഒ.എ.സി)

14. **Signature / Thumb impression of the complainant / informant (പരാതിക്കാരന്റെ / വിവരം നൽകിയ ആളിന്റെ ഒപ്പ് വിരലടയാളം) :**

Signature of Officer in charge, Police Station (പോലീസ് സ്റ്റേഷന്റെ ചാർജ് വഹിക്കുന്ന ഉദ്യോഗസ്ഥന്റെ ഒപ്പ്) :

Digitally Signed by:
Sivakumar T S
Date: 11-Jun-2025

Name (പേര്) : **Sivakumar T S**
Rank (പദവി) : **I (Inspector)**
PEN (പെൻ) : **402565**

15. **Date and time of dispatch to the court (കോടതിയിലേക്ക് അയച്ച തീയതിയും സമയവും)** :

This is a computer generated document. Scan the QR Code to check the authenticity of the document. Please ensure that the certificate is shown under the url: **https://thuna.keralapolice.gov.in/documentVerifier?A98867902CFE39CCE025144DC128174B** which is the authorized origin of the document.

Helpline Number of District Legal Services Authority (ജില്ലാ ലീഗൽ സർവ്വീസസ് അതോറിറ്റിയുടെ ഹെല്പ് ലൈൻ നമ്പർ) : **0484-2344223**

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District (ജില്ല) : **ERNAKULAM CITY**
P.S (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
FIR No (പ്രഥമ വിവര നമ്പർ) : **0014 / 2025**

പ്രഥമ വിവരം

ഈ സംഗതിക്ക് ഇന്നേ ദിവസം 11/06/2025 C SHAMJI , THEKKUM MURI, NEERKKUNNAM, MALSYA GRAMAM,MEMBERSHIP NO. A.1276 എന്നയാൾ ബഹുമാനപ്പെട്ട കോസ്റ്റൽ ഇൻസ്പെക്ടർ ജനറൽ , കോസ്റ്റൽ സെക്യൂരിറ്റി അവർകൾക്ക് E MAIL മുഖാന്തിരം നൽകിയ പരാതി കോസ്റ്റൽ സെക്യൂരിറ്റി അസ്സിസ്റ്റൻറ് ഇൻസ്പെക്ടർ ജനറൽ അവർകൾ മുഖാന്തിരം ഫോർട്ട് കൊച്ചി കോസ്റ്റൽ പോലീസ് സ്റ്റേഷൻ ഹൌസ് ഓഫീസർക്ക് തുടർ നടപടികൾ സ്വീകരിക്കുന്നതിന് E MAIL മുഖാന്തിരം അയച്ചു നൽകിയത് SO PTN NO 01/P2/CPS/25 DTD 11.06.2025 ആയി സ്വീകരിച്ച് ടി പരാതിയുടെ അടിസ്ഥാനത്തിൽ ഈ കാര്യത്തിന് ഇന്നേ ദിവസം (11.06.2025) ഫോർട്ട് കൊച്ചി കൊസ്റ്റൽ പോലീസ് സ്റ്റേഷൻ ക്രൈം 14/2025 U/S 282,285,286,287,288 & 3(5) OF BNS 2023 പ്രകാരം കേസ് രജിസ്റ്റർ ചെയ്യുന്നു .

Submitted

Name (പേര്) : **Sivakumar T S**
Rank (പദവി) : **I (Inspector)**
PEN (പെൻ) : **402565**
PS (പോലീസ് സ്റ്റേഷൻ) : **FORT KOCHI COASTAL PS**
District (ജില്ല) : **ERNAKULAM CITY**
Date (തീയതി) : **11/06/2025**

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TRANSLATION OF RELEVANT CLAUSES OF THE EXHIBIT P11

Clause 12. First Information Contents (Page No. 3 of the Exhibit):

The accused, knowing that the containers on the cargo ship MSC ELSA-3 contained highly flammable goods and explosives, handled the cargo ship MSC ELSA-3 in a reckless and negligent manner, causing danger to human life and property, causing the ship to sink in the sea west of Thottapalli, Alappuzha on 24.05.2025. Following the accident, the containers on the ship were thrown out into the sea and thereby leading to the discharge of the hazardous and dangerous cargos including the harmful plastics inside the containers into the sea, causing environmental problems, adversely affecting the traditional fishing sector, causing damage worth lakhs of rupees to the fishermen, and obstructing the public movement of vessels in the shipping channel and other nearby areas due to the ship and the containers that fell into the sea from it.

THE HIGH COURT OF KERALA
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Translation of Page No. 5 of the Exhibit P11:

FIRST INFORMATION

On 11/06/2025, C SHAMJI, THEKKUM MURI, NEERKKUNNAM, MALSYA GRAMAM, MEMBERSHIP NO. A1276, appeared before the Coastal Inspector General, Coastal Security, gave the complaint via e-mail. The email was forwarded to Fort Kochi Coastal Police Station House Officer for further proceedings. The complaint has been registered as SO PTN NO 01/P2/CPS/25 DTD 11.06.2025. The crime is registered as Crime No. 14/2025 under Sections 282, 285, 286, 287, 288, and 3(5) of the Bharatiya Nyaya Sanhita (BNS) 2023.

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Equasis - Ship folder
AS ALVA
imo: 9337030

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Ship informations

• Ship particulars

Information		Since
IMO number :	9337030	
Name of ship :	AS ALVA	(since 01/10/2021)
Call sign :	A8PN7	
MMSI :	636018502	
Gross tonnage :	23633	(since 01/06/2024)
DWT :	27209	
Type of ship :	Container Ship	(since 01/04/2008)
Year of build :	2008	
Flag :	Liberia	(since 01/01/2018)
Status of ship :	In Service/Commission	(since 01/02/2020)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
5797164	Ship manager/ Commercial manager	WILHELMSEN AHRENKIEL SHIP	Palmaille 67, 22767, Hamburg, Germany.	since 04/10/2021
5797164	ISM Manager	WILHELMSEN AHRENKIEL SHIP	Palmaille 67, 22767, Hamburg, Germany.	since 04/10/2021
6002167	Registered owner	MPCC ALVA AS	C/O: Wilhelmsen Ahrenkiel Ship Management GmbH & Co KG Palmaille 67, 22767, Hamburg, Germany.	since 24/01/2018

• Classification status

Classification society	Date change status	Status	Reason
Bureau Veritas (IACS)	since 03/09/2019	Withdrawn	Transfer of class to another IACS member
Korean Register (IACS)	since 03/09/2019	Delivered	
DNV (IACS)	since 29/03/2016	Delivered	by society for other reasons
DNV-GL (ex GL) (IACS)	since 10/04/2008	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
Korean Register (IACS)	17/01/2023	09/04/2028

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
Korean Register (IACS)	28/03/2022	27/03/2027	02/03/2025	Delivered		Convention
DNV-GL (ex GL) (IACS)	19/09/2011		21/11/2008	Delivered		Convention

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• P&I information

Name of P&I insurer	Recorded on
Sveriges Angfartys Assurans Forening (Swedish Club)	20/02/2025

THE HIGH COURT OF KERALA
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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Singapore	Singapore	03/03/2022	N	Tokyo MoU	Initial inspection		3
Ukraine	Odesa	30/03/2021	N	Black Sea MoU	Expanded inspection	0	
Ukraine	Chornomorsk	29/03/2021	N	Black Sea MoU	More detailed inspection	0	11
Turkey	Tekirdag	02/03/2021	N	Mediterranean MoU	More detailed inspection	0	7
Ukraine	Odesa	19/10/2020	N	Black Sea MoU	More detailed inspection	0	
France	Le havre	23/08/2020	N	Paris MoU	More detailed inspection	0	3
Turkey	Ambarli	30/01/2020	N	Mediterranean MoU	More detailed inspection	0	14
Turkey	Ambarli	27/11/2019	Y	Mediterranean MoU	More detailed inspection	1	5
Ukraine	Odesa	28/09/2019	N	Black Sea MoU	More detailed inspection	0	
Turkey	Ambarli	07/05/2019	N	Mediterranean MoU	Initial inspection	0	3
Ukraine	Odesa	27/04/2019	N	Black Sea MoU	More detailed inspection	0	2
Romania	Constanta	25/04/2019	N	Black Sea MoU	More detailed inspection	0	8
				Paris MoU	More detailed inspection	0	8
Vietnam	Quang Ninh	11/03/2019	N	Tokyo MoU	Initial inspection		2
Singapore	Singapore	03/09/2018	N	Tokyo MoU	Initial inspection		9
Vietnam	Ho Chi Minh City	07/03/2018	N	Tokyo MoU	Initial inspection		

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Vietnam	Ho Chi Minh City	27/09/2017	N	Tokyo MoU	Initial inspection		
Vietnam	Ho Chi Minh City	04/05/2017	N	Tokyo MoU	Follow-up inspection		
Singapore	Singapore	24/04/2017	N	Tokyo MoU	Initial inspection		2
Egypt	As Suways (Suez)	18/07/2016	N	Mediterranean MoU	More detailed inspection	0	
Egypt	Port Said	16/11/2015	N	Mediterranean MoU	Initial inspection	0	
France	Rouen	03/09/2015	N	Paris MoU	More detailed inspection	0	6
United States of America	Houston, Texas	29/05/2015	N	US Coast Guard	Standard Examination	0	
Panama	Cristobal	25/02/2015	N	Vina Del Mar MoU	Initial inspection	0	
Trinidad and Tobago	Port of Spain	30/10/2013	N	Caribbean MoU	Initial inspection	0	
Venezuela	Puerto Cabello	14/10/2013	N	Vina Del Mar MoU	Initial inspection	0	
Venezuela	Puerto Cabello	26/03/2013	N	Vina Del Mar MoU	Initial inspection	0	
United States of America	Philadelphia, Pennsylvania	24/07/2012	N	US Coast Guard	Standard Examination	0	
Honduras	Cortes	12/04/2012	N	Vina Del Mar MoU	Re-inspection	0	1
Honduras	Cortes	16/03/2012	N	Vina Del Mar MoU	Initial inspection	0	1
United States of America	Philadelphia, Pennsylvania	11/07/2011	N	US Coast Guard	Standard Examination	0	
United States of America	Philadelphia, Pennsylvania	16/12/2010	N	US Coast Guard	Standard Examination	0	1
United States of America	Miami, Florida	07/07/2010	N	US Coast Guard	Standard Examination	0	1
United States of America	Miami, Florida	30/06/2010	N	US Coast Guard	Standard Examination	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Netherlands	Rotterdam	02/06/2009	N	Paris MoU	More detailed inspection	0	7

• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Paris MoU	Netherlands	Rotterdam	02/06/2009	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
AS ALVA	since 01/10/2021	IHS Maritime
Songa Iridium	since 01/03/2019	IHS Maritime
O. M. Iridium	since 01/06/2009	IHS Maritime
CMA CGM Ebony	since 01/07/2008	IHS Maritime
TS Mumbai	since 01/04/2008	IHS Maritime
O. M. Iridium	since 01/04/2008	IHS Maritime
Rio Susa	during 2008	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/01/2018	IHS Maritime
Germany	since 01/01/2018	IHS Maritime
Liberia	since 01/04/2008	IHS Maritime
Germany	since 01/04/2008	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
Korean Register (IACS)	17/01/2023	Korean Register of Shipping
Korean Register (IACS)	03/04/2018	Korean Register of Shipping

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• Current and former classification status

Classification society	Date of survey	Sources
Bureau Veritas (IACS)	03/04/2018	Bureau Veritas
Bureau Veritas (IACS)	17/01/2013	Bureau Veritas
DNV-GL (ex GL) (IACS)	10/04/2008	Germanischer Lloyd
DNV (IACS)	10/04/2008	Det Norske Veritas

• Company

Company	Role	Date of effect	Sources
WILHELMSEN AHRENKIEL SHIP	Ship manager/ Commercial manager	since 04/10/2021	
WILHELMSEN AHRENKIEL SHIP	ISM Manager	since 04/10/2021	
SC SHIPMANAGEMENT LTD	Ship manager/ Commercial manager	since 23/06/2020	
UNKNOWN	ISM Manager	since 10/10/2019	
NORDIC HAMBURG SHIPMGMT HK LTD	Ship manager/ Commercial manager	during 09/2019	
MPCC ALVA AS	Registered owner	since 24/01/2018	
O MARTEN REEDEREI GMBH & CO KG	ISM Manager	since 24/09/2008	
UNKNOWN	ISM Manager	since 18/04/2008	
O MARTEN REEDEREI GMBH & CO KG	Ship manager/ Commercial manager	since 10/04/2008	
OM IRIDIUM GMBH & CO KG	Registered owner	since 10/04/2008	

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Equasis - Ship folder
MSC IRINA
imo: 9929429

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Ship informations

• Ship particulars

Information		Since
IMO number :	9929429	
Name of ship :	MSC IRINA	(since 01/03/2023)
Call sign :	5LJP3	
MMSI :	636022601	
Gross tonnage :	236184	(since 01/03/2023)
DWT :	240739	
Type of ship :	Container Ship	(since 01/03/2023)
Year of build :	2023	
Flag :	Liberia	(since 01/03/2023)
Status of ship :	In Service/Commission	(since 09/03/2023)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 09/03/2023
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 09/03/2023
6012588	Registered owner	XIANG L5 HK INTERNATIONAL SHIP	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 09/03/2023

• Classification status

Classification society	Date change status	Status	Reason
DNV (IACS)	since 09/03/2023	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
DNV (IACS)	09/03/2023	09/03/2028

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
DNV (IACS)	05/08/2023	05/08/2028	09/03/2023	Delivered		Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	21/05/2025
UK P&I Club	20/02/2025

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
China Peoples's Republic	Guangzhou	11/10/2024	N	Tokyo MoU	Initial inspection		
Spain	Barcelona	25/07/2024	N	Paris MoU	Initial inspection	0	
China Peoples's Republic	Guangzhou	30/01/2024	N	Tokyo MoU	Initial inspection		1
Italy	Gioia tauro	04/05/2023	N	Paris MoU	Initial inspection	0	
China Peoples's Republic	Ningbo	03/04/2023	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC IRINA	since 01/03/2023	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/03/2023	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
DNV (IACS)	09/03/2023	Det Norske Veritas

• Company

Company	Role	Date of effect	Sources
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	since 09/03/2023	
MSC SHIPMANAGEMENT LTD	ISM Manager	since 09/03/2023	
XIANG L5 HK INTERNATIONAL SHIP	Registered owner	since 09/03/2023	

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Equasis - Ship folder
MSC AKITETA II

imo: 9220847

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Ship informations

• Ship particulars

Information		Since
IMO number :	9220847	
Name of ship :	MSC AKITETA II	(since 01/02/2025)
Call sign :	D5WN4	
MMSI :	636019864	
Gross tonnage :	26061	(during 2001)
DWT :	30592	
Type of ship :	Container Ship	(during 2001)
Year of build :	2001	
Flag :	Liberia	(since 01/03/2020)
Status of ship :	In Service/Commission	(during 12/2001)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 21/02/2025
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 20/02/2025
0145063	Registered owner	NAIRNE OCEANWAY LTD	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 20/02/2025

• Classification surveys

Classification society	Date survey	Date next survey
Bureau Veritas (IACS)	08/01/2022	04/01/2027

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
Bureau Veritas (IACS)	21/02/2025	21/08/2025	21/02/2025	Delivered		Convention
Registro Italiano Navale (IACS)	15/07/2024	08/08/2029				Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
Britannia Steamship insurance Association Ld	01/05/2025
UK P&I Club	20/02/2025

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Singapore	Singapore	19/02/2025	N	Tokyo MoU	Follow-up inspection		
Singapore	Singapore	18/02/2025	N	Tokyo MoU	Initial inspection		5
Philippines	Manila South Harbour	09/11/2024	N	Tokyo MoU	Follow-up inspection		
Hong Kong, China	Hong Kong Marine Department	27/09/2024	N	Tokyo MoU	Follow-up inspection		
Hong Kong, China	Hong Kong Marine Department	26/09/2024	N	Tokyo MoU	Initial inspection		5
Japan	Osaka	15/04/2024	N	Tokyo MoU	Initial inspection		1
Vietnam	Ho Chi Minh City	30/11/2023	N	Tokyo MoU	Initial inspection		
Vietnam	Ho Chi Minh City	26/09/2023	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		
China Peoples's Republic	Xiamen	17/07/2023	N	Tokyo MoU	Initial inspection		4
China Peoples's Republic	Shenzhen	21/04/2023	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		2
Vietnam	Ho Chi Minh City	27/07/2022	N	Tokyo MoU	Initial inspection		1
China Peoples's Republic	Xiamen	27/01/2022	N	Tokyo MoU	Initial inspection		
Kenya	Mombasa	09/07/2019	N	Indian Ocean MoU	Initial inspection	0	
France	Longoni	15/11/2018	N	Indian Ocean MoU	Initial inspection	0	
Kenya	Mombasa	14/03/2018	N	Indian Ocean MoU	Initial inspection	0	
Kenya	Mombasa	03/04/2017	N	Indian Ocean MoU	Initial inspection	0	
Kenya	Mombasa	14/06/2016	N	Indian Ocean MoU	Initial inspection	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Kenya	Mombasa	31/12/2015	N	Indian Ocean MoU	Initial inspection	0	
Kenya	Mombasa	16/07/2015	N	Indian Ocean MoU	Initial inspection	0	1
Kenya	Mombasa	28/01/2015	N	Indian Ocean MoU	Initial inspection	0	
France	Le Port	27/06/2013	N	Indian Ocean MoU	Initial inspection	0	1
France	Nantes	29/03/2010	N	Paris MoU	Initial inspection	0	
Belgium	Antwerp	28/09/2009	N	Paris MoU	Initial inspection	0	7
Belgium	Antwerp	22/12/2008	N	Paris MoU	Initial inspection	0	
Belgium	Antwerp	16/01/2008	N	Paris MoU	Initial inspection	0	
Belgium	Antwerp	14/03/2007	N	Paris MoU	Initial inspection	0	
France	Nantes	23/08/2006	N	Paris MoU	Initial inspection	0	
Belgium	Antwerp	25/01/2006	N	Paris MoU	Initial inspection	0	
France	Nantes	18/03/2005	N	Paris MoU	More detailed inspection	0	2
France	Montoir/bret	09/08/2004	N	Paris MoU	Initial inspection	0	
Belgium	Antwerp	22/01/2004	N	Paris MoU	More detailed inspection	0	1
France	Montoir/bret	09/12/2003	N	Paris MoU	Initial inspection	0	2
France	Montoir/bret	05/02/2003	N	Paris MoU	Initial inspection	0	
Germany	Hamburg	12/06/2002	N	Paris MoU	Initial inspection	0	
Singapore	Singapore	14/01/2002	N	Tokyo MoU			

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• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Paris MoU	Belgium	Antwerp	28/09/2009	2
Paris MoU	France	Nantes	18/03/2005	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC AKITETA II	since 01/02/2025	IHS Maritime
Akiteta	since 01/01/2022	IHS Maritime
Marie Delmas	during 2001	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/03/2020	IHS Maritime
Bahamas	since 01/10/2011	IHS Maritime
Cyprus	since 01/11/2007	IHS Maritime
Bahamas	since 01/01/2001	IHS Maritime

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• Current and former classification status

Classification society	Date of survey	Sources
Bureau Veritas (IACS)	08/01/2022	Bureau Veritas
Bureau Veritas (IACS)	28/01/2017	Bureau Veritas
Bureau Veritas (IACS)	31/01/2012	Bureau Veritas
Bureau Veritas (IACS)	28/03/2007	Bureau Veritas
Bureau Veritas (IACS)	04/01/2002	Bureau Veritas

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• Company

Company	Role	Date of effect	Sources
MSC SHIPMANAGEMENT LTD	ISM Manager	since 21/02/2025	
NAIRNE OCEANWAY LTD	Registered owner	since 20/02/2025	
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	since 20/02/2025	
CONCHART COMMERCIAL INC	Ship manager/ Commercial manager	during 03/2020	
GLOBAL SHIP LEASE 44 LLC	Registered owner	during 03/2020	
TECHNOMAR SHIPPING INC-LIB	ISM Manager	since 31/03/2019	
ANGLO-EASTERN GERMANY GMBH	ISM Manager	since 01/03/2018	
CMA CGM SA THE FRENCH LINE	Ship manager/ Commercial manager	since 19/11/2008	
CMA SHIPS UK LTD	ISM Manager	since 19/11/2008	
CMA SHIPS UK LTD	ISM Manager	since 19/11/2008	
GLOBAL SHIP LEASE 8 LTD	Registered owner	since 01/03/2008	
DELMAS SAS	Registered owner	since 01/07/2006	
DOHLE SHIPMANAGEMENT LTD	Ship manager/ Commercial manager	since 01/07/2006	
DOHLE SHIPMANAGEMENT LTD	ISM Manager	since 03/09/2002	
DELMAS SAS	Ship manager/ Commercial manager	during 2001	

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Equasis - Ship folder
MSC ALTAIR

imo: 9465277

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Ship informations

• Ship particulars

Information		Since
IMO number :	9465277	
Name of ship :	MSC ALTAIR	(since 01/03/2012)
Call sign :	A8YN2	
MMSI :	636015604	
Gross tonnage :	141635	(since 01/06/2014)
DWT :	155851	
Type of ship :	Container Ship	(since 01/03/2012)
Year of build :	2012	
Flag :	Liberia	(since 01/03/2012)
Status of ship :	In Service/Commission	(since 01/03/2012)
Last update :	28/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 18/12/2018
1535947	Ship manager/ Commercial manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	during 12/2018
6073068	Registered owner	CL JUPITER LTD	21st Floor, Edinburgh Tower, The Landmark, 15, Queen's Road Central, Hong Kong, China.	during 12/2018

• Classification status

Classification society	Date change status	Status	Reason
DNV-GL (ex GL) (IACS)	since 01/03/2012	Delivered	
DNV (IACS)	since 01/03/2012	Delivered	by society for other reasons

• Classification surveys

Classification society	Date survey	Date next survey
DNV (IACS)	15/05/2022	28/02/2027

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
DNV (IACS)	11/06/2024	15/06/2029				Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
UK P&I Club	16/12/2018

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Ivory Coast	Abidjan	21/05/2025	N	Abuja MoU	Initial inspection	0	
Spain	Málaga	15/04/2025	N	Paris MoU	More detailed inspection	0	
Germany	Hamburg	16/02/2024	N	Paris MoU	More detailed inspection	0	9
United States of America	New York, New York	30/10/2022	N	US Coast Guard	Standard Examination	0	
Italy	Gioia tauro	25/06/2022	N	Paris MoU	Initial inspection	0	
Singapore	Singapore	20/10/2021	N	Tokyo MoU	Initial inspection		
South Africa	Port Of Ngqura	07/09/2021	N	Abuja MoU	Initial inspection	0	
				Indian Ocean MoU	Initial inspection	0	
China Peoples's Republic	Tianjin	08/12/2020	N	Tokyo MoU	Initial inspection		
Ghana	Tema	30/10/2020	N	Abuja MoU	Initial inspection	0	
Colombia	Buenaventura	22/01/2020	N	Vina Del Mar MoU	Initial inspection	0	
China Peoples's Republic	Shenzhen	19/12/2019	N	Tokyo MoU	Initial inspection		
United States of America	Long Beach, California	12/09/2019	N	US Coast Guard	Standard Examination	0	
United Kingdom	Felixstowe	16/07/2019	N	Paris MoU	Initial inspection	0	
China Peoples's Republic	Shenzhen	07/05/2019	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		1
United States of America	Long Beach, California	11/01/2019	N	US Coast Guard	Standard Examination	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
China Peoples's Republic	Xiamen	29/09/2018	N	Tokyo MoU	Initial inspection		1
Italy	Gioia tauro	18/02/2018	N	Paris MoU	More detailed inspection	0	
Singapore	Singapore	10/01/2018	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		
Singapore	Singapore	12/07/2017	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		1
Malta	Marsaxlokk	08/06/2017	N	Mediterranean MoU	Initial inspection	0	
				Paris MoU	Initial inspection	0	
China Peoples's Republic	Tianjin	02/11/2016	N	Tokyo MoU	Initial inspection		1
United States of America	Long Beach, California	07/07/2016	N	US Coast Guard	Standard Examination	0	
Portugal	Sines	30/04/2016	N	Paris MoU	Initial inspection	0	
Korea (Republic of)	Busan	13/01/2016	N	Tokyo MoU	Initial inspection		
China Peoples's Republic	Xiamen	06/08/2015	N	Tokyo MoU	Initial inspection		2
Belgium	Antwerp	14/04/2015	N	Paris MoU	Initial inspection	0	1
Singapore	Singapore	25/02/2015	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		2
United States of America	Long Beach, California	27/10/2014	N	US Coast Guard	Standard Examination	0	
Spain	Valencia	05/06/2014	N	Paris MoU	Initial inspection	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Hong Kong, China	Hong Kong Marine Department	12/03/2014	N	Tokyo MoU	Initial inspection		1
United States of America	Long Beach, California	30/06/2013	N	US Coast Guard	Standard Examination	0	
Hong Kong, China	Hong Kong Marine Department	30/01/2013	N	Tokyo MoU	Initial inspection		
United States of America	Long Beach, California	08/06/2012	N	US Coast Guard	Standard Examination	0	
		16/05/2012	N	Tokyo MoU			
United Kingdom	Felixstowe	11/04/2012	N	Paris MoU	More detailed inspection	0	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC ALTAIR	since 01/03/2012	IHS Maritime
E. R. Altair	since 01/02/2012	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/03/2012	IHS Maritime
Germany	since 01/03/2012	IHS Maritime
Liberia	since 01/03/2012	IHS Maritime
Germany	since 01/02/2012	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
DNV (IACS)	15/05/2022	Det Norske Veritas
DNV (IACS)	15/01/2017	Det Norske Veritas

• Company

Company	Role	Date of effect	Sources
MSC SHIPMANAGEMENT LTD	ISM Manager	since 18/12/2018	
MSC SHIPMANAGEMENT LTD	Ship manager/ Commercial manager	during 12/2018	
CL JUPITER LTD	Registered owner	during 12/2018	

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• Company

Company	Role	Date of effect	Sources
WILHELMSEN AHRENKIEL BULK GMBH	Ship manager/ Commercial manager	since 01/03/2012	
WILHELMSEN AHRENKIEL BULK GMBH	ISM Manager	since 01/03/2012	

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Equasis - Ship folder
MSC AZRA
imo: 9932919

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Ship informations

• Ship particulars

Information		Since
IMO number :	9932919	
Name of ship :	MSC AZRA	(since 01/12/2023)
Call sign :	CQSP	
MMSI :	255805260	
Gross tonnage :	152188	(since 01/12/2023)
DWT :	163443	
Type of ship :	Container Ship	(since 01/12/2023)
Year of build :	2023	
Flag :	Portugal (MAR)	(since 01/12/2023)
Status of ship :	In Service/Commission	(since 21/12/2023)
Last update :	17/06/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 29/05/2024
1535947	Ship manager/ Commercial manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 21/12/2023
6258771	Registered owner	MEI LI SHIPPING INC	C/O: MSC Shipmanagement Ltd MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 21/12/2023

• Classification status

Classification society	Date change status	Status	Reason
American Bureau of Shipping (IACS)	since 21/12/2023	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
American Bureau of Shipping (IACS)	20/12/2023	20/12/2028

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
American Bureau of Shipping (IACS)	29/05/2024	28/05/2029	21/12/2023	Delivered		Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
UK P&I Club	21/12/2023

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Italy	Gioia tauro	01/04/2025	N	Paris MoU	Initial inspection	0	
Ivory Coast	Abidjan	16/12/2024	N	Abuja MoU	Initial inspection	0	
Togo	Port of Lome	07/11/2024	N	Abuja MoU	Initial inspection	0	
China Peoples's Republic	Dalian	06/05/2024	N	Tokyo MoU	Initial inspection		2
France	Fos sur mer	25/02/2024	N	Paris MoU	More detailed inspection	0	

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC AZRA	since 01/12/2023	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Portugal (MAR)	since 01/12/2023	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
American Bureau of Shipping (IACS)	20/12/2023	American Bureau of Shipping

• Company

Company	Role	Date of effect	Sources
MSC SHIPMANAGEMENT LTD	ISM Manager	since 29/05/2024	
UNKNOWN	ISM Manager	since 22/12/2023	
MSC SHIPMANAGEMENT LTD	Ship manager/ Commercial manager	since 21/12/2023	
MEI LI SHIPPING INC	Registered owner	since 21/12/2023	

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Equasis - Ship folder
MSC DHANTIA F

imo: 9160982

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Ship informations

• Ship particulars

Information		Since
IMO number :	9160982	
Name of ship :	MSC DHANTIA F	(since 01/10/2023)
Call sign :	5LAV6	
MMSI :	636020811	
Gross tonnage :	9978	(since 01/08/2016)
DWT :	12012	
Type of ship :	Container Ship	(during 1999)
Year of build :	1999	
Flag :	Liberia	(since 01/06/2021)
Status of ship :	In Service/Commission	(since 12/10/2011)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 22/06/2021
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 03/06/2021
6223670	Registered owner	MINAH SHIPPING LTD	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 03/06/2021

• Classification status

Classification society	Date change status	Status	Reason
Nippon Kaiji Kyokai (IACS)	since 25/09/2015	Reinstated	
DNV-GL (ex GL) (IACS)	since 20/08/2013	Withdrawn	Transfer of class to another IACS member
Biro Klasifikasi Indonesia	since 19/08/2013	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
Nippon Kaiji Kyokai (IACS)	11/11/2023	19/08/2028
DNV-GL (ex GL) (IACS)	19/05/2009	

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
Nippon Kaiji Kyokai (IACS)	02/01/2022	01/01/2027	02/01/2022	Delivered		Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
UK P&I Club	20/02/2025

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• P&I information

Name of P&I insurer	Recorded on
Standard P&I Club per Charles Taylor & Co	23/12/2024

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
India	Kolkata	13/06/2025	N	Indian Ocean MoU	Initial inspection	0	5
India	Kolkata	19/12/2024	N	Indian Ocean MoU	Initial inspection	0	3
India	Kolkata	04/01/2024	N	Indian Ocean MoU	Initial inspection	0	6
Singapore	Singapore	24/05/2023	N	Tokyo MoU	Follow-up inspection		
Singapore	Singapore	18/05/2023	Y	Tokyo MoU	Initial inspection		13
Bangladesh	Chittagong	16/02/2022	N	Indian Ocean MoU	Initial inspection	0	2
Sri lanka	Colombo	16/12/2015	N	Indian Ocean MoU	Initial inspection	0	10
		18/09/2012	N	Tokyo MoU			
		14/06/2012	N	Tokyo MoU			
		02/04/2012	N	Tokyo MoU			
		20/01/2012	N	Tokyo MoU			
India	Kolkata	10/10/2011	N	Indian Ocean MoU	Initial inspection	0	1
		07/09/2011	N	Tokyo MoU			
		12/04/2011	N	Tokyo MoU			
India	Kolkata	04/02/2011	Y	Indian Ocean MoU	Initial inspection		9
India	Haldia	25/05/2010	N	Indian Ocean MoU	Initial inspection	0	6
		26/02/2010	N	Tokyo MoU			
India	Kolkata	13/01/2010	N	Indian Ocean MoU	Initial inspection	0	4
		09/09/2009	N	Tokyo MoU			
		20/08/2009	N	Tokyo MoU			
Spain	Algeciras	17/02/2005	N	Paris MoU	More detailed inspection	0	
Spain	Algeciras	20/09/2004	N	Paris MoU	More detailed inspection	0	8

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
United States of America	MSO Savannah	30/03/2004	N	US Coast Guard		0	
United States of America	New York (Capt. of the port)	19/12/2003	N	US Coast Guard		0	
United States of America	Staten Island, New York	29/09/2003	Y	US Coast Guard		1	20
United States of America	MSO San Juan	08/03/2003	N	US Coast Guard		0	1
Portugal	Lisboa	25/09/2002	N	Paris MoU	Initial inspection	0	1
United States of America	MSO Charleston	04/10/2000	N	US Coast Guard		0	
Italy	Gioia tauro	13/09/2000	N	Paris MoU		0	
Germany	Bremerhaven	08/03/2000	N	Paris MoU		0	

• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Indian Ocean MoU	India	Kolkata	13/06/2025	1
Indian Ocean MoU	India	Kolkata	19/12/2024	2
Indian Ocean MoU	India	Kolkata	04/01/2024	2
Paris MoU	Spain	Algeciras	20/09/2004	1
US Coast Guard	United States of America	Staten Island, New York	29/09/2003	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC DHANTIA F	since 01/10/2023	IHS Maritime
MSC Dhantia	since 01/06/2021	IHS Maritime
Meratus Minahasa	since 01/08/2013	IHS Maritime
Mondena	since 01/04/2009	IHS Maritime
CMA CGM Victoria	since 01/08/2006	IHS Maritime
Maersk Rawson	since 01/10/2003	IHS Maritime
Mondena	since 01/09/2003	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/06/2021	IHS Maritime
Indonesia	since 01/08/2013	IHS Maritime
Germany	since 01/08/2013	IHS Maritime
Antigua and Barbuda	since 01/08/2003	IHS Maritime
Germany	since 01/08/2003	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
Nippon Kaiji Kyokai (IACS)	11/11/2023	Nippon Kaiji Kyokai

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• Current and former classification status

Classification society	Date of survey	Sources
Biro Klasifikasi Indonesia	21/08/2018	Biro Klasifikasi Indonesia
Nippon Kaiji Kyokai (IACS)	21/08/2018	Nippon Kaiji Kyokai
Nippon Kaiji Kyokai (IACS)	20/08/2013	Nippon Kaiji Kyokai
DNV-GL (ex GL) (IACS)	19/05/2009	Germanischer Lloyd
DNV-GL (ex GL) (IACS)	04/06/2004	Germanischer Lloyd

• Company

Company	Role	Date of effect	Sources
MSC SHIPMANAGEMENT LTD	ISM Manager	since 22/06/2021	
MINAH SHIPPING LTD	Registered owner	since 03/06/2021	
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	since 03/06/2021	
MERATUS LINE PT	Ship manager/ Commercial manager	during 08/2013	
MERATUS LINE PT	Registered owner	during 08/2013	
TOM WORDEN GMBH & CO KG	ISM Manager	since 27/09/2003	
TOM WORDEN GMBH & CO KG	Ship manager/ Commercial manager	since 01/08/2003	

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Equasis - Ship folder
MSC GULSUN

imo: 9839430

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Ship informations

• Ship particulars

Information		Since
IMO number :	9839430	
Name of ship :	MSC GULSUN	(since 01/07/2019)
Call sign :	3FTV6	
MMSI :	372003000	
Gross tonnage :	232618	(since 01/07/2019)
DWT :	254042	
Type of ship :	Container Ship	(since 01/07/2019)
Year of build :	2019	
Flag :	Panama	(since 01/07/2019)
Status of ship :	In Service/Commission	(since 04/07/2019)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 04/07/2019
0750415	ISM Manager	MEDITERRANEAN SHIPPING CO SRL	Via Francesco Ciampa 29, 80063, Piano di Sorrento NA, Italy.	since 04/07/2019
4244220	Registered owner	SEA 60 LEASING CO LTD	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 04/07/2019

• Classification status

Classification society	Date change status	Status	Reason
DNV (IACS)	since 04/07/2019	Delivered	by society for other reasons

• Classification surveys

Classification society	Date survey	Date next survey
DNV (IACS)	04/10/2024	04/07/2029

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
DNV (IACS)	07/10/2024	04/12/2029				Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
Britannia Steamship insurance Association Ld	01/05/2025
UK P&I Club	20/02/2025

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Italy	Gioia tauro	06/12/2024	N	Paris MoU	Initial inspection	0	
China Peoples's Republic	Shenzhen	19/01/2024	N	Tokyo MoU	Initial inspection		
Spain	Barcelona	04/12/2023	N	Paris MoU	Initial inspection	0	
China Peoples's Republic	Ningbo	18/04/2023	N	Tokyo MoU	Initial inspection		2
Italy	Gioia tauro	29/10/2022	N	Paris MoU	Initial inspection	0	
Singapore	Singapore	07/09/2022	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		
Italy	Gioia tauro	15/09/2021	N	Paris MoU	Initial inspection	0	3
China Peoples's Republic	Shenzhen	24/08/2021	N	Tokyo MoU	Initial inspection		3
Italy	Gioia tauro	27/08/2020	N	Paris MoU	Initial inspection	0	
Singapore	Singapore	12/07/2020	N	Tokyo MoU	Initial inspection		
Spain	Algeciras	14/08/2019	N	Paris MoU	More detailed inspection	0	
China Peoples's Republic	Shanghai	20/07/2019	N	Tokyo MoU	Initial inspection		

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC GULSUN	since 01/07/2019	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Panama	since 01/07/2019	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
DNV (IACS)	04/10/2024	Det Norske Veritas
DNV (IACS)	04/07/2019	Det Norske Veritas

• Company

Company	Role	Date of effect	Sources
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	since 04/07/2019	
MEDITERRANEAN SHIPPING CO SRL	ISM Manager	since 04/07/2019	
SEA 60 LEASING CO LTD	Registered owner	since 04/07/2019	

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Equasis - Ship folder
MSC POLO II

imo: 9139086

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Ship informations

• Ship particulars

Information		Since
IMO number :	9139086	
Name of ship :	MSC POLO II	(since 01/07/2021)
Call sign :	D5JY7	
MMSI :	636017245	
Gross tonnage :	16661	(during 1997)
DWT :	22967	
Type of ship :	Container Ship	(during 1997)
Year of build :	2002	
Flag :	Liberia	(since 01/10/2015)
Status of ship :	In Service/Commission	(since 29/09/2010)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
0152944	Ship manager/ Commercial manager	MSC MEDITERRANEAN SHIPPING CO	chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 20/07/2021
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 20/07/2021
6234714	Registered owner	POLO EXPORT & TRADING LTD	C/O: MSC Mediterranean Shipping Co SA chemin Rieu, 12-14, 1208, Geneva, Switzerland.	since 20/07/2021

• Classification status

Classification society	Date change status	Status	Reason
DNV (IACS)	since 17/12/2017	Delivered	
Nippon Kaiji Kyokai (IACS)	since 08/12/2017	Suspended	Survey overdue
Registro Italiano Navale (IACS)	since 29/09/2010	Withdrawn	Transfer of class to another IACS member

• Classification surveys

Classification society	Date survey	Date next survey
DNV (IACS)	18/05/2023	07/11/2027

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
DNV (IACS)	31/05/2022	31/05/2027	20/07/2021	Delivered		Convention
Registro Italiano Navale (IACS)	16/03/2003					Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025

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• P&I information

Name of P&I insurer	Recorded on
UK P&I Club	08/07/2021

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Bangladesh	Chittagong	18/09/2024	N	Indian Ocean MoU	Initial inspection	0	
Bangladesh	Chittagong	07/04/2024	N	Indian Ocean MoU	Initial inspection	0	2
Bangladesh	Chittagong	01/07/2023	N	Indian Ocean MoU	Initial inspection	0	
Bangladesh	Chittagong	01/06/2022	N	Indian Ocean MoU	Initial inspection	0	2
Bangladesh	Chittagong	17/01/2021	N	Indian Ocean MoU	Initial inspection	0	
Comoros	Moroni	20/07/2020	N	Indian Ocean MoU	Initial inspection	0	
Comoros	Mutsamudu, Anjouan	16/12/2019	N	Indian Ocean MoU	Initial inspection	0	
Comoros	Mutsamudu, Anjouan	10/06/2019	N	Indian Ocean MoU	Initial inspection	0	
Comoros	Mutsamudu, Anjouan	27/11/2018	N	Indian Ocean MoU	Initial inspection	0	
Jordan	Aqaba	09/02/2016	N	Mediterranean MoU	More detailed inspection	0	4
Vietnam	Ho Chi Minh City	11/11/2014	N	Tokyo MoU	Initial inspection		
United States of America	San Juan, Puerto Rico	09/04/2014	N	US Coast Guard	Standard Examination	0	
Chile	Iquique	04/01/2014	N	Tokyo MoU	Initial inspection		2
				Vina Del Mar MoU	Initial inspection	0	2
Spain	Valencia	14/11/2013	N	Paris MoU	More detailed inspection	0	1
Chile	Antofagasta	26/07/2013	N	Tokyo MoU	Initial inspection		
				Vina Del Mar MoU	Initial inspection	0	
Colombia	Cartagena	08/07/2013	N	Vina Del Mar MoU	Initial inspection	0	

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Chile	San Antonio	30/11/2012	N	Vina Del Mar MoU	Initial inspection	0	
Peru	Callao	26/11/2012	N	Vina Del Mar MoU	Initial inspection	0	2
Poland	Gdynia	10/10/2012	Y	Paris MoU	More detailed inspection	1	24
Germany	Hamburg	26/11/2011	N	Paris MoU	More detailed inspection	0	
Germany	Hamburg	07/07/2011	N	Paris MoU	More detailed inspection	0	7
United Kingdom	Teesside	28/09/2010	N	Paris MoU	More detailed inspection	0	13
Portugal	Lisboa	09/04/2008	N	Paris MoU	Initial inspection	0	

• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Paris MoU	Germany	Hamburg	07/07/2011	3
Paris MoU	United Kingdom	Teesside	28/09/2010	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC POLO II	since 01/07/2021	IHS Maritime
Polo	since 01/02/2017	IHS Maritime
Portofino	since 01/09/2010	IHS Maritime
Sadira	since 01/11/2002	IHS Maritime
Cala Portofino	since 01/11/2002	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Liberia	since 01/10/2015	IHS Maritime
Singapore	since 01/07/2008	IHS Maritime
Italy	since 01/09/2003	IHS Maritime
Liberia	since 01/03/2002	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
DNV (IACS)	18/05/2023	Det Norske Veritas
DNV (IACS)	17/12/2017	Det Norske Veritas
Nippon Kaiji Kyokai (IACS)	09/10/2012	Nippon Kaiji Kyokai
Registro Italiano Navale (IACS)	17/02/2008	Registro Italiano Navale

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• Current and former classification status

Classification society	Date of survey	Sources
Registro Italiano Navale (IACS)	12/11/2002	Registro Italiano Navale

• Company

Company	Role	Date of effect	Sources
MSC SHIPMANAGEMENT LTD	ISM Manager	since 20/07/2021	
POLO EXPORT & TRADING LTD	Registered owner	since 20/07/2021	
MSC MEDITERRANEAN SHIPPING CO	Ship manager/ Commercial manager	since 20/07/2021	
AM NOMIKOS TRANSWORLD MARITIME	ISM Manager	since 28/02/2017	
AM NOMIKOS TRANSWORLD MARITIME	Ship manager/ Commercial manager	since 28/02/2017	
FEEDER CONTAINER II AS	Registered owner	since 09/10/2015	
SEACHANGE MARITIME SINGAPORE	ISM Manager	since 18/03/2011	
SEACHANGE MARITIME SINGAPORE	Ship manager/ Commercial manager	since 04/09/2009	
SEACHANGE MARITIME LLC	Ship manager/ Commercial manager	since 31/07/2008	
FLEET SHIP MANAGEMENT PTE LTD	ISM Manager	since 31/07/2008	
SEATRADE GRONINGEN BV	ISM Manager	since 16/03/2003	
SEATRADE GRONINGEN BV	Ship manager/ Commercial manager	since 01/12/2002	

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Equasis - Ship folder
MSC TIA V

imo: 9232113

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Ship informations

• Ship particulars

Information		Since
IMO number :	9232113	
Name of ship :	MSC TIA V	(since 01/07/2024)
Call sign :	3E5140	
MMSI :	352003480	
Gross tonnage :	50242	(during 2002)
DWT :	58768	
Type of ship :	Container Ship	(during 2002)
Year of build :	2002	
Flag :	Panama	(since 01/01/2024)
Status of ship :	In Service/Commission	(since 12/01/2005)
Last update :	14/05/2025	

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• Management detail

IMO	Role	Name of company	Address	Date of effect
1535947	Ship manager/ Commercial manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 03/07/2024
1535947	ISM Manager	MSC SHIPMANAGEMENT LTD	MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 03/07/2024
6511579	Registered owner	FLORIZEL SA	C/O: MSC Shipmanagement Ltd MSC House, 8, Spyrou Kyprianou Avenue, 3070, Limassol, Cyprus.	since 03/07/2024

• Classification status

Classification society	Date change status	Status	Reason
China Classification Society (IACS)	since 31/05/2016	Delivered	
DNV-GL (ex GL) (IACS)	since 01/07/2012	Delivered	

• Classification surveys

Classification society	Date survey	Date next survey
China Classification Society (IACS)	28/02/2021	04/04/2026

• Safety management certificate

Classification society	Date survey	Date expiry	Date of status	Status	Reason	Type
China Classification Society (IACS)	15/01/2025	14/01/2030	12/01/2025	Delivered		Convention

• P&I information

Name of P&I insurer	Recorded on
Steamship Mutual Underwriting Association (Bermuda)	20/06/2025
UK P&I Club	20/02/2025

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Ship inspections

• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
Tanzania	Dar es Salaam	07/01/2025	N	Indian Ocean MoU	Initial inspection	0	
China Peoples's Republic	Shanghai	11/09/2024	N	Tokyo MoU	Initial inspection		4
United States of America	Norfolk, Virginia.	10/03/2023	N	US Coast Guard	Standard Examination	0	6
United States of America	Charleston, South Carolina	08/03/2023	N	US Coast Guard	Standard Examination	0	3
United States of America	Houston, Texas	24/02/2023	N	US Coast Guard	Standard Examination	0	
United States of America	Long Beach, California	10/02/2023	N	US Coast Guard	Standard Examination	0	1
United States of America	Long Beach, California	11/12/2022	N	US Coast Guard	Standard Examination	0	1
Vietnam	Vung Tau	31/10/2022	N	Tokyo MoU	Initial inspection		
United States of America	Long Beach, California	28/09/2022	N	US Coast Guard	Expanded Examination	0	3
United States of America	Long Beach, California	19/08/2022	N	US Coast Guard	Standard Examination	0	5
United States of America	New York, New York	09/02/2022	N	US Coast Guard	Standard Examination	0	1
United States of America	San Francisco, California	28/11/2021	N	US Coast Guard	Standard Examination	0	3
Australia	Melbourne	01/10/2015	N	Tokyo MoU	Follow-up inspection		
				Tokyo MoU	Initial inspection		2
Australia	Other South	01/10/2015	N	Indian Ocean MoU	Initial inspection	0	2
Japan	Yokohama	17/03/2015	N	Tokyo MoU	Initial inspection		

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
United States of America	Long Beach, California	05/11/2014	N	US Coast Guard	Standard Examination	0	
Korea (Republic of)	Busan	14/10/2014	N	Tokyo MoU	Initial inspection		1
United States of America	Long Beach, California	22/09/2014	N	US Coast Guard	Standard Examination	0	
Hong Kong, China	Hong Kong Marine Department	07/05/2014	N	Tokyo MoU	Initial inspection		
Japan	Tokyo	10/10/2013	N	Tokyo MoU	Initial inspection		
United States of America	Long Beach, California	21/09/2013	N	US Coast Guard	Standard Examination	0	
China Peoples's Republic	Shanghai	18/01/2013	N	Tokyo MoU	Initial inspection		3
United States of America	Long Beach, California	25/08/2012	N	US Coast Guard	Standard Examination	0	2
		24/05/2012	N	Tokyo MoU			
		13/12/2011	N	Tokyo MoU			
Australia	Port Botany	07/11/2011	N	Indian Ocean MoU	Initial inspection	0	1
		07/11/2011	N	Tokyo MoU			
		09/08/2011	N	Tokyo MoU			
		21/06/2011	N	Tokyo MoU			
		19/11/2010	N	Tokyo MoU			
United States of America	Long Beach, California	14/08/2010	N	US Coast Guard	Standard Examination	0	
		27/07/2009	N	Tokyo MoU			
United States of America	Long Beach, California	11/07/2009	N	US Coast Guard	Standard Examination	0	
		22/09/2008	N	Tokyo MoU			
United States of America	San Francisco, California	10/07/2008	N	US Coast Guard	Standard Examination	0	
		26/03/2008	N	Tokyo MoU			

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• List of port state control

Authority	Port of inspection	Date of report	Detention	PSC organisation	Type of inspection	Duration (days)	Number of deficiencies
		27/02/2008	N	Tokyo MoU			
		06/08/2007	N	Tokyo MoU			
United States of America	Savannah, Georgia	13/03/2007	N	US Coast Guard	Standard Examination	0	
United States of America	Long Beach, California	24/09/2006	N	US Coast Guard	Standard Examination	0	
		13/09/2006	N	Tokyo MoU			
United States of America	San Francisco, California	29/08/2006	N	US Coast Guard	Standard Examination	0	
		14/04/2006	N	Tokyo MoU			
		29/03/2006	N	Tokyo MoU			
		08/11/2005	N	Tokyo MoU			
United States of America	Long Beach, California	26/08/2005	N	US Coast Guard	Standard Examination	0	
		26/04/2005	N	Tokyo MoU			
		08/09/2004	N	Tokyo MoU			
United States of America	MSO Los Angeles/ Long Beach	25/06/2004	N	US Coast Guard		0	
		31/01/2004	N	Tokyo MoU			
		21/07/2003	N	Tokyo MoU			
United States of America	MSO Puget Sound	20/06/2003	N	US Coast Guard		0	
Korea (Republic of)	Pusan	10/02/2003	N	Tokyo MoU			
Singapore	Singapore	20/08/2002	N	Tokyo MoU			
Germany	Hamburg	31/07/2002	N	Paris MoU	Initial inspection	0	

• Human element deficiencies

PSC organisation	Authority	Port of inspection	Date of report	Human element deficiencies
Indian Ocean MoU	Australia	Port Botany	07/11/2011	1

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Ship history

• Current and former name(s)

Name of ship	Date of effect	Source
MSC TIA V	since 01/07/2024	IHS Maritime
Sft China	since 01/01/2024	IHS Maritime
Zhong Gu Ji Lin	since 01/05/2020	IHS Maritime
Hui Hong Yang Guang	since 01/03/2016	IHS Maritime
Pretoria	since 01/09/2013	IHS Maritime
Hanjin Pretoria	during 2002	IHS Maritime

• Current and former flag(s)

Flag	Date of effect	Source
Panama	since 01/01/2024	IHS Maritime
China Peoples's Republic	since 01/05/2020	IHS Maritime
China Peoples's Republic	since 01/03/2016	IHS Maritime
Germany	since 01/03/2016	IHS Maritime
Liberia	since 01/06/2002	IHS Maritime
Germany	since 01/06/2002	IHS Maritime

• Current and former classification status

Classification society	Date of survey	Sources
China Classification Society (IACS)	28/02/2021	China Classification Society

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• Current and former classification status

Classification society	Date of survey	Sources
China Classification Society (IACS)	05/04/2016	China Classification Society
DNV-GL (ex GL) (IACS)	11/04/2007	Germanischer Lloyd
DNV-GL (ex GL) (IACS)	01/07/2002	Germanischer Lloyd

• Company

Company	Role	Date of effect	Sources
FLORIZEL SA	Registered owner	since 03/07/2024	
MSC SHIPMANAGEMENT LTD	Ship manager/ Commercial manager	since 03/07/2024	
MSC SHIPMANAGEMENT LTD	ISM Manager	since 03/07/2024	
RCTHK SHIPPING LTD	Ship manager/ Commercial manager	since 03/04/2024	
RCTHK SHIPPING LTD	Registered owner	since 03/04/2024	
DENHAM MANAGEMENT LTD	ISM Manager	since 06/02/2024	
SAFETRANS SHIPPING LTD	Ship manager/ Commercial manager	since 05/01/2024	
SAFETRANS SHIPPING LTD	Registered owner	since 05/01/2024	
SHANGHAI YINGKAI SHIPPING CO	ISM Manager	since 12/03/2023	
SHANGHAI ZHONGGU LOGISTICS CO	ISM Manager	since 17/09/2021	
SHANGHAI ZHONGGU LOGISTICS CO	Registered owner	since 28/05/2020	
SHENZHEN HUIHONG SHIPPING	Ship manager/ Commercial manager	since 01/03/2016	
SHENZHEN HUIHONG SHIPPING	Registered owner	since 01/03/2016	

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• Company

Company	Role	Date of effect	Sources
UNKNOWN	ISM Manager	since 01/03/2016	
LAEISZ REEDEREI	ISM Manager	since 23/04/2010	
LAEISZ F SCHIFFAHRTS MBH & CO	ISM Manager	since 03/01/2003	
LAEISZ REEDEREI	Ship manager/ Commercial manager	since 04/06/2002	

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ANNEXURE R9-V

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. NITIN JAMDAR

&

THE HONOURABLE MR.JUSTICE BASANT BALAJI

Thursday, the 5th day of June 2025 / 15th Jyaishta, 1947

WP(PIL) NO. 50 OF 2025(S)

PETITIONER:

MR. T.N. PRATHAPAN, AGED 65 YEARS, FORMER MEMBER OF PARLIAMENT, CHAIRMAN, KERALA FISHERMEN COORDINATION COMMITTEE, RESIDING AT THOTTUNGAL HOUSE, PO. TALIKULAM, THRISSUR, KERALA, PIN - 680 569.

RESPONDENTS:

1. **UNION OF INDIA, REPRESENTED BY THE SECRETARY, MINISTRY OF SHIPPING, NEW DELHI, PIN - 110 001.**
2. **MINISTRY OF DEFENCE, REPRESENTED BY ITS SECRETARY, ROOM NO.305, B WING, SENA BHAWAN, NEW DELHI, PIN - 110 001.**
3. **THE DIRECTOR GENERAL OF SHIPPING, JAHAZ BHAVAN, BALLARD ESTATE, MUMBAI, PIN - 400 001.**
4. **INDIAN COAST GUARD, REPRESENTED BY THE DIRECTOR GENERAL, HEADQUARTERS, NATIONAL STADIUM COMPLEX, PURANA QUILA ROAD, NEW DELHI, PIN - 110 001.**
5. **DIRECTOR, DIRECTORATE OF FISHERIES AND ENVIRONMENT, COAST GUARD HEADQUARTERS, NEW DELHI, PIN - 110 001.**
6. **STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM, PIN - 695 001.**
7. **KERALA STATE POLLUTION CONTROL BOARD, REPRESENTED BY ITS MEMBER SECRETARY, PATTOM P.O, THIRUVANANTHAPURAM, PIN - 695 004.**
8. **STATE DISASTER MANAGEMENT AUTHORITY, REPRESENTED BY ITS MEMBER SECRETARY, VIKAS BHAVAN, P.O, OBSERVATORY HILLS, OPPOSITE KANAKAKKUNNU PALACE, NANTHANCODU, THIRUVANANTHAPURAM, PIN - 695 033.**
9. **DIRECTOR, DEPARTMENT OF FISHERIES, DIRECTORATE OF FISHERIES, THIRUVANANTHAPURAM, PIN - 695 033.**
10. **INSPECTOR GENERAL OF POLICE, KERALA COASTAL POLICE, KERALA COASTAL POLICE HEADQUARTERS, SHANMUGHAM ROAD, MARINE DRIVE, ERNAKULAM, PIN - 682 031.**
11. **VIZHINJAM INTERNATIONAL SEAPORT LTD., REPRESENTED BY ITS MANAGING DIRECTOR, LEVEL 5, 3RD FLOOR TRANS TOWERS, VAZHUTHACAUD, THIRUVANANTHAPURAM, PIN - 695 014.**
12. **MEDITERRANEAN SHIPPING COMPANY, THROUGH ITS AUTHORIZED NODAL OFFICER - MR. JACOB GEORGE, MSC HOUSE, ANDHERI – KURLA ROAD, ANDHERI EAST, MUMBAI, MAHARASHTRA, INDIA. EMAIL:comm@mscindia.com, PIN - 400 059.**

Writ petition (Public Interest Litigation) praying inter alia that in the circumstances stated in the affidavit filed along with the WP(PIL) the High Court be pleased to

A) direct the Respondents No.1, 3 and 6 to release interim financial assistance to the fishermen victims

B) direct the Respondents No. 4, 6 and 7 to take steps to remove all the wastes, chemicals and parts of the ship and clean up the environment without any further delay.

In accordance with law after affording an opportunity of being heard, in the interest of justice, equity and good conscience.

This petition coming on for admission upon perusing the petition and the affidavit filed in support of WP(PIL) and upon hearing the arguments of M/S. V.HARISH, C.R.REKHESH SHARMA & RAJAN VISHNURAJ, Advocates for the petitioner, SMT.O.M. SHALINA, DEPUTY SOLICITOR GENERAL OF INDIA & SRI.T.V.VINU, Advocate for R1 to R4, SRI.N.MANOJ KUMAR, STATE ATTORNEY for R6, R8 & R9, SRI.T.NAVEEN, STANDING COUNSEL for R7, SRI.VIPIN P. VARGHESE, STANDING COUNSEL for R11, the court passed the following:

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P.T.O.

NITIN JAMDAR, C.J.
&
BASANT BALAJI, J.

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W.P.(PIL) No.50/2025

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Dated this the 5th day of June 2025

ORDER

Heard Mr. V. Harish, learned counsel for the Petitioner, Mr. N. Manoj Kumar, learned State Attorney, appearing for Respondent Nos.6, 8, and 9, Mr. T. Naveen, learned Standing Counsel for the Respondent No.7, Mr. T.V. Vinu, learned counsel representing Ms. O.M. Shalina, learned DSGI, and Mr. Vipin. P. Varghese learned Standing Counsel for Respondent No.11.

2. The learned counsel for Respondent No.11 states that Respondent No.11 has been wrongly joined. According to the Petitioner, Respondent No.11 holds information that may aid the proceedings. This aspect will be considered on the next date of hearing.

3. The Petitioner has raised various issues arising from the maritime disaster involving a cargo vessel on 24 May 2025 and its impact on the marine and coastal ecology and the livelihood of the fishermen in Kerala.

4. The Petitioner contends that various preventive steps, such as the oil spill prevention plan, which were mandated by earlier orders of the State Government itself, are not being formulated by the Kerala State Pollution Control Board. The Petitioner has also made a grievance about the lack of

information shared with the general public regarding the details extent of the damage.

5. The learned State Attorney states that the National Green Tribunal has taken *suo motu* cognisance of the matter. The learned counsel for the Petitioner submits that in the *suo motu* petition, primarily, the Central Ministry has been joined.

6. As regards the information regarding the incident, the learned State Attorney states that an investigation is going on, and expert bodies have been constituted and once the investigation is complete and the report is ready, clear information will be available.

7. Considering the magnitude of the this disaster, which is admittedly affecting the marine and coastal ecology, the State should place the information that is so far available in the public domain, such as information regarding cargo and the ecological impact of the material carried by the said ship. The learned State Attorney shall get instructions as to whether this information is already placed in the public domain by the State Government on its official website. Otherwise, we expect the State Government to place the information it currently holds on its official website by the next date of hearing.

8. The learned counsel for the petitioner submits that the State Government had engaged volunteers for the removal of contaminants from the seashore, but the State Government has stopped engaging these volunteers, which will affect remedial measures that have been taken by the State. The learned State Attorney states that there is no scope for any

apprehension as the State Government is taking remedial measures in the matter, and it is open to the petitioner to communicate with the concerned authority of the State in this regard.

9. Post on 19 June 2025.

Sd/-

NITIN JAMDAR,
CHIEF JUSTICE

Sd/-

BASANT BALAJI,
JUDGE

JS

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