

DRAFT

MINISTRY OF PORTS, SHIPPING AND WATERWAYS

NOTIFICATION

New Delhi, the _____ 2026

G.S.R. _____. In exercise of the powers conferred by sub-section (4) of section 228, section 230 and and section 319 of the Merchant Shipping Act, 2025 (24 of 2025), the Central Government hereby makes the following rules, namely: –

1. Short title and commencement. –

- (1) These Rules may be called the ***Merchant Shipping (Marine Incident and Emergency Response) Rules, 2026***.
- (2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions. –

- (1) In these Rules, unless the context otherwise requires,
 - (a) “Act” means the Merchant Shipping Act, 2025, (24 of 2025);
 - (b) “Competent Authority” means the Director General of Maritime Administration appointed under sub-section (1) of section 7 of the Act for the purpose of implementing and enforcing the provisions of these rules, and includes the Nautical Adviser and any other authority or officer, to whom such powers have been delegated under the Act or the rules made thereunder, for the appointment of Nodal Authority, notification of Primary Response Party, issuance of Plans and Procedures for response mechanism, and any other power conferred under the Act and these rules;
 - (c) “Directorate General of Shipping Communication Centre” means is India's 24/7 operational hub for maritime safety, security, and emergency response, functioning under the Directorate General of Maritime Administration as a single point for casualty and emergency reporting;
 - (d) “Marine casualty” shall have the meaning assigned to it in Section 231 (1) under Part XI of the Act;
 - (e) “Maritime Rescue Coordination Centre” means a specialized unit of the

Indian Coast Guard, responsible for organizing and coordinating maritime Search and Rescue (SAR) services, acting as the central hub to manage distress alerts, deploy resources (ships, aircraft), and direct rescue operations for people or vessels in peril at sea within a designated Search and Rescue Region (SRR);

- (f) “Maritime Rescue Sub-Centre” means a regional operational unit of the Indian Coast Guard, subordinate to a main Maritime Rescue Coordination Centre (MRCC), that manages and coordinates smaller-scale search and rescue (SAR) activities within its designated area;
 - (g) “Nodal Authority” means an authority appointed by the Central Government, by notification, for the purpose of administering, coordination and supervising marine incidents and emergency response under Part X of the Act and these Rules, as applicable;
 - (h) “requisition” means any lawful order by the Nodal Authority requiring use of personnel, equipment, vessels or facilities for emergency response.
- (2) Words and expressions used in these rules and not defined but defined in the Act shall have meanings respectively assigned to them in the Act.

3. Duties and Powers of the Nodal Authority. –

- (1) The Nodal Authority shall coordinate and supervise the response to marine incidents to ensure minimum damage to vessels, persons, property, cargo, and the marine environment.
- (2) The Nodal Authority shall take all necessary and expedient measures, including but not limited to issuing directives, mobilizing resources, and coordinating inter-agency cooperation to mitigate and manage marine incidents and emergencies effectively.
- (3) The Nodal Authority may, subject to the provisions of the Act and these rules, issue written safety directions or directives to any person, master, crew, ship owner, ship managers, ship operators, port authority, flag state authority, salvors, insurers or any other entity involved in or affected by the marine incident for any of the following purposes:
 - (a) To secure the safety of the ship or other ships;

- (b) To secure the safety of persons or property;
 - (c) To prevent or reduce pollution or the risk thereof, including by hazardous substances;
 - (d) To require the removal or containment of marine hazards;
 - (e) To mandate emergency response measures including salvage, firefighting, pollution control, and decontamination;
 - (f) To require periodic reporting and documentation related to the incident and response actions;
 - (g) To coordinate and cooperate with national and substantially interested international agencies and authorities involved in marine incident management, including but not limited to the Indian Navy, Coastal State Authorities, Flag State Authorities, Port State Authorities, Indian Coast Guard, and any other relevant bodies.
- (4) If a directive issued by the Nodal Authority is not likely to or has not achieved a sufficient result, the Nodal Authority may take or authorize such action as deemed necessary, including—
 - (a) Entering any land or premises, or authorizing persons to do so;
 - (b) Assuming control of any ship or property relevant to the incident;
 - (c) Implementing or arranging for emergency response services, including pollution prevention, removal of hazards, and salvage operations;
 - (d) Coordinating with and supervising all activities related to emergency response and remediation.
- (5) The Nodal Authority shall oversee compliance by all parties with the directions issued. In circumstances where there may be any contravention to the directions, the Principal Officer may enforce penalties as prescribed under *Section 281(2) of the Act*.

4. Circumstances under which the Nodal Authority shall carry out Maritime Emergency Response. –

- (1) The circumstances under which the Nodal Authority shall administer, coordinate and supervise maritime emergency response may include, but not be limited to:
 - (a) incidents which affect the safety of life, or may potentially affect safety of

life;

- (b) incidents which cause material damage to a ship, property or marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual, or any incident which may potentially cause such damage;
 - (c) incidents which cause severe damage to the environment, or may potentially cause severe damage to the environment;
 - (d) any other circumstance in which the Competent Authority, having regard to safety of life, environmental protection, or national interest, considers it necessary or expedient to direct an emergency response.
- (2) The Nodal Authority shall initiate and execute immediate response action, where there are reasonable grounds, including but not limited to any delay or inability on the part of the Primary Response Party, as defined in the section 226 of the Act, to mobilize resources in time or undertake timely emergency response.
- (3) Upon arrival and operational readiness of the Primary Response Party, the Nodal Authority may, as deemed appropriate, transfer or relinquish control of the response measures to the Primary Response Party.

5. Assessment for Response. – The Nodal Authority shall assess each marine incident and initiate an appropriate response in accordance with the plans and procedures for response mechanisms prescribed under section 227 of the Act. The detailed procedure for such assessment by the Nodal Authority shall be as may be prescribed.

6. Recovery of Costs. –

- (1) Any person or entity complying with directives issued by the Nodal Authority, under sub-rule (4) of rule 3, shall be entitled to recover the costs reasonably incurred in such compliance from the ship owner or their insurers.
- (2) Where coastal land or premises used or affected in the course of actions authorized or directed by the Nodal Authority under sub-rule (4) of rule 3, the owner of such land or premises shall be entitled to recover the costs reasonably incurred, from the ship owner or their insurers.
- (3) Any costs incurred by the Central Government, State Government or Nodal

Authority in executing maritime emergency response under rule 4, shall be recoverable from the ship owner or their insurers, at such charges or rates as may be prescribed by the concerned government from time to time.

- (4) Any dispute arising out of or relating to the recovery of costs under this rule shall, at the option of the claimant, be referred to arbitration conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as amended.

7. Reporting of Marine Incidents. –

- (1) The ship owner, manager, operator, company, pilot, harbour master, master, or other person in charge of the vessel or where two vessels are concerned, shall report any incident to the report such incident to the Directorate General of Shipping Communication Centre of the Directorate General of Maritime Administration and the Maritime Rescue Coordination Centre or the Maritime Rescue Sub-Centre of Indian Coast Guard, as may be prescribed by any plans and procedures for response mechanisms under *Section 227* of the Act or through any guidelines, circulars, or directions for effective implementation of the rules.
- (2) The reporting parties referred to in *sub-clause (1)* shall immediately report such incidents to the Nodal Authority, and in any event, not later than twenty-four hours from the occurrence or detection of the incident as provided under *Section 231(2)* of the Act.

8. Record Keeping and Audit. –

- (1) All ports and offshore facilities shall maintain incident logs, inspection records, and training documentation for a minimum period of five years.
- (2) The Nodal Authority may conduct audits, annually, or surprise inspections to verify preparedness and compliance.

9. Delegation of Powers. –

The Competent Authority Central Government or Nodal Authority may delegate any power, function, or responsibility under these rules to any suitably qualified officer, body, or person by written order, subject to such terms and conditions as may be

specified, provided such delegation is consistent with effective response and statutory safeguards.

10. Transitional Provisions. –

Existing emergency response plans or insurance arrangements shall be brought into conformity with these rules within six months from the date of commencement.

11. Residual Powers. –

- (1) The Competent Authority may issue detailed guidelines, standard operating procedures, and contingency protocols consistent with these rules to ensure effective implementation of this Part.
- (2) Where any doubt arises in the interpretation or implementation of these rules, the decision of the Competent Authority shall be final.

12. Penalty. – Notwithstanding anything contained in the Act, whoever contravenes any of the provisions of these rules shall be punishable with fine in accordance with the provisions of sub-section (2) of Section 320 of the Act.