

N.T. BRANCH CIRCULAR NO : NT/ISPS/SECURITY/NO.02/2008

No.35-NT(01)/2008

Dated :5th August, 2008

SUB: ANTI PIRACY/ ARMED ROBBERY/ PETTY THEFT/ UNAUTHORIZED BOARDING - MEASURES BY PORTS AND SHIPS.

The Directorate has noted with serious concern that in the recent past, incidents of armed robbery and unauthorized boarding have been occurring on board ships, harbour craft, barges, tugs and other craft anchored within port limits of some Indian ports or while in transit in the water under Indian jurisdiction.

Analysis of the incidents in the recent past has revealed the following:

1. In most cases, Masters fail to immediately inform the port authority, nearest Maritime Rescue Coordination Centre/ Indian Coast Guard, local agents or the local law authority.
2. Majority of the cases are of robbery/ petty theft, but Masters report these cases as piracy directly to the International Maritime Bureau piracy reporting center, Kuala Lumpur.
3. Even in cases where such incidents have been reported to the coastal authorities, the reports were delayed giving ample time and opportunity to the miscreants to flee.

The following definition of piracy is contained in article 101 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS):

"Piracy consists of any of the following acts:

(a) any illegal acts of violence or detention, or any act of depredation (Plunder / Pillage or take goods forcibly), committed for private ends by the crew or the passengers of a private ship or a private aircraft, and directed:

(i) on the high seas, against another ship or aircraft, or against persons or property on board such ship or aircraft;

(ii) against a ship, aircraft, persons or property in a place outside the jurisdiction of any State;

(b) any act of voluntary participation in the operation of a ship or of an aircraft with knowledge of facts making it a pirate ship or aircraft;

(c) any act inciting or of intentionally facilitating an act described in sub-paragraph (a) or (b)."

Armed robbery is robbery committed with the use of arms that could include weapons like sticks, knives, choppers and fire arms.

Petty theft may be classified as robbery where loose items of a ship i.e. paint, rope, wire, tools, brass and other metallic items which are stolen for monetary gain. While all types of thefts including petty theft are discouraged, it would be a distortion of facts if they are reported as piracy or armed robbery, bringing Indian ports to disrepute.

All ships including harbour craft and offshore supply vessels are hereby advised to:

1. Immediately report all incidents/ attempts of piracy and armed/-unarmed robbery to the **nearest Marine Rescue Coordination (MRCC), local agents and Port Authority with a copy to DG Commcentre immediately** when such incidents occur on the Indian coast with a description of the craft involved in the incident and any other relevant information. The report should be made immediately upon

occurrence of an incident, which would assist the authorities to take timely action. The report may be made in the prescribed format attached as Annex-1 to this Circular. The contact details of the MRCC are attached as Annex-2 to this Circular.

The contact details of the DG Commcentre are as follows:

Tel nos: 00 91 22 2261 0606; 2261 4646; 32959320

Fax: 00 91 22 2261 3636

E-mail: dgcommcentre@satyammail.net; dgcommcentre@vsnl.net

2. Give a correct description and refrain from using the word "PIRACY" in cases of petty theft/ robbery when reporting to International Maritime Bureau (IMB) piracy reporting Centre or other authorities.

Port Authorities are advised to:

1. Issue a VHF warning to all approaching ships and ships within their respective port limits to keep effective anti-piracy watch at all times. These warnings shall be issued at least once in every 4 hours and a record kept of the same.
2. Obtain a written statement from Masters of all outbound ships stating that there has been no case of piracy/ armed robbery or theft during the vessel's stay in port.
3. If there has been any such incident, obtain the Master's report with details of the incident, to whom it was reported and other relevant information shall be obtained and conveyed to the DG Commcentre without delay.

4. All ship agents may be directed to issue an advisory to all inbound ships to follow the procedures laid down in this circular. Upon receipt of a report from a ship, the agents are advised to immediately file a first information report with the nearest police station.

Sd/-

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