



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

"बिटा बिल्डिंग" ,9 वी मंजिल / "BETA BUILDING", 9<sup>th</sup> FLOOR

आई-थिंक टेक्नो कैम्पस / I-THINK TECHNO CAMPUS

कांजुर गाँव रोड / KANJUR VILLAGE ROAD

कांजुर मार्ग) ईस्ट / KANJUR MARG (EAST

मुंबई - 400 042 / MUMBAI - 400 042

टेलीफोन: 022 - 25752040/1/2/3

फैक्स: 022 - 25752029 / 35

ई-मेल: dgship-dgs@nic.in

वेब: www.dgshipping.gov.in

शास्त्र डाक  
SPEED POST A/D  
Speed Post

13 JAN 2016

43903

Tele: 022 - 25752040/1/2/3

Fax: 022 - 25752029 / 35

E-mail: dgship-dgs@nic.in

Web: www.dgshipping.gov.in

F. No. -68-NT(3)/2015

Dated - 08.01.16

To,  
The Chairman,  
Insurance Regulatory and Development Authority of India,  
III<sup>rd</sup> Floor, Parisrama Bhavan,  
Basheer Bagh, Hyderabad - 500 004, Telangana.

[Attn.: Shri Suresh Mathur, Senior Joint Director (NLD)]

Sub.: Guidance/instructions to insurance companies in respect of claims of the marine  
insurance stranded/grounded vessels on the Indian coast -reg.

Sir,

Please refer to the IRDA's letter No. nil dated 09.10.15 on the aforesaid subject  
received here on 15.10.15.

2. In this regard, attention of the IRDA is invited to the provisions of Part XII of the Merchant Shipping Act, 1958, as amended, which mandates the conduct of investigation and inquiries into merchant shipping casualties. Reckoning the said statutory provisions, it is essential for an inquiry into a given shipping casualty to be concluded to ascertain whether due prudence was observed by the ship-owner concerned. Settlement/payment of a marine insurance claim before determining the same may potentially result in encouraging willful negligence/violation of maritime statutes by the ship-owner(s) concerned.

3. It may also be mentioned that failure of the owners of such vessels in the discharge of their responsibilities towards their vessels results in the latter becoming a liability on the national exchequer for remedial measures. Such vessels may also cause damage to the marine environment.

4. In view of the foregoing, it is once again requested that the IRDA may please consider issuing necessary guidance/instructions to insurance companies to obtain the inputs of this office in such matters, prior to the settlement of marine insurance claims of such vessels.

5. This is issued with the approval of the Director General of Shipping, Govt. of India, Mumbai.

Yours faithfully,

(Capt. K.P. Jayakumar)

Deputy Nautical Adviser to the Govt. of India



भारतीय बीमा विनियामक और विकास प्राधिकरण  
INSURANCE REGULATORY AND  
DEVELOPMENT AUTHORITY OF INDIA

Date: 09.10.2015

Capt. K P Jaykumar  
Dy. Nautical Adviser to Govt of India  
Govt of India, Ministry of Shipping  
Directorate General of Shipping  
Beta Building, 9<sup>th</sup> Floor, I-Think Techno Campus  
Kanjur Village Road, Kanjur Marg (East)  
Mumbai- 400042

Dear Sir

**Re: Guidance/instructions to insurance companies in respect of stranded/grounded vessels on the Indian coast.**

The Dept is in receipt of your letter No- F.No.68-NT(3)/2015 dtd.30.07.2015 on the captioned matter.

The Insurance of wreck removal is covered by P&I clubs in countries outside India. Such claims are settled by the P&I Clubs. The Insurance companies settle the hull damage claims and the goods in the vessels.

Instructing the insurers to obtain inputs from your Dept prior to settlement of such losses may delay the process of settlement of claims and may not be in the interests of the policyholders. Therefore, we are of the view that there is no need to issue such an advisory to the insurers.

Thanking you.

  
Suresh Mathur

Sr. Joint Director (NL)

HB