No. 25022/29/2019-Imm
Government of India
Ministry of Home Affairs
Foreigners Division
(Immigration Section)
****
Hall No. 18, Open Gallery, Second Floor, National Stadium,
India Gate, New Delhi-110001, dated: 18.02.2021.

OFFICE MEMORANDUM

Subject: Regulating movement of Indian Sailing Vessels (ISVs) (Dhows) - Security Issues - reg.

The undersigned is directed to refer to BM Division's O.M. No. 1/15/2020-Coastal Security dated 27.11.2020 on the above cited subject and the comments from immigration point of view are as follows:

i). As per section 3(b) of Passport Entry into India Rules 1950, no person proceeding from any place outside India shall enter, or attempt to enter, India by water, land or air —
(a) unless he is in possession of a valid passport conforming to the conditions prescribed in Rule 5, and;
(b) except through such port (including an airport) or other place as may be specified in this behalf by Central Government, and ports or other places specified under clause(a) of sub-paragraph (1) of paragraph 3 of the Foreigners Order, 1948. shall be deemed to have been so specified.

ii). Hence as per the existing legal frame work, a vessel on International voyage should neither depart from or attempt to enter India from Check posts which are not designated for international travel by the Government of India and contravention of the same would invite penalty against the Master of Vessel and the crew as per Section 6 of the same rules. Therefore the current practice of Indian Sailing Vessels (ISVs) proceeding on international voyages from certain non-designated ICPs of Gujarat and entering through these check posts after obtaining clearance from MMD, Customs and Marine Police is not legally tenable.
iii). Secondly the Standard Operating Procedure from Indian sailing vessels on International Voyages evolved in 2018 with the intention to overcome the issues of non-reporting and regulating issues has made it clear that the crew related documents for the crew on board such vessels are the passport and valid seaman identity card and that these vessels should maintain a voyage log book containing past voyage records, places visited, details of crew change, cargo operations undertaken, current cargo manifest and last port clearance, which is indicative of the fact that the immigration procedures should be mandatorily completed before departing on an International voyage and arriving from a foreign destination.

iv). The SOP has also highlighted that the sailing vessel federation are required to conduct periodic meetings with sailing vessel owners, Tindal's, and other local stakeholders to sensitize them about maritime safety and security advisories issued by DG Shipping and other related organizations. As the Dhow are regulated by the MS Act 1958, the onus of sensitizing the sailing vessel federation regarding fulfilling of security requirements before proceeding on International Voyage rests with the DG Shipping for which the matter needs to be addressed to the Ministry of Shipping. Necessary instructions should also be issued to the Customs authorities to refrain from issuing clearances to, these vessels from non-designated seaports ICPs.

v). In the wake of the likely involvement of these vessels in narcosmuggling, human smuggling etc., it is viewed that the ISVs should not be permitted to undertake International travel from check posts which are not designated by Government of India where Immigration authorities are not functional. Vessels indulging in such practices should be penalized as per the existing laws which would serve as a deterrent to others.

vi). While granting clearance at designated ICPs, all security regulations viz., physical verification of the crew on board, checking of their passports and seaman
identity card, endorsing of departure and arrival stamps on their passports as the case may be as mandated by the Government of India should be fulfilled on par with other merchant vessels, thereby ensuring that National security is not compromised. Possibilities of getting the crew of these vessels registered in the e-migrate system of DG Shipping should also be explored thereby minimizing the chances of harassment and exploitation at the hands of their employers.

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To,

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Commandant (Coastal Security)
Department of Border Management
Ministry of Home Affairs
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CC: 1. Secretary, Ministry of Ports, Shipping and Waterways.
     2. Rajeev Ranjan Verma, Additional Director, Bureau of Immigration.