

**QUESTIONNAIRE ON INFORMATION ON PORT AND COASTAL STATE REQUIREMENTS
RELATED TO PRIVATELY CONTRACTED ARMED SECURITY PERSONNEL ON BOARD SHIPS**

(The present questionnaire should be read in conjunction with **MSC.1/Circ.1408** on the Interim Recommendations for port and coastal States regarding the use of privately contracted armed security personnel on board ships in the High Risk Area)

Question	Reply
<p>1. Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals when carrying firearms and/or security-related equipment and/or PCASP.</p> <p>1.1 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?</p> <p>1.1.1 If yes,</p> <ul style="list-style-type: none"> • What information do you require? • When do you require it? • To whom is it required to be sent? <p>Note: FAL Standard 2.4 establishes the principle that the "Ship's Stores Declaration" (IMO FAL Form 3) shall be the document providing data required by public authorities</p> <p align="center">-</p>	<p>1. Yes, under Section 30 of the Customs Act 1962, the person-in-charge of -(i) a vessel; carrying imported goods shall, deliver to the Proper Officer of customs, an import manifest prior to the arrival of the vessel in the prescribed form. This includes arms and ammunition as well as security related equipment being carried by personnel on a ship and by PCASP.</p> <p>If the import manifest or the import report or any part thereof, is not delivered to the Proper Officer of customs 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 as applicable, in force.</p> <p>A. In the case of a vessel, any such manifest may be delivered to the Proper Officer before the arrival of the vessel.</p> <p>1.1 Yes. The Central Board of Excise and Customs (CBEC – http://www.cbec.gov.in) in exercise of the powers conferred under Section 157 of the Customs Act 1962, vide the M.F. (D.R. & I) Notification No. 35-Cus., dated 17th April, 1971 as amended has framed the Import Manifest (Vessels) Regulations, 1971 covering the manner of delivery and contents of the Import manifest.</p> <p>1.1.1.</p> <ul style="list-style-type: none"> • The information has to be as per the columns prescribed in the Customs series Form no's. 56, 57, 58, 59, 59 A, under the Import Manifest (Vessels) Regulations, 1971 and baggage declaration form required under the Baggage Rules, 1998 and other regulations relating to shipping/passing/transit or baggage under the Customs Act, 1962. At present, the details of arms ammunitions and explosives has to be given as prescribed under the Annexure VIII thereof. Request for Entry Inwards form which contains columns pertaining to the

	<p>description of arms & ammunition viz. Bore, Identification, Maker's Name, Calibre of Ammunitions and Number of Rounds.</p> <ul style="list-style-type: none"> • The information in respect of number of Armed Security Personnel on Board and details of weapons i.e., quantity of arms and ammunitions and type of ammunitions is required to be submitted by the vessel agent well in advance before the arrival of the vessel along with Import General manifest (IGM). • It is required to be submitted to the Import Department - Assistant/Deputy Commissioner of Customs Division and with a copy to the officer appointed as a Customs Boarding Office under Section 10 of the Customs Act, 1962 by the Commissioner of Customs having Jurisdiction from BPS/BPS to Inner/Outer Anchorage in the stream as specified within the Port limits of the concerned Port. <p>Besides, Form No. 74 under the Import Report (Form) Regulations, 1976 and Form No. 73 under the Export Report (Form) Regulations, are also required to be submitted.</p> <p>B. Similarly, under Section 41 of the Customs Act, 1962, The person-in-charge of a conveyance carrying export goods shall, before departure of the conveyance from a customs station, deliver to the proper officer in the case of a vessel or aircraft, an export manifest, in the prescribed form and manner.</p> <p>The CBEC , in exercise of the powers conferred upon it under Section 157 read with Section 41 of the Customs Act 1962, vide the M.F. (D.R. & I) Notification No. 420/76-Cus., dated 23-10-1976 as amended.] has made the "Export Manifest (Vessels) Regulations, 1976" covering the manner of delivery and contents of the export manifest.</p> <p>1.1.1.</p> <ul style="list-style-type: none"> • The information has to be as per the columns prescribed in the Customs series Form no's. 66, 67 & 68, under the Export Manifest (Vessels) Regulations, 1976 and other regulations relating to shipping/passing/transit or baggage under the Customs Act, 1962. <p>Besides the Imported Stores (Retention On Board) Regulations, 1963 issued vide the C.B.R Notification No. 57-Cus dated 1st February, 1976</p>
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	<p>is also required to be followed in respect of goods (including fire arms and ammunition) as the same are to be put under Customs seal. Regulation No. 5 of the Import Report Form)Regulations,1976 prescribes that the cargo shall be declared separately in respect of each of the following categories of cargo, namely:</p> <p>a). Cargo to be landed. b). unaccompanied baggage. c). goods to be transhipped. d). same bottom or retention cargo.</p> <p>(2). Besides, the declaration in respect of-</p> <p>(i). arms; (ii). ammunition; (iii). explosives; (iv). narcotics; (v). dangerous drugs; (vi) gold; (vii). silver; irrespective of whether for landing for transhipment or for being carried as same bottom cargo, shall be furnished in separate sheets.</p>
<p>1.2 Do you require information regarding flag State authorization for use of PCASAP and/ for the firearms and/or the security-related equipment for use by the PCASP form ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?</p> <p>1.2.1 If yes,</p> <ul style="list-style-type: none"> - What information do you require? - When do you require it? - To whom is it required to be sent? <p>Note: MSC.1/Circ.1406/Rev.1 establishes the principle that “Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions.” This policy “may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag.</p>	<p>1.2 Yes.</p> <p>1.2.1 Please refer to guidelines issued by the Ministry of Shipping< Govt. of India, vide the notification No. SR-13020/6/2009-MG(Pt) dated 29th August, 2009 available on its official website http://shipping.gov.in</p>

<p>1.3 Do you require specific notification regarding firearms for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?</p> <p>1. If yes, What information do you require? When do you require it? To whom is it required to be sent?</p> <p>Note: FAL Standard 2.4 establishes the principle that the “Ship’s Stores Declaration” (IMO FAL Form 3) shall be the document providing data required by public authorities.</p>	<p>1.3 Yes</p> <p>1.3.1 Refer to para 1.2.1. Additionally, Form No. 74 under the Import Report (Form) Regulations,1976 and Form No. 73 under the Export Report (Form)Regulations are required to be duly filled and submitted.</p>
<p>1.4 Do you require specific notification regarding security-related equipment for use by the PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?</p> <p>1 If yes, - What information do you require? - When do you require it? - To whom is it required to be sent?</p> <p>Note: FAL Standard 2.4 establishes the principle that the “Ship’s Stores Declaration” (IMO FAL Form 3) shall be the document providing data required by public authorities.</p>	<p>1.4 Yes.</p> <p>1.4.1 Refer to para 1.2.1. Additionally, Form No. 74 under the Import Report (Form)Regulations,1976 and Form No. 73 under the Export Report (Form)Regulations are required to be duly filled and submitted.</p>
<p>1.5 Do you require specific notification regarding PCASP carried on board ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals?</p> <p>1.5.1 If yes, - What information do you require? - When do you require it? - To whom is it required to be sent?</p> <p>Note: FAL Standard 2.6 establishes the principle that the “Crew List” (FAL Form 5) shall be the document providing data required by public authorities.</p>	<p>1.5 Yes.</p> <p>1.5.1 Refer to para 1.2.1. Additionally, Form No. 74 under the Import Report (Form) Regulations,1976 and Form No. 73 under the Export Report (Form)Regulations are required to be duly filled and submitted.</p>

<p>1.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or PCASP when transiting through your territorial seas and/or contiguous zones before arrival in or after departure from your ports, anchorages, roadstead or offshore terminals?</p>	<p>1.6 Please refer to Para 1.2.1</p>
<p>2. Requirements regarding ships intending to enter in or depart from your ports, anchorages, roadstead or offshore terminals for the purpose of embarking or disembarking firearms and/or security-related equipment and/or PCASP.</p>	
<p>2.1 Do you allow the embarkation or disembarkation of firearms and/or the security-related equipment for use by the PCASP or of PCASP in your ports, anchorages, roadstead or offshore terminals or elsewhere in you territorial sea(s)?</p> <p>1 If yes, - What information do you require? - When do you require it? - To whom is it required to be sent?</p>	<p>2.1 No.</p>
<p>2.2 Do you require information regarding flag State authorization for use of PCASAP and/ for the firearms and/or the security-related equipment for use by the PCASP form ships intending to enter in or depart from your ports for the purpose of embarking or disembarking firearms and/or the security-related equipment for use by the PCASP or PCASP?</p> <p>1 If yes, - What information do you require? - When do you require it? - To whom is it required to be sent?</p> <p>Note: MSC.1/Circ.1406/Rev.1 establishes the principle that “Flag States should have in place a policy on whether or not the use of PCASP will be authorized and, if so, under which conditions.” This policy “may include a process for authorizing the use of PCASP which have been found to meet minimum requirements for ships flying its flag.</p>	<p>2.2 It is not allowed.</p>
<p>2.3 What requirements, if any, do you have in place in connection with the import or arrival in and/or export or departure from your territory of firearms and/or security-related equipment for use by PCASP?</p>	<p>2.3 The import /export of arms and ammunition are banned under the Customs Act, 1962.</p>

<p>2.4 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment for use by the PCASP prior to their embarkation or after their disembarkation?</p> <p>2.5 What requirements, if any, do you have in place in connection with the storage, security or control of the firearms and/or security-related equipment carried on board for use by the PCASP after their embarkation or prior to their disembarkation, when the ship is in your port, anchorages, roadstead or territorial waters?</p> <p>2.6 What requirements, if any, do you have in place for ships carrying firearms and/or the security-related equipment for use by the PCASP or PCASP (which they have embarked your anchorages, roadstead or offshore terminals) when transiting through your territorial seas and/or contiguous zones after depart from your ports, anchorages, roadstead or offshore terminals? `</p>	<p>2.4 It is not allowed.</p> <p>2.5 All firearms (arms and ammunition) & security related equipments are required to be duly secured in a guarded / secured strong room while entering Indian territorial waters. This storage space would be sealed with customs seal on board vessel by the customs boarding officer on arrival at the port. This would be treated as customs bonded store room.</p> <p>2.6 Not applicable in view of para 2.4 above.</p>
<p>3. Reporting of security-related incidents in territorial seas.</p> <p>3.1 What do you consider to constitute a security incident in you territorial sea(s)?</p> <p>3.2 Do you require information regarding security-related incidents occurring in your territorial sea(s)?</p>	<p>3.1 Any incident where a PCASP or VPD has encountered pirates or has mistaken a fishing boat to be a pirate skiff and has used force in this context, within Indian Exclusive Economic Zone (EEZ).</p>
<p>1. If yes, What information do you require? When do you require it? To whom is it required to be sent?</p>	<p>3.2 Yes</p> <p>3.2.1 Report to be sent to; a. Indian Navy : email: wncmocmb-navy@nic.in Fax: +91-22-22661702 b. Indian Coast Guard: email: mrcc-west@indiancoastguard.nic.in Fax: +91-22-24316558 / 24333727</p> <p>Details of information required to be sent are as per Annex 1.</p>

Annexure 1

REPORT ON USE OF FIREARMS

GENERAL DETAILS:	
a	Name of ship
b	IMO No.
c	Flag
d	Owner's (address & contact details)
e	Manager's (Address & contact details)
f	Last Port/Next Port
g	Cargo Details (Type/Quantity)
DETAILS OF INCIDENT:	
h	Date & Time of Incident; LT UTC
i	Position; Lat; (N/S) Long: (E/W)
j	Own Ship's Speed
k	Ship's Freeboard During Attack:
l	Weather During Attack (Rain/Fog/Mist/Clear etc., Wind (Speed and Duration), Sea/Swell Height
m	Types of Attack (Boarded/Attempted);
n	Consequences for Crew, Ship and Cargo : Any Crew injured/Killed ; Items/Cash Stolen;

o	Area of Ship being Attacked :	
p	Last observed Movements of pirates/Suspected Craft;	
q	Type of Vessel (Whaler, Dhow, Fishing Vessel, Merchant Vessel)	
r	Description of vessel (Colour, Name, Distinguishing Features)	
s	Course and speed of vessel when sighted	
DETAILS OF RAIDING PARTY		
t	Number of Pirates/Robbers	
u	Dress/Physical Appearance	
v	Language Spoken	
w	Weapons Used:	
x	Distinctive Details	
y	Craft Used	
z	Method of Approach	
aa	Duration of Attack	
ab	Aggressive/Violent	
FURTHER DETAILS		
ac	Action taken by Master and Crew and its effectiveness	
ad	Consequences for attackers: Any Attacker injured/Killed:	
ae	Was incident reported to the Coastal Authority? if so to whom?	
af	Preferred Communications with Reporting Ship: Appropriate Coast Radio	

	Station/HF/MF/VHF/INMARSAT IDS (Plus Ocean Region Code)/MMSI	
ag	Action taken by Authorities	
ah	Number of Crew/Nationality;	
ai	Please attach with this report – A Brief Description/Full Report/Master /Crew Statement of the Attack/Photographs taken if any	
aj	Details of Self Protection Measures:	