

Callidus News

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STEERING OFF THE COLLISION COURSE

Today vessels/ships have to adhere to international norms, rules and regulations on the standards on the design and construction, equipment and manning of vessels as well as traffic regulations so as to ensure safety at sea. These rules and regulations have come into existence as being adopted by the International Maritime Organisation (IMO), some of which include The International Convention for the Safety of Life at Sea, 1974 (SOLAS) along with its Protocols and amendments; The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (STCW); The International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) and so on.

Before going into the details of how collisions can

be averted we shall familiarize ourselves with a few shipping terms in relation to the context –

Collision includes ships striking or being struck by another ship, regardless of whether under way, anchored or moored.

Knot is a unit of speed equal to one nautical mile per hour, exactly 1.852 kilometer per hour (km/h)

A nautical mile is a unit of measurement defined as exactly 1,852 metres (6,076.1 feet; 1.1508 miles).

Watchkeeping, is the division of qualified personnel to operate a ship continuously by keeping watch.

Draft in simple terms is the vertical distance between the surface of the water and the lowest point of the vessel.

Buoy an anchored float serving as a navigation mark, to show reefs or other

hazards, or for mooring.

Shipping Channel a navigational pathway that a ship uses to travel from one place to another.

Anchor a heavy metal object, usually shaped like a cross with curved arms, on a strong rope or chain, that is dropped from a boat into the water to prevent the boat from moving away.

Now returning to the topic, experts say that it often takes less than 10 minutes for a fast ship to reach you once you spot it in clear weather; this is based on the fact that at 15 knots, from a mile away, a ship can reach the location you are at in 4 minutes.

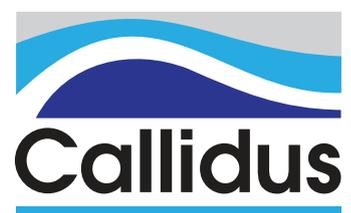
Avoidance mechanisms - For a vessel the diligence with which watchkeeping is conducted determines the safety of the vessel, her crew, the cargo and the environment at large. The Master



THOUGHT
for
the MONTH

*"The secret to happiness
is freedom...And the
secret to freedom is
courage"*

-Thucydides



and all deck officers also play an important role in the prevention of collisions at sea through their vigilance, prompt guidance and action; some of the factors taken into consideration are

- Maintaining a safe speed in accordance with rule 6 of the Collision Regulations.
- Constantly monitoring the visibility.
- Being aware of traffic density.
- Accounting for the manoeuvrability of the vessel.
- Live updates on the prevailing weather conditions.
- the proximity of navigational hazards.
- the draft of the vessel.

Since these factors vary from time to time it is on the Master to ensure that he and his deck

crew are conscious of the safe speed, based on prevailing circumstances and situations.

Presently with the increase in fishing boat activity, yachts' and pleasure craft traffic, especially in and around the port area, it is not justifiable to merely put the onus on bigger vessels to avoid collisions; Further since theoretically and practically tougher to maneuver larger vessels, it is up to the smaller boats to stay clear of the larger vessels, by following the general check list below, thereby doing their bit to avoid collisions.

- Be aware of the vessel traffic as well as buoys and other floating structures in the vicinity.
- A designated person on board

should be on the constant look out for any hindrance to navigation, both during day light as well as night. It is ideal to use binoculars and do a 360° search every 15 minutes or increase the frequency depending on visibility conditions.

- When visibility is low it is better to keep away from the shipping channel.
- Choose an appropriate spot to anchor safely; never anchor in the shipping channel or use a buoy or channel marker to tie your boat.
- Keep yourself and the crew upraised on how to use the VHF radio and note the appropriate radio frequencies, in order to effectively

communicate in situations of emergency and distress.

- If you choose to remain at sea during night ensure that your navigation lights switched on through the night, the light should be bright and unobstructed. Educate yourself on the ships lights to determine their course and how to avoid being in the vessels path
- It is also helpful to learn whistle sings which can be used in emergency situations.

With knowledge gained and lessons learned being the dictum, we need to gather intelligence regarding collisions incidents, to steer off the collision course.



MARAN LOSSES THE ARBITRATION BATTLE

The arbitration suit was filed for a claim of Rs.1323 crore damages claim from Spicejet and a bid to take control of the airline by its previous owner Kalanithi Maran and his

company Kal Airways, after a bitter share transfer dispute. The case dates back to January 2015, when Ajay Singh, bought it back from Maran for a token sum of Rs 2 along with the Rs

1,500 crore debt burden, after the airline was grounded as it could not even pay its fuel bills.

The litigation between Maran and Spice Jet commenced when Maran had accused SpiceJet for

breach of agreement, for not issuing him 189 million share warrants and preference shares, despite his Rs 6.79 billion infusion. It was also contended that if the warrants were

converted into equity, they would have given Maran and his Kal Airways a 24 per cent stake in the airline. SpiceJet on the other hand contended that these could not be issued as it did not get the BSE exchange's approval.

The arbitration tribunal consists of three retired judges from the Supreme Court, Arijit Pasayat, Hemant

Laxman Gokhale and KSP Radhakrishnan. The tribunal was set up based on the orders passed by the Delhi High Court, to adjudicate the share transfer dispute between the parties, held that there was no breach of a share sale and purchase agreement reached between Maran and current promoter Ajay Singh CEO of

Spice Jet in late January 2015.

VERDICT

After the said proceedings were completed, the tribunal asked Maran to pay Singh and the airline Rs 29 crore in penal interest, Singh was asked to refund Rs 579 crore plus interest to Maran. It is seen that

SpiceJet has already deposited a sum of Rs 370 crore in an escrow account created by the Delhi High Court. The tribunal also suggested the parties find out the possibility of issuing warrant within two months and in case of the efforts having being failed within two months, the airline is required to thereafter refund a sum of Rs.270 crores.

HOT NEWS

FROM NOW ON, NEVER TAKE ANY CHEQUE BOUNCE INCIDENT LIGHTLY – HERE IS WHY

A bill for quick prosecution in cheque bounce cases and provide compensation to the complainant was passed by the Lok Sabha today. The Negotiable Instruments (Amendment) Bill, which was passed by a voice vote, provides for allowing a court trying a cheque bounce offence to direct the drawer (person who writes the cheque) to pay interim compensation to the complainant. This interim compensation, not exceeding 20 per cent, may be paid under certain circumstances, including where the drawer pleads not guilty of the accusation within 60 days of the trial court's order to pay the compensation.

Earlier while moving the bill for passage, Minister of State for Finance Shiv Pratap Shukla said it will bring down litigation and provide credibility to cheques and the banking system. He said the bill will reduce

inordinate delays in cheque bounce cases. The bill seeks do away with "unnecessary" litigation in cheque dishonour cases.

"The banks would be helped by these amendments," Shukla said urging members to support the measure. The bill, which amends the 1881 Negotiable Instruments Act, says if the drawer is acquitted, the court may direct the payee to repay the amount paid as interim compensation with interest. Opposing the bill, A Sampath (CPI-M) dubbed the bill as unconstitutional and demanded that it should be withdrawn.

"It is a bill for the money launderers," he said. Participating in the discussion, Congress leader Shashi Tharoor termed it as an important legislation and said there was a need to have a provision for "trial in absentia". "It is a good bill but not sufficient and more should be added,"

the Congress leader said and urged the government to include fast-track courts exclusively meant for cheque bounce cases.

"This bill is grossly inadequate for the purpose you are trying to serve through this bill," he said. Terming the bill as a good endeavour, Kalyan Banerjee (TMC) was of the view that the objective behind the legislation was that the victim should get justice as soon as possible. "The endeavour is good but more endeavour has to be taken," he added. Ganesh Singh (BJP) said the legislation will help the public and it was a welcome initiative of the government. Making a point over his party's demand for special status to Andhra Pradesh, TDP MP Ravindra Babu said former Prime Minister Manmohan Singh had given them a cheque (assurance to give special status to his state) but "it has bounced".



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