

THE MEMORANDUM OF UNDERSTANDING
On passenger and cruise services on the Coastal and Protocol
Route
BETWEEN
THE MINISTRY OF SHIPPING OF THE
GOVERNMENT OF THE REPUBLIC OF INDIA
AND
THE MINISTRY OF SHIPPING OF THE
GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

Preamble

The Government of the Republic of India and the Government of the People's Republic of Bangladesh (hereinafter referred to as the "Parties");

Desiring to further develop the friendly relations and to strengthen their cooperation in the field of passenger and tourist transportation in the Indo-Bangladesh Coastal and Protocol routes in accordance with principles of equality and mutual benefits;

Recognizing the need for passenger and cruise services between the two countries through Indo-Bangladesh Protocol route which is mutually beneficial to the economic, social and cultural advancement of the two countries;

Have reached the following understanding:

Article 1

Application

The MoU shall apply for the movement of passengers and tourists in the water crafts registered under the inland shipping ordinance 1976 and Merchant Shipping Ordinance 1983 as amended from time to time in case of Bangladesh vessels and inland vessels Act 1917 and Merchant Shipping Act 1958 as amended from time to time in case of Indian vessels. This will

cover vessels which carry passengers and tourists and accompanied baggage.

Article 2

Entry of Passengers and Tourists of the two countries

The parties agree for passenger and cruise services on Indo-Bangladesh Coastal and Protocol routes between the two countries. The passengers and tourists, after completion of the customs and immigration formalities will be allowed to embark and disembark at identified coastal and inland ports in India and Bangladesh which is to be decided mutually by the Joint Shipping Committee on Coastal Shipping or Joint Standing Committee on PIWTT, respectively.

It is also agreed that should there be overriding security concerns, suspension of the services could be done at any point of time without any notice and without any consequent liability to the party concerned. Such suspension should be intimated to other party immediately. Thereafter, both Parties shall strive to resume the services as early as possible.

Article 3

Issuance of Visas

The passengers and tourists travelling on the Indo-Bangladesh Coastal and Protocol routes shall have valid passport and visa for travel. Crew members of passenger and tourist vessels shall have valid passport/ visa or certificate of employment and permits with a photograph of the concerned individual duly authenticated by the authorities to be nominated by the respective countries in regard to their personnel. Officers supervising or controlling the fleet of the operators in either country shall carry passport endorsed with the multiple entry visas.

Article 4

Customs and Immigration

The Parties, subject to their national laws and regulations, shall take appropriate measures to provide security to passengers, crew and vessel to prevent unnecessary delays to vessel and to expedite and simplify to the extent possible the carrying out of the customs, immigration and other formalities applicable in their respective ports. These measures could be

reviewed on periodic basis, as per prevailing security environment, to determine the efficacy of the control and screening mechanisms and incorporate necessary amendments.

Article 5

(a) Joint Committees

The Joint Shipping Committee on Coastal Shipping and Joint Standing Committee on PIWT&T under respective Secretaries to the Ministries in charge of the subject of shipping shall be responsible for the efficient implementation of the MoU.

The aforesaid Committees may be convened at the request of the Secretaries to the Ministries in charge of the subject of Shipping for consultation and for expeditious implementation of this MoU. The modalities of these meetings are to be decided by the two Secretaries through mutual consultations.

(b) Search and Rescue

A Search & Rescue Cooperation Plan will be developed by the concerned shipping company providing passenger and cruise services in consultation with the Joint committees as the case maybe.

Article 6

Amendment of MoU

Either Party of this MoU, which desires to modify any provisions of this MoU or supplement it with additional provisions, may communicate the same to the other Party for consultation. Modifications or supplements as agreed by mutual consultations shall come into effect when they are confirmed by Exchange of Notes through diplomatic channels.

Article 7

Legal and Administrative Processing

The vessels, crew, passengers and tourists of one Party whilst in the Coastal or Protocol route of the other Party shall be subject to the respective national laws and regulations of the latter Party specially the laws and regulations concerning navigation and safety as well as public order, fiscal, customs, immigration, health veterinary and sanitary controls as well as laws and regulations concerning human and drug trafficking. Each Party reserves the right to reject entry into its territory of any person whose entry is considered undesirable without any liability thereof to the Party concerned.

Article 8

Opening Branch Offices

The shipping companies, shipping organizations and shipping enterprises offering passenger and cruise services, registered and operating under the laws and regulations of one Party and having their registered offices in the territory of that Party, shall be entitled to establish representative offices in the territory of the other party in accordance with the laws and regulations of the other Party.

Article 9

Removal of Wreck

In case a vessel of either Party suffers ship wreck, runs aground, casts ashore or suffers any other accident in the Coastal or Protocol routes of the other Party, the vessel, passengers, tourist, crew and cargo shall enjoy the same treatment in the territory of the other Party which is accorded to a national vessel of that Party, and assistance shall be granted to the same extent as in the case of its own vessels, subject to the Customs laws of the Parties.

Article 10

Safety Inspection

The nationality, measuring and safety certificates, as well as other shipping documents issued by the respective Competent Maritime Authority in accordance with the requirement of the National Laws shall be recognised by the relevant authorities of the other country. The vessels of either nationality may be inspected, if required, as per national equivalent standard of the two countries, by the respective DG (Shipping) of the two countries or the IWAI in case of inland vessels in India under intimation to the relevant shipping company for rectification.

Article 11

Insurance of Vessels

The vessels plying through or between the two countries under this MoU on the designated route shall carry certificate of insurance with limited liability as agreed by both countries.

Article 12

Standard Operating Procedure

For the smooth commercial maritime activities between the two countries, there shall be Standard Operating Procedure (SOP) to activate, operate and facilitate this MoU.

Article 13

Implementation of MoU

For the purpose of this MoU the Competent Authorities shall be the Ministries in-charge of the subject of Shipping of the two countries.

Article 14

Settlement of Dispute

If any dispute arises between the Parties relating to the interpretation or application of this MoU, the Parties shall endeavour to settle it by negotiations.

Article 15

Date of Commencement

This MoU shall come into effect on the date of its signature by both the Countries and shall remain in force for five years with provision for automatic renewal for successive five years unless either Country gives a written notice to the other Country by giving three months prior written notice of its intention to terminate the MoU.

IN WITNESS WHEREOF, the undersigned duly authorized thereto by their respective Governments have signed this Memorandum of Understanding and have affixed thereto their seals.

INITIALLED at New Delhi on this 16TH Day of November 2015, in two originals, each in English language all texts being equally authentic subject to formal approval of both the Governments. In case of any divergence in interpretation, the text in English shall prevail.



(Rajive Kumar)
Secretary (Shipping)

**FOR THE GOVERNMENT
OF
THE REPUBLIC OF
INDIA**



(Shafique Alam Mehdi)
Secretary (Shipping)

**FOR THE GOVERNMENT
OF
THE PEOPLE'S REPUBLIC
OF BANGLADESH**