

From the Editor's Desk



Living is awareness: Be aware of me always, adore me, make every act an offering to me, and you shall come to me; this I promise, for you are dear to me. Abandon all supports and look to me for protection. I shall purify you from the sins of the past; do not grieve. – Bhagwad Gita 18.65-66

Life is sacred, that is to say, it is the supreme value, to which all other values are subordinate.

– Albert Einstein

In this issue, when we all remember celebrating the 'National Maritime Day'. We need to earmark, transparent sharing of good thoughts on SEAFARER'S sacrificial deeds, with humanity in mind. I wish to share my sincere, practical, matured thoughts on PIRACY with my learned, valued readers. It's very easy for the governments to suggest that nobody should ever contemplate the payment of ransoms to an attitude though might be understandable, but statements of theoretical policy are always easier than practical action when argued that those, whose employees or indeed loved ones have been captured by ruthless pirates, have an inescapable moral duty to take every course they can to get them back. In the case of seafarers, their employers are primarily responsible in law, for their welfare and it would be reprehensible in every sense of the word if some sort of legal prohibitions prevented them from paying ransoms to the pirates. It might be repugnant to see these violent criminals and those directing them happily; collecting these payments, but there is no practical alternative if we wish to see shipping continue to transit these pirate-infested waters. Last month, BIMCO Secretary-General Torben Skaanild spelt out the reality of the situation, suggesting that as long as governments were unprepared to deal with the internal situation in this failed state, ship owners were forced to do what they could to prevent successful attacks and if ships were taken, to pay ransoms to recover them and their crews. This sorry state of affairs in this twenty-first century, while maritime nations supposedly not- getting-together, to form a constructive planning and executive decision to root out piracy.

So it is dispiriting to see politicians continuing to nag away at this issue of ransom payment in a sort of corrosive undermining of the practical reality in which BIMCO and its industry partners must operate. If there was a political will to tackle the problem of piracy, which could well spread to other parts of the world from the Indian Ocean, Gulf of Aden and West Africa, it would be more encouraging. And while the industry is thankful that a reasonable number of nations continue to station warships to tackle Somali piracy, if there was any real signs of a determination to tackle the root causes ashore it would be seen as a step in the right direction. Of late, the pirates "got lucky" again, capturing one sizeable merchant ship and three fishing craft. There remain more than 250 seafarers in pirate hands, some of whom have been in captivity for a very long time. The problem is not going away and while there may be encouraging signs of progress as regards prosecutions and prisons for pirates in the vicinity, and an enthusiastic reception for BIMCO's GUARDCON contract for guards on merchant ships (another piece of practical assistance for industry), we are left with the root causes of piracy presently untouched and the nagging political voices from those who deplore ransom payments on principle. There are other principles: that we cannot leave innocent merchant mariners to their fate, and that some of the busiest world trade routes can scarcely be permitted to dry up, because of the very genuine fears of seafarers, that, if captured, they would be simply be permitted to rot in captivity.

May I call upon the Apex Court of our nation (Supreme Court of India) to have a reign over all the courts in the country, irrespective of whether small, district-level, state-level (high-court) etc. to function in a more specialised manner of excellence towards perfection, only then can every common citizen achieve JUSTICE. To start with, the need for Specialised-personnel entry for the law process administration and management of legal records? Case Study: EP Section Clerk/Supdt., not accepting my EP Claim of C.C.No. 827/06, but returned since "civil cases are only enter-tained for filing EP, while the origin of my case, was a cheque bounced criminal-case under the N.I.Act." whether deliberate/or unintentional delay? Self (a senior citizen) had to run pillar to post and after six long months, reference to the Registrar General, Madras High Court directed Member Secretary-Legal Aid Authority, who been kind enough to authorise the EP Section to alas process the same. Every field of profession, i.e. website www.thelawyersclubindia.com, functions to interact and receive feedback of the ground realities, for the Courts to elevate the image of the eroding Judiciary, in the public's eye. O.S.341/2004 in the Bangalore City Civil Court is another case, of the grave injustice done to a Senior-Citizen and Ex-Serviceman, who is harassed/humiliated to the core, on land-grabbing, accused taking law into their own hands.

Please try to spare some of your valued thoughts for Seafarers-Welfare, who are working and living out on the deep high seas with sacrifices and risks, keeping the world-trade alive, bringing valuable foreign-exchange to the country of origin. How open are the authorities in the Office of the DGS/MMD towards Seafarer's Welfare? Inefficiency that prevails mostly is 'Policy induced phenomenon'. Seafaring candidates, appearing for written papers towards Certificate of Competency, should avail Photo copy of the answer sheets, of an examination assessed by MMD or any agency. To be convinced under 'Right to Information Act 2005', for fair and just practice, of assessment and evaluation system, considering merit. Same need to be made available at a nominal cost, within a reasonable time-frame, by the office of the Directorate General Shipping. 'Seafaring candidates' are not to be harassed or humiliated while ashore, during their hard-earned leave period, supposedly to be with their close and near dear ones, while on land. Penalty for non-renewal of their motor driving licences, passport, CDC, etc. to be waived by officials concerned, which being for no fault of them, since they were working out on the deep seas/oceans. It is therefore their legitimate right, viewing natural justice.

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SOS Campaign calls on India to support its seafarers:

On the eve of India's National Maritime Day, the international anti-piracy campaign, SOS SaveOurSeafarers, is calling on the Indian nation to continue to support their seafarers and their families in the long, hard fight against Somali piracy. The campaign is using the country's celebration of its seafarers to remind Indians of the continuing threat faced by its 120,000 seafarers and their families. Alastair Evitt, chairman of SOS SaveOurSeafarers, says: "Despite the international community's strenuous efforts to combat piracy in the Gulf of Aden, the world's seafarers continue to face the fear and anguish of attack in the Gulf of Aden and Indian Ocean, while going about their job of keeping world trade moving through this area. "India has the second largest seafaring population and the second largest nationality held by Somali pirates. Out of 256 seafarers currently hijacked, kidnapped and held on their vessels by Somali pirates, 65 are Indian. Moreover out of the 40 additional seafarers being held ashore, with no ship to be ransomed, at least 7 are Indian. Hostages suffer both physically and psychologically while being held prisoners for ransom, and their families also suffer huge anguish for their loved ones."

Since the launch of the SOS campaign last March, we have played a significant role in increasing awareness and interest worldwide of the realities of Somali piracy. We have helped to persuade governments to show more determined political will in their actions over pirates held in custody and in their actions over disrupting pirate mother ships. Notwithstanding the robust actions of the Indian Navy in counter piracy operations there is still a long way to go to stop more Indian seafarers being captured and held hostage.

Of the 31,750 SOS letters sent from the SOS website to governments worldwide, 11,000 letters have been sent to India's government. We encourage every person in India to support their seafarers and their families on National Maritime Day and also those worldwide who want to show support for the seafaring community. Add your voice to our growing campaign via our website, participate in the discussions on the SOS Twitter and Facebook pages, to encourage further action to combat piracy and protect the lives of innocent seafarers.

PFI sees India taking big strides in port development – Private investment to take a major role in port development:

The second conference of Port Finance International India held again at the same venue in Mumbai turned out to be a roaring success. The number of delegates attending and the sponsors lending support overshot their expectations. This has prompted the London based organization seriously considering setting up shop in India to cash in on the opportunities here and further expand their operations.

Starting off on a positive note at this year's two-day conference, Capt BVJK Sharma, Joint Managing Director & CEO of JSW Infrastructure Ltd and Member of FICCI National Committee on Infrastructure, projected 'India's outlook & Scenario of India's port sector' touching upon the strong fundamentals that are certain to continue attracting heavy investments both from within India and abroad. He observed

that India's transformation is going to change the trade pattern not only in India but also in the neighboring countries including Singapore, Sri Lanka and Dubai. He stated, "Indian government has raised the share of private investment in major ports under the build operate and transfer model and has allowed 100% FDI. For Indian ports to serve as drivers of economic growth they need to be competitive."

Radhakrishnan, Chairman of Jawaharlal Nehru Port concurred with his views stating, "Ports have generally catalyzed growth of countries' economies. 90% of India's trade depends on shipping and hence this calls for cost effectiveness and efficiency. Private participation being permitted in the port sector, as it assures long time benefit, is proving to be an attraction to international players. Connectivity had failed to catch up with port development and that 80% of the JNPT cargo still moved by road and only about 20% by rail."

Heralding the investment opportunities of this vast and expanding economy key industry speakers highlighted solutions required to ensure a regular flow of port finance across the country. Presentations on the "Challenges and Issues in Financing of ports in India" were made by Sushy Shyamal, and Abhaya Agarwal, Partners of Transaction Advisory Services of Ernst & Young, Rohit Chaturvedi, Head (Transport), CRISIL a subsidiary of A Standard & Poor, Milind Joshi, Senior Investment officer of International Finance Corporation.

They stressed that private finance investment, accounts for 80% of recent port investments, helping to make up deficient public funds, with banks increasingly playing a lead role in finance deals.

It was pointed out that in the Maritime Agenda the government plans to finance 50% of the \$1 trillion required to build infrastructure (8.4% of GDP) including port construction and rail and road connectivity to ports to meet projected supply and demand of 3 billion tonnes of goods by 2020. \$60 billion of the \$1 trillion is required for port finance investments, the Indian government says over the next five years.

Favorable finance factors such as 100% Foreign Direct Investment (FDI) and income tax breaks over ten years, have been undermined by India's Tariff Authority of Major Ports (TAMP) whose actions have incensed port Chairmen and operators alike.

It was an arbitrary decision in March, when TAMP reduced handling tariffs at AP Moller Maersk box terminal at Cochin by 44% and at DP World's facilities tariffs at JNPT by 27%. While port users are delighted with lower prices, tariffs at DP World's Chennai had already dropped by 35% last summer, bringing the economic feasibility of operator business into doubt and fuelling concerns over delays to port investments. APM Terminals had asked for a 14% hike in tariffs.

TAMP's decision follows delays to the opening of the Port of Singapore Authority's (PSA) container terminal at JNPT port near Mumbai where revenue share under the concession agreement means the Union government will take an unusually high 51% of all income from the terminal business. That's if the concession finally goes ahead- the concession has been six years in the making.