
Development Of International Maritime within India, Bangladesh and Sri Lanka Law Post Torrey Canyon Incident

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Abstract

Major accidents world over led the international community to introspect and realise the dangers involving oil transport. Oil transport accounts for nearly a third of global maritime trade. Oil is transported quietly and safely but the world have witnessed fair share of incident involving oil spillage. Pollution of the sea by oil is a not a problem which can be treated as limited problem in geographical sense, rather it is a matter for concern at national, regional and international level due to the lethal effects oil spillage may have over marine environment. Today there are several international conventions in place to counter the challenged of oil pollution. In this article, we would reflect upon the development of international conventions with respect to marine oil pollution post Torrey Canyon Incident and how some of the South Asian reacted to the development of international conventions primarily focusing on Republic of India.

Keywords:

Accidents, marine pollution, spillage, compensation

Introduction

Oil tankers transport some 2,900 million tonnes of crude oil and oil products every year around the world by sea.¹ Oil Transport accounts for nearly a third of global maritime trade.² Most of the time, oil is transported quietly and safely. However, the world have witnessed fair share of incident involving oil spillage. Pollution of the sea by oil is a not a problem which can be treated as limited problem in geographical sense, rather it is a matter for concern at national, regional and international level due to the lethal effects oil spillage may have over marine environment.³ Appropriate and timely steps are taken to prevent, mitigate, control, remove or combat the concern relating to Oil pollution is not something one could ignore.⁴

The world community realized that the dangers involved with oil transport but not before some

¹ See, available at: <http://www.imo.org/en/OurWork/Environment/PollutionPrevention/OilPollution/Pages/Default.aspx> (Last Accessed on 1.05.2017).

² See, available at: <http://www.planete-energies.com/en/medias/close/transporting-oil-sea>, (Last Accessed on 30.04.2017).

³ See, available at: http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap16 (Last Accessed on 30.04.2017).

⁴ *Ibid.*

major accident. Today there are several International Conventions in place to counter the challenged of Oil Pollution. The International Conventions had certain specific goals and issues which they intended to address:

-elimination of the willful and International Pollution of the Seas by oil;

-minimization of the willful, intentional and accidental pollution of the seas by oil and other substances from offshore facilities

-complete elimination of the willful and intentional pollution of the sea by activities such as tank washing and bilge discharge involving noxious and hazardous cargoes other than oil

-minimization of spillage of oil or other noxious substances as a result of accidents.⁵

In this article, I would reflect upon the development of International Conventions with respect to Marine Oil Pollution post Torrey Canyon Incident and how some of the South Asian reacted to the development of International Conventions primarily focusing on Republic of India.

Brief Facts Of The Torrey Canyon Case

In March, 1967, a cargo of 119000 tonnes of Crude Oil was spilled over 12 days due to a vessels ruptured Tanks. The Vessel was named

⁵ *Ibid.*

as Torrey Canyon. Several efforts were made to mitigate the oil spillage including Bombing of the area of spillage by British Govt. to burn off the Oil.⁶ The efforts were only partially successful, the pollution spread over South west part of England endangering seabirds and livelihood of locals etc. Further, environmental damage was caused due to indiscriminate use of dispersants and solvent based cleaning agents.⁷ The ills of Torrey Canyon incident brought the issue of oil spillage related pollution before the general public.⁸ As an outcome of the incident the international community formulated the International Convention forming the basis for compensation for damage caused by tanker spills. Interim steps to the same effect were also taken so that the period till the Convention came in force was covered.⁹

Development of International Maritime Law post Torrey Canyon

1969 International Convention on Civil liability for Oil Pollution Damage

Post Torrey Canyon Case the international community came up with a Convention titled 'International Convention on Civil Liability for Oil Pollution Damage, 1969'. The Convention in short is known as CLC and

⁶ See, *available at*: <http://www.itopf.com/in-action/case-studies/case-study/torrey-canyon-united-kingdom-1967/> (Last Accessed on 30.04.2017).

⁷ See, *available at*: <http://www.itopf.com/in-action/case-studies/case-study/torrey-canyon-united-kingdom-1967/> (Last Accessed on 30.04.2017).

⁸ *Ibid.*

⁹ *Ibid.*

came into force in 19.06.1975. Several Protocols were annexed to the Convention, however the Protocol of 1992 was drafted intending to replace the 1969 Convention the same came into force on 30th May 1996.¹⁰

The Objective of the Convention is to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving oil-carrying ships. The Convention stipulates the liability for damage due marine oil pollution is on the owner of the ship from which the polluting oil escaped or was discharged. The nature of liability stipulated is strict with a limited numbers of exceptions; the onus is on the owner to prove in each case that any of the exceptions should in fact operate. However, except where the owner has been guilty of actual fault, they may limit liability in respect of any one incident. The Convention stipulates that Marine Insurance to be equivalent to the owner's liability for one incidence.¹¹

The Convention applies to all seagoing vessels actually carrying oil in bulk as cargo, but only ships carrying more than 2,000 tons of oil are

required to maintain insurance in respect of oil pollution damage.¹²

The Protocol of 1976, which entered into force in 1981, provided for the applicable unit of account used under the convention to be based on the Special Drawing Rights (SDR) as used by the International Monetary Fund (IMF), replacing the "*Poincaré franc*", based on the "official" value of gold, as the applicable unit of account.¹³

The Protocol of 1992 made substantial changes to the provision of the 1969 Convention. To begin with, the Protocol of 1992 changed the entry into force requirements by reducing from six to four the number of large tanker-owning countries that were needed for entry into force.¹⁴ Further the compensation limits were set as follows:

-For a ship not exceeding 5,000 gross tonnage, liability is limited to 3 million SDR

-For a ship 5,000 to 140,000 gross tonnage: liability is limited to 3 million SDR plus 420 SDR for each additional unit of tonnage

¹² Article VIII, *Ibid*

¹³ See, available at: [http://www.imo.org/en/About/conventions/listofconventions/pages/international-convention-on-civil-liability-for-oil-pollution-damage-\(clc\).aspx](http://www.imo.org/en/About/conventions/listofconventions/pages/international-convention-on-civil-liability-for-oil-pollution-damage-(clc).aspx) (Last Accessed on 30.04.2017).

¹⁴ Article 13, International Maritime Organization Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969, <http://www.admiraltylawguide.com/conven/protocivilpol1992.html> (Last Accessed on 30.04.2017).

¹⁰ See, available at: [http://www.imo.org/en/About/conventions/listofconventions/pages/international-convention-on-civil-liability-for-oil-pollution-damage-\(clc\).aspx](http://www.imo.org/en/About/conventions/listofconventions/pages/international-convention-on-civil-liability-for-oil-pollution-damage-(clc).aspx) (Last Accessed on 30.04.2017).

¹¹ Article III, CLC, 1969, <http://www.admiraltylawguide.com/conven/civilpol1969.html> (Last Accessed on 30.04.2017).

-For a ship over 140,000 gross tonnage: liability is limited to 59.7 million SDR.¹⁵

Further in the year 2000 the compensation limit has been amended and it is as follows:¹⁶

- For a ship not exceeding 5000 gross tonnage, liability is limited to 4.51 million SDR (US \$ 5.78 million).
- For a ship 5000 to 140000 gross tonnage: liability is limited to 4.51 million SDR plus 631 SDR for each additional gross tone over 5000.
- For a ship over 140000 gross tonnage: liability is limited to 89.77 million SDR.

The 1992 protocol also widened the scope of the Convention to cover pollution damage caused in the exclusive economic zone (EEZ) or equivalent area of a State Party. Further under the 1992 Protocol Environmental damage compensation is limited to costs incurred for reasonable measures to reinstate the contaminated environment.¹⁷

The Protocol also extended the Convention to cover spills from sea-going vessels

constructed or adapted to carry oil in bulk as cargo so that it applies apply to both laden and unladen tankers, including spills of bunker oil from such ships.¹⁸

Under the 1992 Protocol, a ship-owner cannot limit liability if it is proved that the pollution damage resulted from the ship-owner's personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.¹⁹ The 1992 Protocol stipulates mechanism for compulsory denunciation of the "1969" regime.²⁰ However, the 1992 Protocol allows for States Party to the 1992 Protocol to issue certificates to ships registered in States which are not Party to the 1992 Protocol, so that a ship-owner can obtain certificates to both the 1969 and 1992 CLC, even when the ship is registered in a country which has not yet ratified the 1992 Protocol.²¹

International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND)

¹⁵ See, available at: [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx) (Last Accessed on 30.04.2017).

¹⁶ See, available at: [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx) (Last Accessed on 30.04.2017).

¹⁷ Article 3(a)(ii), International Maritime Organization Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969, <http://www.admiraltylawguide.com/conven/protocivilpol1992.html> (Last Accessed on 30.04.2017).

¹⁸ See, available at: [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx) (Last Accessed on 30.04.2017).

¹⁹ Article 6(2), International Maritime Organization Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage of 29 November 1969, See <http://www.admiraltylawguide.com/conven/protocivilpol1992.html>, (Last Accessed on 30.04.2017).

²⁰ Article 16, *Ibid*

²¹ See, available at: [http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx) (Last Accessed on 30.04.2017).

Although the 1969 Civil Liability Convention provided a useful mechanism for ensuring the payment of compensation for oil pollution damage, it did not deal satisfactorily with all the legal, financial and other questions raised during the Conference adopting the CLC Convention.²² Hence, ‘*International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage*’, came in to force on 16.10.1978 addressing the issue of providing compensation for pollution damage to the extent that the protection afforded by the 1969 CLC is inadequate.²³ Further, the Convention intended to give relief to ship-owners in respect of the additional financial burden imposed on them by the 1969 Civil Liability Convention, such relief being subject to conditions designed to ensure compliance with safety at sea and other conventions. This very Convention was also superseded by the 1992 Protocol to this Convention.²⁴

International Convention for the Prevention of Pollution from Ships (1973)

²² See, available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-the-Establishment-of-an-International-Fund-for-Compensation-for-Oil-Pollution-Damage-%28FUND%29.aspx> (Last Accessed on 30.04.2017).

²³ See, available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-the-Establishment-of-an-International-Fund-for-Compensation-for-Oil-Pollution-Damage-%28FUND%29.aspx> (Last Accessed on 30.04.2017).

²⁴ See, available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-the-Establishment-of-an-International-Fund-for-Compensation-for-Oil-Pollution-Damage-%28FUND%29.aspx> (Last Accessed on 30.04.2017).

The, ‘*International Convention for the Prevention of Pollution from Ships*’, came into force 2nd October 1983.²⁵ This Convention covers prevention of pollution by oil from operational measures as well as from accidental discharges; the 1992 amendments to Annex I made it mandatory for new oil tankers to have double hulls and brought in a phase-in schedule for existing tankers to fit double hulls, which was subsequently revised in 2001 and 2003.²⁶

International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention Convention)

The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties came into force on 6th May 1975.²⁷ This Convention affirms the right of a coastal State to take such measures on the high seas as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following upon a maritime casualty.²⁸ The coastal State is, however,

²⁵ See, available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-the-Establishment-of-an-International-Fund-for-Compensation-for-Oil-Pollution-Damage-%28FUND%29.aspx> (Last Accessed on 30.04.2017).

²⁶ *Ibid.*

²⁷ See, available at: <http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-Relating-to-Intervention-on-the-High-Seas-in-Cases-of-Oil-Pollution-Casualties.aspx> (Last Accessed on 30.04.2017).

²⁸ Article I, Intervention Convention, 1969, <https://cil.nus.edu.sg/rp/il/pdf/1969%20International%20Convention%20Relating%20to%20Intervention%20in%20Cases>

empowered to take only such action as is necessary, and after due consultations with appropriate interests including, in particular, the flag State or States of the ship or ships involved, the owners of the ships or cargoes in question and, where circumstances permit, independent experts appointed for this purpose.²⁹ A coastal State which takes measures beyond those permitted under the Convention is liable to pay compensation for any damage caused by such measures.³⁰

International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC)

International Convention on Oil Pollution Preparedness, Response and Co-operation came in force on 13.05.1995.³¹ Parties to the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries.³² Ships are required to carry a shipboard oil pollution emergency plan.³³

[%20of%20Oil%20Pollution%20Casualties-pdf.pdf](#) (Last Accessed on 30.04.2017).

²⁹ Article III(a), *Ibid*

³⁰ Article VI, *Ibid*

³¹ See, [available at: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Oil-Pollution-Preparedness%2c-Response-and-Co-operation-%28OPRC%29.aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Oil-Pollution-Preparedness%2c-Response-and-Co-operation-%28OPRC%29.aspx) (Last Accessed on 30.04.2017).

³² See, [available at: http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Oil-Pollution-Preparedness%2c-Response-and-Co-operation-%28OPRC%29.aspx](http://www.imo.org/en/About/Conventions/ListOfConventions/Pages/International-Convention-on-Oil-Pollution-Preparedness%2c-Response-and-Co-operation-%28OPRC%29.aspx) (Last Accessed on 30.04.2017).

³³ Article 3, International Convention on Oil Pollution Preparedness, Response and Co-operation,

Operators of offshore units under the jurisdiction of Parties are also required to have oil pollution emergency plans or similar arrangements which must co-ordinate with national systems for responding promptly and effectively to oil pollution incidents.³⁴ Ships are required to report incidents of pollution to coastal authorities and the convention details the actions that are then to be taken.³⁵ Parties to the convention are required to provide assistance to others in the event of a pollution emergency and provision is made for the reimbursement of any assistance provided.³⁶

Merchant Shipping Act , 1958 & India

Prevention of such oil pollution handled by Part XIA Merchant Shipping Act, 1958 and M.S. (Prevention of Pollution of the Sea by Oil) Rules, 1974. These rules are applicable to all tankers of 150 tons gross or more and all other ships of 400 tons gross or more.³⁷ The rules specify the limits of the prohibited zones, the equipment to be carried on board the ship and general precautions to be taken for prevention of leakage and accidental discharges as well as precautions to be taken while loading, transferring and unloading oil by tankers.³⁸ Mitigation, containment/ control, removal or combat of oil spillage, whether accidental or

<http://www.ifrc.org/docs/idrl/I245EN.pdf> Last Accessed on 30.04.2017

³⁴ Article 3(2), *Ibid*

³⁵ Article 4, *Ibid*

³⁶ Annex, *Ibid*

³⁷ See, [available at: http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap16](http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap16) , (Last Accessed on 30.04.2017).

³⁸ *Ibid*.

otherwise. A Contingency Plan of action is prepared so that in the event of any spillage whether accidental or otherwise.³⁹ The plan envisages overall co-ordination by the D.G. as Central Co-ordinating Authority with the local co-ordination/control being exercised by the authorities in the major ports.⁴⁰ The Local Action Groups are also constituted and they shall be required to have the attendant infrastructure ready to meet the emergent situation expeditiously effectively and successfully.⁴¹ The recent rules with respect to prevention of oil pollution were framed in 2010.⁴²

The main functions of the Fund Convention are to provide supplementary compensation to those who cannot obtain full compensation for Oil Pollution Damage under the Civil Liability Convention and to indemnify the ship-owner for portion of his liability under that Convention.⁴³ The IOPC Fund pays compensation to those suffering Oil Pollution Damage in a State Party to the Fund Convention mostly when the damage exceeds the ship-owners Liability under the Civil Liability Convention or he is unable to pay

otherwise.⁴⁴ The compensation payable by the IOPC Fund in respect of an accident is limited to an aggregate amount of 60 million SDR (U.S. \$93 Million) including the sum actually paid by the ship-owner (or his insurer) under the Civil Liability Convention.⁴⁵ The Fund is financed by contributions from member states who receive in one Calendar year more than 150000 Tonnes of Crude Oil & Heavy Fuel Oil under Sea transport.⁴⁶

Chapter XB of The Merchant Shipping Act, 1958 stipulates for Civil Liability for Oil Pollution Damage. The Chapter lists the when the chapter to apply. Further Liability of owner, Limitation of liability, Constitution of limitation fund, Acquisition of right for compensation by subrogation, Consolidation of Claim and distribution of fund, Compulsory insurance or other financial guarantee, Acceptance of Certificate issued outside India, Ban on entering or leaving an Indian Port without Certificate, Government ships, Power to make rules.⁴⁷ While XIA of the M.S. Act, 1958 provides for Definitions Provisions for Prevention of Pollution, Prohibitions as to discharge of oil or oily mixture, Prohibition not to apply in certain case, Equipment in ships to prevent oil pollution, Oil record book, Inspection and control of ship to which the Convention applies, Information regarding contravention of the provisions of the Convention, Oil reception facilities at ports in

³⁹ *Ibid.*

⁴⁰ See, *available at:* http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap16, (Last Accessed on 30.04.2017).

⁴¹ *Ibid*

⁴² See, *available at:* <http://www.dgshipping.gov.in/Content/MerchantShippingRules.aspx>, (Last Accessed on 30.04.2017).

⁴³ See, *available at:* http://www.dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap16, (Last Accessed on 30.04.2017).

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ Merchant Shipping Act, 1958, Chapter XB.

⁴⁷ Merchant Shipping Act, 1958, Chapter XIA.

India, Provisions for containment of accident pollution, Power to give notice to owner, etc., of polluting ships, Power to take measures for preventing or containing oil pollution, Power of the Central Government to give directions to certain ships to render certain services, Oil Pollution cess, Refusal of port clearance Back, Power to make rules.⁴⁸

Convention and India

Amongst the International Conventions dealing with Marine Oil Pollution India has ratified many of the Conventions and several Conventions and Protocols are under consideration for ratification.

S. No.	International Conventions and Protocols on Oil Pollution	Status
1	International Convention on Civil Liability for oil pollution damage, 1969	Ratified ⁴⁹
2	Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC PROT 1976)	Ratified ⁵⁰

⁴⁸ See, available at: http://dgshipping.gov.in/Content/PageUrl.aspx?page_name=ShipManualChap10, (Last Accessed on 30.04.2017).

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

3	Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage 1969 (CLC PROT 1992)	Ratified ⁵¹
4	International Convention on the establishment of an International Fund for compensation of Oil Pollution Damage 1971 (FUND 1971)	Ratified ⁵²
5	Protocol of 1992 to amend the International Convention on the establishment of an International Fund for the compensation of Oil Pollution Damage 1971(FUND PROT 1992)	Under Consideration ⁵³
6	International Convention relating to Intervention on the High Seas to Remove Pollution from the Surface of the Sea 1969 (Intervention 1969)	Under Consideration ⁵⁴

⁵¹ See, Liability and Compensation for Ship-Source Oil Pollution: An Overview of the International Legal Framework for Oil Pollution Damage from Tankers, available at: https://unctad.org/en/PublicationsLibrary/dtl1b20114_en.pdf (Last Accessed on 30.04. 2017).

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ *Ibid.*

7	International Convention on Oil Pollution Preparedness response and cooperation 1990 (OPRC 1990)	Under Consideration ⁵⁵
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Table 1.1

However, with respect the CLC, 1969, FUND, 1971 the website

<http://www.iopcfunds.org/about-us/membership/map/#member-state-83>

reported that both these instrument were denounced and the 1992 Protocol to CLC has been ratified and in force since 15.11.2000 and 1992 FUND Convention in force since 21.06.2001.⁵⁶ Further it is interesting to note that recent Bill with primary intending to amend the Merchant Shipping Act, 1958 to ensure compliance with the International Convention on Civil Liability for Bunker Oil Pollution Damage 2001.⁵⁷ The Convention ensures that adequate, prompt, and effective compensation is available to persons who suffer damage caused by oil spills, when carried as fuel in ships' bunkers. However, the same was withdrawn.⁵⁸

A Bill before the Parliament is placed in 2016 and currently pending which intends to replace

⁵⁵ *Ibid.*

⁵⁶ See, available at: <http://www.iopcfunds.org/about-us/membership/map/#member-state-83>, (Last Accessed on 30.04.2017).

⁵⁷ See, available at: <http://www.prsindia.org/billtrack/the-merchant-shipping-amendment-bill-2015-3964/>, (Last Accessed on 30.04.2017).

⁵⁸ See, available at: <http://www.prsindia.org/billtrack/the-merchant-shipping-amendment-bill-2015-3964/>, (Last Accessed on 30.04.2017).

the M.S. Act of 1958. The M.S. Bill of 2016 includes the chapters on Prevention, Containment of Pollution from Vessel and Response Civil Liability for Oil Pollution Damage and introduces Civil Liability for Bunker Oil Pollution Damage, International Oil Pollution Compensation Fund however same is not passed yet.⁵⁹

Convention and South Asian States [Bangladesh & Sri lanka]

Bangladesh

Amongst the International Conventions dealing with Marine Oil Pollution Bangladesh has ratified many of the Conventions and several Conventions and Protocols are under consideration for ratification.

S. No.	International Conventions and Protocols on Oil Pollution	Status
1	International Convention on Civil Liability for oil pollution damage, 1969	Not a Party ⁶⁰
2	Protocol to the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC	Not a Party ⁶¹

⁵⁹ See, available at: <http://www.prsindia.org/uploads/media/Merchant%20Shipping/Merchant%20Shipping%20Bill,%202016.pdf>, (Last Accessed on 30.04.2017).

⁶⁰ See, available at: <http://www.iopcfunds.org/about-us/membership/map/>, (Last Accessed on 30.04.2017).

⁶¹ *Ibid.*

	PROT 1976)	
3	Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage 1969 (CLC PROT 1992)	Not a Party ⁶²
4	International Convention on the establishment of an International Fund for compensation of Oil Pollution Damage 1971 (FUND 1971)	Not a Party ⁶³
5	Protocol of 1992 to amend the International Convention on the establishment of an International Fund for the compensation of Oil Pollution Damage 1971(FUND PROT 1992)	Not a Party ⁶⁴
6	International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties 1969 (Intervention 1969)	Acceded ⁶⁵

7	International Convention on Oil Pollution Preparedness response and cooperation 1990 (OPRC 1990)	Acceded ⁶⁶
8	MARPOL 73/78 Annex I	Acceded ⁶⁷

Table 1.2

Sri Lanka

Amongst the International Conventions dealing with Marine Oil Pollution Sri Lanka has ratified many of the Conventions and several Conventions and Protocols are under consideration for ratification.

S. No.	International Conventions and Protocols on Oil Pollution	Status
1.	International Convention on Civil Liability for oil pollution damage, 1969	Denounced. ⁶⁸
2	Protocol of 1992 to amend the International Convention on Civil Liability for Oil Pollution Damage 1969 (CLC PROT 1992)	Ratified and in force since 22.01.2000. ⁶⁹

⁶² *Ibid.*

⁶³ See, *available at:* <http://www.iopcfunds.org/about-us/membership/map/>, (Last Accessed on 30.04.2017).

⁶⁴ *Ibid.*

⁶⁵ See <https://www.dos.gov.bd/useful-information/imo-conventions-ratified-by-bangladesh/>, (Last Accessed on 30.04.2017).

⁶⁶ *Ibid.*

⁶⁷ *Ibid.*

⁶⁸ See, *available at:* <http://www.iopcfunds.org/about-us/membership/map/#member-state-168>, (Last Accessed on 30.04.2017).

⁶⁹ *Ibid.*

3	International Convention on the establishment of an International Fund for compensation of Oil Pollution Damage 1971 (FUND 1971)	Denounced. ⁷⁰
4	Protocol of 1992 to amend the International Convention on the establishment of an International Fund for the compensation of Oil Pollution Damage 1971(FUND PROT 1992)-	Ratified and in force since 22.01.2000. ⁷¹

Table 1.3

In Addition the Sri Lankan website <http://www.mepa.gov.lk/web/> of Marine Environment Protection Authority lists MARPOL Annex I to VI, International Convention on Oil Pollution Preparedness response and cooperation 1990 (OPRC 1990), International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 as relevant International Convention in order to counter Marine Oil Pollution.⁷²

Conclusion

There is no doubt on the progress the world community is making with respect to development on protection, prevention of Marine Oil Pollution. Several international Conventions have come into force over the

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² See, *available at:* <http://www.mepa.gov.lk/web/>, (Last Accessed on 30.04.2017).

years. The States in general have acknowledged and have united against the marine pollution. Several steps with respect to protection and prevention of oil pollution have been adopted by the States. The South Asian States such as India, Bangladesh and Sri Lanka have attempted to incorporate the Conventions they have ratified. It would be wrong to suggest that South Asian States are reluctant to ratify the International Marine Oil Pollution related conventions as India and Sri Lanka have the ratified the most important Conventions with respect to oil Pollution that is CLC. Bangladesh seems to be still deliberating on it as the available information and does not reflect on any reason for not ratifying CLC. The Indian Merchant Shipping Bill of 2016 seems to have incorporated the provision relating to OPRC, and Bunker Oil Pollution Convention along with the existing provision w.r.t. marine oil pollution, the Bill is yet to see day of light hence, the final outcome is still up for guesses.

However, some problems in the system continue to plague the South Asian States. For instance the dissemination of Information with respect to the adaptation of Convention and protocol remains an issue. For Instance the Director General Shipping website of India provides ill-updated information with respect to ratification of certain Convention. As it could be seen the website does not represent the true position of the CLC, 1969 which have been denounced and the Protocol of 1992 have been in force since denunciation. Further,

it is although provided that the State will have action plan at hand in case of Oil Spillage. The recent Oil Spillage incident near Chennai, reflects that even though there exists plan on paper the South Asian States aren't equipped enough to deal with it. Simply ratifying and incorporating provisions within the national legislation may not be the only answer but in practice implementing the steps to the 'T' may be true solution. The Chennai Oil Spill Case only exposed the issues within the South Asian States legal framework towards Maritime Oil Pollution Issues.

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