

Standing Committee Report Summary

The Merchant Shipping Bill, 2016

- The Standing Committee on Transport, Tourism and Culture (Chairperson: Mr. Mukul Roy) submitted its report on the Merchant Shipping Bill, 2016 on July 18, 2017. The Bill repeals the Merchant Shipping Act, 1958, and the Coasting Vessels Act, 1838.
- **Certificated seafarers:** Under the Bill, a seafarer is any person who is employed or works in any capacity on board a sea-going vessel. The Bill provides that foreign vessels will not go to sail without certificated seafarers as per the international safety conventions. The Committee recommended that this provision should also apply to Indian vessels.
- **Stranded ships:** The Bill provides for the duties of the shipping master (person managing a shipping office at a port) with regard to engagement of seafarers. The Committee noted that there have been instances of ill-treatment of seafarers in stranded ships by both ship-owners and shipping masters. It recommended that these issues should be addressed in the duties of the ship masters.
- **Trade unions:** The Committee recommended that the role of trade unions must be clearly recognised in the Bill. This would be in the mutual interest of both seafarers and ship owners.
- **Employment opportunities:** The Bill seeks to provide that every shipping master or ship-owner, for the purpose of engagement of seafarer, can enter into articles of agreement with the seafarer. It also specifies certain provisions for the engagement of a seafarer who is a foreign citizen. The Committee noted that this provision may be misinterpreted, and could result in unemployment of Indian seafarers. It recommended that necessary safeguards may be provided to ensure maximum job opportunities to Indian seafarers. In this regard, the Committee also recommended that the National Shipping Board established under the Bill must have representation from all stakeholders in the shipping industry.
- **Seafarers' wages:** The Bill provides for the payment of wages to seafarers in case of termination of services for wreck, the seafarer's illness, etc. The Committee recommended that the Directorate General of Shipping must be given powers to penalise the ship owners in case they fail to make due payment of wages to seafarers. The government must protect the seafarers from exploitation by ship owners.
- **Safety of fishermen:** The Committee noted that there have been instances of killing of fishermen of small fishing boats or collision of small boats along the Indian shores. It recommended that the government must address these issues through a proper policy, and appropriate punishments should be provided in the Bill.
- **International conventions:** The Bill provides for the liability of an owner for any pollution damage caused by the ship, and cases under which he can be exempted. The Committee noted that the International Convention on Civil Liability for Oil Pollution Damage provides that the owner will not be liable if he proves that the damage was caused by the negligence or wrongful act of any government or any agency responsible for maintaining navigational aids. The Committee recommended that this exemption must be incorporated in the Bill.
- **Grievance redressal:** The Committee observed that there are several probabilities of grievance arising at any stage of the salvage operation, wreck removal, etc. It recommended that the necessary provisions for grievance redressal must be incorporated in the Bill.
- **Multiple interpretations:** The Committee has noted that the Bill has been drafted in a hasty manner leading to several loopholes, and possibility of multiple interpretations. It recommended that all the clauses of the Bill may be revisited by the Ministry to ensure that the Bill is devoid of misinterpretation and loopholes. It also noted that precautions must be taken to ensure that the provisions of the Bill are not misused, especially regarding the inspection, control and detention of ships.
- **Issues to be addressed through rules:** The Committee recommended several issues that must be clarified or addressed through rules or delegated legislation. These include: (i) rights of a mortgagee in case of sale of vessels, (ii) documentary evidence required for obtaining certificates, (iii) recruitment and placement service for seafarers, and (iv) complaint lodging forum for seafarers.

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