

Bill Summary

The Merchant Shipping (Amendment) Bill, 2013

- The Merchant Shipping (Amendment) Bill, 2013 was introduced in Rajya Sabha by the Minister of Shipping, Mr. G.K.Vasan on March 18, 2013. It was referred to the Standing Committee on Transport, Tourism and Culture on March 19, 2013. The Committee presented its report on June 26, 2013.
- The Bill seeks to add new provisions to the Merchant Shipping Act, 1958 to comply with the International Convention for the Control of Harmful Anti-Fouling Systems on Ships, 2001. The Convention is aimed at protecting the marine environment and human health from adverse effects of anti-fouling paints used to coat the ships' surfaces.
- **Applicability:** The amendments shall apply to: (i) all Indian ships, wherever they are, (ii) ships operating under the authority of India and (iii) ships entering places where India has exclusive jurisdiction, including ports, shipyards, offshore terminals, territorial waters, Exclusive Economic Zone and Continental Shelf. The amendments shall be applicable to shall not apply to any warship, naval auxiliary or other non-commercial ship owned by or operated under the authority of India.
- **Anti-Fouling Certificate:** Any Indian ship with gross tonnage of 400 or above shall be required to obtain an International Anti-Fouling System Certificate from the Directorate General of Shipping (DGS) to undertake an international voyage. Ships below 400 gross tonnage will have to provide the prescribed declaration before undertaking international voyages. Indian ships below 400 gross tonnage and not engaged in international voyage would be required to obtain an Indian Anti-Fouling System Certificate.
- **Reciprocity:** The Bill provides for issuance of an Anti-Fouling System Certificate for foreign ships in India by the DGS and Indian ships in foreign countries by corresponding foreign authorities.
- **Maintenance of records:** Every ship should maintain a record of anti-fouling systems in the prescribed form, which is in consonance with the Convention.
- **Inspection:** The DGS, or any person authorised by him, shall have the power to inspect a ship for: (i) ensuring compliance with the provisions of the Bill, (ii) verifying the applicable anti-fouling system certificate or declaration, (iii) brief sampling of a ship's anti-fouling system and (iv) verifying any record required to be maintained on-board.
- **Contraventions:** If a ship is in Indian waters and contravenes of the provisions of the Bill, the DGS may detain such a ship until the causes of such contravention are removed and levy a penalty. The government may also undertake investigation on receipt of information from any country to which the Convention applies.
- **Penalties:** The Bill specifies the fines of: (i) up to Rs Five lakh for non-adherence to applicable standards and requirements, (ii) up to Rs One lakh for proceeding or attempting to proceed to sea without the prescribed certificate or declaration, (iii) up to Rs Fifty thousand for non-adherence with rules regarding control of waste materials, failure to maintain records and failure to allow inspection by DGS.

DISCLAIMER: This document is being furnished to you for your information. You may choose to reproduce or redistribute this report for non-commercial purposes in part or in full to any other person with due acknowledgement of PRS Legislative Research ("PRS"). The opinions expressed herein are entirely those of the author(s). PRS makes every effort to use reliable and comprehensive information, but PRS does not represent that the contents of the report are accurate or complete. PRS is an independent, not-for-profit group. This document has been prepared without regard to the objectives or opinions of those who may receive it.