

Bill Summary

The Merchant Shipping (Second Amendment) Bill, 2013

- The Merchant Shipping (Second Amendment) Bill, 2013 was introduced in Rajya Sabha by the Minister of Shipping, Mr. G.K.Vasan on August 19, 2013. It was referred to the Standing Committee on Transport, Tourism and Culture on August 20, 2013. The Committee presented its report on the Bill on November 20, 2013.
- The Bill proposes to amend the Merchant Shipping Act, 1958, to bring it in conformity with the International Labour Organisation's Maritime Labour Convention, 2006. The Convention lays down the standards for the living and working conditions of seafarers, including their food, accommodation, medical care, social security, and recruitment.
- **Applicability:** The amendments regarding the maritime labour standards specified in the Convention shall apply to all seafarers and ships engaged in commercial activities except: (i) ships which navigate exclusively in inland waters, (ii) fishing vessels, (iii) traditionally built ships like dhows and junks and (iv) warships or naval auxiliary ships. The government may extend applicability of these provisions to non-commercial ships on the recommendations of the Directorate General of Shipping.
- **Seafarer:** The Bill proposes to add a new term seafarer, meaning any person employed on a sea-going ship except warships and military or non-commercial government ships.
- **Agreement with seafarers:** The Act specifies that the person in-charge of an Indian ship (except small ships engaged in short voyages) is required to sign an agreement with every seafarer employed on the ship. It also specifies the details to be included in the agreement. The Bill proposes to add weekly hours of work and rest and leave entitlements to the agreement.
- **Dispute resolution:** The Act allows the Shipping Master to settle disputes between seafarers and their employers if the disputed amount does not exceed Rs 3,000. The Bill proposes to raise this upper limit to Rs 3,00,000.
- **Apprenticeship:** The Act allows boys of age 15 and above to be employed as apprentices on a ship. The Bill proposes to raise the minimum age to 16 and allow girls to be employed as apprentices as well.
- **Employment of children:** The Act prohibits employment of a person below the age of 14 on a ship except: (i) on a training ship, (ii) on a ship where all the employees belong to the same family, (iii) on a ship engaged in short voyages and (iv) on nominal wages and under the charge of his father or other adult near male relative. The Bill entirely prohibits employment of a person below the age of 16.
- **Employment of minors:** The Bill prohibits engaging minors in night work. The Act allows minors to be engaged as trimmers or stokers under certain conditions.
- **Food and drinking water:** The Act stipulates that every ship shall have sufficient provisions of food and water. The Bill adds that the in-charge of the ship shall maintain quantity and quality of food and drinking water as per the provisions of the Convention. He shall also undertake educational activities to promote awareness and implementation of these standards.
- **Medical facilities:** The Act specifies that every foreign-going ship carrying more than the prescribed number of persons should have a qualified medical officer on-board. The Bill adds that every foreign-going ship carrying less than the prescribed number of persons shall have medical facilities on-board, as prescribed in the Convention.
- **Maritime Labour Certificate:** The Bill states that every ship: (i) with gross tonnage of 500 or above, and (ii) voyaging internationally or operating in another country, shall require a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance. The government shall prescribe the manner and form of the Certificate required for other ships. It also empowers an authorised government official to inspect a ship for possession of the Certificate and the Declaration.



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