

Standing Committee Report Summary

The Merchant Shipping (Second Amendment) Bill, 2013

The Standing Committee on Transport, Tourism and Culture (Chairperson: Mr. Sitaram Yechury) presented its report on the Merchant Shipping (Second Amendment) Bill, 2013 on November 20, 2013. The Bill was introduced in Rajya Sabha on August 19, 2013 and referred to the Committee on August 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 and social security.

Key observations and recommendations of the Committee are:

- **Applicability:** The Committee desired that the benefits from the adoption of the Convention reach the maximum number of seafarers, including those working on ships with gross tonnage below 500. At the same time the government should ensure that the Maritime Labour Certificates, as required by the Bill, are issued in a timely manner.
- **Certificates and declarations:** The Bill empowers the Directorate General of Shipping (DGS) to issue Declaration of Maritime Labour Compliance. The Maritime Labour Certificate can be issued by DGS or any officer, authority or organisation authorised by him. The Committee felt that delegation of authority in both the cases should be the same. It added that the Bill should also specify the periodicity of such certificates and declarations.
- **Safeguards:** The Committee observed that the safeguards regarding surveys and inspections should be built into the legislation itself.
- **Trade unions:** Trade unions should be recognised as important stakeholders in decisions regarding payment, leave, compensation, etc., to the seafarers.
- **Penalties:** Section 436 of the Act specifies penalties for contravention of and/or non-compliance with various provisions of the Act. The Committee opined that the penalties imposed by Section 436 of the Act are inadequate and must be raised substantially.
- **Disputes resolution:** The Committee recommended that the Shipping Master, responsible for the settlement of disputes between the seafarers and their employers, be empowered to penalise the manning agents or the ship owners for non-payment of wages to seafarers. The Bill proposes to raise the upper limit of the disputed amount that the Shipping Master can consider to Rs Three lakh from Rs Three thousand. The Committee felt that the proposed upper limit is low and should be revised periodically.
- **National Maritime Board:** The Committee recommended that the National Maritime Board, a dispute resolution mechanism, be incorporated under the provisions of the Act.
- **Engaging minors in night work:** The Bill prohibits engaging minors in night work on a ship. The Committee observed that the Convention allows a minor to work during night for training purposes. Hence the Bill should provide a suitable exception for the same.

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