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DIRECTORATE GENERAL OF SHIPPING, GOI, MUMBAI

F.No.23-60011/2/2020-Crew-DGS

Dated 12.10.2020

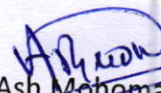
Sub.: Amendments to Merchant Shipping (Maritime Labour) Rules, 2016-Request for suggestion of the stakeholders by 12.11.2020.

The DGS/Ministry of Shipping intends to amend the existing Merchant Shipping (Maritime Labour) Rules, 2016 to give effect to the 2018 amendment to the Maritime Labour Convention, 2006.

The draft of the rules is as placed below. The stakeholders concerned may send their suggestions, if any, to the following e-mail IDs at the earliest or latest by 12.11.2020;

barguzer-dgs@nic.in; amohd-dgs@nic.in.

You faithfully


(Ash Mohamad)

Deputy Director General of Shipping [MSL]

Draft

[TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (i) OF THE GAZETTE OF INDIA
EXTRAORDINARY]

Government of India

Ministry of Shipping

New Delhi, The _____ October, 2020

G.S.R. _____.—In exercise of the powers conferred by section 218A read with section 457 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government, having regard to the provisions of the Maritime Labour Convention, 2006, as amended, hereby makes the following rules further to amend the Merchant Shipping (Maritime Labour) Rules, 2016, namely:-

1. Short title and Commencement. - (1) These rules may be called the Merchant Shipping (Maritime Labour) Amendment Rules, 2020.

(2) They shall come into force on 26th Day of December, 2020.

2. In the Merchant Shipping (Maritime Labour) Rules, 2016 (herein referred to as the principal rules), -

(1) in rule 8, after sub-rule (8) the following new sub-rule shall be added, namely:-

“(9) A seafarer’s employment agreement shall continue to have effect while a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, regardless of whether the date fixed for its expiry has passed or either party has given notice to suspend or terminate it.

Explanation: For the purpose of this sub-rule:

(a) the term “piracy” shall have the same meaning as in the United Nations Convention on the Law of the Sea, 1982 to which India is a party

(b) the term “armed robbery against ships” means any illegal act of violence or detention or any act of depredation, or threat thereof, other than an act of piracy, committed for private ends and directed against a ship or against persons or property onboard such a ship, within a country’s internal waters, archipelagic waters and territorial sea, or any act of inciting or of intentionally facilitating an act described above.”

(2) In rule 9, after sub-rule (5), a new sub-rule shall be added namely:-

“(6) Where a seafarer is held captive on or off the ship as a result of acts of piracy or armed robbery against ships, wages and other entitlements, including repatriation, under the seafarers’ employment agreement, relevant collective bargaining agreement or these rules, as applicable, including the remittance of any allotments as provided in sub-rule (4), shall continue to be paid and ensured by the ship-owner during the entire period of captivity and until the seafarer is released and duly repatriated in accordance with Rule 12 or, where the seafarer dies while in captivity, until the date of death as determined in accordance with Rule 9.

Explanation.- For the purpose of this sub-rule, the terms “piracy” and “armed robbery against ships” shall have the same meaning as assigned in sub-rule (9) of Rule 8.”

(3) In Rule 12, after sub-rule 17, the following sub-rule shall be added, namely:-

"(18) The entitlement to repatriation may lapse if the seafarers concerned do not claim it within a period of _____ years or as provided in the collective agreements except where they are held captive on or off the ship as a result of acts of piracy or armed robbery against ships.

Explanation: The terms piracy and armed robbery against ships shall have the same meaning as in sub rule (9) of Rule 8."

(4) After Rule 26, a new rule shall be added, namely:-

"26 A. Marine casualties.- The issues related to marine or shipping casualties shall be dealt in accordance with the provisions for Investigations & Inquiries under Merchant Shipping Act, 1958."

(5) In Form 3 to the Rules, after item (e) 14, the following items shall be added, namely:-

- "15. Financial security for repatriation;
- 16. Financial security relating to ship-owners liability;
- 17. Continuation of seafarers' employment agreement (sub rule 9 of rule 8);
- 18. Payment of wages (sub rule 6 of rule 9);
- 19. Entitlement to repatriation (sub rule 18 of rule 12)".

(6) In Form 4 to the Rules, after item 14, following items shall be added, namely:

- "15. Financial security for repatriation (rule 12);
- 16. Financial security relating to ship-owners liability (rule 19);
- 17. Continuation of seafarers' employment agreement (sub rule 9 of rule 8)
- 18. Payment of wages (sub rule 6 of rule 9)
- 19. Entitlement to repatriation (sub rule 18 of rule 12)".

[F.No. _____]

Satinder Pal Singh, Jt. Secy.

Note:- The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-Section (i) vide GSR No. 202 (E) dated 29.02.2016