

**ANNEXURE-I**

**THE MERCHANT SHIPPING BILL, 2020**

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	<p>to consolidate and amend the law relating to merchant shipping to ensure compliance with the country's obligation under the maritime treaties and International Instruments to which India is a party and also to ensure the efficient maintenance of Indian mercantile marine in a manner best suited to serve the national interest.</p> <p>BE it enacted by Parliament in the ___ Year of the Republic of India as follows:-</p>	
	<p><b>PART I</b></p> <p><b>PRELIMINARY</b></p>	
<b>Short title and commencement.</b>	<p>1. (1) This Act may be called the Merchant Shipping Act, 2020.</p> <p>(2) It shall come into force on such date as the Central Government may, by notification, appoint, and different dates may be appointed for different provisions of this Act.</p>	
<b>Application of the Act.</b>	<p>2. (1) Unless otherwise expressly provided, the provisions of this Act shall apply to, -</p> <p>(a) any vessel which is registered in India; or</p> <p>(b) any vessel which is required by this Act to be so registered, wherever it may be.</p> <p>(2) Unless otherwise expressly provided, the provisions of this Act which apply to vessels other than those referred to in sub-section (1) shall so apply only while any such vessel is within India or in waters within the jurisdiction of India.</p> <p>(3) Subject to sub-section (2) and unless otherwise expressly provided, the provisions of this Act shall not apply to Indian controlled tonnage vessels.</p>	
<b>Definitions.</b>	<p>3. In this Act, unless the context otherwise requires, -</p> <p>(1) "1992 Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992;</p> <p>(2) "abandoned vessel" means a vessel which has been abandoned and deserted by the owner or ship owner or the master of the vessel without any hope of recovering it or whose owner or ship owner is unknown or cannot be traced or has failed to fulfil his fundamental</p>	

	<p>obligations under this Act whose master has been left without financial means in respect of its operation and includes any vessel falling within Section 318.</p> <p>(3) “abandoned seafarer” refers to a seafarer who is deemed to have been abandoned, in violation of the requirements of the Maritime Labour Convention or this Act or the rules prescribed under this Act or the seafarers’ employment agreement, where the ship-owner:</p> <ul style="list-style-type: none"> <li>(a) fails to cover the cost of the seafarer’s repatriation; or</li> <li>(b) has left the seafarer without the necessary maintenance and support; or</li> <li>(c) has otherwise unilaterally severed their ties with the seafarer including failure to pay contractual wages for a period of at least two months;</li> </ul> <p>(4) “Anti-Fouling Systems Convention” means International Convention on control of harmful antifouling systems on ships, 2001;</p> <p>(5) "audit" means a systematic and independent examination to determine whether the Management System as provided in safety convention complies with the planned arrangements and such arrangements are implemented effectively and are sufficient to achieve the desired objectives;</p> <p>(6) “baseline” means the baseline referred to in sub-section (2) of Section 3 of the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);</p> <p>(7) "Ballast Water Management Convention” means the International Convention for the Control and Management of Ships’ Ballast Water and Sediments, 2004;</p> <p>(8) "bareboat charter" means a contract for the lease of a ship, for a stipulated period of time, by virtue of which the lessee has complete possession and control of the ship, including the right to appoint the master and crew of the ship, for the duration of the lease;</p> <p>(9) "bareboat charter-cum-demise" means a bareboat charter where the ownership of the ship is intended to be transferred after a specified period to the charterer to whom it has been chartered;</p> <p>(10) “C-188” means the ILO Convention C-188- Work in Fishing Convention, signed in Geneva on the 14<sup>th</sup> day of June, 2007 and “Cape Town Convention” means the Cape Town Agreement of 2012 on the Implementation of the Provisions of the 1993 Protocol relating to the Torremolinos International Convention for the Safety of Fishing Vessels, 1977 signed in Cape Town on 11<sup>th</sup> day of October, 2012;</p> <p>(11) “certificate of competency” or “certificate of proficiency” means the certificate of competency or certificate of proficiency, as the case may be, granted under sub-section (1) of section 44;</p> <p>(12) “Chief Ship Surveyor” means the Chief Ship Surveyor appointed under sub-section (b) of Section 7;</p>	
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	<p>(13) “Chief Surveyor” means the Chief Surveyor appointed under sub-section (c) of Section 7;</p> <p>(14) “coastal waters” means any part of territorial waters of India, or any marine area adjacent thereto over which India has, or, may hereafter have, exclusive jurisdiction in regard to control of marine pollution under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and Other Maritime Zones Act, 1976, or any other law for the time being in force;</p> <p>(15) “coasts” include the coasts of creeks and tidal waters.</p> <p><i>Explanation:</i> - For the purposes of this clause, the expression “tidal waters” means any part of the sea and any part of a river within the ebb and flow of the tide at ordinary spring tides and not being a harbor;</p> <p>(16) “Coasting trade of India” means, -</p> <p style="padding-left: 40px;">(a) the carriage by sea of goods or passengers or both from any port or place in India to any other port or place in India, or</p> <p style="padding-left: 40px;">(b) performing any service within waters in the jurisdiction of India, including the zones defined under the Territorial Water, Continental Shelf, Exclusive Economic Zones and other Maritime Zones of India Act, 1976 (80 of 1976), or any other law for the time being in force or any port or place, including inland ports that the Central Government may, notify through notification in the official Gazette, for this purpose;</p> <p>(17) “company” means a company as defined in clause (20) of section 2 of the Companies Act, 2013;</p> <p>(18) “convention certificate” means a certificate issued under the provisions of any convention;</p> <p>(19) “court” in relation to any proceedings, includes any court having jurisdiction in the matter to which the proceedings relate;</p> <p>(20) “Director-General” means the Director-General of Shipping appointed under sub-section (1) of section 6;</p> <p>(21) “equipment”, in relation to a vessel, includes boats, tackle, machinery, boilers, cargo handling gear, pumps and any fitting, anchor, propeller, apparels, furniture, life-saving appliances of every description, spars, masts, rigging and sails, fog signals, lights, shapes and signals of distress, medicines and medical and surgical stores and appliances, charts, radio installations, appliances for preventing, detecting or extinguishing fires, buckets, compasses, axes, lanterns, loading and discharging gears and appliances of all kinds and all other stores and spares or articles belonging to or to be used in connection with or necessary for the navigation, propulsion, security, pollution prevention and safety of the vessel;</p> <p>(22) “fisher” means any person engaged in any capacity or performing</p>	
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	<p>any work aboard a fishing vessel at sea, however they are paid, but not including pilots, persons in service of the Central or State Government aboard a fishing vessel, or any person who only works aboard a fishing vessel when such vessel is onshore.</p> <p>(23) “fishing vessel” means a vessel which is exclusively engaged in fishing in the seas;</p> <p>(24) “gross tonnage” means the measure of the overall size of a vessel determined in accordance with the rules made in this behalf;</p> <p>(25) “High Court”, in relation to a vessel, means a High Court within the limits of whose appellate jurisdiction,-</p> <ul style="list-style-type: none"><li>(a) the port of registry of the vessel is situate, or</li><li>(b) the vessel is for the time being, or</li><li>(c) the cause of action, wholly or in part, arises;</li></ul> <p>(26) “Indian Ambassador” means the Ambassador or High Commissioner or deputy Ambassador or deputy High Commissioner or consul-general or consul or vice-consul or consular agent and pro consul appointed, as the case may be, by the Central Government and includes any person authorised by the Central Government to perform the functions of Ambassador or High Commissioner or deputy Ambassador or deputy High Commissioner or consul-general, consul, vice- consul, consular agent and pro consul;</p> <p>(27) “Indian controlled tonnage vessel” means an Indian vessel, other than a fishing vessel or sailing vessel, registered at a port or place in a country other than India;</p> <p>(28) “Indian vessel” or “Indian ship” means a ship or a vessel, as the case may be, which is registered in accordance with sub section (3) of section 14;</p> <p>(29) "LLMC Convention" means the convention on Limitation of Liability for Maritime Claims signed in London on the 19<sup>th</sup> day of November 1976, as amended by the Protocol of 1996 to Amend the Convention on Limitation of Liability for Maritime Claims and, as amended from time to time and applicable to India;</p> <p>(30) “Maritime Labour Convention” means the Maritime Labour Convention signed in Geneva on the 20<sup>th</sup> day of August 2006, as amended;</p> <p>(31) “MARPOL Convention” means International Convention for the Prevention of Pollution from Ships, 1973 as modified by the Protocol signed in London on the 17th day of February 1978, and Protocols;</p> <p>(32) “master” includes any person (except a pilot or a Harbour Master) having command or charge of a vessel;</p>	
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	<p>(33) "mortgage" means the transfer of an interest in a registered vessel or a share therein for the purpose of securing the payment of money advanced or to be advanced by way of loan, or other valuable consideration, and the instrument creating the security, an existing or future debt, or the performance of an engagement which may give rise to a pecuniary liability;</p> <p>(34) "Nautical Advisor" means the Nautical Advisor appointed under sub-section (a) of Section 7;</p> <p>(35) "notification" means a notification published in the Official Gazette and the expression "notified" shall be construed accordingly;</p> <p>(36) "owner" means in relation to a vessel, the person to whom the vessel or a share in the vessel belongs;</p> <p>(37) "passenger" means any person carried on board a vessel, except-</p> <ul style="list-style-type: none"><li>(a) a person employed or engaged in any capacity on board the vessel on the business of the vessel;</li><li>(b) a person on board the vessel either in pursuance of the obligations laid upon the master to carry shipwrecked, distressed or other persons or by reason of any circumstances which neither the master nor the charterer, if any, could have prevented or forestalled; and</li><li>(c) a child under one year of age;</li></ul> <p>(38) "passenger vessel" means a vessel carrying more than twelve passengers;</p> <p>(39) "Pollution damage" means,-</p> <ul style="list-style-type: none"><li>(a) loss or damage caused outside the vessel resulting from the escape, emission or discharge of cargo, oil or any other material from the vessel, wherever such escape, emission or discharge may occur, or</li><li>(b) the costs of impairment of environment or costs of preventive measures and further loss or damage caused by preventive measures;</li></ul> <p>(40) "Pollution prevention convention" means any convention relating to prevention of pollution from vessels, to which India is a Party, including MARPOL Convention, Anti-fouling Systems Convention and Ballast Water Management Convention;</p> <p>(41) "port" means a port as defined in clause (4) of section 3 of the Indian Ports Act, 1908;</p> <p>(42) "port authority" means,-</p> <ul style="list-style-type: none"><li>(a) in relation to any major port, the Board of Trustees, or, as</li></ul>	
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	<p>the case may be, the Board of Directors, in respect of that port constituted under any law for the time being in force;</p> <p>(b) in relation to any other port, the conservator of the Port appointed under section 7 of the Indian Ports Act, 1908;</p> <p>(c) in relation to any terminal or place not forming a part of a port, the person under whose supervision the terminal or place is operated;</p> <p>(43) “port of registry” in relation to a vessel, sailing vessel, fishing vessel or any other vessel, means the port at which she is registered or is to be registered;</p> <p>(44) “prescribed” means prescribed by rules made under this Act;</p> <p>(45) “proceeding” includes any suit, appeal or application under this Act;</p> <p>(46) “Principal Officer” means the Principal Officer appointed under sub-section (d) of Section 7;</p> <p>(47) “proper officer” means the officer designated by the Central Government to be the proper officer at the port or place and in respect of the matter to which the reference is made in the provision of this Act, in which the expression occurs;</p> <p>(48) “proper return port” means such port as is agreed upon by the, seafarer, and his employer in the agreement or otherwise, or in the absence of agreement the port where the, seafarer was employed or joined the vessel;</p> <p>(49) “property” in relation to a seafarer, includes personal effects;</p> <p>(50) “reception facilities”, in relation to a port, terminal ship yard, ship repair facility or ship recycling facility means facilities for enabling vessels using the port. terminal ship yard, ship repair facility or ship recycling facility to discharge or deposit any substance subject to control by the pollution prevention Conventions;</p> <p>(51) “Registrar” means the registrar referred to in section 16;</p> <p>(52) "registered owner" means the person or persons registered as the owner of the vessel;</p> <p>(53) “removal” means any form of prevention, mitigation or elimination of the hazard created by a wreck, and the expressions “remove”, “removed” and “removing” shall be construed accordingly;</p> <p>(54) “rule” means the rule made under this Act;</p> <p>(55) “Safety Convention” means the International convention for the Safety of Life at Sea, signed in London on the 1st day of November,</p>	
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	<p>1974, as amended from time to time and shall include its protocols;</p> <p>(56) “sailing vessel” means any wooden vessel of primitive build provided with sufficient sail area for navigation under sails alone, whether or not fitted with mechanical means of propulsion, but does not include a pleasure craft.</p> <p><i>Explanation-</i> For the purposes of this clause “wooden vessel of primitive build” means a wooden vessel of traditionally built not primarily propelled;</p> <p>(57) “Salvage” means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever;</p> <p>(58) “Salvage Convention” means the International Convention on Salvage, 1989;</p> <p>(59) “salvor” means any person rendering services in direct connection with salvage operation;</p> <p>(60) “security” means maritime security and includes any measures to protect ports or vessels or any person or thing relating directly or indirectly to maritime navigation,-</p> <ul style="list-style-type: none"><li>(i) Against terrorism, sabotage, stowaways, illegal migrants, asylum seekers, piracy, armed robbery, seizure or pilferage; and</li><li>(ii) Against any other hostile act or influence, which threatens the security in the maritime transport sector,</li></ul> <p>employed by the owners or operators or persons in charge of the vessels or management of port facilities, offshore installations and other marine organization or establishments, or undertaken by the Central Government.</p> <p>(61) “sea-going”, in relation to a vessel, means a vessel proceeding or intending to proceed beyond waters declared to be inland waters by the Central Government or State Government by notification;</p> <p>(62) "seafarer" means any person who is employed or engaged or works in any capacity on board a sea-going vessel, but does not include,—</p> <ul style="list-style-type: none"><li>(i) a person who is in the employment or engagement or work on board in any capacity in a warship or any Government vessel used for military or non-commercial purposes, or</li><li>(ii) any other person as the Central Government may, by notification, specify;</li></ul> <p>(63) “seafarer’s employment office” means the seafarer’s employment</p>	
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	<p>office established under sub-section (1) of section 11;</p> <p>(64) “seafarer’s welfare officer” means the seafarer’s welfare officer appointed under sub-section (1) of section 12;</p> <p>(65) “ship” means any watercraft, used or capable of being used in navigation by its own propulsion, in, above, or under the water; but does not include fishing or sailing vessels;</p> <p>(66) "ship-owner", means the owner including the registered owner, bareboat charterer, manager and operator of the vessel;</p> <p>(67) “shipping master” means the shipping master appointed under section 10;</p> <p>Provided that in relation to any seafarer for the purposes of section 89, means a shipping master referred to in that section, -</p> <p style="padding-left: 40px;">(a) for the port at which the seafarer entered into, or is believed to have entered into, an agreement; or</p> <p style="padding-left: 40px;">(b) where the seafarer did not enter into his agreement in India, for the port to which the seafarer has returned, or is expected to return, on the completion of his latest voyage;</p> <p>(68) “shipping office” means the shipping office established under section 10;</p> <p>(69) “special trade” means the conveyance of large number of passengers by sea within areas specified in the STP Agreement;</p> <p><i>Explanation.</i>-The expression “STP agreement” means the Special Trade Passenger Ship Agreement, 1971 and Protocol on Space Requirement for Special Trade Passenger Ships, 1973;</p> <p>(70) “special trade passenger” means a passenger carried in special trade passenger vessel in spaces on the weather deck or upper deck or between decks which accommodate more than eight passengers;</p> <p>(71) “special trade passenger ship” means a mechanically propelled ship carrying more than thirty special trade passengers;</p> <p>(72) “STCW Convention” means International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978;</p> <p>(73)“STCW-F” means International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995;</p> <p>(74) “surveyor” means a person appointed under sub- section (1) of section 7;</p> <p>(75) “tanker” means a vessel constructed or adapted primarily to carry</p>	
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	<p>liquid or gas in bulk in its cargo space and includes combination carriers and any other type of vessel when it is carrying a cargo or part cargo of liquid or gas in bulk;</p> <p>(76) “tindal” means the person in command or charge of a sailing vessel;</p> <p>(77) “Tribunal” means the Tribunal constituted under sub-section (1) of section 83 of the Act;</p> <p>(78) “unsafe vessel” means a vessel which is unseaworthy or poses a danger to human life or environment;</p> <p>(79) “unseaworthy vessel” includes a vessel which is in every respect unfit to proceed to sea on a proposed voyage or service, owing to any of the following factors:</p> <ul style="list-style-type: none"> <li>(a) is not in possession of valid certificate(s) required under this Act;</li> <li>(b) is not in a fit state as to the material, construction, condition of hull and equipment, machinery, management of safety and security, or pollution prevention;</li> <li>(c) is not fit for the voyage or service, including with respect to the qualifications of the master, the number, description and qualifications of the crew, and living and working conditions on board the vessel; or</li> <li>(d) is not in a fit state as to the weight, description and stowage of the cargo and ballast,</li> <li>(e) any other condition that is relevant to render the vessel in every respect fit for the proposed voyage or service;</li> </ul> <p>(80) “vessel” includes every description of water craft used or capable of being used in the marine environment, such as ship, boat, sailing vessel, fishing vessel, submersible, semi-submersible, hydrofoils, non-displacement crafts, amphibious crafts, wing-in-ground crafts, pleasure crafts, barges, lighters, Mobile Offshore Drilling Units, Mobile Offshore Units, or of any other description;</p> <p>(81) “voyage” means the distance covered between the ship’s port or place of departure and her final port or place of arrival, including the activities within the port;</p> <p>(82) “wages” include emoluments;</p> <p>(83) “wreck” includes the following on a maritime casualty, namely:–</p> <ul style="list-style-type: none"> <li>(a) a sunken or stranded vessel; or</li> <li>(b) any part of a sunken or stranded vessel, including any object or goods or cargo that is or has been on board such a</li> </ul>	
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	<p>vessel;</p> <p>(c) any object or goods or cargo that is lost at sea from a vessel and that is stranded, sunken or adrift at sea; or</p> <p>(d) a vessel that is in distress or is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the vessel or any property in danger are not already being taken.</p>	
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	<p><b>PART II</b></p> <p><b>ESTABLISHMENT OF BOARDS AND GENERAL ADMINISTRATION</b></p>	
	<p><b>Chapter I</b></p> <p><b>Establishment of National Shipping Board and Seafarers Welfare Board</b></p>	

<p><b>Establishment of National Shipping Board.</b></p>	<p>4. (1) The Central Government may, by notification, establish a National Shipping Board (hereinafter referred to as the Shipping Board) for the purposes of this Act.</p> <p>(2) The Shipping Board shall consist of the following members, namely:-</p> <p>(a) six members of Parliament of whom four shall be elected from amongst themselves by member of the House of the People and two from among themselves by the members of the Council of States,</p> <p>(b) such number of other members, not exceeding sixteen as the Central Government may think fit to appoint to the Shipping Board, to represent-</p> <p style="padding-left: 40px;">(i) the Central Government,</p> <p style="padding-left: 40px;">(ii) ship-owners,</p> <p style="padding-left: 40px;">(iii) seafarers, and</p> <p style="padding-left: 40px;">(iv) such other interest as in the opinion of the Central Government ought to be represented on the Shipping Board:</p> <p>Provided that the Shipping Board shall include an equal number of persons representing the ship owners and seafarers.</p> <p>(3) The term of member elected under clause (a) of sub-section (2) shall come to an end as soon as he ceases to be a member of the House from which he was elected.</p> <p>(4) The Central Government shall nominate one of the members</p>	
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	<p>of the Shipping Board to be the Chairperson of the Shipping Board.</p> <p>(4A) Notwithstanding anything contained in sub-section (4), the Member of Parliament nominated as Chairman shall not be deemed to be holding the office of profit for the purposes of sub-clause (a) of clause (1) of Article 102 of the Constitution.</p> <p>(5) The Shipping Board shall advise the Central Government,-</p> <p style="padding-left: 40px;">(a) on matters relating to Indian shipping including the development thereof; and</p> <p style="padding-left: 40px;">(b) on such other matters arising out of this Act as the Central Government may refer to it for advice.</p> <p>(6) The Shipping Board shall have power to regulate its own procedure.</p> <p>(7) The Central Government may make rules for all or any of the following matters, namely; -</p> <p style="padding-left: 40px;">(a) the term of office of members of the Shipping Board,</p> <p style="padding-left: 40px;">(b) the manner of filling vacancies in the Shipping Board,</p> <p style="padding-left: 40px;">(c) the travelling allowances and other allowances payable to the members of the Shipping Board;</p> <p style="padding-left: 40px;">(d) the manner of appointment of officers and other employees of the Shipping Board and the terms and conditions of their service.</p> <p style="padding-left: 40px;">(f) the service conditions and salary of the Chairman;</p>	
<p><b>Constitution of Seafarer Welfare Board.</b></p>	<p>5. (1) The Central Government may, by notification, constitute a Seafarers Welfare Board (hereinafter referred to as the Welfare Board) for the purposes of advising the Central Government on the measures to be taken for promoting the welfare of the seafarer under this Act, generally and in particular the following matters, namely:-</p> <p style="padding-left: 40px;">(a) the establishment of hostels or boarding and lodging houses for seafarer;</p> <p style="padding-left: 40px;">(b) the establishment of clubs, canteens, libraries and other like amenities for the benefit of seafarer;</p> <p style="padding-left: 40px;">(c) the establishment of hospital and provision of medical treatment for seafarer;</p> <p style="padding-left: 40px;">(d) the provision of educational and other facilities for seafarer;</p> <p style="padding-left: 40px;">(e) the measures to be taken for welfare of distressed seafarer;</p>	

	<p>(f) the measures to be taken in the case of seafarer who is a foreigner but abandoned in the waters within the jurisdiction of India;</p> <p>(g) any other measures to be taken for promoting the welfare of seafarer.</p> <p>(2) The Central Government may make rules providing for, -</p> <p>(a) the composition of the Welfare Board and the term of office of members thereof;</p> <p>(b) the procedure to be followed in the conduct of business by the Welfare Board;</p> <p>(c) the traveling and other allowances payable to the members of the Welfare Board;</p> <p>(d) the rate of levy of fee payable by owners of vessels for the purposes of providing amenities to seafarer and for taking other measures for the welfare of the seafarer;</p> <p>(e) the procedure by which any such fee may be collected or recovered and the manner in which the proceeds of such fees, after deduction of the cost of collection, shall be utilised for the purpose specified in clause (d).</p>	
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	<b>CHAPTER II</b> <b>General Administration</b>	
<b>Director-General of Shipping.</b>	<p><b>6.</b> (1) The Central Government may, by notification, appoint a person to be the Director-General of Shipping for the purposes of exercising or discharging the powers, authority or duties conferred on or imposed by or under this Act.</p> <p>(2) The Central Government may, by general or special order, direct that any power, authority or jurisdiction exercisable by it under or in relation to any such provisions of this Act as may be specified in the order shall, subject to such conditions and restrictions as may be so specified, be exercisable also by the Director-General or such other officer as may be specified in the order.</p> <p>(3) The Director-General may, with the previous approval of the Central Government, by general or special order, direct that any power or authority conferred upon or delegated to, and any duty imposed upon him by or under this Act may, subject to such conditions and restrictions as he may think fit to impose, be exercisable or dischargeable also by such officer or other authority as he may specify in this behalf.</p> <p>(4) Every officer appointed under this Act shall discharge their functions under the general superintendence and control of the Director- General.</p>	
<b>Classes of Officers.</b>	<p><b>7.</b> There shall be the following classes of officers, other than Director-General, appointed to discharge the duties and functions under the Act, namely: -</p> <p>(a) Nautical Advisor who shall be an officer not be below the scale of Additional Secretary;</p> <p>(b) Chief Surveyor who shall be an officer not below the scale of Additional Secretary;</p> <p>(c) Chief Ship Surveyor who shall be an officer not below the scale of Joint Secretary;</p> <p>(d) Principal Officer who shall be an officer not below the scale of Joint Secretary;</p> <p>(e) Surveyor who shall be an officer not below the scale of Deputy Secretary and shall include nautical surveyor, ship surveyor, engineer and ship surveyor or deputy Nautical Advisor, Deputy Chief Surveyor, Deputy Chief Ship Surveyor: Provided that the Junior Ship Surveyor shall be an officer not below the scale of Under Secretary;</p> <p>(f) Radio Inspector who shall be an officer not below the scale of Junior Time scale Officer;</p> <p>(g) Shipping Master which shall include Deputy or Assistant Shipping Master who shall be an officer with the scale as the Central Government may decide</p> <p>(h) Director which shall include Deputy or Assistant Director who shall be an officer not below the scale as the Central Government may decide.</p>	

	<p>(i) Seafarer’s Welfare Officer who shall be an officer not below the scale as the Central Government may decide</p> <p>(j) Any other officer as may be appointed by Central the Government.</p>	
<b>Powers of officers.</b>	<p>8. Subject to such conditions and limitations as the Director-General may impose, an officer appointed under the Act, may exercise the powers and discharge the duties conferred or imposed on him or on any other officer who is subordinate to him under this Act.</p>	
<b>Surveyor.</b>	<p>9. (1) The Central Government may, by notification, appoint at such port or place as it may consider necessary, as many persons as it may think fit to be surveyors for the purposes of this Act.</p> <p>(2) Without prejudice to the provisions of sub-section (1), in case of vessel, the Central Government, may, by notification, authorise any person or body of persons, on such terms and conditions as may be specified therein, to be surveyor or surveyors for the purposes of this Act.</p> <p>(3) The surveyor shall be nautical surveyor, ship surveyor, engineer and ship surveyor or junior ship surveyor and includes Deputy Nautical Advisor, Deputy Chief Surveyor, Deputy Chief Ship Surveyor, Principal Officer, Chief Ship Surveyor, Chief Surveyor and Nautical Advisor.</p> <p>Provided that Nautical Advisor, Principal Officer, Chief Surveyor or Chief Ship Surveyor shall be competent to perform the functions of a surveyor under this Act.</p> <p>(4) At any port or place at which no surveyor appointed under this section is available, the Central Government may, by notification, appoint any qualified person to perform the functions of a surveyor under this Act.</p>	
<b>Radio Inspector.</b>	<p>10. The Central Government may, by notification, appoint, as many Radio Inspectors as it may consider necessary for the purpose of securing that the requirements of this Act and the rules made thereunder relating to radio communication are complied with.</p>	
<b>Mercantile Marine Department.</b>	<p>11. (1) The Central Government may establish and maintain at the ports of Mumbai, Kolkata, Chennai, Kochi, Kandla and such other ports or places in India, as it may consider necessary, an office of the Mercantile Marine Department for the administration of this Act and the rules made thereunder.</p> <p>(2) The office of the Mercantile Marine Departments at the ports of Mumbai, Kolkata, Chennai, Kochi, Kandla and any other port or place as notified by the Central Government shall be in the charge of the Principal Officer, and the office at any other port or place shall be in the charge of such officer as the Central Government may appoint in this behalf.</p>	

<b>Shipping Office.</b>	<p><b>12.</b> (1) The Central Government may, by notification, establish a shipping office at every port in India in which it thinks it necessary so to do, and shall as it may consider necessary appoint thereto—</p> <p style="padding-left: 40px;">(a) a shipping master and as many deputy shipping masters and assistant shipping masters;</p> <p style="padding-left: 40px;">(b) a director and as many deputy directors and assistant directors.</p> <p>(2) The Central Government may appoint seafarer’s welfare officers at such ports in or outside India as it may consider necessary.</p> <p>(3) The Central Government may direct that at any port at which no separate shipping office is established, the whole or any part of the business of the shipping office shall be conducted at such office as the Central Government may specify, and thereupon the same shall be conducted accordingly.</p>	

<b>PART III</b>		
<b>REGISTRATION OF VESSELS</b>		
<b>Application of Part.</b>	<b>13.</b> This Part shall apply to sea-going vessels.	
<b>Obligation to register.</b>	<p><b>14.</b> (1) Every Indian vessel, shall be registered by the Registrar of Indian vessels under this Part at such port or place, as the Central Government may, by notification, declare to be a port of registry under this Act:</p> <p style="padding-left: 40px;">Provided that the vessels registered under the provisions of the Coasting Vessels Act, 1838 shall be re-registered under the provisions of this Part within a period of one year from the date of coming into force of this Part:</p> <p style="padding-left: 40px;">Provided further that any vessel registered on the commencement of this Act at any port in India under any enactment repealed by this Act, except the vessels registered under the Coasting Vessel Act, 1838, shall be deemed to have been registered under this Part and shall be recognised as an Indian vessel:</p> <p style="padding-left: 40px;">Provided also that, subject to any exemptions or modifications, as the case may be, made by the Central Government, all vessels belonging to the Government, other than vessels of the Indian Navy, Indian Coast Guard, Customs Authorities, Central Paramilitary Forces, Coastal Police and other Police Agencies, shall be registered under this Act.</p> <p>(2) Notwithstanding anything contained in sub-section (1), an Indian vessel, may be, subject to such conditions as may be prescribed, registered in a country other than India.</p> <p>(3) No vessel shall be an Indian vessel unless such vessel is owned by any of the following persons and in such proportion of ownership as may be notified:</p> <p style="padding-left: 40px;">(a) a citizen of India including a Non-Resident Indians and an Overseas Citizen of India; or</p> <p style="padding-left: 40px;">(b) a company or a body established by or under any Central Act which has its registered office or principal place of business in India; or</p> <p style="padding-left: 40px;">(c) such other person or body as the Central Government may notify.</p> <p>(4) If an Indian vessel is proceeding to sea without its valid certificate of registry under Section 18, such Indian vessel shall be detained until it produces its valid certificate of registry to the proper officer.</p>	
<b>Registration of Indian</b>	<b>15.</b> Any foreign vessel chartered on a bareboat charter cum-demise	



<b>chartered vessels.</b>	contract by an Indian charterer, may be registered under this Chapter in such manner and subject to such conditions as may be prescribed.	
<b>Registrar of Indian vessels.</b>	<b>16.</b> The Principal Officer of the Mercantile Marine Department or such person authorised by the Central Government, shall by notification be appointed as the Registrar of Indian vessels at such port or place, as the Central Government may, by notification declare to be a port of registry under this Act.	
<b>Provisional registration of Indian vessel.</b>	<b>17.</b> (1) If at any port or place a vessel becomes entitled to be registered as an Indian vessel, the Registrar may issue a provisional certificate of registry in accordance with such procedure as may be prescribed and such provisional certificate of registry shall have the effect of a certificate of registry.  (2) The procedure, validity, and extension of such registration or cancellation shall be as may be prescribed.  (3) The unsatisfied mortgage shall continue to be reflected in the Register book in case of deemed closure of the provisional registry.	
<b>Registration of Indian vessels.</b>	<b>18.</b> (1) An Indian vessel shall be registered under this Act in accordance with such procedure as may be prescribed.  (2) Where it appears to the Registrar that there is any doubt as to the title of any Indian vessel, he may require evidence to be given to his satisfaction that the vessel is entitled to be registered as an Indian vessel.  (3) On completion of the registry of an Indian vessel, the Registrar shall grant a certificate of registry, containing the particulars respecting her as entered in the register book, in such form and manner as may be prescribed.  (4) A tonnage certificate shall be issued to every vessel, the gross tonnage and net tonnage of which have been determined in accordance with the provisions of this Act.  (5) In the event of the certificate of registry of an Indian vessel being defaced or mutilated, a new certificate shall be granted in lieu of her original certificate in such manner as may be prescribed.  (6) In the event of a registered vessel being either actually or constructively lost, taken by the enemy, burnt or broken up or ceasing for any reason to be an Indian vessel, or is to be registered under any other law for the time being in force at the relevant time, every owner of such vessel shall immediately on obtaining knowledge of the event comply with such procedure as may be prescribed.	

	<p>(7) Every Indian vessel shall be described by such name, call sign and official number in such manner as may be prescribed.</p> <p>(8) Every Registrar shall keep a register book and entries in that book be made, and maintain the records of vessels registered under the provisions of this Act, in such manner as may be prescribed.</p> <p>(9) Where there is a change in ownership of a registered Indian vessel, the Registrar of the port where such vessel is registered shall register the name of new owner and issue a fresh certificate of registry, in accordance with the procedure as may be prescribed.</p> <p>(10) Where a vessel has been provisionally registered under Section 17 sub-section (1) and its registry has not be completed within the period specified due to such reasons as may be prescribed by the Central Government, the shipowner shall make an application before the Registrar at such port or place notified under Section 14 sub-section (1), for obtaining permanent registry, in such form and manner as may be prescribed.</p> <p><i>Explanation.</i>—For the purposes of this section "net tonnage" means the measure of the useful capacity of a vessel determined in accordance with the rules made in this behalf.</p>	
<p><b>Deemed Registration of vessels.</b></p>	<p><b>19. :</b></p> <p>Where pursuant to an application for registration made before the Registrar, a certificate of registration has not been granted to a vessel within such period as may be prescribed, however it appears to the Central Government that by reason of special circumstances as may be prescribed, it is desirable that permission should be granted to any Indian vessel, to proceed on a voyage, the Central Government may authorise the Registrar to grant a pass in such form as may be prescribed, and that pass shall for the time and within the limits therein mentioned have the same effect as a provisional certificate of registry.</p>	

<p><b>Custody and use of certificate.</b></p>	<p><b>20.</b> (1)The certificate of registry shall be used only for the lawful navigation of the vessel, and shall at all times remain in the custody of the person in charge of the vessel, and shall not be subject to detention by reason of any title, lien, charge or interest whatever, had or claimed by any owner, mortgagee or other person to, on or in the vessel.</p> <p>(2)No person, whether interested in a vessel or not who has in his possession, or under his control the certificate of registry of a vessel, shall refuse or omit without reasonable cause to deliver such certificate on demand to the person entitled to the custody thereof for the purposes of the lawful navigation of the vessel, or to any Registrar or other person entitled by law to require such delivery.</p> <p>(3) If the master or owner of an Indian vessel uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the vessel, he shall be guilty of an offence under this sub-section and the vessel shall be liable to forfeiture.</p>	
<p><b>Transfer of Indian vessel or shares.</b></p>	<p><b>21.</b> (1)No person shall transfer or acquire any Indian vessel or any share or interest therein at any time during which the security of India or any part of the territory thereof is threatened by war or external aggression, and a proclamation of emergency issued under clause (1) of article 352 of the Constitution is in operation without the previous approval of the Central Government and any transaction effected in contravention of this provision, shall be void and unenforceable.</p> <p>(2) The Central Government may, if it considers necessary or expedient so to do for the purpose of conserving the tonnage of Indian shipping, by order, refuse to give its approval to any such transfer or acquisition.</p> <p>(3)No transfer or acquisition of any Indian vessel shall be valid unless,—</p> <p style="padding-left: 40px;">(a)all mortgage entered in its register, are satisfied or, the mortgagee and the new owner have given their consent in writing for the transfer of vessel;</p> <p style="padding-left: 40px;">(b)all wages and other amounts due to seafarer in connection with their employment on that vessel have been paid in accordance with the provisions of this Act;</p> <p style="padding-left: 40px;">(c) any subsisting entry has been made of any court order prohibiting transfer or any dealing with that vessel;</p> <p style="padding-left: 40px;">(d)any unpaid statutory fees that may be levied on the vessel and has been informed in writing to the Registrar.</p> <p>(4) Subject to the other provisions contained in this section, an Indian vessel or a share therein shall be transferred only by an</p>	

	<p>instrument in such form and manner as may be prescribed.</p> <p>(5) The instrument for the transfer of an Indian vessel or of a share therein shall be registered by the Registrar in accordance with such procedure as may be prescribed.</p>	
<b>Transmission of property in Indian vessel on death, insolvency, etc.</b>	22. The property in an Indian vessel or share therein may be transmitted to a person on the death or insolvency of any registered owner, or by any lawful means other than by a transfer under this Act, in accordance with such procedure as may be prescribed.	
<b>Order for sale where vessel has ceased to be an Indian vessel.</b>	23. Where by reason of the transmission of any property in a vessel or a share therein on death, insolvency or otherwise, a vessel ceases to be an Indian vessel, it may be ordered to be sold in accordance with such as may be prescribed.	
<b>Mortgage of vessel or share.</b>	<p>24. (1) Mortgage of an Indian vessel shall be in the prescribed form or as near thereto as circumstances permit, and on the production of such instrument, the Registrar of the ship's port of registry shall record it in the register book in accordance with such procedure and manner as may be prescribed.</p> <p>(2) Except in so far as may be necessary for making a mortgaged vessel or share available as a security for the mortgage debt, the mortgagee shall not, by reason of his mortgage, be deemed to be the owner of the vessel or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.</p> <p>(3) Where a registered mortgage is discharged, the Registrar shall, on the production of such documents as may be prescribed, make an entry in the register book to the effect that the mortgage has been discharged, and on that entry being made the estate, if any, which passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances, if any) it would have vested, if the mortgage had not been made.</p> <p>(4) If there are more mortgages than one recorded in respect of the same vessel or share, the mortgagees shall, notwithstanding any express, implied or constructive notice, have priority according to the date and time on which each mortgage is recorded in the register book and not according to the date of each mortgage itself.</p>	

<p><b>Rights of mortgagee.</b></p>	<p><b>25.</b> (1) Where there is only one registered mortgagee of a vessel or share, he shall be entitled to recover the amount due under the mortgage by selling the mortgaged vessel or share without approaching the High Court:</p> <p>Provided that nothing contained in this sub-section shall prevent the mortgagee from recovering the amount so due in the High Court as provided in sub-section (2).</p> <p>(2) Where there are two or more registered mortgagees of a vessel or share they shall be entitled to recover the amount due under the mortgage in the High Court, and when passing a decree or thereafter the High Court may direct that the mortgaged ship or share be sold in execution of the decree.</p> <p>(3) Every registered mortgagee of a vessel or share who intends to recover the amount due under the mortgage by selling the mortgaged vessel or share under sub-section (1) shall give such notice relating to such sale to the Registrar of the vessel's port of registry, as may be prescribed.</p> <p>(4) The notice under sub-section (3) shall be accompanied with the proof of payment of the wages.</p>	
<p><b>Liability of mortgagee</b></p>	<p><b>26.</b> When, during the continuance of the mortgage, the mortgagee takes possession of the mortgaged vessel or is asserting a claim before the Court for possession of the vessel, he shall, as the case may be, provide for proof of satisfying the liability of –</p> <p>(a) managing the vessel as a person of ordinary prudence would manage if it were his own;</p> <p>(b) making such necessary repairs to the mortgaged vessel as may be required for the smooth operation and normal functioning of the vessel;</p> <p>(c) not committing any act which is destructive or permanently injurious to the vessel; and</p> <p>(d) such other liability as may be prescribed by the Central Government.</p>	
<p><b>Mortgage not affected by insolvency.</b></p>	<p><b>27.</b> A registered mortgage of a vessel or share shall not be affected by any act of insolvency committed by the mortgagor after the date of the record of such mortgage, notwithstanding that the mortgagor, at the commencement of his insolvency, had the vessel or share in his possession, order or disposition, or was the reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the insolvent or any trustee or assignee on their behalf.</p>	
<p><b>Transfer of mortgages.</b></p>	<p><b>28.</b> (1) A registered mortgage of a vessel or share may be transferred to any person in accordance with the prescribed procedure and the instrument effecting the transfer shall be in such form as may be prescribed.</p>	

	(2)The person to whom any such mortgage has been transferred shall enjoy the same right of preference as was enjoyed by the transferor.	
<b>Transmission of interest in mortgage in certain circumstances.</b>	<b>29.</b> The transmission of the interest of a mortgagee in a vessel or share on death, or insolvency, or by any lawful means other than by a transfer under this Act shall be in accordance with the prescribed procedure.	
<b>Rules as to name of vessel</b>	<b>30.</b> (1) An Indian vessel shall not be described by any name other than that by which she is for the time being registered.  (2) The Registrar may refuse the registry of any Indian vessel by the name by which it is proposed to register the vessel if that name is already borne by another vessel or if the name be so similar as is calculated or likely to deceive.  (3) A change shall not be made in the name of an Indian vessel except in the prescribed manner.  (4) If any person acts or suffers any person under his control to act in contravention of this section or omits to do or suffers any person under his control to omit to do anything required under this section, the vessel may be detained until the provisions of this section are complied with:  Provided that nothing in this sub-section shall apply to a foreign vessel which has become, and is sought to be registered as, an Indian vessel.	
<b>Registry alterations. of</b>	<b>31.</b> When a registered vessel is so altered as not to correspond with the particulars relating to her tonnage or description contained in the register book, then, if the alteration is made at any port having a Registrar, that Registrar, or if it is made elsewhere, the Registrar of the first port having a Registrar at which the vessel arrives after the alteration, shall, on an application being made to him by the owner stating the particulars of the alteration, either cause the alteration to be registered or direct that the vessel be registered anew.	
<b>Provisional certificate and endorsement where vessel is to be registered anew.</b>	<b>32.</b> Where any Registrar, not being the Registrar of the vessel's port of registry, on an application as to an alteration in a vessel directs the vessel to be registered anew, he shall either grant a provisional certificate describing the vessel as altered, or provisionally endorse the particulars of the alteration on the existing certificate.	
<b>Transfer of registry.</b>	<b>33.</b> The registry of any vessel may be transferred from one port or place of registry to another on an application to the Registrar of the existing port or place of registry of the vessel made by	

	<p>declaration in writing of all persons appearing in the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them and those rights shall in all respects continue in the same manner as if no such transfer had been effected.</p>	
<b>Restrictions on re-registry of abandoned vessel.</b>	<p>34. Where a vessel has ceased to be registered as an Indian vessel by reason of having been wrecked or abandoned, or for any reason other than capture by the enemy, the vessel shall not be re-registered until she has, at the expense of the applicant for the registry, been surveyed by a surveyor and certified by him to be seaworthy.</p>	
<b>National colours for Indian vessels.</b>	<p>35. (1) The Central Government may, by notification, declare the proper national colours for all Indian vessels and for all vessels owned by the Government and different colours may be declared for different classes of vessels.</p> <p>(2) Vessels registered under this Part shall hoist the proper national colours,—</p> <p style="padding-left: 40px;">(a) on a signal being made to her by any vessel of the Indian Navy or Indian Coast Guard;</p> <p style="padding-left: 40px;">(b) on entering or leaving any port.</p> <p>(3) Any commissioned officer of the Indian Navy, any officer of the Indian Coast Guard, a surveyor or any Indian Ambassador, as the case may be, may board any vessel on which any colours are hoisted contrary to this Act and seize and take away the colours which shall be forfeited to the Government.</p> <p>(4) No person on board a vessel which is not an Indian vessel shall, for the purpose of making it appear to be an Indian vessel, use the Indian national colours, unless the assumption of Indian character has been made for the purpose of escaping capture by the enemy or by a foreign vessel of war in the exercise of some belligerent right.</p>	
<b>Concealment of Indian, or assumption of foreign, character.</b>	<p>36. No owner or master of an Indian vessel shall knowingly do anything or permit anything to be done, or carry or permit to be carried any papers or documents, with intent to conceal the Indian character of the vessel from any person entitled by any law for the time being in force to inquire into the same, or with intent to assume a foreign character for the vessel, or with intent to deceive any person so entitled.</p>	
<b>Liabilities of vessel not recognized as</b>	<p>37. Where it is declared by this Act that an Indian vessel shall not be recognised as such, that vessel shall not be entitled to any privileges, benefits, advantages or protection usually enjoyed by</p>	

<b>Indian vessel.</b>	<p>Indian vessel or to use the Indian national colours for Indian vessel or to assume the Indian national character:</p> <p>Provided that for the payment of dues the liability to fine and forfeiture and the punishment of offences committed on board such vessel, or by any person belonging to her, such vessel shall be dealt with in the same manner in all respects as if she were a recognised Indian vessel.</p>	
<b>Proceedings on forfeiture of vessel.</b>	<p><b>38.</b> Where any vessel has either wholly or as to any share therein become subject to forfeiture under this Part, any commissioned officer of the Indian Navy, Indian Coast Guard, any Indian Ambassador or any other officer authorised by the Central Government, may seize and detain the vessel, and bring her for adjudication before the High Court, and the High Court may thereupon adjudge the vessel with her equipment to be forfeited to the Government, and make such order in the case as to the High Court seems just and may award to the officer bringing in the vessel for adjudication such portion of the proceeds of the sale of the vessel or any share therein as the High Court thinks fit.</p>	
<b>Liability of owners.</b>	<p><b>39.</b> Where any person is beneficially interested otherwise than by way of mortgage in any vessel or share in a vessel registered in the name of some other person as owner, the person so interested shall, as well as the registered owner, be subject to all the pecuniary penalties imposed by this or any other Act on the owners of vessel or shares therein, without prejudice that proceedings for the enforcement of any such penalties may be taken against both or either of the said parties jointly or severally.</p>	
<b>Evidence of register book, certificate of registry and other documents.</b>	<p><b>40.</b> (1) A person may on application to the Registrar and on payment of such fees as may be prescribed, inspect any register book, and may obtain a certified copy of any entry in the register book</p> <p>(2) A certified copy of an entry in a register book shall be admissible in evidence in any court and have the same effect to all intents as the original entry in the register book of which it is a copy.</p>	
<b>Closure of registry.</b>	<p><b>41.</b> (1) The owner of an Indian vessel may make an application in the prescribed form and manner to the Registrar to close its registry provided that, there is no —</p> <p style="padding-left: 40px;">(a) unsatisfied mortgage entered in its register; or</p> <p style="padding-left: 40px;">(b) outstanding claims of the master or seafarer of the vessel in respect of wages which have been intimated.</p> <p>(2) On receipt of the application under sub-section (1), the Registrar shall, if he is satisfied, by an order, close the registry of</p>	



	<p>the vessel and make an entry thereof in the register.</p> <p>Explanation.—For the purposes of this section, "owner" includes any transferee of, or any person entitled under a transmission to the property in, an Indian vessel.</p>	
<p><b>Power to make rules.</b></p>	<p><b>42.</b> (1) The Central Government may make rules to carry out the purposes of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <ul style="list-style-type: none"> <li>(a) the conditions for registration of an Indian vessel, under sub-section (2) of section 14;</li> <li>(b) the persons eligible for ownership of a vessel, under sub-section (3) of section 14;</li> <li>(c) the proportion of ownership of a vessel, under sub-section (3) of section 14;</li> <li>(d) the conditions for registration of a foreign vessel chartered on a bareboat charter cum-demise contract by an Indian charterer, under section 15;</li> <li>(e) The procedure for issuance of provisional certificate of registry under sub-section (1) of section 17;</li> <li>(f) the period and conditions for extending the validity of the provisional certificate under sub-section (2) of section 17;</li> <li>(g) the procedure in accordance with which an Indian vessel shall be registered under sub-section (1) of section 18;</li> <li>(h) The form and manner of grant of certificate of registry under sub-section (3) of section 18;</li> <li>(i) the manner of granting new certificate in lieu of original certificate of registry being defaced or mutilated under sub-section (5) of section 18;</li> <li>(j) the procedure for delivery of certificate of vessel lost or ceasing to be an Indian vessel under sub-section (6) of section 18;</li> <li>(k) the manner of description of the name, call sign and official number of Indian vessel under sub-section (7) of section 18;</li> <li>(l) the manner of keeping the register book and making entries therein and maintenance of the records of vessels registered under this Act under sub-section (8) of section 18;</li> <li>(m) the reasons for which a provisionally registered vessel shall make an application for permanent registration under sub-section (10) of section 18;</li> <li>(n) the form and manner of making an application for conversion of provisional certificate of registry to permanent certificate of registry under sub-section (10) of section 18;</li> <li>(o) <b>the form in which a pass shall be granted under section 19;</b></li> <li>(p) the form and manner of instrument by which an Indian vessel or share therein shall be transferred under sub-section (4) of section 21;</li> <li>(q) the procedure for registration of the instrument by which an Indian vessel or a share therein shall be transferred under sub-section (5) of section 21;</li> <li>(r) the procedure for transmission of property in Indian vessel on death, insolvency etc. under section 22;</li> <li>(s) the manner in which a vessel ceased to be an Indian vessel is</li> </ul>	

	<p>ordered for sale under section 23;</p> <ul style="list-style-type: none"><li>(t) the form of mortgage under sub-section (1) of section 24;</li><li>(u) the procedure and manner in which the Registrar shall record the mortgage in the register book under sub-section (1) section 24;</li><li>(v) the documents that shall be required to be produced for the mortgage of a vessel or share under sub-section (3) of section 24;</li><li>(w) the other liabilities of mortgagee under clause (d) of section 26;</li><li>(x) the procedure for transfer of mortgage under sub-section (1) of section 28;</li><li>(y) form of instrument effecting the transfer of mortgage under sub-section (1) of section 28;</li><li>(z) the procedure of transmission of interest in mortgage under section 29;</li></ul> <p>(za) the form of notice under sub-section (3) of section 29;</p> <p>(zb) the manner in which the name of an Indian vessel may be changed under sub-section (3) of section 30;</p> <p>(zc) the fee for inspection of register book and a certified copy of any entry of the register book under sub-section (1) of section 40;</p> <p>(zd) the form and manner of application for closure of registry under sub-section (1) of section 41;</p> <p>(ze) any other matter which is required to be or may be prescribed.</p>	
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<b>PART IV</b>		
<b>CERTIFICATE OF COMPETENCY AND CERTIFICATE OF PROFICIENCY</b>		
<b>Certificates to be held by seafarers.</b>	<p><b>43.</b> (1) Every Indian vessel shall be provided the seafarers with such manning scale as may be prescribed.</p> <p>(2) The seafarer shall hold such certificate of a grade issued under this Act appropriate to his station in the vessel or of a higher grade as may be prescribed:</p> <p>Provided that in relation to different categories of vessel, areas and types of operations there shall be provided such different manning scales as may be prescribed:</p> <p>Provided further that subject to such conditions and restrictions as may be prescribed, the Indian national including Overseas Citizen of India with certificate of competency issued under this Act or foreign certificate of competency recognised by the Director General, may serve on Indian vessels.</p> <p>(3) Every vessel, whether at sea or in any port or place, shall be manned by such number of persons with such qualifications as may be prescribed.</p>	
<b>Certificate of competency and certificate of proficiency.</b>	<p><b>44.</b> (1) The Central Government shall, subject to the provisions of STCW Convention, grant a certificate of competency or certificate of proficiency, as the case may be, for such different grades of seafarers with such requirements and such procedures as may be prescribed.</p> <p>(2) No certificate of competency or certificate of proficiency shall be granted, under sub-section (1) unless the seafarer fulfils the requirements in respect of service, age limit, medical fitness, approved training courses including on-board training, qualifications and examination in accordance with the STCW Convention.</p> <p>(3) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may grant such other certificate of competency or certificate of proficiency with such requirements and procedures as may be prescribed.</p> <p>(4) A certificate of competency or certificate of proficiency, as the case may be, granted under sub- sections (1), (2) and (3) shall be in such form and on payment of such fee and valid for such period as may be prescribed, and record of such certificate shall be kept in such manner as may be prescribed.</p>	
<b>Training for grant of</b>	<b>45.</b> (1) The Director-General shall administer, supervise and monitor	

<p><b>certificate of competency certificate proficiency.</b></p>	<p>all activities relating to maritime education, training and assessment for grant of certificate of competency or certificate of proficiency.</p> <p>(2) The Director-General shall approve the training institute, training courses including on-board training, as applicable and method of conduct of such training course for grant of certificate of competency or certificate of proficiency under section 44:</p> <p>Provided that no certificate of competency or certificate of proficiency shall be granted, unless the training required for such certificate has been imparted in accordance with the provisions of this section.</p> <p>(3) The Director-General may, for the purposes of this Part authorise a surveyor or any person or body of person to inspect any maritime training institute and the person so authorised in this behalf shall submit the report to the Director-General.</p> <p>(4) The Director-General may, after receipt of the inspection report under sub-section (3), if he is satisfied that the maritime training institute has contravened any provisions of this Part, after giving an opportunity of being heard, suspend or withdraw the approval granted to such maritime training institutes under sub-section (2).</p> <p>(5) The Central Government may on receipt of information pertaining to operation of training institutes not having obtained the approval of the Director-General under sub-section (2), may undertake action against such unapproved maritime training institutes, in accordance with such procedure as may be prescribed.</p>	
<p><b>Examinations for grant of certificates.</b></p>	<p><b>46.</b> (1) The Central Government shall appoint a person for the purposes of examining the qualifications of persons desirous of obtaining certificates under section 44.</p> <p>(2) The Nautical Advisor and the Chief Surveyor appointed under this Act, shall be chief examiner for the Master and Mates and Engineers, respectively.</p> <p>Provided further, that in absence of Nautical Advisor and the Chief Surveyor, the Central Government may authorise any other officer to act as the chief examiner.</p> <p>(3) The manner of conducting examination for certificate of competency or certificate of proficiency, the fee to be charged and the payment to be made to the examiners appointed under sub-section (1) shall be such as may be prescribed.</p> <p>(4) The Central Government shall grant a certificate of competency or certificate of proficiency, as the case may be, to every applicant, who is duly reported by the examiners appointed under sub-section (1) to have passed the examination satisfactorily</p>	

	<p>and to have given satisfactory evidence of his sobriety, experience and ability and general good conduct on board vessel:</p> <p>Provided that the Central Government may, if it has reason to believe that the report has been unduly made, before granting a certificate, require a re-examination of the applicant including the inquiry into the applicant's testimonials and character.</p> <p>(4) If it appears to the Central Government that a person holding a certificate granted under sub-section (1) or sub-section (3) of section 44 has obtained it on the basis of false or erroneous information, or is guilty of indiscipline or misconduct, or on receipt by the Central Government of any report of incompetency, or any act of omission or commission or compromise to safety, security or prevention of pollution by the person holding a certificate which may pose a threat to life or property or environment, it may, after due investigation, by order, withdraw, suspend or cancel such certificate:</p> <p>Provided that no order shall be passed under this sub-section without giving the person holding the certificate an opportunity of being heard.</p> <p>(5) Whenever a person holding a certificate granted under this Act proves to the satisfaction of the issuing authority that he has, lost or been deprived of such certificate, the issuing authority shall, on payment of such fee as may be prescribed, shall grant a copy of the certificate and such copy shall have all the effect of the original.</p>	
<p><b>Production of certificate of competency.</b></p>	<p>47. (1) The master of every vessel shall, on demand, produce to the proper officer the certificates of competency of the seafarers of the vessel along with a list of crew with the particulars of grades of certificates of master, mates, engineers and ratings.</p> <p>(2) A surveyor may, at any reasonable time, go on board a vessel to which any of the provisions of this Part applies for the purpose of ensuring that the seafarers holding certificates issued in accordance with the STCW Convention are actually appointed and are present, and satisfy himself about the adequacy of such seafarers for the watch-keeping duties in ports and at sea.</p>	
<p><b>Recognition of certificates of competency granted in other countries.</b></p>	<p>48. (1) Where in a country other than India, the certificate of competency is granted under any law for the time being in force in that country which is similar to those referred to in this Act, then if the Central Government is satisfied that,—</p> <p>(a) the conditions under which any certificate of competency is granted in that country meets the standards of competency not lower than those required for the grant under this Act for corresponding certificates; and</p> <p>(b) the certificate granted under this Act is accepted in that</p>	

	<p>country in lieu of the corresponding certificate granted under the laws of that country, the Central Government may, by notification, declare that any certificate of competency granted under the law in force in that country shall be recognised as equivalent to the corresponding certificate of competency granted under this Act.</p> <p>(2) The certificate recognised under sub-section (1) as equivalent may be issued with a certificate of endorsement as may be prescribed.</p> <p>(3) A person holding a certificate of endorsement under sub-section (2) shall be considered as duly certificated under this Act.</p>	
<b>Foreign vessel not to sail without certificated seafarers.</b>	<p><b>49.</b> (1) Every master of a foreign vessel shall, before proceeding to sea from any port or place in India, ensure that the vessel has the requisite numbers of seafarer of appropriate grades as specified in the Safety Convention and STCW Convention.</p> <p>(2) A surveyor or any person authorised in this behalf by the Central Government may, at any reasonable time, go on board a vessel for the purpose of ensuring that the seafarers holding certificates issued in accordance with the Safety Convention and STCW Convention are actually appointed and are present, and satisfy himself about the adequacy of such seafarers for the watch keeping duties in ports and at sea.</p> <p>(3) If any report made under sub-section (2) by a surveyor or any person authorised in this behalf by the Central Government, reveals any deficiency in a foreign vessel in relation to the requirements of the Safety Convention and STCW Convention and the Central Government is satisfied that it shall be unsafe for such vessel to proceed to sea, that vessel may be detained by the proper officer till such requirements are fulfilled.</p>	
<b>Obligations of certain certificate holders to serve the Government or in Indian vessels.</b>	<p><b>50.</b> At any time during which the security of India is threatened or during a proclamation of emergency issued under clause (1) of article 352 of the Constitution, every Indian citizen holding an Indian certificate of competency, certificate of proficiency or certificate of recognition granted under this Act shall be liable to serve on Indian vessel for such period on such terms and conditions as the Central Government may, by general or special order, specify.</p>	
<b>Power to make rules.</b>	<p><b>51.</b> (1) The Central Government may make rules to carry out the provisions of this Part.</p> <p>(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the manning scales of the seafarers under sub-section (1) of</p>	

	<p>section 43;</p> <p>(b) the certificate of grade appropriate under sub-section (2) of section 43;</p> <p>(c) the different manning scales in relation to different categories of vessel, areas and types of operations under proviso to sub-section (2) of section 43;</p> <p>(d) the conditions and restrictions under the second proviso to sub-section (2) of section 43;</p> <p>(e) the number of persons to be manned and their qualifications under sub-section (3) of section 43;</p> <p>(f) the requirement and procedure for grant of certificate of competency or certificate of proficiency to the different grades of seafarer under sub-section (1) of section 44;</p> <p>(g) the requirement and procedure for grant of certificate of competency or certificate of proficiency under sub-section (3) of section 44;</p> <p>(h) the form of certificate, fees and the valid period of such certificate and the manner in which the copies of certificate to be kept and recorded under sub-section (4) of section 44;</p> <p>(i) the procedure in accordance with which the Central Government may undertake action against training institutes operating without obtaining the approval of the Director-General under sub-section (5) of section 45;</p> <p>(j) the manner of conducting examination for certificate of competency or certificate of proficiency, the fee to be charged and the payment to be made to the examiners under sub-section (3) of section 46;</p> <p>(k) the fee for grant of certificate if lost or deprived, under sub-section (5) of section 46;</p> <p>(l) the endorsement under sub-section (2) of section 48;</p> <p>(m) any other matter which is required to be or may be prescribed.</p>	
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	<b>PART V</b> <b>SEAFARERS</b>	
<b>Application of this Part.</b>	<p><b>52.</b> Save as otherwise provided, this Part shall apply to,—</p> <p>(a) every seafarer;</p> <p>(b) recruitment and placement service;</p> <p>(c) ship owners.</p>	
<b>Definitions.</b>	<p><b>53.</b> In this Part, unless the context otherwise requires,—</p> <p>(a) "Maritime Labour Certificate" means a Certificate issued by the Central Government or any officer, authority or organisation authorised by it in this behalf, in accordance with the provisions of the Maritime Labour Convention;</p> <p>(b) "recruitment and placement service" means any person, company, institution, agency or other organisation, in public or private sector which is engaged in recruiting seafarers on behalf of employers or placing seafarers with the employers.</p>	
<b>Classification of seafarer, maritime labour standards and prescription of minimum scale.</b>	<p><b>54.</b> (1) The Central Government may make rules for the classification of seafarers into different categories, the minimum manning scale of seafarers of such categories, and the different scales for different classes of ships.</p> <p>(2) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall apply to the seafarer employed or engaged as a member of the crew of a ship.</p>	
<b>Application of maritime labour standards to seafarers and ships.</b>	<p><b>55.</b> (1) The provisions relating to maritime labour standards as contained in the Maritime Labour Convention, shall apply to all seafarers and ships registered under this Act, but does not include,—</p> <p>(a) ships which navigate exclusively in inland waters or waters within, or closely adjacent to, sheltered waters or areas where any law for the time being in force relating to ports apply;</p> <p>(b) ships engaged in fishing activities;</p> <p>(c) traditionally built ships such as dhows and junks;</p>	



	<p>(d) ships of war or naval auxiliaries.</p> <p>(2) Subject to the provisions of sub-section (1), the Central Government may, on the recommendation of the Director-General, by order, extend the provisions of the said sub-section to any category of ship with such exceptions and modifications as it may consider necessary.</p> <p>(3) Every Indian ship referred to in sub-section (1), wherever it is, and every ship other than an Indian ship while within the jurisdiction of India shall, subject to such conditions as may be prescribed, be in possession of a certificate issued in accordance with the provisions of the Maritime Labour Convention.</p> <p>(4) No ship shall proceed to sea unless it is in possession of certificate issued under sub-section (3).</p>	
<p><b>Duties of shipping office.</b></p>	<p><b>56.</b> (1) It shall be the duty of Shipping Master—</p> <p>(a) to monitor and facilitate the engagement and discharge of seafarer in the manner provided under this Act;</p> <p>(b) to provide means for securing the presence on board at the proper times of the seamen who are so engaged;</p> <p>(c) to issue such continuous discharge certificate and seafarer's identity document as may be prescribed;</p> <p>(d) to hear and decide disputes between a master, owner or agent of ship and any of the crew of the ship including those under section 81;</p> <p>(e) to transmit the complaint of any dispute of a foreign seaman of a vessel, registered in a country other than India, in Indian territorial waters, with the master, owner or agent, to the competent authority of the country of registration and a copy of such complaint shall be forwarded to the Director-General, International Labour Organisation Office.</p> <p>(2) It shall be the duty of the Director—</p> <p>(a) to issue licence, to regulate and control the recruitment and placement service, and to—</p> <p>(i) ensure that no fees or other charges for recruitment or placement of seafarers are borne directly or indirectly or in whole or in part, by the seafarers;</p> <p>(ii) ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and</p>	

	<p>placement services; and</p> <p>(iii) to maintain registers of seamen in respect of the categories of seamen;</p> <p>(b) to inspect, and verify the books of account and financial documents, of the recruitment and placement service provider.</p> <p>(3) It shall be the duty of the Seafarer’s Welfare Officer—</p> <p>(a) in the case of any such officer appointed at any port in India, such functions in relation to welfare of seamen as may be assigned to him by the Central Government;</p> <p>(b) in the case of any such officer appointed at any port outside India, such functions in relation to welfare of seamen and such functions of an Indian Ambassador as may be assigned to him by the Central Government and such functions shall have the same effect as if they had been performed by an Indian Ambassador for the purposes of this Part.</p> <p>(4)Notwithstanding the provisions of this Section, the Shipping Master or the Director or the Seafarer’s Welfare Officer shall perform such other duties as the Central Government may, by general or special order, specify.</p>	
<b>Minimum age for seafarers</b>	57. No person under the age of sixteen years shall be engaged, employed or work on board any ship.	
<b>Medical Certificate</b>	58. No person shall engage or carry to sea any seafarer to work in any capacity in any ship, unless the seafarer is in possession of a certificate to the effect that he is medically fit to be employed in that capacity granted in such form by such authority as may be prescribed.	
<b>Training and qualifications</b>	59. (1) The Central Government may, by order, direct that the seafarers generally or any category of seafarers in particular shall not be engaged or carried to sea to work in any capacity in any ship or in any class of ships so specified, unless each one of them possesses such qualifications as may be specified.	
	(2)The ship owner shall ensure that the seafarers shall not work on the ship unless they are trained or certified as competent or otherwise qualified to perform their duties and have successfully completed training for personal safety on board ship	
	(3) The training and certification under sub-section (2) shall be in accordance with the mandatory instruments adopted by the International Maritime Organisation.	

<p><b>Recruitment and placement of seafarer.</b></p>	<p><b>60.</b> (1) The seafarer shall be engaged only by,—</p> <p style="padding-left: 40px;">(a) recruitment and placement service agency possessing the licence issued under the provisions of section 56; or</p> <p style="padding-left: 40px;">(b) owners in the case of Indian vessel for the vessel owned by them.</p> <p>(2) No person, other than an owner of Indian vessel in respect of the vessel owned by him, shall carry on the business of recruitment and placement service unless he is in possession of a valid licence issued under Section 56.</p> <p>(3) No person shall engage any seafarer under this Act in any ship unless the seafarer is in possession of a continuous discharge certificate and seafarer’s identity documents issued under sub-section (4) except as otherwise exempted.</p> <p>(4) The continuous discharge certificate and seafarer’s identity document referred to in sub-section (3) shall be issued in such form and manner and on payment of such fees as may be prescribed.</p> <p>(5) No person shall demand or receive, either directly or indirectly, from any seafarer or person seeking on-board training or employment as seafarer or any person on his behalf, any remuneration or fees or other charges for seafarer recruitment or placement or for providing on-board training or employment to the seafarer or person seeking on-board training or employment as a seafarer.</p> <p>(6) The Central Government or any officer authorised by it in this behalf, if satisfied that in the national interest or in the interest of seafarer it is necessary so to do, may, by order in writing, prohibit the master or owner or his agent of any ship other than an Indian ship specified in the order from engaging any person to serve as a seafarer on such ship.</p> <p>(7) The services of the seafarer engaged in contravention of sub-section (1) shall not be recognised for the purposes of certification under Part IV.</p>	
<p><b>Agreements with seafarers</b></p>	<p><b>61.</b> (1) The master or owner of every Indian ship or recruitment and placement service agency for Indian ship or foreign ship shall enter into seafarers employment agreements in such form and manner as may be prescribed with every seafarer whom he engages and shall submit a copy thereof to the shipping master.</p> <p>(2) Notwithstanding anything contained in any other provisions of this Act, the master of an Indian ship registered at a port outside India, or owner of such ship or his agent who has an agreement with the seafarer made in due form according to the law of that port or of the port in which her seafarer were engaged, may</p>	

	<p>engage in any port in India—</p> <p>(a) a seafarer who is not a citizen of India and who holds a continuous discharge certificate or any other similar document of identity issued by the competent authority of the country in which the ship is registered or, as the case may be, of the country in which the said agreement was made, or</p> <p>(b) a seafarer who is a citizen of India and who holds a continuous discharge certificate issued under this Act, and any seafarer so engaged under clause (a) or clause (b) may sign the agreement aforesaid and it shall not be necessary for him to sign an agreement under this Act.</p> <p>(3) Seafarers shall, before signing a seafarers' employment agreement, be given an opportunity to examine and seek advice on the agreement before signing, to ensure that they have freely entered into an agreement with a sufficient understanding of their rights and responsibilities.</p>	
<b>Wages</b>	<p><b>62.</b> (1) Every ship-owner of an Indian vessel shall ensure that full wages are paid to seafarers at no greater than monthly intervals.</p> <p>(2) If any amount in respect of wages payable to a seafarer under a seafarer employment agreement is not paid within the monthly interval, the seafarer shall be entitled to wages at the rate last payable under the seafarer's employment agreement for every day on which it remains unpaid until the full amount is paid, along with interest at such rate prescribed by the Central Government.</p> <p>Provided that no interest shall be payable if the failure to make such monthly payment was due to</p> <p>a) a mistake;  b) a reasonable dispute as to liability;  c) the act or default of the seafarer; or  any other cause not being the wrongful act or default of the persons liable to make the payment or of their servants or agents.</p>	
<b>Hours of work and hours of rest</b>	<p><b>63.</b> Every shipowner shall ensure that every seafarer in his employment is given such hours of rest as prescribed.</p>	
<b>Entitlement to leave</b>	<p><b>64.</b> Every shipowner of an Indian vessel shall ensure seafarers are given paid annual leave in accordance with such conditions as prescribed.</p>	
<b>Repatriation</b>	<p><b>65.</b> (1) Seafarers have a right to be repatriated at no cost to themselves in the circumstances and under the conditions prescribed by the Central Government.</p> <p>(2) Every shipowner of an Indian vessel shall provide financial security to ensure that seafarers are duly repatriated in accordance with the prescribed rules.</p>	

	<p>(3) When the service of a seafarer terminates without the consent of the said seafarer at a port outside India, and before the expiration of the period for which the seafarer was engaged, the master, owner of a ship or his agent shall, in addition to any other related obligation imposed on either of them by this Act, make adequate provision for the maintenance of the seafarer according to his rank or rating, and for the return of that seafarer to a proper return port.</p> <p>(4) If the master, owner of a ship or his agent fails to repatriate seafarers, the expenses of maintenance and of the journey to the proper return port shall, if defrayed by the seafarer, be recoverable as wages due to him, and if defrayed by an Indian consular officer, be regarded as expenses falling within the provisions of sub-sections (3) and (4) of section 89.</p> <p>(5) The Central Government shall, having regard to the provisions of the Maritime Labour Convention, prescribe the rules in matters relating to repatriation.</p>	
<b>Compensation for ship's loss or foundering</b>	66. In case of loss or foundering of any ship, the ship owner shall pay to each seafarer on board an indemnity against unemployment resulting from such loss or foundering, as prescribed by the Central Government.	
<b>Manning levels</b>	67. Every ship shall employ such number of seafarers, as prescribed, on board to ensure that ships are operated safely, efficiently and with due regard to security under all conditions, taking into account concerns about seafarer fatigue and the particular nature and conditions of the voyage.	
<b>Accommodation and recreational facilities</b>	68. Shipowners shall provide and maintain decent accommodations and recreational facilities for seafarers working or living on board, or both, consistent with promoting the seafarers' health and well-being, as prescribed in the rules framed by the Central Government.	
<b>Food and Catering</b>	<p>69. (1) Shipowners shall provide for food and drinking water of appropriate quality, nutritional value and quantity that adequately covers the requirements of the ship and takes into account the differing cultural and religious backgrounds.</p> <p>(2) Seafarers on board a ship shall be provided with food and water free of charge during the period of engagement.</p> <p>(3) The ship owner shall ensure that the seafarers who are engaged as cooks of the ship are trained, qualified and found competent as specified by the Director General.</p>	
<b>Medical care</b>	70. It shall be the duty of a shipowner to take such measures for	

	<p>providing protection of health and medical care, at no cost to seafarers, employed on board the ship, in accordance with the rules prescribed by the Central Government.</p>	
<b>Shipowners liability</b>	<p>71. (1) The ship owner shall ensure that seafarers employed on the ships are provided with a right to material assistance and support with respect to the financial consequences of sickness, injury or death occurring while they are serving under a seafarers' employment agreement or arising from their employment under such agreement.</p> <p>(2) Nothing contained in sub-section (1) shall affect any other legal remedy available to a seafarer under any law for the time being in force.</p>	
<b>Health and safety protection and accident prevention</b>	<p>72. Shipowners shall ensure that seafarers working on board the ship are provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment, in accordance with guidelines specified by the Director-General.</p>	
<b>Social Security</b>	<p>73. All seafarers shall have access to branches of social security protection, as prescribed by the Central Government.</p>	
<b>Flag State responsibilities</b>	<p>74. (1) The Central Government shall, prescribe rules for the purposes of giving effect to provisions of Part A of the Code of the Maritime Labour Convention, in matters relating to flag state responsibilities for all or any of the following matters, namely-</p> <ul style="list-style-type: none"> <li>(a) Establishing an effective system for inspection and certification of maritime labour conditions;</li> <li>(b) Authorize public institutions or other organizations competent to carry out inspections or issue certificates;</li> <li>(c) Effective and coordinated system of regular inspections, monitoring and other control measures;</li> <li>(d) On board compliant procedure</li> </ul> <p>(2) Such Indian ships as prescribed by the Central Government, shall carry and maintain a declaration of maritime labour compliance stating the requirements for implementing these rules for the working and living conditions for seafarers and setting out the measures adopted by the ship owner to ensure compliance with the requirements on the ship or ships concerned.</p> <p>(3) Indian ships shall have on-board compliant procedures, as prescribed by the Central Government, for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of the Maritime Labour Convention.</p>	

<p><b>Port State Responsibilities</b></p>	<p><b>75.</b> (1) The Central Government shall, prescribe rules for the purposes of giving effect to provisions of Part A of the Code of the Maritime Labour Convention, in matters relating to port state responsibilities for all or any of the following matters, namely-</p> <ul style="list-style-type: none"> <li>(a) Establishing an on-shore complaint redressal procedure;</li> <li>(b) Establishing a procedure for inspections in port</li> </ul> <p>(2) The Director-General shall notify a system for inspections of Indian vessels and the procedure for port state inspections, which shall provide for the following matters-</p> <ul style="list-style-type: none"> <li>(a) The requirement to develop, maintain and update an electronic inspection database, containing all information required for implementation of an effective and coordinated system of regular inspections;</li> <li>(b) All information related to inspections performed in accordance with the prescribed rules shall be transferred to the inspection database within the notified time period;</li> <li>(c) All ships calling at a port in India shall be attributed a ship risk profile in the inspection database which would determine the priority of its inspection, intervals between inspection and scope of inspection;</li> </ul>	
<p><b>Power to make rules for enforcement of Maritime Labour Convention.</b></p>	<p><b>76.</b> (1) The Central Government shall, for the purposes of giving effect to provisions of Part A of the Code of the Maritime Labour Convention prescribe rules for all or any of the following matters, namely:—</p> <ul style="list-style-type: none"> <li>(a) Minimum age;</li> <li>(b) Medical certificate;</li> <li>(c) Training and qualifications;</li> <li>(d) Recruitment and placement;</li> <li>(e) Seafarers’ employment agreements;</li> <li>(f) payment of wages;</li> <li>(g) hours of work and hours of rest;</li> <li>(h) entitlement to leave;</li> <li>(i) repatriation;</li> <li>(j) compensation, if ship loss or foundering;</li> <li>(k) manning levels;</li> <li>(l) service conditions including skill development opportunities;</li> <li>(m) accommodation, recreational facilities, food and catering;</li> <li>(n) health protection, medical facilities, welfare and social security protection;</li> <li>(o) Flag state responsibilities in relation to compliance and enforcement</li> <li>(p) port state responsibilities in relation to compliance and enforcement</li> <li>(q) any other matter which is to be or may be required for compliance and enforcement of Maritime Labour Convention.</li> </ul> <p>(2) The Central Government may, for the purposes of giving effect to, Part B of the Code of the Maritime Labour Convention and any other provision of the Maritime Labour Convention which has not been given effect to in this Act, make rules for all or any of the</p>	

	following matters contained in sub-section (1).	
<b>Payment of Wages</b>	<p>77. (1) Where the service of any seafarer engaged under this Act terminates before the date specified in the agreement by reason of the wreck, loss or abandonment of the ship or by reason of his being left on shore at any place outside India under a certificate granted under this Act of his unfitness or inability to proceed on the voyage, the seafarer shall be entitled to receive wages in accordance with the prescribed rules.</p> <p>(2) The periods during which a seafarer shall not be entitled to wages shall be prescribed.</p> <p>(3) Subject to prescribed exceptions, a seafarer shall not be disentitled to claim wages for any period during which he has not performed his duty if he proves that he was incapable of doing so by reason of illness, hurt or injury.</p> <p>(4) If a seafarer having signed an agreement is discharged, otherwise than in accordance with the terms thereof, without fault on his part justifying the discharge and without his consent, he shall be entitled to receive from the master of the ship, owner of the ship or his agent, in addition to any wages he may have earned, as due compensation for the damage caused to him by the discharge, such sum as the shipping master may fix having regard to the circumstances relating to the discharge, which may be recovered as wages:</p> <p>Provided that the compensation so payable shall not exceed—</p> <p>(a) in the case of a seafarer who has been discharged before the commencement of a voyage, one month's wages; and</p> <p>(b) in the case of a seafarer who has been discharged after the commencement of a voyage, three month's wages.</p>	
<b>Discharge of seafarers.</b>	<p>78. (1) A seafarer serving in an Indian ship shall, on termination of his engagement, be discharged in such manner as may be prescribed.</p> <p>(2) If an Indian ship is transferred or disposed of while she is at or on a voyage to any port outside India, every seafarer belonging to that ship shall be discharged at that port, unless he consents in writing to complete the voyage in the ship if continued.</p> <p>(3) If a seafarer is discharged from an Indian ship in terms of sub-section (3), the provisions of section 65 shall apply as if the service of the seafarer had terminated without his consent and before the expiration of the period for which the seafarer was engaged.</p> <p>(4) Every seafarer discharged in terms of sub-section (2) shall, if the voyage for which he was engaged is not continued, be entitled to the wages to which he would have been entitled if his service</p>	



	<p>had been wrongfully terminated by the owner before the expiration of the period for which the seafarer was engaged.</p> <p>(5) The master of an Indian ship shall not,—</p> <p style="padding-left: 40px;">(a) discharge a seafarer before the expiration of the period for which he was engaged, unless the seafarer consents to his discharge; or</p> <p style="padding-left: 40px;">(b) except in circumstances beyond his control, leave a seafarer behind, without the authority of the officer specified in this behalf by the Central Government and the officer aforesaid shall certify on the agreement with seafarer that he has granted such authority, and also the reason for the seafarer being discharged or the seafarer being left behind.</p> <p>(6) The officer aforesaid to whom application is made for authority in terms of sub-section (5), shall investigate the grounds on which the seafarer is to be discharged or the seafarer left behind and may in his discretion grant or refuse to grant such authority:</p> <p>Provided that he shall not refuse to grant his authority if he is satisfied that the seafarer, without reasonable cause,—</p> <p style="padding-left: 40px;">(a) has failed or refused to join his ship or to proceed to sea therein; or</p> <p style="padding-left: 40px;">(b) has been absent from his ship without leave, either at the commencement or during the progress of a voyage for a period of more than forty-eight hours.</p> <p>(7) The officer aforesaid shall keep a record of all seafarers discharged or left behind with his authority and whenever any charge is made against a seafarer under section 96, the fact that no such authority is so recorded shall be prima facie evidence that it was not granted.</p>	
<p><b>Wages and property of deceased seafarers and seafarers left behind.</b></p>	<p><b>79.</b> If any seafarer is left behind or lost overboard or is deceased, the master shall enter in the official logbook a statement of the amount due to the seafarer in respect of wages at the time when he was left behind or lost overboard or is deceased of all property left on board by him, and shall take such property into his charge and discharge the property in such manner as may be prescribed.</p>	
<p><b>Certain undisbursed amounts to be utilised for welfare of seafarers.</b></p>	<p><b>80.</b> Subject to such restrictions and conditions as may be prescribed, any amount deposited with or recovered by the shipping master as wages or for making payment in accordance with the allotment note made by a seafarer or for being paid to a seafarer or his nominee may, if such amount remains unclaimed with the shipping master for a period of not less than six years, be utilised for the welfare of seafarer in such manner as the Central</p>	

	Government may direct.	
<p><b>Decision of questions by Shipping Masters.</b></p>	<p><b>81.</b> (1) Where under the agreement with the seafarer any dispute arises at any port in India between the master, owner or agent of a ship and any of the seafarer of the ship, it shall be submitted to the shipping master.</p> <p>(2) Any dispute of an Indian seafarer, on a vessel registered in a country other than India, in Indian territorial waters, with the master, owner of the ship or his agent may be submitted to the shipping master.</p> <p>(3) The shipping master shall hear and after giving the parties an opportunity to be heard, decide the dispute submitted under sub-sections (1) and (2) and pass an award within a period of thirty days which shall be conclusive as to the rights of parties and any document relating to such dispute or award itself shall be prima facie evidence thereof.</p> <p>(4) Any person aggrieved by the award made by the shipping master under this section may, within a period of thirty days from the date of receipt of such award, prefer an appeal before the Principal Officer having jurisdiction over the matter and the Principal Officer may, after giving the parties to the appeal an opportunity of being heard, pass an order within a period of forty-five days from the date of receipt of such appeal.</p> <p>(5) Any person aggrieved by the order passed by the Principal Officer under this section may, within a period of thirty days from the date of receipt of order, prefer second appeal to the Director-General who may, after giving the parties to the appeal an opportunity of being heard, pass an order within a period of forty-five days.</p> <p>(6) Where the time for preferring an appeal under sub-section (5) has expired, then, subject to sub-section (7) and (8) of this section, such award shall be enforceable in accordance with the provisions of the Code of Civil Procedure, 1908 in the same manner as if it were a decree of the Court.</p> <p>(7) Where an appeal against the award has been filed under sub-section (5), the filing of such appeal shall not by itself render the award unenforceable, unless the Principal Officer or Director-General, as the case may be, grants an order of stay of the operation of the said award, on a separate application made for that purpose.</p> <p>(8) Upon an application under sub-section (7) of this section for stay of operation of the award, the appellate authority may, subject to such conditions as it may deem fit, having due regard to the provisions for grant of stay in a money decree under the provisions of the Code of Civil Procedure, 1908, grant stay of the operation of such award for reasons to be recorded in writing.</p>	<p>26 of 1996  (5 of 1908),</p>

	(9) Nothing in the Arbitration and Conciliation Act, 1996 shall apply to any matter submitted to a shipping master for decision under this section.	
<b>Power of shipping master to require production of ship's papers.</b>	<b>82.</b> In any proceedings under this Act before a shipping master relating to the wages, claims or discharge of a seafarer, the shipping master may require the owner, master his agent or seafarer to produce any log books, papers, or other documents in his possession or power relating to any matter in question in the proceedings, and may require the attendance of and examine any of those persons being then at or near the place on the matter.	
<b>Wages not recoverable outside India in certain cases</b>	<b>83.</b> Where a seafarer is engaged for a voyage which is to terminate in India, he shall not be entitled to sue in any court outside India for wages unless he is discharged with such sanction as is required by this Act, and with the written consent of the master, or proves such ill-usage on the part, or by the authority, of the master, as to warrant a reasonable apprehension of danger to his life if he were to remain on board.	
<b>Summary proceedings for wages.</b>	<b>84.</b> (1) A seafarer or a person duly authorised by him may, as soon as any wages due to him become payable but not paid, apply to any Judicial Magistrate of the first class or any Metropolitan Magistrate, as the case may be, exercising jurisdiction in or near the place at which his service has terminated or at which he has been discharged, or at which any person upon whom the claim is made is or resides, and such magistrate shall try the case in a summary way and the order made by such magistrate in the matter shall be final.  (2) An application under sub-section (1) may also be made by any officer authorised by the Central Government in this behalf by general or special order.	
<b>Restrictions on suits for wages.</b>	<b>85.</b> A proceeding for the recovery of wages due to a seafarer shall not be instituted by or on behalf of any seafarer in any civil court except where,—  (a) the owner of the ship has been declared insolvent;  (b) the ship is under arrest or sold by the authority of any court;  (c) a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, refers a claim to the court.	
<b>Remedies of master for wages, disbursements, etc.</b>	<b>86.</b> (1) The master of a ship shall, so far as the case permits, have the same rights, liens and remedies for the recovery of his wages as a seafarer has under this Act or by any law or custom.  (2) The master of a ship or every person lawfully acting as master of a ship by reason of the disease or incapacity from illness of the master of the ship shall, so far as the case permits, have the same	

	<p>rights, liens and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.</p>	
<p><b>Power to refer disputes between seafarers and their employers to Tribunal.</b></p>	<p><b>87.</b> (1) Where the Central Government is of the opinion that any dispute between seafarer or any class of seafarers or of any union of seafarers and the owners of ships in which such seafarers are employed or are likely to be employed exists or is apprehended and such dispute relates to any matter connected with or incidental to the employment of the seafarers, the Central Government may, by notification, constitute a Tribunal consisting of one or more persons, having knowledge of maritime matter, and refer the dispute for adjudication.</p> <p>(2) The Tribunal shall not be bound by the procedure laid down by the Code of Civil Procedure, 1908 but shall be guided by the principles of natural justice.</p> <p>(3) The Tribunal shall also not be bound by the rules of evidence contained in the Indian Evidence Act, 1872.</p> <p>(4) The Tribunal shall, for the purposes of discharging its functions under this Act, have power to regulate its own procedure and shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908, while trying a suit in respect of the following matters, namely:—</p> <p style="padding-left: 40px;">(a) summoning and enforcing the attendance of any person and examining him on oath;</p> <p style="padding-left: 40px;">(b) compelling the production of documents;</p> <p style="padding-left: 40px;">(c) receiving evidence on affidavits;</p> <p style="padding-left: 40px;">(d) issuing commissions for the examination of witnesses; (e) any other matter which may be prescribed.</p> <p>(5) Any proceeding before the Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code.</p> <p>(6) No party to a dispute shall be entitled to be represented by a legal practitioner in any proceeding before the Tribunal except with the consent of the other party or parties to the proceeding and with the leave of the Tribunal.</p> <p>(7) The Tribunal shall dispose of the reference within a period as may be specified in the notification under sub-section (1) and submit its award to the Central Government.</p> <p>(8) On receipt of the award, the Central Government shall cause it to be published and the award shall become enforceable on the</p>	<p>5 of 1908.</p> <p>10 of 1872.</p> <p>5 of 1908.</p>

	<p>expiry of thirty days from the date of such publication:</p> <p>Provided that where the Central Government is of the opinion that it shall be inexpedient on public grounds to give effect to the award or any part of it, it may before the expiry of the said period of thirty days by order in the Official Gazette either reject the award or modify it, and where the Central Government does so, the award shall not become enforceable or shall become enforceable subject to the modifications, as the case may be.</p> <p>(9) An award which has become enforceable under this section shall be binding on—</p> <p style="padding-left: 40px;">(a) all parties to the dispute;</p> <p style="padding-left: 40px;">(b) where any party to the dispute is the owner of the ship, his heirs, successors, or assigns.</p> <p>(10) Save as otherwise provided in the award, an award shall remain in operation for a period of one year from the date on which it becomes enforceable and shall thereafter continue to remain in operation until a period of two months has elapsed from the date on which notice is given by any party bound by the award to the other party or parties intimating its intention to terminate the award.</p> <p>(11) Unless otherwise directed by the Central Government, the Tribunal shall cease to exist on the expiry of a period of thirty days after publication of the award.</p> <p>(12) Any money due to a seafarer from the owner of a ship under an award may be recovered as wages.</p> <p>(13) Nothing contained in the Industrial Disputes Act, 1947, shall apply to any dispute between seafarers or any class of seafarers or any union of seafarers and the owners of ships in which such seafarers are employed or are likely to be employed.</p> <p>(14) During the pendency of proceedings under this section,—</p> <p style="padding-left: 40px;">(a) no seafarer or class of seafarers or union of seafarers shall go or remain on strike or otherwise act in a manner prejudicial to the normal operation of the ships in which the seafarer is employed or are likely to be employed; and</p> <p style="padding-left: 40px;">(b) no owner of a ship shall,—</p> <p style="padding-left: 80px;">(i) alter to the prejudice of the seafarer concerned in the dispute, the conditions of service applicable to them immediately before the commencement of such proceedings; or</p> <p style="padding-left: 80px;">(ii) discharge or punish any seafarer in respect of any matter</p>	<p>45 of 1860.</p> <p>14 of 1947.</p>
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	connected with the dispute.	
<b>Recovery of wages, etc., of seafarers lost with their ship.</b>	<p>88. Where a seafarer is missing or lost with the ship to which he belongs, the Central Government or such officer as the Central Government may appoint in this behalf may recover the wages and the compensation due to him from the master or owner of a ship or his agent in the same court and in the same manner in which the seafarer's wages are recoverable, and shall deal with those wages in the same manner as with the wages and compensation due to other deceased seafarers under this Act.</p>	
<b>Relief and maintenance of abandoned seafarers.</b>	<p>89. (1) The Indian consular officer at or near the place where a seafarer is abandoned shall, on application being made to him by the abandoned seafarer, provide in accordance with the rules made under this Act for the return of that seafarer to a proper return port, and also for the said seafarer's necessary clothing and maintenance until his arrival at such port.</p> <p>(2) An abandoned seafarer shall not have any right to be maintained or sent to a proper return port except to the extent and on the conditions provided for in the rules.</p> <p>(3) All repatriation expenses, other than excepted expenses, incurred by or on behalf of the Central Government in accordance with the provisions of this Act shall constitute a debt due to the Central Government for which the owner or agent of the ship to which the seafarer in respect of whom they were incurred belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall be liable, and the owner or agent shall not be entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt.</p> <p>(4) All excepted expenses incurred by or on behalf of the Central Government in accordance with the provisions of this Act shall constitute a debt due to the Central Government for which the seafarer in respect of whom they were incurred and the owner or the agent of the ship to which that seafarer belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall be jointly and severally liable, and the owner or agent shall be entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt, and may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer.</p> <p>(5) All excepted expenses incurred in accordance with the provisions of this Act in respect of any abandoned seafarer by the owner or agent of the ship to which he belonged at the time of his discharge or other event which resulted in his becoming an abandoned seafarer shall constitute a debt due to the owner or agent for which the seafarer shall be liable, and the owner or agent may apply to the satisfaction of his claim so much as may be necessary of any wages due to the seafarer; but he shall not be</p>	

	<p>entitled to recover from the seafarer any repatriation expenses other than excepted expenses.</p> <p>(6) In any proceedings for the recovery of any expenses which in terms of sub-section (3) or sub-section (4) are a debt due to the Central Government, the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Central Government shall be prima facie evidence that the expenses were incurred in accordance with the provisions of this Act by or on behalf of the Central Government.</p> <p>(7) Any debt, which may be due to the Central Government under this section, may be recovered by any officer authorised by it in writing in this behalf from the person concerned in the same manner, as the wages are recoverable under section 84.</p> <p>Explanation.—For the purposes of this section,—</p> <p>(a) "excepted expenses" means repatriation expenses incurred in cases where the cause of the seafarer being left behind is desertion or absence without leave or imprisonment for misconduct or discharge from his vessel on the grounds of misconduct;</p> <p>(b) "repatriation expenses" means expenses incurred in returning an abandoned seafarer to a proper return port and in providing him with necessary clothing and maintenance until his arrival at such a port, and includes in the case of a shipwrecked seafarer the repayment of expenses incurred in conveying him to a port after shipwreck and maintaining him while being so conveyed.</p>	
<p><b>Replacement crew on board abandoned vessels</b></p>	<p><b>90.</b> (1) If the shipowner fails to make arrangement for or to meet the cost of arranging for replacement crew to be sent on board any of the following abandoned vessels, whose seafarers are required to be repatriated, the Central Government shall arrange for replacement crew to be sent on board:</p> <p>(a) Any abandoned Indian vessels;</p> <p>(b) any foreign vessel abandoned on or near the coast of India or within the coastal waters;</p> <p>(2) The cost incurred by or on behalf of the Central Government under sub-section (1), shall constitute a debt due to the Central Government for which the owner or agent of the ship to which the seafarer in respect of whom they were incurred belonged at the time of his discharge or other event which resulted in his becoming a distressed seafarer shall be liable, and the owner or agent shall not be entitled to recover from the seafarer any amount paid by him to the Central Government in settlement or part settlement of such debt.</p> <p>(3) In any proceedings for the recovery of any expenses which in terms of sub-section (2) are a debt due to the Central Government,</p>	

	<p>the production of an account of the expenses and proof of payment thereof by or on behalf of or under the direction of the Central Government shall be <i>prima facie</i> evidence that the expenses were incurred in accordance with the provisions of this Act by or on behalf of the Central Government.</p> <p>(4) Any debt, which may be due to the Central Government under this section, may be recovered by any officer authorised by it in writing in this behalf from the person concerned in the same manner, as the wages are recoverable under section 84.</p> <p>(5) In any proceeding under this Part, a certificate of the Central Government or of such officer as the Central Government may specify in this behalf, to the effect that any seafarer named therein is abandoned shall be conclusive evidence that such seafarer is an abandoned seafarer within the meaning of this Act.</p>	
<p><b>Inspection by shipping master, etc.</b></p>	<p><b>91.</b> (1) A shipping master, surveyor, seafarer's welfare officer, Indian Ambassador or any other officer at any port duly authorised in this behalf by the Central Government shall,—</p> <p>(a) in the case of any ship upon which the seafarer has been shipped at that port, at any time, and</p> <p>(b) in the case of any Indian ship, at any time, and if the master or three or more of the crew so request,</p> <p>enter on board the ship and inspect,—</p> <p>(i) the provisions and water;</p> <p>(ii) the weights and measures;</p> <p>(iii) the accommodation for seafarers, with which the ship is required to be provided by or under this Act and also the space and equipment used for the storage and handling of food and water and the galley and other equipment used for the preparation and service of meals;</p> <p>(iv) Maritime Labour Certificate and Declaration of Maritime Labour Compliance.</p> <p>(2) All Indian ships engaged in international voyage or operating from a port, or between ports, in another country, shall possess a Maritime Labour Certificate and a Declaration of Maritime Labour Compliance.</p> <p>(3) Ships not covered under sub-section (2) shall, unless exempted by the Central Government, possess such certificate in such manner and form as may be prescribed.</p> <p>(4) For the purpose of preventing seafarer from being taken on board any ship at any port in India contrary to the provisions of</p>	



	<p>this Act, any shipping master or deputy or assistant shipping master or any director, deputy director or assistant director of the seafarer's employment office, may enter at any time on board any such ship upon which he has reasons to believe that seafarers have been shipped, and may muster and examine the several seafarers employed therein.</p> <p>Explanation.— For the purposes of this section,—</p> <p>(a) "Declaration of Maritime Labour Compliance" means a declaration issued by the Central Government or by any officer, authority or organisation authorised by it in this behalf, in respect of a ship that it meets with the requirements and standards set out in the provisions of the Maritime Labour Convention;</p> <p>(b) "International voyage" means a voyage from or to a port or place in India to or from a port or place outside India or between any ports outside India.</p>	
<p><b>Special provisions for the protection of seafarers in respect of litigation.</b></p>	<p><b>92.</b> (1) A seafarer shall, for the purposes of this Part, be deemed to be a serving seafarer during any period commencing on the date of the agreement with the crew and ending thirty days after the date on which the seafarer is finally discharged from such agreement.</p> <p>(2) The provisions for protection of seafarers in respect of litigation shall be as prescribed by the Central Government.</p>	
<p><b>Facilities for making complaint.</b></p>	<p><b>93.</b> If a seafarer states to the master that he desires to make a complaint to a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, or other proper officer against the master or any of the crew, the person authorised by the Central Government in this behalf shall,—</p> <p>(a) if the ship is then at a place where there is a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the case may be, or other proper officer, as soon after such statement as the service of the ship shall permit, and</p> <p>(b) if the ship is not then at such place, as soon after her first arrival at such place as the service of the ship shall permit, allow the complainant to go ashore or send him ashore under proper protection so that he may be enabled to make the complaint.</p>	
<p><b>Ship not to be boarded without permission.</b></p>	<p><b>94.</b> Where a ship has arrived at a port or place in India at the end of a voyage and any person, not being in the service of the Government or not being duly authorised by law for the purpose, goes on board the ship without the permission of the master, the master of the ship may take such person into custody and deliver him up forthwith to a police officer to be taken before a Judicial Magistrate of the first class or a Metropolitan Magistrate, as the</p>	

	<p>case may be, to be dealt with according to the provisions of this Act.</p>	
<p><b>Misconduct endangering life or ship.</b></p>	<p><b>95.</b> No seafarer belonging to an Indian ship wherever it may be, or to any other ship, while in India, shall knowingly,—</p> <p>(a) do anything tending to the immediate loss or destruction of, or serious damage to, the ship, or tending immediately to endanger the life of, or to cause injury to any person belonging to or on board the ship; or</p> <p>(b) refuse or omit to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage, or for preserving any person belonging to or on board the ship from danger to life or from injury.</p>	
<p><b>Desertion and absence without leave.</b></p>	<p><b>96.</b> (1) No seafarer lawfully engaged shall,—</p> <p>(a) desert his ship; or</p> <p>(b) neglect or refuse, without reasonable cause, to join the ship or to proceed to sea in his ship or be absent without leave at any time within twenty-four hours of the ship's sailing from a port either at the commencement or during the progress of a voyage, or be absent at any time without leave and without sufficient reason from his ship or from his duty.</p> <p>(2) For the purposes of sub-section (1), the fact that the ship on which the seafarer is engaged or to which he belongs is unseaworthy shall be deemed to be a reasonable cause:</p> <p>Provided that the seafarer has, before failing or refusing to join his ship or to proceed to sea in his ship or before absenting himself or being absent from the ship, as the case may be, complained to the master or a shipping master, surveyor, seafarer's welfare officer, port health officer, Indian consular officer or any other officer at any port duly authorised in this behalf by the Central Government, that the ship is unseaworthy.</p> <p>(3) If it is shown to the satisfaction of a shipping master that a seafarer has deserted his ship or has absented himself without leave and without sufficient reason from his ship or from his duty, the shipping master shall forthwith make a report to that effect to the Director- General who may thereupon direct that the seafarer's continuous discharge certificate and seafarer identity document shall be withheld for such period as may be specified in the direction.</p> <p>(4) If a seafarer deserts his ship or is absent without leave and without sufficient reason from his ship or from his duty, the master, any seafarer, the owner or agent of the owner of the ship may, without prejudice to any other action that may be taken</p>	

	<p>against the seafarer under this Act, convey him on board his ship and may for that purpose cause to be used such force as may be reasonable in the circumstances of the case.</p> <p>(5) If, either at the commencement or during the progress of any voyage, a seafarer engaged in an Indian ship commits outside India, the offence of desertion or absence without leave or any offence against discipline, the master, any mate, the owner or agent of the owner of the ship may, if and so far as the laws in force in the place shall permit, arrest him without first procuring warrant.</p> <p>(6) No person shall convey onboard or arrest a seafarer on improper or insufficient grounds.</p> <p>(7) Where a seafarer is brought before a court on the ground of desertion or of absence without leave or of any offence against discipline, and the master or the owner, or his agent, so requires, the court, may, in lieu of committing and sentencing him for the offence, cause him to be conveyed on board his ship for the purpose of proceeding on the voyage, or deliver him to the master or any mate of the ship or the owner or his agent, to be by them so conveyed, and may in such case order any costs and expenses properly incurred by or on behalf of the master or owner by reason of the conveyance to be paid by the offender and, if necessary, to be deducted from any wages which he has then earned or by virtue of his then existing engagements may afterwards be earned.</p>	
<p><b>General offences against discipline.</b></p>	<p>97. (1) A seafarer lawfully engaged shall be guilty of an offence against discipline if he commits any of the following acts, namely:—</p> <p>(a) if he quits the ship without leave after her arrival at her port of delivery and before she is placed in security;</p> <p>(b) if he has received an advance payment on the basis of his agreement and wilfully or through misconduct fails to attend his ship or desert therefrom before the payment becomes due to him</p> <p>(c) if he wilfully disobeys any lawful command or neglects the duty;</p> <p>(d) if he continues to wilfully disobey any lawful commands or if he combines with any of the crew to wilfully disobey any lawful commands, or continues with wilful neglect of duty or if he combines with any of the crew to neglect duty or to impede the navigation of the ship or retard the progress of the voyage;</p> <p>(e) if he assaults the master or any other officer of, or a seafarer belonging to the ship;</p> <p>(f) if he wilfully damages his ship or commits criminal</p>	

	<p>misappropriation or breach of trust in respect of, or wilfully damages any of, her stores or cargo;</p> <p>(2) The prosecution against any seafarer for any offence specified under sub-clauses (d) to (f) of sub-section (1) may be instituted by the Director-General.</p> <p>(3) The Director-General may, by order, suspend or cancel any certificate granted under this Act to any seafarer for any specified period, for any offence specified in sub-section (1) during the course of the hearing or legal proceeding.</p> <p>Provided that no order of suspension or cancellation shall be passed unless the person concerned has been given an opportunity of being heard.</p>	
<p><b>Smuggling of goods by seafarer.</b></p>	<p><b>98.</b> (1) If a seafarer engaged is convicted of an offence of smuggling any goods, whereby loss or damage is occasioned to the master or owner of the ship, he shall be liable to pay to that master or owner a sum sufficient to reimburse the loss or damage and the whole or a part of his wages may be retained in satisfaction on account of that liability without prejudice to any other remedy.</p> <p>(2) If a seafarer engaged is convicted of an offence of smuggling any goods, the Director-General may direct that the seafarer's continuous discharge certificate and seafarer's identity document shall be cancelled or shall be suspended for such period as may be specified in the direction.</p>	
<p><b>Entry of offences in official log book.</b></p>	<p><b>99.</b> If any offence within the meaning of this Act of desertion or absence without leave or against discipline is committed, or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine—</p> <p>(a) an entry of the offence or act shall be made in the official log book and signed by the master, the officer on watch;</p> <p>(b) the offender, if still in the ship, shall, before the next subsequent arrival of the ship at any port, or, if she is at the time in port, before her departure therefrom, be furnished with a copy of the entry and have the same read over distinctly and audibly to him and may thereupon make such reply thereto as he thinks fit;</p> <p>(c) a statement of a copy of the entry having been so furnished and the entry having been so read over and the reply, if any, made by the offender shall likewise be entered and signed in the manner aforesaid; and</p> <p>(d) in any subsequent legal proceedings the entries by this section required shall, if practicable, be produced or proved, and, in default of such production or proof, the court hearing</p>	

	the case may in its discretion, refuse to receive evidence of the offence or act of misconduct.	
<b>Report of desertions and absences without leave.</b>	<b>100.</b> Whenever any seafarer engaged outside India on an Indian ship deserts or otherwise absents himself in India without leave, the master of the ship shall, within forty-eight hours of discovering such desertion or absence, report the same to the shipping master or to such other officer as the Central Government specifies in this behalf, unless in the meantime, the deserter or absentee returns.	
<b>Entries and certificates of desertion abroad.</b>	<b>101.</b> (1) In every case of desertion from an Indian ship whilst such ship is at any place out of India, the master shall produce the entry of desertion in the official log book to the Indian consular officer at the place, and that officer shall thereupon make and certify a copy of the entry which shall be admissible in evidence in any legal proceeding relating to such desertion.  (2) The master shall forthwith transmit such copy of entry certified under sub-section (1) to the shipping master at the port at which the seafarer was shipped, and the shipping master shall, if required, cause the same to be produced in any legal proceeding.	
<b>Facilities for proving desertion in proceedings for forfeiture of wages.</b>	<b>102.</b> (1) Whenever a question arises whether the wages of any seafarer are forfeited for desertion from a ship, it shall be sufficient for the person insisting on the forfeiture to show that the seafarer was duly engaged in or belonged to the ship, and either that he left the ship before the completion of the voyage or engagement or, if the voyage was to terminate in India and the ship has not returned, that he is absent from her and that an entry of his desertion has been duly made in the official log book.  (2) The desertion shall thereupon, so far as relates to any forfeiture of wages under this Part, be deemed to be proved, unless the seafarer can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.	
<b>Application of forfeitures.</b>	<b>103.</b> Where any wages or other property are under this Act forfeited for desertion from a ship, they shall be applied towards reimbursing the expenses caused by the desertion to the master or the owner of the ship or his agent of the ship which may be recovered by the master, or the owner or his agent in the same manner as the deserter could have recovered them if not forfeited, and subject to that reimbursement, shall be paid to the Central Government.	
<b>Decision of questions of forfeiture and deduction in suits for wages.</b>	<b>104.</b> Any question concerning the forfeiture of or deductions from the wages of a seafarer may be determined in any proceeding lawfully instituted with respect to those wages, notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture has not	

	been made the subject of any criminal proceeding.	
<b>Payment of fines imposed under agreement to shipping master.</b>	<p><b>105.</b>(1) Every fine imposed on a seafarer for any act of misconduct under his agreement shall be deducted and paid as follows, namely:—</p> <p>(a) if the offender is discharged at any port or place in India and the offence and such entries in respect thereof as aforesaid are proved to the satisfaction of the shipping master, the master or owner or agent shall deduct such fine from the wages of the offender and pay the same to such shipping master; and</p> <p>(b) if the seafarer is discharged at any port or place outside India and the offence and such entries as aforesaid are proved to the satisfaction of the Indian consular officer, by whose sanction he is so discharged, the fine shall thereupon be deducted as aforesaid, and an entry of such deduction shall then be made in the official log book, if any, and signed by such officer and on the return of the ship to India, the master or owner shall pay such fine to the shipping master.</p> <p>(2) An act of misconduct for which any such fine has been inflicted and paid shall not be otherwise punishable under the provisions of this Act.</p> <p>(3) The proceeds of all fines received by a shipping master under this section shall be utilised for the welfare of seafarers in such manner as the Central Government may direct.</p>	
<b>Seafarer not to be enticed to desert.</b>	<p><b>106.</b>(1) No person shall by any means whatever persuade or attempt to persuade a seafarer to neglect or refuse to join or proceed to sea in or desert from his ship, or otherwise to absent himself from his duty.</p> <p>(2) No person shall harbour or secrete a seafarer who has wilfully neglected or refused to join or has deserted from his ship, knowing or having reason to believe the seafarer to have so done:</p> <p>Provided that the provisions of this sub-section shall not extend to the case in which the harbour or secreting is by the spouse of the seafarer.</p>	
<b>Stowaways and seafarers carried under compulsion.</b>	<p><b>107.</b>No person shall secrete himself and go to sea in a ship without the consent of either the owner, agent or master, or of a mate, or of the person in charge of the ship or of any other person entitled to give that consent.</p>	
<b>On change of master, documents to be handed over to</b>	<p><b>108.</b>(1) If during the progress of a voyage the master of any Indian ship is removed or superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall, deliver to his successor the various documents relating to the</p>	

<p><b>successor.</b></p>	<p>navigation of the ship and the crew thereof which are in his custody and a handing over note enlisting such documents.</p> <p>(2) On receipt of such documents and the handing over note, the successor shall make an entry in the official log book to that effect which shall also be endorsed by the predecessor.</p>	
<p><b>Deserters from foreign ships.</b></p>	<p><b>109.</b>(1) Where it appears to the Central Government that due facilities are or shall be given by the Government of any country outside India for recovering and apprehending seafarers who desert from Indian ships in that country, the Central Government may, by notification, stating that such facilities are or shall be given, declare that this section shall apply to seafarers belonging to ships of such country, subject to such limitations or conditions as may be specified in the notification.</p> <p>(2) Where this section applies to seafarers belonging to ships of any country and a seafarer deserts from any such ship, when within India, any court that would have taken cognizance of the matter if the seafarer had deserted from an Indian ship shall, on the application of a consular officer of that country, aid in apprehending the deserter and for that purpose may, on information given on oath, issue a warrant for his apprehension and on proof of the desertion order him to be conveyed on board his ship or delivered to the master or mate of his ship or to the owner of the ship or his agent to be so conveyed and any such warrant or order may be executed accordingly.</p>	
<p><b>Official logbook.</b></p>	<p><b>110.</b>(1) Except a ship of less than two hundred tons gross, there shall be kept an official log book in such form and such manner as may be prescribed.</p> <p>(2) The master, owner or agent of every ship for which an official log book is required to be kept under this Act shall, deliver the official log book to the shipping master as and when required by the shipping master.</p> <p>(3) No person shall make or procure to be made or assist in making any entry in any official log book in respect of any occurrence happening previously to the arrival of the ship at her final port of discharge more than twenty-four hours after such arrival.</p>	
<p><b>Power to make rules for this Part.</b></p>	<p><b>111.</b>(1) In addition to the power of the Central Government to make rules for enforcement of Maritime Labour Convention, the Central Government shall make rules generally to carry out the provisions of this Part, including prescribing rules in respect of the following matters:</p> <p>(a) Discharge of seamen (b) Payment of wages (c) Advance and allotment of wages</p>	

	<p>(d) Rights of seamen in respect of wages          (e) Mode of recovering wages          (f) Disputes between seaman and employers          (g) Property of deceased seamen and apprentices          (h) Repatriation of seafarers and abandoned seafarers          (i) Provisions, health and accommodation          (j) Special provisions for the protection of seamen in respect of litigation          (k) Provisions for the protection of seamen in respect of other matters          (l) Provisions as to discipline          (m) Official logs</p> <p>(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;-</p> <p>(a) the conditions under sub-section (3) of section 55.</p> <p>(b) the form, the manner of the issue of the continuous discharge certificate and seafarer's identity documents under section 56;</p> <p>(c) the other functions and duties of the seafarer's welfareoffices under sub-section (3) of Section 56;</p> <p>(d) the form of certificate to be possessed by seafarer and the authority who grants that certificate to the effect that the seafarer is medically fit under section 58;</p> <p>(e) the qualifications of the seafarer engaged or carried to sea to in any capacity in any ship under section 59;</p> <p>(f) the form of agreement and manner of making agreement under sub-section (1) of section 61;</p> <p>(g) the wages, compensation for loss of effects, that a seafarer is entitled to receive in case of wreck, loss or abandonment of the ship and in case of unfitness or inability to proceed on the voyage under sub-section (1) of Section 77</p> <p>(h) The periods during which a seafarer shall not be entitled to wages under sub-section (2) of section 77;</p> <p>(i) the manner of discharge from service of seafarer under sub-section (j) of section 78;</p> <p>(k) the manner of discharge of property under section 79;</p> <p>(l) the restrictions and conditions for utilisation of any amount deposited with or recovered by shipping master under section 80;</p> <p>(m) any other matter relating to functions of the Tribunal</p>	
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	<p>under clause (n) of sub section (4) of section 87;</p> <p>(o) the form of certificate and the manner of possession of such certificate under sub-section (3) of section 91;</p> <p>(p) the form and manner of keeping log book under sub-section (1) of section 110;</p> <p>(q) any other matter which is required to be or may be prescribed.</p>	
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<b>PART VI</b>		
<b>SAFETY AND SECURITY</b>		
<b>Application of this Part.</b>	<p><b>112.</b> This Part shall, unless otherwise exempted, apply to,—</p> <p>(a) Indian vessel, and other vessels registered in India under this Act, except vessel covered under Part XIII, on matters relating to safety and security;</p> <p>(b) vessel other than Indian vessel when such vessel is within India, including waters within the jurisdiction of India on matters relating to safety and security;</p> <p>(c) port facility, on matters relating to security; and</p> <p>(d) company, on matters relating to safety and security of the vessel.</p>	
<b>Definitions.</b>	<p><b>113.</b> In this Part, unless the context otherwise requires,—</p> <p>(a) "company" means the owner of the vessel or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the vessel from the owner of the vessel and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the international safety management code under the safety convention;</p> <p>(b) "port facility" means any location or area including anchorages or awaiting berths or approaches from seaward as determined by the Central Government where interface between vessel or a vessel and a port takes place;</p> <p>(c) words and expressions used in this Part but not defined, shall have the same meanings as assigned to them in the Conventions as referred to in section 114.</p>	
<b>Safety and Security requirements.</b>	<p><b>114.</b> (1) Every vessel shall, subject to such conditions as may be prescribed, comply with the provisions of the following convention or agreement, as applicable, namely:—</p> <p>(a) the Safety Convention;</p> <p>(b) the Load Lines Convention;</p> <p>(c) the Special Trade Passenger Ships Agreement, 1971;</p> <p>(d) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;</p> <p>(e) the International Convention on Maritime Search and Rescue, 1979;</p> <p>(f) the Tonnage Measurement Convention, 1969;</p> <p>(g) International convention for Safe Containers, 1972;</p> <p>(h) any other convention or agreement or any treaty relating to safety or security to which India is a Party:</p> <p>Provided that vessels, to which the provisions of the above conventions are not applicable, shall comply with such safety and security requirements as may be prescribed.</p>	

	<p>(2) The safety and security requirements for different classes of vessels and certificates to be held by such vessels shall be such as may be prescribed.</p>	
<p><b>Reporting of incidents.</b></p>	<p><b>115.</b>(1) When an incident relating to the safety and security takes place on a vessel, the master of vessel shall report the particulars of such incident to such authority in such manner as may be prescribed.</p> <p>(2) When an incident takes place relating to the loss or likely loss overboard of dangerous goods in packaged form into the sea, or dangerous goods in solid form in bulk into the sea, or any incident impeding safe navigation, the master of every vessel shall report the particulars of such incident to such authority in such manner as may be prescribed.</p> <p>(3) If the vessel referred to in sub-section (1) or sub-section (2) is abandoned, or a report from such vessel is incomplete, the Central Government shall fix the responsibility on the master of the vessel.</p>	
<p><b>Obligations to render assistance on receiving signal of distress and to persons in danger.</b></p>	<p><b>116.</b>(1) The master of an Indian vessel, on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress, shall proceed with all speed to the assistance of the persons in distress (informing them if possible that he is doing so) unless he is unable or in the special circumstances of the case considers it unreasonable or unnecessary to do so or unless he is released from such obligation under the provisions of sub-section (3) or sub-section (4).</p> <p>(2) Where the master of any vessel in distress has requisitioned any Indian vessel that has answered his call, it shall be the duty of the master of the requisitioned vessel to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress unless he is released from the obligation under the provisions of sub-section (4).</p> <p>(3) The master shall be released from the obligation imposed by sub-section (1) as soon as he is informed of the requisition of one or more vessels other than his own and that the requisition is being complied with by the vessel or vessels requisitioned.</p> <p>(4) The master shall be released from the obligation imposed by sub-section (1), and if his vessel has been requisitioned, from the obligation imposed by sub-section (2), if he is informed by the persons in distress or by the master of any vessel that has reached the persons in distress that assistance is no longer required.</p> <p>(5) If the master of an Indian vessel on receiving at sea a signal of distress or information from any source that a vessel or aircraft is in distress is unable or in the special circumstances of the case considers it unreasonable or unnecessary to go to the assistance of the persons in distress, he shall forthwith cause a statement to be entered in the official log book or if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of those persons.</p> <p>(6) The master of every Indian vessel for which an official logbook</p>	

	<p>is required shall enter or cause to be entered in the official log book every signal of distress or message that a vessel, aircraft or person is in distress at sea.</p> <p>(7) The master of every Indian vessel shall render assistance to every persons found at sea in danger of being lost, unless he is unable or, in the special circumstance of the case, considers that such assistance cannot be rendered without serious danger to his vessel, or the persons thereon.</p> <p>(8) If the master of an Indian vessel is unable or consider it unreasonable to go to the assistance of a person found at sea in danger of being lost, the master shall forthwith cause a statement to be entered in the official log book or, if there is no official log book, cause other record to be kept of his reasons for not going to the assistance of that person.</p>	
<b>Search and rescue services.</b>	<b>117.</b> The Central Government may make arrangements for search and rescue services for dealing with distress situation at sea, including territorial waters of India or coastal waters or any other law for the time being in force or such territory under International Convention on Maritime Search and Rescue, 1979 and agreement related thereto and such services shall include the establishment of rescue co-ordination centers and sub-centers.	
<b>Radio communication requirements.</b>	<b>118.</b> Every Indian vessel shall be equipped and maintained with such communication equipment, distress and safety equipment and shall be provided with such certified operators as may be prescribed.	
<b>Information about vessel stability.</b>	<b>119.</b> Every Indian vessel shall carry on board such information relating to the stability of the vessel, and the effects of any damage, control and general precautions necessary to maintain watertight integrity of the vessels, duly approved, as required under the provisions of Safety Convention, and the Load Line Convention, or the safety and security requirements in accordance with the provisions of section 114.  <i>Explanation.</i> —For the proposes of this section, "Load Line Convention" means the International Convention on Load Lines, 1966 and its Protocols, to which India is a party.	
<b>Submersion of load lines.</b>	<b>120.</b> (1) No vessel, other than a vessel exempted from the provisions of this Part relating to load lines, shall be so loaded as to submerge in salt water, when the vessel has no list, the appropriate load line on each side of the vessel, that is to say, the load line indicating or purporting to indicate the maximum depth to which the vessel is for the time being entitled under the load line rules to be loaded.  (2) Without prejudice to any other proceedings under this Act, any vessel which is loaded in contravention of this section may be detained until she ceases to be so loaded.	
<b>No vessel to carry passenger without</b>	<b>121.</b> (1) No vessel shall carry passengers between ports or places in India, or to or from any port or place in India from or to any port or place outside India, unless she has all certificates required under this	

<p><b>certificate.</b></p>	<p>Part in force.</p> <p>(2) The Central Government may, by general or special order, specify the conditions relating to,—</p> <ul style="list-style-type: none"> <li>(a) passenger accommodation;</li> <li>(b) scale of passenger and crew amenities to be provided;</li> <li>(c) space or disallowance of any space on a vessel ;</li> <li>(d) scale of provisions and water to be provided;</li> <li>(e) hospital accommodation and medical facilities;</li> <li>(f) the conditions for carriage of cargo and livestock; and</li> <li>(g) any other matter to carry out the purposes of this Part.</li> </ul> <p>(3) Subject to the conditions specified in sub-section (2), the master of a passenger vessel departing or proceeding on a voyage shall make a statement about the passengers on board the vessel in such form as may be specified by the Central Government in this behalf.</p>	
<p><b>Vessel not to proceed to sea without valid safety and security certificates.</b></p>	<p><b>122.</b>No vessel shall proceed to sea unless there is in force in respect of such vessel the certificates required under the convention or agreement referred to in section 114.</p>	
<p><b>Offences.</b></p>	<p><b>123.</b>(1) If any person who, -</p> <ul style="list-style-type: none"> <li>(a) being drunk or disorderly attempts to enter a vessel; or</li> <li>(b) on board molest or continues to molest any person on board; or</li> <li>(c) travels or attempts to travel without payment of fare; or</li> <li>(d) wilfully refuses or neglects to quit the vessel on arrival at destination; or</li> <li>(e) fails to exhibit his ticket when requested by the master or other officer; or</li> <li>(f) misconducts himself in such a manner as to cause annoyance or injury to persons on board; or</li> <li>(g) carries any substance that could jeopardize the safety or security of the vessel, lives onboard or the environment in general, he shall be guilty of an offence under this sub-section.</li> </ul> <p>(2) The master may refuse to receive on board any person referred to in sub-section (1), and if any such person is on board, may put him on shore, and the person so refused admittance or put on shore shall not be entitled to return of any fare he has paid.</p> <p>(3) The master or other officer of any such vessel and all persons called by him or other officer to his assistance, without warrant, may detain any person who commits any offence under sub-section (1) and convey the offender with all convenient dispatch before the nearest police station to be dealt with in accordance with the law.</p>	
<p><b>Vessel not to carry cargo or passengers in contravention of Act.</b></p>	<p><b>124.</b>(1) No vessel shall carry or attempt to carry cargo in contravention of section 122 or shall have on board or in any part thereof a cargo which is not in accordance with the certificate held by the vessel.</p> <p>(2) No vessel shall carry or attempt to carry passengers in contravention of section 122 or shall have on board or in any part</p>	

	<p>thereof a number of passengers, which is greater than the number set forth in the certificate held by the vessel.</p> <p>(3) If the master of any vessel which carries or attempts to carry cargo or passengers in contravention of this section he shall be liable to have his certificate of competency cancelled or suspended for such a period as the Central Government may, by order, specify in this behalf.</p>	
<b>Unseaworthy vessel not to be sent to sea.</b>	<p><b>125.</b>(1) Every person who sends or attempts to send a vessel to sea which is unseaworthy, unless he proves that her going to sea in such unseaworthy state was under the circumstances reasonable and justifiable, be guilty of an offence under this sub-section.</p> <p>(2) Every master of a vessel who knowingly takes a vessel to sea which is unseaworthy, unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, be guilty of an offence under this sub-section.</p> <p>(3) For the purpose of giving such proof, every person charged under this section may give evidence in the same manner as any other witness.</p> <p>(4) No prosecution for an offence under sub-section (2) shall be instituted except by, or with the written consent of the Central Government.</p>	
<b>Obligation of owner to seafarer with respect to seaworthiness.</b>	<p><b>126.</b>(1) In every contract of service, express or implied between the owner of a vessel and the master or any seafarer thereof, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner that such owner and the master, and every agent charged with the loading of such vessel or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to ensure the seaworthiness of such vessel for the voyage at the time when such voyage commences, and to keep her in a seaworthy state during the voyage.</p> <p>(2) For the purpose of verifying that the provisions of this section have been complied with, the Central Government may, either at the request of the owner or otherwise, arrange for a survey of the hull, equipment or machinery of any sea-going vessel by a surveyor or any person so authorised.</p>	
<b>Safety and security management.</b>	<p><b>127.</b>(1) Every vessel, company or port facility, as the case may be, shall comply with such requirements as may be prescribed for safety management and security management.</p> <p>(2) The Central Government or a person authorised by it shall arrange for the audit of the vessel, company or port facility for the purpose of sub-section (1).</p> <p>(3) The Central Government or a person authorised by it, may set different levels of security and provide such information thereof to all the port facilities, and all vessels entering into any port facility.</p>	

<p><b>Control measures and detention of vessels.</b></p>	<p><b>128.</b>(1) No vessel shall enter into or sail out of or operate within the port, terminal, anchorages, port facilities, Indian offshore facilities or Indian territorial waters without complying with such provisions with regard to construction, equipment, safety &amp; security, cargo operations, pollution prevention, safe manning, maritime labour standards, insurance, classification or any other relevant requirements for the purposes of this Part as may be prescribed.</p> <p>(2) The Director-General may order any vessel, which is an unsafe vessel or appears to him to be an unsafe vessel, to be provisionally detained for the purpose of being surveyed.</p> <p>(3) The surveyor may, upon receipt of an order under sub-section (2) or otherwise, inspect any vessel while at a port or place in India for the purpose of this Part and if it is found on any inspection that the vessel is not complying the provisions of this Part or any International Convention to which India is a party, the surveyor shall report it to the Principal Officer.</p> <p>(4) On receipt of report under sub-section (3), the Principal Officer may invoke control measures as may be necessary, including final detention of such vessel, till such time the vessel is in compliance with the provisions of this Part or provisions applicable under the International Conventions under Section 114, or may allow such vessel to proceed to sea on such conditions as deemed fit, if it does not pose an unreasonable threat to the safety of life at sea or environment.</p> <p>(5) Control measures under this part may include denial of entry into port, expanded inspection, delaying the vessel, stoppage of operations, and restriction of operations including movement within the port, require rectification of deficiencies within the specified period, detention of ship or expulsion of the vessel from port.</p> <p>(6) When any vessel has been detained or subjected to control measures under this Act, a notice shall be served on the master of the vessel along with the grounds for control measures, in such form as may be prescribed.</p> <p>(7) The master of the vessel, owner or company may, within 7 days from the receipt of the order, appeal against the order of detention or other control measures imposed in accordance with the appeal procedures as may be prescribed.</p> <p>(8) The appellate authority may, upon appeal under sub-section (7), retain the control measures, modify the control measures or order its release on such conditions as deemed fit.</p>	
<p><b>Cost of survey of vessels detained.</b></p>	<p><b>129.</b>When a vessel is detained under this Part, the owner of a vessel shall be liable to pay to the Central Government its costs of and incidental to the detention and survey of the vessel, as may be specified, and the vessel shall not be released until such costs are paid and faults are rectified.</p>	

<b>Power to make rules.</b>	<p><b>130.</b>(1)The Central Government may make rules for safety and security requirements applicable to vessel, company or port facility under this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—</p> <ul style="list-style-type: none"> <li>(a) the conditions under sub-section (1) section 114 and the safety and security requirements under proviso to sub-section (1) that section;</li> <li>(b) the safety and security requirements for different classes of vessels and the certificates under sub-section (2) of section 114;</li> <li>(c) the manner of reporting the particulars of incidents and the authority to whom such particulars to be reported under sub-section (1) of section 115;</li> <li>(d) the manner of reporting the particulars of incidents and the authority to whom such particulars to be reported under sub-section (2) of section 115;</li> <li>(e) the communication equipment, distress and safety equipment to be equipped and maintained, and the certified operators to be provided under section 118;</li> <li>(f) the requirements for safety management or security management under subsection (1) of section 127;</li> <li>(g) the provisions with regard to insurance, classification and condition of vessel or any other relevant requirements under sub-section (1) of section 128;</li> <li>(h) form of notice of control measure and manner of appeal in Section 128; and</li> <li>(h) any other matter which is required to be or may be prescribed.</li> </ul>	
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	<b>PART VII</b>  <b>PREVENTION, CONTAINMENT OF POLLUTION FROM VESSEL AND RESPONSE</b>	
<b>Application of this Part.</b>	<p><b>131.</b> Save as otherwise provided, this Part shall apply to,—</p> <ul style="list-style-type: none"> <li>(a) every Indian vessel and every other vessel registered in India;</li> <li>(b) every vessel other than an Indian vessel;</li> <li>(c) vessel not entitled to fly the flag of India but which operate under the authority of India;</li> <li>(d) any vessel that enters a port, shipyard, or offshore terminal or place in India or within the coastal waters of India.</li> <li>(e) any incident of marine casualty or any act relating to such casualty occurring with grave and imminent danger to Indian coast line or coastal waters of India or related interests from pollution or threat of pollution in the sea or air either by deliberate, negligent or accidental release of oil, ballast water, noxious liquid substance, garbage, sewage, waste, harmful anti-fouling substances, harmful emissions or any other harmful substance including such incidents occurring on the high seas;</li> <li>(f) port for the purpose of providing reception facilities.</li> </ul> <p>Provided that this Part shall not apply to any warship, naval auxiliary or other vessel owned or operated by the Central or State Governments, and used for the time being, only on government non-commercial service.</p>	
<b>Definitions.</b>	<p><b>132.</b> In this Part, unless the context otherwise requires,—</p> <ul style="list-style-type: none"> <li>(a) "harmful substance" means any substance, or form of energy, which, if introduced into the sea or air, is liable to create hazards to human health, harm living resources and marine life, damage amenities or interfere with other legitimate uses of the sea, air and includes any substance subject to control by any of the conventions to which India is a party, or such other substances as may be prescribed by the Central Government;</li> <li>(b) "dumping" means any: <ul style="list-style-type: none"> <li>(i) deliberate disposal of waste water or other matter from vessels, aircraft, platform or other man-made structures at sea; or</li> <li>(ii) deliberate disposal of vessels, aircraft, platform or other</li> </ul> </li> </ul>	

	<p>manmade structures at sea,</p> <p>and does not include:</p> <p>(i) the disposal of wastes or other matter incidental to, or derived from normal operations of vessels, aircraft, platforms or other man-made structure at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platform or structure; or</p> <p>(ii) the placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.</p> <p>(b) "port" shall include port facility, shipyard, ship breaking yards, ship repair unit, offshore facilities and terminals;</p> <p>(c) "port facility" means any location or area including anchorages or awaiting berths or approaches from seaward as determined by the Central Government where interface between vessel or a vessel and a port takes place;</p> <p>(d) "vessel" means a vessel of any type whatsoever operating in the marine or aquatic environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft, fixed or floating platforms, floating storage units and floating production storage and off-loading units.</p>	
<p><b>Control of discharge or emission of harmful substances or dumping at sea.</b></p>	<p><b>133.</b>(1) Unless otherwise expressly provided, all vessels shall be under an obligation to prevent discharge or emission of harmful substances or mixtures containing such substances and for that purpose, the Central Government may make rules requiring Indian vessel to be fitted with such equipment and to comply with such requirements relating to construction, survey of equipment and structure of such vessel and specifying conditions, prior to issuing a certificate under this Part.</p> <p>Provided that the Central Government may designated specific areas to have more stringent requirements or standards for pollution prevention as may be prescribed, than others provided under this Act or the rules made thereunder.</p> <p>Provided further that notwithstanding any proceedings initiated against the owner or master of the vessel under this sub-section, the Central Government may initiate further action against such persons if the Central Government determines that the incident of pollution continues to cause harm or damage after the conclusion of the proceedings, or results in harm or damages not discovered at the time of the initiation of the proceedings.</p> <p>(2) For the purpose of ensuring that the provisions of this section</p>	

	<p>have been complied with, the Central Government may, either at the request of the owner or otherwise, arrange for the survey of the hull, equipment or machinery of any vessel by a surveyor and, if found fit, shall issue a certificates in accordance with the provisions of this Act and rules made there under in such form and for such duration subject to such conditions as may be prescribed.</p> <p>(3) The Central Government may take all steps to prevent the pollution of the sea by the dumping of waste and other matter that is liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.</p> <p>(4) The Central Government may by notification issue the items which are permitted for dumping in the coastal waters of India, and may prescribe the manner in which permissions for the same may be obtained.</p> <p>(5) Unless expressly permitted, no vessel shall engage in dumping in the coastal waters of India.</p>	
<p><b>Requirements of prevention and containment of pollution and response.</b></p>	<p><b>134.</b>Every vessel shall, subject to such conditions as may be prescribed, comply with the provisions of the following convention, as applicable, namely:—</p> <p>(a) the MARPOL Convention;</p> <p>(b) the Anti-Fouling Systems Convention;</p> <p>(c) the Ballast Water Management Convention;</p> <p>(d) any other pollution prevention convention or agreement or treaty to which India is a party:</p> <p>Provided that the vessel, to which the provisions of the above conventions are not applicable, shall comply with such pollution prevention requirements as may be prescribed:</p> <p>Provided further that the vessel shall possess such different types of certificates and documents depending on the type, size, nature and area of operation of the vessel as may be prescribed.</p>	
<p><b>Vessel not to proceed to sea without valid pollution prevention certificates.</b></p>	<p><b>135.</b> (1)No vessel shall proceed to sea unless there is in force in respect of such vessel the certificates required under the convention or agreement or treaty referred to in section 134.</p> <p>(2) A vessel shall carry a valid certificate onboard and shall be subject to inspection while at a port or terminal in India by the surveyor or other authorized person, in such manner as may be prescribed.</p> <p>Provided that nothing in this sub-section shall be construed as limiting the powers of any officer under any other law for the time being in force from boarding and inspecting the vessel or its</p>	

	<p>equipment.</p> <p>(3) If the inspection under this section reveals that a ship does not have a valid certificate onboard, or whose condition or equipment's condition does not meet the particulars of the certificate onboard, the ship may be detained by order by a Proper Officer until proceedings are concluded under this section, or in the opinion of the Central Government, the ship can proceed to sea without presenting an unreasonable threat or harm to safety of life at sea, marine environment or the public health and welfare.</p>	
<b>Record books.</b>	<p><b>136.</b>(1) Every Indian vessel shall maintain such books of record in such form and manner as may be prescribed.</p> <p>(2) The manner in which record books shall be maintained, the nature of entries to be made therein, the custody and disposal thereof, and all other matters relating thereto shall be such as may be prescribed.</p>	
<b>Power to deny entry, detain or move a vessel.</b>	<p><b>137.</b>(1) Where the Central Government has reasonable grounds to suspect that a vessel which proposes to enter a port in India does not comply with the requirements of this Part or rules made thereunder, may direct the port to deny entry to such vessel.</p> <p>(2) Where the Central Government has reasonable grounds to suspect that a vessel does not comply with the requirements of this Part or rules made thereunder, and poses a threat of harm to the coast or coastal waters of India, or has caused such harm, the Central Government may direct any Proper Officer to detain the vessel, or have the vessel moved to such place, for such time period, as may be required.</p> <p>(3) Where any vessel detained under this Section proceeds to sea before it is released, the master of the ship, owner or any person who sends the ship to sea, shall be liable under this Act.</p>	
<b>Powers to take measures for containment of pollution and reporting of incidents.</b>	<p><b>138.</b>(1) When an incident in which the cargo or harmful substances, as covered under this Part or the pollution prevention convention is escaping or likely to escape from a vessel and may cause or threaten to cause pollution of air, marine environment, any part of coasts or coastal waters of India, the master of every vessel shall report the particulars of such incident to such authority in such manner as may be prescribed.</p> <p>(2) The Central Government shall, upon receiving information regarding any incident of pollution falling within the scope of this Part under sub-section (1), notify the incident, and promulgate the same to concerned stakeholders in a manner as may be deemed fit.</p> <p>(3) If a vessel referred to in sub-section (1) is abandoned, or a report from such vessel is incomplete, the Central Government shall fix the responsibility of the incident on the master or owner of that vessel.</p> <p>(4) Where the cargo or harmful substances as covered under this Part or the pollution prevention convention is escaping or likely to</p>	

	<p>escape and may cause or threaten to cause pollution of air, marine environment, or any part of coasts or coastal waters of India, the Central Government may direct the owner, agent, master, charterer, operator, lessee or licensee of the vessel by notice served on him, to take following action, namely:-</p> <p>(a) to prevent the escape of harmful substances from the vessel, as may be specified in such notice;</p> <p>(b) to remove the cargo or oil or noxious liquid substance or harmful substance from the vessel, in such manner and to such place, if any, as may be specified in the notice;</p> <p>(c) to remove the vessel to a place, if any, as may be specified in the notice;</p> <p>(d) to remove the cargo or oil or noxious liquid substance or harmful substance slicks on the surface of the sea in such manner, if any, as may be specified in the notice;</p> <p>(e) to prohibit the removal of the vessel including any cargo or stores therein, from a place specified in the notice; and</p> <p>(f) any other action as may be required to prevent such damage.</p> <p>(5) Where the pollution caused or likely to be caused by release of harmful substances has or may present a grave and imminent danger to the coast or coastal waters of India, the Central Government may proceed to take such measures as may be deemed necessary to prevent, mitigate or eliminate such threat or danger.</p> <p>(6) Where any person fails to comply, or fails to comply in part, with any notice served on him under sub-section (4), the Central Government may, whether or not such person is convicted of an offence under this Part by reason of his having so failed to comply, cause such action to be taken as it may deem necessary for,—</p> <p>(a) carrying out the directives given in the notice issued under sub-section (1);</p> <p>(b) containing the pollution caused or preventing the pollution threatened to be caused, to any part of the coast or coastal waters of India by any harmful substance escaped or threatening to escape from the vessel.</p> <p>(7) Subject to the provisions of this Part any expenditure or liability incurred by the Central Government in, or by reason of, the exercise of powers under sub-section (5) in relation to any vessel in respect of which a notice had been issued under sub-section (4), shall be a debt due to the Central Government by the person or persons on whom the notice was served and may be recovered from that person, or as the case may be, from all or any of those persons and shall be a charge upon all or any vessel owned by that person or persons which may be detained by the Central Government until</p>	
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	<p>the amount is paid.</p> <p>Provided that where the amount due to the Government is not paid within in reasonable time, the Central Government may cause all or any vessel owned by such person or a part therein to be sold, for the purpose of recovery of such an amount with applicable interest.</p> <p>(8) Without prejudice to the powers of the Central Government in sub-sections (4) to (7), the Central Government shall have the power to take such measures as may be necessary to prevent, mitigate or eliminate grave and imminent danger to the coastline or related interests from pollution or threat of pollution following any incident on the high seas which may reasonably be expected to result in major harmful consequences to the coastline or coastal waters of India.</p> <p>(9) The Central Government may make national or regional arrangement system for responding promptly and effectively to pollution incidents occurring within the coastal waters of India.</p>	
<p><b>Power of the Central Government to give directions to certain vessels or persons to render certain service.</b></p>	<p><b>139.</b>(1) Where for the purposes of taking any measures under sub-section (1) of section 138, the Central Government or any other officer authorised by it in this behalf, may direct, by an order in writing, the owner of any Indian vessel, tug, barge or any other equipment, to provide such services or assistance as may be specified in that order.</p> <p>(2) The owner of any vessel or any other equipment with respect to which an order under sub-section (1) has been made shall be entitled to tariff rates of freight and charter hire, at reasonable rates having regard to current market conditions:</p> <p>Provided that where tariff rates of freight are not fixed or where there is any dispute about reasonable rate of charter hire, the freight or, as the case may be, charter hire, shall be paid at such rates as may be fixed by the Central Government by an order in writing, subject to determination of reasonability of such rates of freight or charter hire by examining such witnesses, documents and accounts as it may deem necessary.</p> <p>(3) The Director General may requisition the services of any officer of the Central Government or other officers or any police officer to assist for the purposes of this Part and it shall be the duty of every such officer to comply with such requisition.</p> <p>(4) The Director General may requisition the resources and pollution prevention equipment available with any of the offices of the Central Government or other offices or organisation to assist for the purposes of this Part and it shall be the duty of every such office to comply with such requisition.</p>	

<p><b>Measures for the detection of pollution.</b></p>	<p><b>140.</b>(1)The Central Government shall establish such measures, as deemed appropriate and practical, for the monitoring, detection and control of pollution in this Part, as may be prescribed.</p> <p>Provided that upon receiving information regarding an incident of pollution under this Part, the Central Government shall initiate proceedings in accordance with Section 133.</p> <p>(2) In any proceedings initiated under this Act, the evidence collected in accordance with procedures established under sub-section (1) shall be admissible in Court.</p>	
<p><b>Appointment of Analysts.</b></p>	<p><b>141.</b>The Central Government may appoint such persons as analysts for the purposes of incidents of pollution under this Part, and shall have the power to specify the scope of powers to be exercised by an analyst in this regard.</p>	
<p><b>Reception facilities.</b></p>	<p><b>142.</b>(1) Every port, taking into account the pollution prevention conventions specified in Section 134, shall provide such reception facilities and surveillance, supervision and guidance thereof as may be prescribed.</p> <p>(2) The Central Government may give directions to be complied with by the ports to take appropriate measures in its territory to require that wastes or residue generated during operation, repair and re-cycling of vessel are collected, handled, treated and disposed of in a safe and environmentally sound manner, to protect human health and the environment.</p> <p>(3) Notwithstanding anything contained in any other law for the time being in force, in respect of every port or place in India, the powers of the port authority or such persons under whose supervision such place is operated shall include the power and obligation to provide reception facilities in accordance with the requirements of the convention.</p> <p>(4) A port authority providing reception facilities or a person providing such facilities by arrangement with the port authority, may impose charges for the use of the facilities at such rates and may impose such conditions in respect of the use thereof as may be notified by the Central Government in respect of the port.</p> <p>(5) Where the Central Government is satisfied that there are no reception facilities at any port, or that the facilities available at such port or place are not adequate for enabling vessel calling at such port or place to comply with the requirements of the pollution prevention conventions, the Central Government, may direct, by order in writing, such authority to provide or arrange for the provision of such reception facilities as may be specified in the order.</p> <p>(6) Any port which fails to comply with the directions under sub-section (3) shall be liable for a penalty under this Act.</p>	
<p><b>Exemptions.</b></p>	<p><b>143.</b>(1) Notwithstanding anything contained in proviso to Section 131, the Central Government may make any provisions of this Part, or</p>	

	<p>any rules or regulations made thereunder, applicable to vessels specified therein.</p> <p>(2) The Director General may grant an exemption, exception and provide equivalence or waiver to any vessel or person from the provisions of this, Part or the rules and regulations made thereunder, in a manner that may be prescribed.</p>	
<p><b>Power to make rules.</b></p>	<p><b>144.</b>(1) The Central Government may, having regard to the provisions of the Pollution prevention convention, make rules to carry out the purposes of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the provisions of sub-section (1), such rules may provide for all or any of the following matter, namely:-</p> <p>(a) substances which fall within the scope of “harmful substances” in sub-section (a) of Section 132;</p> <p>(b) pollution prevention standards and requirements for designated areas under the proviso to Section 133;</p> <p>(c) the form and period of the certificate and conditions on which a certificate may be issued under sub-section (2) of Section 133;</p> <p>(d) substances which may be permitted for dumping in Indian coastal waters after obtaining express permission under sub-section (4) of Section 133;</p> <p>(e) the conditions to comply the provisions of the conventions under section 134;</p> <p>(f) the pollution prevention requirements under first proviso to section 134;</p> <p>(g) the different types of certificates and documents under second proviso to section 134;</p> <p>(h) manner of inspection of certificates under sub-section (2) of 135;</p> <p>(i) the form and manner of maintenance of record book under sub-section (1) of section 136;</p> <p>(j) the other matter relating to maintenance of record book under sub-section (2) of section 136;</p> <p>(k) the manner and of reporting the incident to the authority under sub-section (1) of section 138;</p> <p>(l) measures for the monitoring, detection, and control of pollution under sub-section (1) of Section 140;</p>	



	<p>(m) the reception facilities, surveillance, supervisions and guidance under sub-section (1) of section 142;</p> <p>(i) any other matter which is required to be or may be prescribed.</p>	
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<b>PART VIII</b>	
<b>SURVEY, AUDIT AND CERTIFICATION</b>	
<b>Survey, audit and certification.</b>	<p><b>145.</b>(1) In this part, unless the context otherwise requires,</p> <p style="padding-left: 40px;">(a) “company” shall have the same meaning as assigned to it under sub-section (a) of Section 113.</p> <p style="padding-left: 40px;">(b) “port” shall have the same meaning as assigned to it under sub-section (b) of Section 132.</p> <p>(2) Every Indian vessel, company or port shall unless otherwise exempted be surveyed or audited for verification of compliance with such requirements as may be prescribed.</p> <p>(3) A surveyor or any person authorised by the Director General in this behalf may, if satisfied that any vessel, company or port has been surveyed or audited as per the requirements under the rules made under this Act or as required by convention to the extent of applicability, issue the appropriate certificate or, as the case may be, documents in respect of such vessel, company, port facility, shipyard, ship breaking yard, ship repair unit, offshore facilities or terminal.</p> <p>(4) Notwithstanding anything contained in this Act, where any survey, or, as the case may be, audit of a vessel, company or port under this Part has been completed, the owner, agent or master of such vessel, company or port shall not make or cause to be made any alteration in the structure, equipment, fittings, arrangements, material, systems or scantlings covered by the survey or audit without the prior written permission of the Central Government.</p> <p>(5) If the Central Government or any person authorised by it has reason to believe that since the completion of last survey or audit, changes have been made to the structure, equipment, fittings, arrangements, material, systems or scantlings, or they have sustained any damage or are otherwise found insufficient, then the Central Government or any person authorised by it in this behalf may require that the vessel, company or port to be re-surveyed or audited to such extent as it may deem fit or may modify or revoke or suspend or cancel or surrender the certificates and documents in such manner as may be prescribed.</p> <p>(6) Subject to any exemption granted by the Central Government, no vessel shall proceed to sea unless the owner, or master, of the vessel holds onboard all the applicable certificates or documents as required under this Act and the rules made thereunder.</p>

<b>Certificates.</b>	<b>146.</b> Every vessel, company or port shall, unless exempted, be in possession of such certificates as may be prescribed.	
<b>Power of surveyor.</b>	<p><b>147.</b>(1) Except otherwise provided, for the purposes of this Act, a surveyor may, at any reasonable time, go on board a vessel, and may inspect or audit the vessel, and any part thereof, the structure, equipment, fittings, arrangements, materials, systems, scantlings, cargo, provisions, stores, her certificates, and certificates of the seafarers on board:</p> <p>Provided that he does not unreasonably hinder the operation of the vessel, or unreasonably detain or delay her from proceeding on any voyage.</p> <p>(2) The owner, agent, master or every officer of the vessel shall afford to the surveyor all reasonable facilities for a survey, and provide all such information in respect of the vessel and her structure, equipment, fittings, arrangements, materials, scantlings, systems, cargo, provisions, stores, her certificates, and certificates of the seafarers, as the surveyor reasonably requires.</p>	
<b>Compliance provisions of convention.</b>	<p><b>148.</b>Notwithstanding anything contained in sub-section (2)of section 145, every vessel, company, port facility, shipyard, ship breaking yard, ship repair unit, offshore facilities or terminal shall be surveyed, audited and certified to confirm the compliance of requirements as specified in the following conventions, namely:—</p> <p>(a) the Safety Convention;</p> <p>(b) the MARPOL Convention;</p> <p>(c) the Anti-Fouling Systems Convention;</p> <p>(d) the Ballast Water Management Convention;</p> <p>(e) the Load Lines Conventions;</p> <p>(f) the Tonnage Measurement Convention, 1969;</p> <p>(g) the Special Trade Passenger Ships Agreement, 1971 and its Protocol;</p> <p>(h) the Convention on the International Regulations for Preventing Collisions at Sea, 1972;</p> <p>(i) the International Convention on Maritime Search and Rescue, 1979 (SAR 1979);</p> <p>(j) the Maritime Labour Convention, 2006; or</p> <p>(k) any other convention relating to survey, audit or certification:</p>	

	<p>Provided that if every such vessel, company or port, as the case may be, is not covered under the provisions of the above conventions, such vessel, company or port, as the case may be, shall, for survey, audit and certification, comply with such requirements and in such manner as may be prescribed:</p> <p>Provided further that different classes of vessel, company or port shall be surveyed, audited or certified with such requirements in such manner as may be prescribed.</p>	
<b>Recognition of certificates issued outside India.</b>	<b>149.</b> A valid certificate issued under a convention in respect of a vessel other than an Indian vessel by the government of the country to which the vessel belongs shall subject to such rules as the Central Government may make in this behalf, have the same effect in India as the corresponding certificates issued in respect of an Indian vessel.	
<b>Issue of certificate to foreign vessels in India and Indian vessels in foreign countries.</b>	<b>150.</b> (1) The Central Government may at the request of the government of a country to which convention applies cause an appropriate convention certificate to be issued in respect of a vessel registered or to be registered in that country, if it is satisfied in like manner as in the case of an Indian vessel that such certificate can properly be issued and where a certificate is issued at such a request it shall contain a statement that it has been so issued.  (2) The Central Government may request the Government of a country to which the convention applies to issue an appropriate convention certificate in respect of a vessel registered or to be registered in India and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purpose of this Act as if it had been issued by the Central Government.	
<b>Power to call for information.</b>	<b>151.</b> (1) The Central Government, surveyor, or any other person authorised in this behalf, shall have the power to require the master of a vessel to which this Part applies to give such information as may be required.  (2) The surveyor, or any other person empowered under sub-section (1), shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, in respect of the following matters, namely:-  (a) summoning and enforcing the attendance of any person and examining him on oath;  (b) requiring discovery and production of any document;  (c) receiving evidence on affidavit:  (d) any other matter as may be prescribed.	

	<p>(3) Any person who refuses or fails to comply with a requirement made by a surveyor or any other person authorised under sub-section (1), in exercise of their powers under this Section, shall be liable for a penalty under this Act.</p>	
<p><b>Power to conduct inspections.</b></p>	<p><b>152.</b>(1) The Central Government may by notification appoint such persons to conduct inspections of any vessel to which this Part applies, in order to:</p> <p style="padding-left: 40px;">(a) verify whether the vessel has violated any provisions of this Act or rules made thereunder;</p> <p style="padding-left: 40px;">(b) to comply with a request from a contracting party to any International Convention specified in section 148 for an investigation as to whether an Indian vessel has violated any provisions of such conventions;</p> <p style="padding-left: 40px;">(c) any other matter as may be prescribed.</p> <p>(2) If an inspection under this Section indicates that a provision of this Act has been violated, the surveyor or the officer as the case may be shall forward a report to the Central Government in such form as may be prescribed.</p> <p>(3) As per the findings of the report received under sub-section (2), the Central Government shall inform the master of the ship and may initiate any additional action required.</p>	
<p><b>Power to make rules for this Part.</b></p>	<p><b>153.</b>(1) The Central Government may make rules to carry out the purposes of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p style="padding-left: 40px;">(a) the requirements for verification of vessel, company or ports under sub-section (2) of section 145;</p> <p style="padding-left: 40px;">(b) the manner of requirements and the manner of survey, audit and certification of vessel, company or port and modification, revocation, suspension, cancellation or surrender of the certificates and documents under sub-section (5) of section 145;</p> <p style="padding-left: 40px;">(c) the certificates to be possessed by a vessel, company or port under section 146;</p> <p style="padding-left: 40px;">(d) the manner of compliance for survey, audit and certification under first proviso to section 148;</p> <p style="padding-left: 40px;">(e) the requirement and manner of survey, audit and certification of different classes of vessel, company or port under second proviso to section 148;</p> <p style="padding-left: 40px;">(f) the form of report from surveyor or the officer to the Central Government under sub-section (2) of section 152;</p> <p style="padding-left: 40px;">(g) any other matter which is to be required or may be</p>	

	prescribed.	
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	<b>PART IX</b>	
	<b>MARITIME LIABILITY AND COMPENSATION</b>	
	<b>CHAPTER I</b>	
	<b>COLLISION, ACCIDENT AT SEA AND LIABILITY</b>	
<b>Application of this Chapter.</b>	<p><b>154.</b>(1) This Chapter shall apply to,—</p> <p style="padding-left: 40px;">(a) Indian vessel; and</p> <p style="padding-left: 40px;">(b) any vessel other than an Indian vessel while it is at a port or place in India including, within the coastal waters.</p> <p>(2) All claims arising out of pollution damage as per Chapter III or IV of Part IX of this Act, shall be adjudicated as per the provisions of those Chapters.</p>	
<b>Apportionment of liability.</b>	<p><b>155.</b>(1) If the collision is accidental or if the cause of the collision is not determined, each vessel shall bear its own damage.</p> <p>(2) If the collision is caused by the fault of one of the vessels, the liability to make good the damages or loss caused to one or more of those vessels or to their cargo or to any property of the crew, passengers or other persons on board or the liability for loss of life or personal injury, attaches to the one who has committed the fault.</p> <p>(3) If the collision is caused by the fault of two or more vessels, the liability of each vessel, to make good the damages or loss caused to one or more of those vessels or to their cargo or to any property of crew, passengers or other persons on board or the liability for loss of life or personal injury, shall be in proportion to the degree of faults respectively committed. Provided that if, having regard to all the circumstances of the case, it is not possible to establish different degrees of fault, the liability shall be apportioned equally.</p> <p>(4) For the purposes of this Chapter, for any maritime claim arising out of collision between vessels, the High Court may, in the course of proceedings under this Act, assign all or any of the following duties to any assessors, appointed by the Central Government under the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act,</p>	

	<p>2017:</p> <p>(a) determination of fault, including the degree of fault attributable to each vessel;</p> <p>(b) attend the proceedings before the High Court;</p> <p>(c) present their written findings to the High Court; and</p> <p>(d) any other duties that may be assigned by the High Court</p>	
<b>Damage or Loss of vessel, cargo or property.</b>	<p><b>156.</b>(1) Whenever by the fault of two or more vessels, damage or loss is caused to one or more of them or to the cargo of one or more of them or to any property of the crew, passengers or other persons on board one or more of them, the liability, including liability to third parties, to make good the damage or loss shall be in proportion to the degree in which each ship was in fault.</p> <p>(2) Nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed.</p> <p>(3) Nothing in this section shall affect the liability of any person under any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law, or as affecting the right of any person to limit his liability in the manner provided by law.</p> <p>(4) For the purposes of this Chapter, references to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses, consequent upon that fault, recoverable in any law for the time being in force by way of damages.</p>	
<b>Joint and Several Liability for Loss of life or personal injury.</b>	<p><b>157.</b>(1) Without prejudice to Section 155, whenever loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, the liability to third parties, of the owners of the vessels concerned shall be joint and several.</p> <p>(2) Nothing in this section shall be construed as depriving any person of any right of defence on which, he might have relied in an action brought against him by the person injured, or any person entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this section relates.</p>	
<b>Right of contribution.</b>	<p><b>158.</b>(1) Whenever loss of life or personal injuries are suffered by a person on board a vessel owing to the fault of that vessel and of any other vessel, and a proportion of the damages is recovered from the owner of one of the vessels which exceeds the proportion in which she was in fault, the said owner may recover by way of contribution the amount of the excess from the owners of the other vessel or vessels to the extent to which those vessels were respectively in fault:</p> <p>Provided that no amount shall be so recovered which shall not, by</p>	

	<p>reason of any statutory or contractual limitation of, or exemption from, liability, or which shall not for any other reason, have been recovered in the first instance as damages by the persons entitled to sue therefor.</p> <p>(2) In addition to any other remedy provided by law for the time being in force, the person entitled to any contribution under subsection (1) shall, for the purpose of recovering the contribution, have subject to the provisions of this Act, the same rights, and powers as the persons entitled to sue for damages in the first instance.</p>	
<b>Duty of master of vessel to assist in case of collision.</b>	<p><b>159.</b>(1) In every case of collision between two vessels it shall be the duty of the master or person in-charge of each vessel, in and so far as he can do so without danger to his own vessel, crew and passengers, if any,-</p> <p>(a) to render to the other vessel, her master, crew and passengers, if any, such assistance as may be practicable and may be necessary to save them from any danger caused by the collision and to stay by the other vessel until he has ascertained that she has no need of further assistance; and</p> <p>(b) to give to the masters or persons in-charge of the other vessels the name of his own vessel and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound.</p> <p>(2) The failure of the master of a ship to comply with the provisions of this section shall not raise any presumption of liability under this Chapter.</p>	
<b>Collision to be entered in official log book.</b>	<p><b>160.</b>In every case of collision in which it is practicable so to do, the master of every vessel shall, immediately after the occurrence, cause a statement thereof and of the circumstances under which the same occurred to be entered in the official log book, if any, and the entry shall be signed by the master and also by the officer on watch or one of the seafarer.</p>	
<b>Report to Director General of accidents to vessels.</b>	<p><b>161.</b>When an Indian vessel or other vessels to which this Chapter applies, has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or her efficiency either in her hull or is so altered in any part of her machinery as not to correspond with the particulars contained in any of the certificates issued under this Act in respect of the vessel, the owner or master or agent shall, within the prescribed time after the happening of the accident or damage or as soon thereafter as possible, transmit to the Director General or the nearest Principal Officer a report of the accident or damage and of the probable cause thereof stating the name of the vessel, her official number, if any, her port of registry and the place where she is.</p>	
<b>Notice of loss of</b>	<p><b>162.</b>If the owner or agent of any Indian vessel has reason, owing to the</p>	



<b>Indian vessel to be given to Director General.</b>	non-appearance of the vessel or to any other circumstance, to apprehend that the vessel has been wholly lost, he shall, as soon as conveniently may be, send notice, in writing, to Director-General relating to the loss and the cause of such loss stating the name of the vessel, her official number, if any, and her port of registry.	
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	<b>CHAPTER II</b> <b>LIMITATION OF LIABILITY FOR MARITIME CLAIMS</b>	
<p><b>Limitation of liability for damages in respect of certain claims.</b></p>	<p><b>163.</b>(1) Subject to sub-section (3) of this Section and Section 164 the shipowner or salvor or any person for whose act, neglect or default, the shipowner or salvor, or any such person, as the case may be, is responsible, and the insurer of liability for such claims, may limit his liability as provided,—</p> <p style="padding-left: 40px;">(a) claims in respect of loss of life or personal injury or loss of or damage to property including damage to harbour works, basins and waterways and aids to navigation, occurring on board or in direct connection with the operation of the vessels or with salvage operations, and consequential loss resulting therefrom;</p> <p style="padding-left: 40px;">(b) claims in respect of loss resulting from delay in the carriage by sea of cargo, passengers or their luggage;</p> <p style="padding-left: 40px;">(c) claims in respect of other loss resulting from infringement of rights other than contractual rights, occurring in direct connection with the operation of the vessel or salvage operations;</p> <p style="padding-left: 40px;">(d) claims in respect of the raising, removal, destruction or the rendering harmless of a vessel which is sunk, wrecked, stranded or abandoned, including anything that is or has been on board such vessel;</p> <p style="padding-left: 40px;">(e) claims in respect of the removal, destruction or the rendering harmless of the cargo of the vessel;</p> <p style="padding-left: 40px;">(f) claims of a person other than the person liable in respect of measures taken in order to avert or minimise loss for which the person liable may limit his liability in accordance with the convention, and further loss caused by such measures.</p> <p>(2) The claims set out under sub-section (1) shall be subject to limitation of liability even if brought by way of recourse or for indemnity under a contract or otherwise:</p> <p>Provided that claims set out under clauses (d), (e) and (f) of sub-section (1) shall not be subject to limitation of liability to the extent that they relate to remuneration under a contract with the person liable.</p> <p>(3) Nothing in this section apply to,—</p> <p style="padding-left: 40px;">(a) claims for salvage, including, if applicable, any claim for special compensation under article 14 of the Salvage Convention, or contribution in general average;</p>	

	<p>(b) claims for oil pollution damage under Chapter III of this Part relating to civil liability for oil pollution damage;</p> <p>(c) claims subject to any international convention or national legislation governing or prohibiting limitation of liability, for nuclear damage;</p> <p>(d) claims against the shipowner of a nuclear ship, for nuclear damage;</p> <p>(e) claims by servant of the shipowner or salvor whose duties are connected with the ship or the salvage operations, including claims of their heirs, dependants or other persons entitled to make such claims, if under the law governing the contract of service between the shipowner or salvor and such servants, the shipowner or salvor is not entitled to limit his liability in respect of such claims, or if he is by such law only permitted to limit his liability to an amount greater than that provided in the provisions of LLMC Convention or the rules made under this Chapter.</p> <p>Explanation 1.— For the purposes of this section the act of invoking limitation of liability shall not be an admission of liability.</p> <p>Explanation 2.— For the purposes of this Chapter,—</p> <p>(a) the liability of a shipowner shall include the liability in an action brought against the ship herself;</p> <p>(b) "shipowner" means the owner, charter, manager or operator of a sea-going vessel.</p>	
<b>Conduct barring limitation.</b>	<b>164.</b> A person entitled to limit his liability under section 163 shall not be entitled to limit his liability if it is proved that the loss resulted from his personal act or omission, committed with the intent to cause such loss, or recklessly and with knowledge that such loss may probably result.	
<b>Counter claims.</b>	<b>165.</b> Where a person entitled to limitation of liability under this Chapter has a claim against the claimant arising out of the same occurrence, their respective claims shall be set off against each other and the provisions of this Chapter shall only apply to the balance, if any.	
<b>Limits of liability.</b>	<p><b>166.</b>(1) The limits of liability for claims other than those mentioned in section 167 arising on any distinct occasion, shall be calculated in accordance with the provisions of LLMC Convention:</p> <p>Provided that in cases where the provisions of the LLMC Convention are not applicable, the limit of liability shall be such as may be prescribed.</p> <p>(2) Where the amount calculated in respect of claims for loss of life or personal injury is insufficient to pay such claims in full, the</p>	

	<p>amount calculated in respect of other claims shall be made available for payment of the unpaid balance of claims in respect of claims for loss of life or personal injury and such unpaid balance shall rank rateably with claims in respect of other claims.</p> <p>(3) Without prejudice to the right of claims for loss of life or personal injury according to the provision of sub-section (2), the claims in respect of damage to harbour works, basins, waterways and aids to navigation shall have priority over other claims.</p> <p>(4) The limits of liability for any salvor not operating from any vessel or for any salvor operating solely on the vessel to, or in respect of which he is rendering salvage services, shall be calculated according to a gross tonnage as provided in the LLMC Convention.</p>	
<p><b>Limit for passenger claims.</b></p>	<p><b>167.</b>In respect of claims arising on any distinct occasion for loss of life or personal injury to passengers of a ship the limit of liability of the shipowner thereof shall be such amount, as may be prescribed.</p> <p>Explanation.— For the purposes of this section, "claims arising in any distinct occasion for loss of life or personal injury to passengers of a ship " means any claim brought by or on behalf of any person carried in that ship,—</p> <p>(a) under a contract of passenger carriage; or</p> <p>(b) who, with the consent of the carrier, is accompanying a vehicle or live animals which are covered by a contract for the carriage of goods.</p>	
<p><b>Aggregation of claims.</b></p>	<p><b>168.</b>(1) The limits of liability determined in accordance with the provisions of section 166 shall apply to the aggregate of all claims which arise on any distinct occasion, —</p> <p>(a) against the person or persons or any person for whose act, neglect or default he or they are responsible; or</p> <p>(b) against a shipowner rendering salvage services from that ship and the salvor or salvors operating from such ship and any person for whose act, neglect or default he or they are responsible; or</p> <p>(c) against the salvor or salvors who are not operating from a ship or who are operating solely on the ship to, or in respect of which, the salvage services are rendered and any person for whose act, neglect or default he or they are responsible.</p> <p>(2) The limits of liability determined in accordance with the provisions of section 167 shall apply to the aggregate of all claims subject thereto which may arise on any distinct occasion against the shipowner in respect of the ship referred to in that section and any person for whose act, neglect or default he or they are responsible.</p>	

<p><b>Limitation of liability without constitution of a limitation.</b></p>	<p><b>169.</b>(1) Limitation of liability may be invoked notwithstanding that a limitation fund as mentioned in section 170 has not been constituted.</p> <p>(2) If the right to limitation of liability is invoked without the constitution of a limitation fund under section 170, the High Court shall adjudicate each claim for its full proven amount and declare the right of the person liable to limit his liability and, for the purpose of enforcement, the amount of limitation applicable to the respective claim.</p> <p>(3) If the right to limitation of liability is invoked without the constitution of a limitation fund under section 170, section 172 is not applicable until a limitation fund is constituted under section 170.</p>	
<p><b>Constitution of limitation fund.</b></p>	<p><b>170.</b>(1) Any person alleged to be liable may constitute a fund with the High Court in which legal proceedings are instituted in respect of claims subject to limitation or with the Central Government.</p> <p>Explanation. — For the purposes of this sub-section, “legal proceedings” are not limited to prior legal proceedings such as a liability action or an action for enforcement of claims, but also includes any proceeding for a declaration of limitation of liability towards claims which are expected to be made and proceedings for avoiding enforcement of claims.</p> <p>(2) The fund shall be constituted in the sum of the amounts calculated in accordance with the provisions of section 166 or section 167, read with Section 168, as are applicable to claims for which limitation of liability is invoked and which arise from the same distinct occasion, together with interest at such rate notified by the Central Government thereon from the date of occurrence giving rise to the liability until the date of the constitution of the fund.</p> <p>(3) In accordance with the provisions of section 166 or section 167, read with Section 168, the High Court or Central Government to which an application is made under this Section may, by order, stipulate the fund amount inclusive of applicable interest.</p> <p>(4) The limitation fund of the value calculated in accordance with sub-section (2) or stipulated by the High Court or Central Government under sub-section (3), shall be constituted</p> <p style="padding-left: 40px;">(a) by depositing the amount or</p> <p style="padding-left: 40px;">(b) by producing a guarantee acceptable under any law for the time being in force and considered to be adequate by the High Court or the Central Government.</p> <p>(5) The fund so constituted shall be available only for the payment of claims in respect of which limitation of liability may be invoked.</p> <p>(6) The fund constituted by one of the persons referred to in</p>	

	sections 168(1)(a), (b) or (c) or 168(2) or his insurer shall be deemed to be constituted by all persons mentioned in that section.	
<b>Distribution of the fund.</b>	<p><b>171.</b>(1) Subject to the provisions of sections 166 and 167, the fund shall be distributed among the claimants in proportion to their established claims against the fund.</p> <p>(2) No lien or other right in respect of any ship or property shall affect the proportions in which the fund is distributed among several claimants under this Section.</p> <p>(3) If before the fund is distributed, the person liable or his insurer has settled a claim against the fund, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Chapter.</p> <p>(4) The right of subrogation provided for in sub-section (2) may also be exercised by persons other than those mentioned therein in respect of any amount of compensation which they may have paid, but only to the extent that such subrogation is permitted under any law for the time being in force.</p> <p>(5) Where the person liable or any other person establishes that he may be compelled to pay, at a later date, in whole or in part any such amount of compensation with regard to which such person would have enjoyed a right of subrogation pursuant to sub-sections (3) and (4) had the compensation been paid before the fund was distributed, the High Court or the Central Government where the fund has been constituted may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.</p>	
<b>Bar to other actions.</b>	<p><b>172.</b>(1) Where a fund has been constituted under section 170, any person having made a claim against the fund shall be barred from exercising any right in respect of such claim against any other assets of a person by or on behalf of whom the fund has been constituted.</p> <p>(2) After a fund has been constituted under section 170, any ship or other property, belonging to a person on behalf of whom the fund has been constituted, which has been arrested or attached for a claim which may be raised against the fund, or any security given, may be released by an order of the High Court and such release shall always be ordered by the High Court if the fund has been constituted with the same or any other High Court or with the Central Government.</p> <p>(3) The provisions of sub-sections (1) and (2) shall apply only if the claimant may claim against the fund before the High Court or Central Government administering that fund and the fund is actually available and freely transferable in respect of that claim.</p>	
<b>Compulsory</b>	<b>173.</b> (1) Every registered owner of an Indian ship and of any ship other	

<p><b>insurance or other financial security for maritime claims subject to limitation.</b></p>	<p>than an Indian ship entering or departing a port in India or operating in the coastal waters shall maintain compulsory insurance from a prescribed insurer or prescribe organization or other prescribed financial security in respect of that ship.</p> <p>(2) The insurance must cover maritime claims subject to limitation specified under Section 163.</p> <p>(3) The amount of insurance for each and every ship per incident must be at least equal to the relevant maximum amount for the limitation of liability laid down under Section 166 and, for passenger claims the relevant maximum amount for the limitation of liability as prescribed under Section 167.</p> <p>(4) Any ship departing a port in India in contravention of this Section shall be liable to be detained by such authority as prescribed by the Central Government.</p>	
<p><b>Scope of application.</b></p>	<p><b>174.</b>(1) The provisions of this Chapter shall apply whenever any person referred to in section 163 seeks to limit his liability before the High Court or seeks to procure the release of a ship or other property or the discharge of any security given within the Indian jurisdiction:</p> <p>Provided that the person who at the time when the provisions under this Chapter are invoked before any High Court does not have his habitual residence in India or does not have his principal place of business in India or any ship in relation to which the right of limitation is invoked or whose release is sought and which does not at the time specified above fly the flag of a country, which is a party to the LLMC Convention, shall be excluded from invoking the provisions of this Chapter.</p> <p>(2) The provisions of this Chapter shall not apply to air-cushion vehicles or floating platforms constructed for the purpose of exploring or exploiting the natural resources of the sea-bed or the subsoil thereof.</p>	
<p><b>Power to make rules.</b></p>	<p><b>175.</b>(1) The Central Government may, having regard to the provisions of LLMC Convention, make rules to carry out the purposes of this Chapter.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the limits of liability in cases where the provisions of LLMC Convention are not applicable under proviso to sub-section (1) of section 166;</p> <p>(b) the amount of limit of liability of the owner for loss of life or personal injury to passengers of a ship under section 167;</p> <p>(c) list of insurers or other organizations whose insurance is</p>	

	<p>acceptable under Section 173;</p> <p>(d) types of other financial security acceptable under sub-section (1) of section 173;</p> <p>(e) the documentary evidence for existence of insurance certificate and such other financial security under sub-section (1) of section 173;</p> <p>(f) the particulars of the certificate of insurance and documentary evidence for such other financial security under sub-section (1) of section 173;</p> <p>(g) the authority competent to inspect the certificate of insurance or documentary evidence for other financial security required under Section 173;</p> <p>(h) the authority competent to detain any ship for contravention of sub-section (4) of Section 173;</p> <p>(i) procedure to be followed by High Courts or Central Government for governing the constitution and distribution of limitation funds;</p> <p>(j) any other matter which is required to be or may be prescribed.</p>	
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<b>CHAPTER III-</b>		
<b>CIVIL LIABILITY FOR OIL POLLUTION DAMAGE</b>		
<b>Application of this Chapter.</b>	<p><b>176.</b>This Chapter shall apply to,—</p> <p>(a) pollution damage caused by,—</p> <p style="padding-left: 40px;">(i) Indian ship within the jurisdiction of any contracting party to the 1992 Liability Convention; and</p> <p style="padding-left: 40px;">(ii) Indian and any ship other than an Indian ship while it is at a port or place in India including, the coastal waters of India, extending not more than two hundred nautical miles from the baseline;</p> <p>(b) preventive measures, wherever taken, to prevent or minimise such pollution damage.</p>	
<b>Definitions.</b>	<p><b>177.</b>In this Chapter, unless the context otherwise requires,—</p> <p>(a) "incident" means any occurrence, or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage;</p> <p>(b) "oil" means any persistent hydrocarbon mineral oil such as crude oil, fuel oil, heavy diesel oil and lubricating oil whether carried on board a ship as cargo or in the bunkers of such a ship;</p> <p>(c) "owner" means,—</p> <p style="padding-left: 40px;">(i) the person registered as the owner of the ship; or</p> <p style="padding-left: 40px;">(ii) in the absence of registration, the person owning the ship; or</p> <p style="padding-left: 40px;">(iii) in the case of a ship owned by a country and operated by a company of that country, the persons registered in that country as the operator of such ship;</p> <p>(d) "person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent sub-divisions;</p> <p>(e) "pollution damage" means,—</p> <p style="padding-left: 40px;">(i) loss or damage caused outside the ship by contamination resulting 15 from the escape or discharge of oil from the ship,</p>	

	<p>wherever such escape or discharge may occur:</p> <p>Provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and</p> <p>(ii) the costs of preventive measures and further loss or damage caused by preventive measures;</p> <p>(f) "preventive measures" means any reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage;</p> <p>(g) "ship" means any sea-going vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo:</p> <p>Provided that a ship capable of carrying oil and other cargoes shall be regarded as a ship only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk aboard;</p>	
<p><b>Liability of owner.</b></p>	<p><b>178.</b>(1) Save as otherwise provided in sub-sections (2) and (3) of this section, the owner of a ship at the time of an incident or where the incident consists of a series of occurrences, at the time of first of such occurrence, shall be liable for any pollution damage caused by the ship as a result of the incident.</p> <p>(2) No liability for pollution damage shall attach to the owner, if he proves that the pollution damage,—</p> <p>(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character;</p> <p>(b) was wholly caused by an act or omission done with intent to cause damage by a third party; or</p> <p>(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.</p> <p>(3) Where the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent</p>	

	<p>to cause damage by the person who suffered the damage or from the negligence of that person, the owner may be exonerated wholly or partially from his liability to such person.</p> <p>(4) No claim for compensation for pollution damage may be made against the owner otherwise than in accordance with the provisions of this Chapter.</p> <p>(5) Subject to sub-section (6), no claim for compensation for pollution damage under this Chapter or otherwise may be made against,—</p> <p>(a) the servants or agents of the owner or the members of the crew;</p> <p>(b) the pilot or any other person who, without being a member of the crew, performs services for the ship;</p> <p>(c) any charterer (by whatever name called including a bareboat charterer), manager or operator of the ship;</p> <p>(d) any person performing salvage operations with the consent of the owner or on the instructions of a competent public authority;</p> <p>(e) any person taking preventive measures;</p> <p>(f) all servants or agents of persons mentioned in clauses (c), (d) and (e), unless the damage resulted from their personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage may probably result.</p> <p>(6) Nothing in this Chapter shall prejudice any right of recourse of the owner against third parties.</p>	
<p><b>Joint and several liability for ships.</b></p>	<p><b>179.</b>When an incident involving two or more ships occurs and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under sub-section (3) of section 178, shall be jointly and severally liable for all such damage which is not reasonably separable.</p>	
<p><b>Jurisdiction of the High Court.</b></p>	<p><b>180.</b>(1) The admiralty jurisdiction of the respective High Courts as per the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017, shall be deemed to extend to any claim for liability arising under this Chapter, and shall also extend to any case arising out of such claim, including the constitution of a limitation fund (hereafter in this Chapter referred to as fund) by the owner.</p>	

	<p>(2) Subject to Section 183, all claims arising out of an incident of oil pollution, including the constitution of a fund, shall be made in the High Court with jurisdiction over the pollution damage, and if the pollution damage occurs in the Exclusive Economic Zone, or more than one High Court has jurisdiction over such pollution damage, the claim may be made in the High Court which has jurisdiction over where the vessel responsible for such pollution damage has been detained, or any such High Court.</p>	
<p><b>Jurisdiction where pollution damage occurs in two or more States.</b></p>	<p><b>181.</b>Where an incident under this Chapter has caused pollution damage in the territory of one or more other contracting parties to the 1992 Liability Convention, or preventive measures have been taken to prevent or minimize pollution damage in the territory of such contracting parties, claims for compensation may be brought in the Courts of any such contracting party.</p> <p>Provided that once a fund has been established in India in accordance with the provisions of this Chapter, only the High Court or the Central Government, as the case may beshall have jurisdiction to determine matters relating to apportionment and distribution of the fund.</p>	
<p><b>Limitation of liability.</b></p>	<p><b>182.</b>(1) The owner may limit his liability under this Chapter in respect of any incident, to an aggregate amount in accordance with Article V of the 1992 Liability Convention.</p> <p>(2) The owner shall not be entitled to limit his liability under this Chapter, if it is proved that the pollution damage resulted from his personal act or omission, committed or made with the intent to cause such damage, or recklessly and with knowledge that such damage may probably result.</p>	
<p><b>Constitution of limitation fund.</b></p>	<p><b>183.</b>(1) Any owner, desiring to avail of the benefit of limitation of his liability under Section 182, shall apply to constitute a fund for the total sum representing his limits of liability in the High Court of jurisdiction, or the Central Government, within such time limit and in such manner as may be prescribed.</p> <p>(2) Such fund may be constituted either by depositing the sum or by furnishing bank guarantee or such other security with the High Court or Central Government, as in their opinion is satisfactory.</p> <p>(3) The insurer or any other person providing financial security to the owner may apply to the High Court or the Central Government, for constitution of the fund under sub-section (1) and any fund so constituted shall have the same effect as if it were constituted by the owner.</p> <p>(4) An application for constitution of the fund may be made by the</p>	

	<p>insurer under this section even in cases where sub-section (2) of section 182 applies but in any such event constitution of the fund shall not prejudice the rights of any claimant against the owner for full compensation exceeding the amount deposited or secured in the fund.</p> <p>(5) The amount in Special Drawing Rights to be deposited or secured in the fund under sub-section (1) shall be converted in rupees on the basis of official value in rupees of the Special Drawing Rights as determined by the Reserve Bank of India on the date of constitution of the fund.</p> <p>(3) Where a fund has been established by the owner in relation to an incident of oil pollution before a High Court, all claims for compensation under this Chapter shall only be instituted in the High Court where the fund has been constituted.</p> <p>Provided that where claims arising out of the incident of oil pollution have been made in High Courts other than the one where the fund has been established, the owner of the vessel may approach the Supreme Court of India, in accordance with the Code of Civil Procedure, 1908, to transfer the claims to the High Court where such fund has been in established.</p>	
<p><b>Claims for Compensation where Limitation Fund has been established.</b></p>	<p><b>184.</b>(1) Pursuant to the constitution of the fund, the High Court or the Central Government as the case may be, shall issue a notification inviting claims against the fund arising from the particular incident of oil pollution, within such time period and containing such other particulars as may be prescribed.</p> <p>(2) Any person who has suffered pollution damage, shall be entitled to claim compensation and may make an application for participation in proceedings.</p> <p>Provided that where such fund has not been established, the claimant may approach the jurisdictional High Court specified under sub-section (2) of 180, or the Central Government.</p> <p>(3) The Central Government shall also issue a notice of proceedings to the International Oil Pollution Compensation Fund, and the Fund shall be entitled to participate in the proceedings in accordance with Chapter V of this Part.</p> <p>(4) The Central Government may prescribe the procedure to be followed for establishment of the fund and adjudication of claims arising from an incident of oil pollution.</p>	
<p><b>Acquisition of right for compensation by</b></p>	<p><b>185.</b>(1) Where, before the fund is distributed, the owner or any of his servants or agents or any person providing him insurance or other</p>	

<p><b>subrogation.</b></p>	<p>financial security has as a result of an incident paid compensation for pollution damage, such person shall upto the amount he has paid, acquire by subrogation the rights which the person so compensated may have enjoyed under this Chapter.</p> <p>(2) Where the owner or any other person establishes that he may be compelled to pay at a later date in whole or in part any such amount of compensation, with regard to which such person shall have enjoyed a right of subrogation under sub-section (1), had the compensation been paid before the fund was distributed, the High Court where the fund has been constituted, may order that a sufficient sum shall be provisionally set aside to enable such person at such later date to enforce his claim against the fund.</p>	
<p><b>Consolidation of claims and distribution of fund.</b></p>	<p><b>186.</b>(1) The High Court or the Central Government, as the case may be, shall consolidate all claims against the fund including those arising under section 185.</p> <p>(2) Any claim in respect of expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily to prevent or minimise pollution damage shall rank equally with other claims against the fund.</p> <p>(3) Subject to the provisions of sub-section (2) of section 185, the High Court or the Central Government, as the case may be, shall distribute the amount in the fund among all claimants in proportion to their established claims.</p> <p>(4) If the owner, insurer or other financial security holder, as the case may be has failed to establish a fund under this Chapter, the High Court shall make an order for compensation against such party, to be payable within such time period as specified.</p>	
<p><b>Arrest and sale of ship if owner etc. unable to satisfy claims for compensation.</b></p>	<p><b>187.</b>(1) In case the owner has not established a limitation fund in accordance with this Chapter, an application may be to the High Court making an order for compensation by any person entitled to compensation under such order, to arrest the ship responsible for the incident or any vessel owned by such person for non-compliance with the order for compensation within the time period prescribed.</p> <p>(2) The High Court may direct the amount remaining unpaid, after the determination of the liability of the International Oil Pollution Compensation Fund in Chapter V of this Part, to be levied by distress and sale of the vessel and her equipment in accordance with Section 295 of this Act.</p> <p>(3) The High Court or the Central Government shall have the power to detain any ship involved in an incident of oil pollution, until the owner of the ship has established a fund in accordance</p>	

	<p>with Section 183, or has duly complied with the order for compensation under sub-section (4) of Section 186, whichever is earlier.</p>	
<p><b>Restriction on enforcement of claims after establishment of limitation fund.</b></p>	<p><b>188.</b>Where the owner, after an incident, has constituted a fund in accordance with this Chapter, and is entitled to limit his liability,</p> <p>(a) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;</p> <p>(b) the High Court or the Central Government, as the case may be, shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid such arrest.</p> <p>Provided that this section shall only apply if the sum paid into the High Court or to the Central Government, or such part thereof as corresponds to the claim, is actually available to the claimant or would have been available to him if the proper steps in the proceedings under this Chapter had been taken.</p>	
<p><b>Compulsory insurance or other financial guarantee.</b></p>	<p><b>189.</b>(1) The owner of every ship carrying more than 2000 tons of oil in bulk as cargo shall, in respect of such ship, maintain an insurance or other financial security to cover his liability for pollution damage under this Chapter for the amount specified under the provisions of the 1992 Liability Convention.</p> <p>(2) In respect of every Indian ship which maintains insurance or other financial security under sub-section (1), there shall be issued by the Central Government a certificate in such form and giving such particulars as may be prescribed.</p> <p>(3) On an application by the owner or agent of any foreign ship, the Central Government may issue a certificate under sub-section (2) in respect of such foreign ship on production of satisfactory evidence relating to maintenance of insurance or other financial security in accordance with the provisions of the 1992 Liability Convention.</p> <p>(4) For every certificate issued under sub-sections (2) and (3) there shall be charged such fee as may be prescribed.</p> <p>(5) The Central Government may mandate that the owner of a ship carrying such tons of oil in bulk as prescribed, shall, in respect of the ship, be required to maintain insurance or other financial security to cover his liability for pollution damage upto the limits as may be</p>	

	prescribed.	
<b>Acceptance of certificate issued outside India.</b>	<b>190.</b> Any certificate issued by a competent authority in any country outside India to a ship registered in that country or any certificate issued by a competent authority of any country which is a contracting party to the 1992 Liability Convention to any ship wherever it is registered, shall be accepted at any port or place in India as if it were issued under this Act.	
<b>Ban on entering or leaving an Indian Port without certificate.</b>	<b>191.</b> (1) No Indian ship, which has on board more than 2000 tons of oil in bulk as cargo shall enter or leave or attempt to enter or leave any port or place in India, unless it carries on board a certificate issued under sub-section (2) of section 189 or a certificate accepted under section 190.  (2) No ship other than an Indian ship carrying more than 2000 tons of oil in bulk as cargo, wherever registered, shall enter or leave or attempt to enter or leave any port or place in India, unless it carries on board a certificate issued under sub-section (3) of section 189 or a certificate accepted under section 190.  (3) No proper officer shall grant inward entry or outward clearance to any ship to which sub-section (1) or, as the case may be, sub-section (2) applies, unless its master produces a certificate required under the respective sub-section.  (4) Where the owner or master of the ship has been convicted of an offence under this Section, and any fine imposed has not been paid, the Court imposing the fine may direct to be levied by attachment and sale of the ship, her tackle, furniture and apparel.	
<b>Direct action against insurer or other person providing financial security.</b>	<b>192.</b> (1) The insurer or other person providing financial security for the owner's liability for pollution damage may be directly liable for any claim for compensation for such damage.  (2) The insurer or other person referred to in sub-section (1) may, if the owner is not entitled to limit his liability in accordance with the provisions of section 182, avail himself such limits of liability as specified in that section.  (3) Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the owner's liability for pollution damage and in such cases the insurer or other person providing financial security may, even if the owner is not entitled to limit his liability in accordance with the provisions of section 182, avail himself such limits of liability as specified in that section.	



	<p>(4) The insurer or other person providing financial security may further avail himself of the defences (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke and the defendant may avail himself of the defence that the pollution damage resulted from the wilful misconduct of the owner himself, but the defendant shall not avail himself of any other defence which he might have been entitled to invoke in proceedings brought by the owner against him.</p> <p>(5) The insurer or other person providing financial security shall in any case have the right to require the owner to be joined in the proceedings.</p> <p>(6) Any sum provided by insurance or by other financial security maintained in accordance with sub-section (1) of section 189 shall be available exclusively for the satisfaction of claims under this Chapter.</p>	
<p><b>Recognition of Foreign judgement.</b></p>	<p><b>193.</b>(1) Any judgment passed by a Competent Court of contracting party under the 1992 Liability Convention shall be recognized in India except where, —</p> <p style="padding-left: 40px;">(a) the judgment was obtained by fraud; or</p> <p style="padding-left: 40px;">(b) the owner or the insurer or the person providing financial security who is a party to the proceedings was not given reasonable notice and a fair opportunity to present his case.</p> <p>(2) Any judgment passed by a court in accordance with the provision of the 1992 Liability Convention under sub-section (1) shall be enforceable in India as soon as the procedures required have been complied with:</p> <p>Provided that such procedure shall not permit the merits of the case to be re-opened.</p>	
<p><b>Limitation period.</b></p>	<p><b>194.</b>(1) Rights of compensation under this Chapter shall be extinguished unless an action is brought within a period of three years from the date when the damage occurred:</p> <p>Provided that, no action shall be made for compensation after six years from the date of the incident which caused the damage.</p> <p>(2) If incident consists of a series of occurrences, the period of six years shall start from the date of the first occurrence.</p>	

<b>Government ships.</b>	<b>195.</b> Nothing in this Chapter shall apply to any ship of war or any ship for the time being used by the Government of any country for purposes other than commercial purposes.	
<b>Power to make rules.</b>	<p><b>196.</b>(1) The Central Government may make rules to carry out the provisions of this Chapter.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p>(a) the manner of constitution of the limitation fund under Section 182;</p> <p>(b) form and manner of making claims of compensation against the fund under sub-section (1) of section 184;</p> <p>(c) the procedure for establishment of fund and adjudication of claims arising from incidents of oil pollution under sub-section (4) of section 184;</p> <p>(c) the form of certificate and particulars to be given thereto under sub-section (2) of section 189;</p> <p>(d) the fees to be charged for issue of certificates under sub-section (4) of section 189;</p> <p>(e) compulsory insurance for ships carrying oil below the threshold specified in 1992 Liability Convention;</p> <p>(f) any other matter which required to be or may be prescribed.</p>	

	<b>CHAPTER IV</b> <b>CIVIL LIABILITY FOR BUNKER OIL POLLUTION DAMAGE</b>	
<b>Application of this Chapter.</b>	<p><b>197.</b>This Chapter applies to, —</p> <p>(a) pollution damage caused due to escape or discharge of bunker oil from every Indian ship and from every ship other than an Indian ship while it is,—</p> <p style="padding-left: 40px;">(i) within the territory including territorial sea of India; or</p> <p style="padding-left: 40px;">(ii) at a port or a place in India or within the coastal waters of India, not extending more than two hundred nautical miles from the baseline; ;</p> <p>(b) preventive measures, wherever taken, to prevent or minimise the pollution damage:</p> <p>Provided that this Chapter shall not apply to warships, naval auxiliary or other vessels owned or operated by the Government and used, for the time being, only on Government non-commercial service:</p> <p>Provided further that this Chapter shall not apply to pollution damage specified in Chapter III of this Part.</p>	
<b>Definitions.</b>	<p><b>198.</b>In this Chapter, unless the context otherwise requires,—</p> <p>(a) "Bunker Convention" means the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;</p> <p>(b) "bunker oil" means any hydrocarbon mineral oil, including lubricating oil, used or intended to be used for the operation or propulsion of the ship, and any residues of such oil;</p> <p>(c) "Civil Liability Convention" means the International Convention on Civil Liability for Oil Pollution Damage, 1992;</p> <p>(d) "incident" means any occurrence or series of occurrences having the same origin, which causes pollution damage or creates a grave and imminent threat of causing such damage;</p> <p>(e) "person" means any individual or partnership or any public or private body, whether corporate or not, including a State or any of its constituent sub-divisions;</p> <p>(f) "pollution damage" means,—</p> <p style="padding-left: 40px;">(i) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur:</p> <p>Provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement undertaken or</p>	

	<p>to be undertaken; and</p> <p>(ii) the costs of preventive measure and further loss or damage caused by preventive measures;</p> <p>(g) "preventive measure" means any reasonable measures taken by any person after an incident has occurred to prevent or minimise pollution damage;</p> <p>(h) "registered owner" means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship, and, in the case of a ship owned by a State and operated by a company which in that State is registered as the ship's operator, "registered owner" shall mean such company;</p> <p>(i) "ship" means any sea-going vessel and sea borne craft, of any type whatsoever;</p> <p>(j) "shipowner", means the owner, including the registered owner, bareboat charterer, manager or operator of the ship;</p>	
<p><b>Liability for bunker oil pollution.</b></p>	<p><b>199.</b>(1) Save as otherwise provided in section 201,—</p> <p>(a) where pollution damage is caused due to discharge or escape of bunker oil on board or originating from the ship, the shipowner shall be liable for,—</p> <p>(i) any pollution damage;</p> <p>(ii) the cost of any reasonable measures taken for the purpose of preventing or minimising any pollution damage so caused or likely to be caused; and</p> <p>(iii) any damage caused by any such preventive measure so taken:</p> <p>Provided that where an incident consists of a series of occurrences having the same origin, the liability shall attach to the shipowner at the time of the first of such occurrences and where more than one person is liable, their liability shall be joint and several;</p> <p>(b) where there arises a grave and imminent threat of damage being caused outside a ship, the shipowner shall be liable for the cost of any measures reasonably taken to prevent or minimise any such damage.</p> <p>(2) Where any incident involving two or more ships occurs resulting in pollution damage, the shipowners of all ships involved in such incident shall, unless the damage is reasonably separable, be jointly and severally liable for such damage.</p>	
<p><b>Exemption from liability.</b></p>	<p><b>200.</b>(1) No liability for pollution damage shall be incurred by the ship owner under this Chapter, if he proves that such damage,—</p> <p>(a) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and</p>	

	<p>irresistible character; or</p> <p>(b) was wholly caused by any act or omission done with an intent to cause such damage by any person other than an employee or agent of the owner.</p> <p>(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.</p> <p>(2) If the shipowner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from the negligence of that person, then, he shall be wholly or partially exonerated from his liability to such person.</p>	
<b>Right of owner to limitation of liability.</b>	<p><b>201.</b>(1) The shipowner and the person providing insurance or other financial security shall be entitled to limit his liability under this Chapter, in respect of any one or more incident, in accordance with the provisions of Chapter II of this Part.</p> <p>(2) The shipowner shall not be entitled to limit his liability if it is proved that the incident causing pollution damage occurred as a result of his personal act or omission, committed or made with intent to cause such damage, or recklessly and with knowledge that such damage may probably result.</p>	
<b>Determination of limitation of liability.</b>	<p><b>202.</b>Where the shipowner is alleged to have incurred a liability under section 199, or his insurer, may make an application to the High Court or the Central Government for determination of limitation of his liability, in accordance with Section 170.</p>	
<b>Consolidation of claims and distribution of amount.</b>	<p><b>203.</b>The High Court or Central Government may consolidate all claims against the shipowner or his insurer who has deposited the amount under section 202 and may distribute the amount amongst the claimants, in accordance with Section 171.</p>	
<b>Extinguishment of right to claim.</b>	<p><b>204.</b>(1) The right to claim compensation under this Chapter shall be extinguished if such claim is not made within a period of three years from the date of occurrence of damage:</p> <p>Provided that in no case, such claim may be made after six years from the date of incident which caused such damage.</p> <p>(2) Where the incident consists of a series of occurrences, the period of six years shall run from the date of the first of such occurrence.</p>	
<b>Maintenance of compulsory insurance or other</b>	<p><b>205.</b>Every registered owner of a ship having gross tonnage of more than one thousand shall, for the purpose of his liability for pollution damage under this Chapter, maintain compulsory insurance coverage or such other financial security, to the limits specified under the</p>	

<b>financial security.</b>	provisions of the LLMC Convention.	
<b>Direct action against insurer or other person providing financial security.</b>	<p><b>206.</b>(1) The insurer or other person providing financial security for the owner's liability for pollution damage may be liable for any claim for compensation for such damage.</p> <p>(2) The insurer or other person referred to in sub-section (1) may, if the owner is not entitled to limit his liability in accordance with the provisions of section 199 may avail himself such limits of liability as may be prescribed.</p> <p>(3) Any claim for compensation for pollution damage may be brought directly against the insurer or other person providing financial security for the registered owner's liability for pollution damage and in such a case, the insurer or such person may invoke defences (other than bankruptcy or winding up of the owner) which the shipowner would have been entitled to invoke, including limitation of liability pursuant to section 202;</p> <p>Provided that where the shipowner is not entitled to limitation of liability under section 201, the insurer or such person may limit the liability to an amount equal to the amount of the insurance or other financial security required to be maintained under sub-section (1):</p> <p>Provided further that the insurer or such person may invoke the defence that the pollution damage resulted from the willful misconduct of the shipowner but shall not invoke any other defence which such insurer or person might have been entitled to invoke in proceedings brought by the shipowner against such insurer or person:</p> <p>Provided also that the insurer or such person may make the shipowner as a party to such proceedings.</p>	
<b>Issue of certificate.</b>	<p><b>207.</b>(1) The Central Government shall issue a certificate in respect of every ship which maintains insurance or other financial security under section 205, in such form, containing such particulars and subject to such conditions and on payment of such fee, as may be prescribed.</p> <p>(2) Every certificate issued under sub-section (1) shall be renewed after its expiry in such manner and on payment of such fee as may be prescribed.</p>	
<b>Ban on entering or leaving port without clearance.</b>	<p><b>208.</b>(1) No ship shall enter or leave or attempt to enter or leave any port or place to which this Chapter applies, unless it carries on board a certificate issued under section 207.</p> <p>(2) Any certificate issued by a competent authority in any country outside India to a ship registered in that country or any certificate</p>	

	<p>issued by a competent authority of any country which is a contracting party to the Bunker Convention to any ship wherever registered, shall be accepted at any port or place in India as if it were issued under this Act.</p> <p>(3) No Proper Officer shall permit inward entry or outward clearance to any ship to which sub-section (1) or sub-section (2) applies unless the master of the ship produces the certificate referred to in that sub-section</p>	
<p><b>Right of recourse.</b></p>	<p><b>209.</b>Nothing contained in this Chapter shall prejudice the right of recourse that the shipowner may have against any other person in respect of his liability.</p>	
<p><b>Recognition and enforcements of decision of the court.</b></p>	<p><b>210.</b>(1) Any judgment passed by a competent court of a contracting party under the Bunker Convention shall be recognised in India except where, —</p> <p style="padding-left: 40px;">(a) the judgment was obtained by fraud; or</p> <p style="padding-left: 40px;">(b) the shipowner or the insurer or the person providing financial security who is a party to the proceedings was not given reasonable notice and a fair opportunity to present his case.</p> <p>(2) Any judgment passed by a court in accordance with the provision of the Bunker Convention under sub-section (1) shall be enforceable in India as soon as the procedures required have been complied with:</p> <p>Provided that such procedure shall not permit the merits of the case to be re-opened.</p>	
<p><b>Power to make rules.</b></p>	<p><b>211.</b>(1) The Central Government may make rules to carry out the provisions of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p style="padding-left: 40px;">(a) the limits of liability of the insurer or other person providing financial security under sub-section (2) of section 206;</p> <p style="padding-left: 40px;">(b) the form of certificate, the particulars containing therein with the conditions and fee for issue of certificate under sub-section (1) of section 207;</p> <p style="padding-left: 40px;">(c) the manner of renewal of certificate and fees therefor under sub-section (2) of section 207;</p> <p style="padding-left: 40px;">(d) any other matter which is required to be or may be prescribed.</p>	

	<b>CHAPTER V-</b>  <b>INTERNATIONAL OIL POLLUTION COMPENSATION FUND</b>	
<b>Application.</b>	<b>212.</b> This Chapter shall apply to pollution damage caused in the territory of India, including the coastal waters, not extending more than two hundred nautical miles from the baseline, and to preventive measures, wherever taken, to prevent or minimize such damage.	
<b>Definitions.</b>	<p><b>213.</b>In this Chapter unless the context otherwise requires,—</p> <p>(a) “associated person” includes any subsidiary or commonly controlled entity, or such person as may be prescribed;</p> <p>(b) "Contributing Oil" means crude oil and fuel oil;</p> <p>Explanation—For the purposes of this clause,—</p> <p>(i) “crude oil” means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation and includes crude oils from which certain distillate fractions have been removed (sometimes referred to as "topped crudes") or to which certain distillate fractions have been added (sometimes referred to as "spiked" or "reconstituted" crudes),</p> <p>(ii) “fuel oil” means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to the “American Society for Testing and Materials' Specification for Number Four Fuel Oil (Designation D 396-69)”, or heavier.</p> <p>(c) “Fund” means the International Oil Pollution Compensation Fund,1992, which shall be recognised as a person, established by Article 2 of the Fund Convention;</p> <p>(d) “Fund Convention” means the International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1992,including further amendments/protocols, if any, to which India becomes a party;</p> <p>(e) “Guarantor” means any person providing insurance or other financial security to cover an owner's liability in pursuance of paragraph 1 of Article VII of the 1992 Liability Convention;</p> <p>(f) “Incident”, “Oil”, “Organisation”, “Owner”, “Person”, “Pollution Damage”, “Preventive Measures” or “ship” shall have same meaning as assigned to it in the 1992 Liability Convention;</p> <p>(g) “Ship's tonnage” shall have the same meaning as assigned to in</p>	



	<p>paragraph 10 of Article V of the 1992 Liability Convention;</p> <p>(h) “Terminal installation” means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site;</p> <p>(i) “Ton”, in relation to oil, means a metric ton.</p>	
<p><b>Contribution to Fund.</b></p>	<p><b>214.</b>(1) Contribution to the Fund, in respect of contributing oil carried by sea to ports or terminal installations in India, shall be payable in accordance with Articles 10 and 12 of the Fund Convention.</p> <p>(2) The provisions of sub-section (1) shall apply whether or not the contributing oil is imported, and notwithstanding that contributions are payable to the Fund, in respect of carriage of the same contributing oil on a previous voyage.</p> <p>(3) The person liable to pay contributions to the Fund shall be—</p> <p style="padding-left: 40px;">(a) in case of contributing oil which is being imported into India, the importer; or</p> <p style="padding-left: 40px;">(b) in any other case, the person by whom the oil is received in India.</p> <p>(4) A person shall not be liable to pay contributions to the Fund, in respect of the contributing oil imported or received by him in any year if the aggregate quantity of contributing oil so imported or received in the year by him and any associated person on his behalf, does not exceed one hundred and fifty thousand tons or as may be specified from time to time in the Fund Convention.</p> <p>Explanation.—For the purposes of sub-section (3) of this section, “Fund Convention country” means a country in which the Fund Convention is for the time being in force.</p>	
<p><b>Contribution payable by persons to the fund.</b></p>	<p><b>215.</b>(1) The contributions payable to the Fund by a person for any year shall be,—</p> <p style="padding-left: 40px;">(a) such amounts as may be determined by the Assembly of the Fund under Articles 10 and 12 of the Fund Convention;</p> <p style="padding-left: 40px;">(b) in such instalments, becoming due at such dates, as may be notified and if any amount due from such person remains unpaid after the date on which it became due, it shall be from that due date bear interest at a rate determined by the said Assembly until it is paid.</p> <p>(2) The Central Government may require persons, who are or may</p>	

	<p>be liable to pay contributions to the Fund under section 214, to give financial security for payment of contributions to the Central Government or the Fund.</p>	
<p><b>Liability of Fund.</b></p>	<p><b>216.</b>(1) Where any person suffering pollution damage has been unable to obtain full and adequate compensation for the damage under the provisions of 1992 Liability Convention, the Fund shall be liable to pay compensation the damage to such person if,—</p> <p style="padding-left: 40px;">(a) no liability for the damage arises in accordance with the provisions of the 1992 Liability Convention;</p> <p style="padding-left: 40px;">(b) the owner liable for the damage under the provisions of 1992 Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under the Convention does not cover or is insufficient to satisfy the claims for compensation for the damage, or an owner being treated as financially incapable of meeting his obligations and a financial security being treated as insufficient if the person suffering the damage has been unable to obtain full satisfaction of the amount of compensation due under the 1992 Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him;</p> <p style="padding-left: 40px;">(c) the damage exceeds the owner's liability under the provisions of 1992 Liability Convention as limited pursuant therein.</p> <p>(2) Expenses incurred or sacrifices made by the owner voluntarily to prevent or minimize pollution damage shall be treated as pollution damage for the purposes of this section.</p> <p>(3) The Fund shall incur no obligation under sub-section (1) if,—</p> <p style="padding-left: 40px;">(a) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by a State and used, at the time of the incident, only on Government non-commercial service; or</p> <p style="padding-left: 40px;">(b) the claimant cannot prove that the damage resulted from an incident involving one or more vessel.</p> <p>(4) If the Fund proves that the pollution damage resulted wholly or partly either from an act or omission done with the intent to cause damage by the person who suffered the damage or from the negligence of that person, the Fund may be exonerated wholly or partly from its obligation to pay compensation to such person.</p> <p>(5) The Fund shall in any event be exonerated to the extent that the vessel owner may have been exonerated under the provisions of</p>	

	<p>1992 Liability Convention:</p> <p>Provided that there shall be no such exoneration of the Fund with regard to preventive measures.</p>	
<p><b>Limitation of Liability of the Fund.</b></p>	<p><b>217.</b>(1) The Fund's liability under section 216 shall be subject to the limits imposed by paragraphs 4 and 5 of Article 4 of the Fund Convention.</p> <p>(2) For the purpose of giving effect to this Section, the Fund shall be notified in accordance with Section 187, and no Order shall be passed against the Fund until the Fund notifies the Court or the Central Government, as the case may be, either that the amount of the claim is not to be reduced under those paragraphs, or that it is to be reduced to a specified amount, and if the amount is to be reduced in accordance with sub-section (1) of this section, the liability of the Fund shall be enforceable only for the reduced amount.</p> <p>(3) The amount due from the Fund under Section 216 shall be paid in Rupees, and the mode and manner of converting such amount from Special Drawing Rights into Rupees shall be as prescribed.</p>	
<p><b>Power to call for information.</b></p>	<p><b>218.</b>(1) The Central Government may, for the purposes of transmitting to the Fund, the names and addresses of the persons who under the provisions of section 214 are liable to make contributions to the Fund every year and the quantity of contributing oil in respect of which they are so liable, by notice, require to any such person to furnish such information as may be specified therein.</p> <p>(2) A notice under sub-section (1) may specify the manner in which, and the time within which, such notice shall be complied with.</p> <p>(3) In proceedings by the Fund against any person to recover any amount due under section 214, particulars contained in any list transmitted by the Central Government to the Fund shall, so far as those particulars are based on information obtained under this section, be admissible as evidence of the facts stated in the list, and so far as particulars which are so admissible are based on information given by the person against whom the proceedings are brought, those particulars shall be presumed to be accurate until the contrary is proved.</p> <p>(4) No person shall disclose any information which has been furnished to or obtained by him under this section unless the disclosure is made,—</p> <p>(a) with the consent of the person from whom the information was obtained;</p> <p>(b) in connection with the compliance of this section;</p> <p>(c) for the purpose of any legal proceedings arising out of this</p>	

	<p>section or of any report of such proceedings.</p> <p>(5) A person who,—</p> <p>(a) refuses or wilfully neglects to comply with a notice under this section; or</p> <p>(b) makes, while furnishing any information in compliance with a notice under this section, any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, shall be guilty of an offence punishable under this Act.</p>	
<b>Claims against fund and Jurisdiction of Courts.</b>	<p><b>219.</b>(1) Any claim against the Fund for compensation under this Chapter shall be brought directly before the Fund.</p> <p>(2) Any action for a claim against the Fund shall be brought before the High Court.</p> <p>(3) The Fund shall have the right to intervene as a party to any legal proceedings instituted in the High Court against the owner or his Guarantor.</p> <p>(4) Where such notice of proceedings has been given to the Fund, any judgment given in the proceedings shall, after it has become final and enforceable, become binding upon the Fund to the effect that the facts and evidence in that judgment may not be disputed by the Fund on the ground that it has not intervened in the proceedings.</p>	
<b>Extinguishment of claims.</b>	<p><b>220.</b>Notwithstanding anything contained in any other law for the time being in force, no action to enforce a claim against the Fund under this Chapter shall be entertained by a High Court, unless,—</p> <p>(a) the action to enforce is commenced; or</p> <p>(b) notice of action to enforce a claim against the owner or his guarantor in respect of the same pollution damage is given to the Fund, within three years from the date when the damage occurred:</p> <p>Provided that no action to enforce a claim shall be brought after six years from the date of the incident that caused such damage.</p>	
<b>Subrogation and right of recourse.</b>	<p><b>221.</b>In respect of any sum paid by a public authority in India or the Fund, as the case may be, as compensation for pollution damage, that authority or the Fund shall acquire by subrogation any rights which the person so compensated would have enjoyed under the Fund Convention.</p>	

<p><b>Power of the Central Government to establish Fund.</b></p>	<p><b>222.</b>The Central Government may establish a fund for the provision for pollution damage exceeding that covered in this Part, and the source of funds and manner of disbursement of compensation from such fund shall be as prescribed.</p>	
<p><b>Power to make rules.</b></p>	<p><b>223.</b>(1)The Central Government may make rules to carry out the provisions of the Fund Convention.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <p style="padding-left: 40px;">(a) the scope of the term “associated persons”;</p> <p style="padding-left: 40px;">(b)the mode and manner of conversion from Special Drawing Rights to Rupees in Section 217;</p> <p style="padding-left: 40px;">(c)source of funds and manner of disbursement of compensation from fund established under Section 222;</p> <p style="padding-left: 40px;">(d) any other matter which is required to be or may be prescribed.</p>	

<b>PART X</b>		
<b>MARINE INCIDENT AND EMERGENCY RESPONSE</b>		
<b>Application of this Chapter.</b>	<p><b>224.</b> This Chapter shall apply to marine incidents, occurring directly by, or in connection with the operations of, -</p> <p style="padding-left: 40px;">(a) Indian vessels; and</p> <p style="padding-left: 40px;">(b) vessels other than Indian vessels which enter a port, shipyard or offshore terminal or place in India or within coastal waters of India.</p>	
<b>Definitions.</b>	<p><b>225.</b> In this Part, unless the context otherwise requires, -</p> <p style="padding-left: 40px;">(a) “marine incident” means an event, or sequence of events, which has occurred directly in connection with the operations of a vessel that endangered, or, if not corrected, would endanger the safety of the vessel, its occupants or any other person or the environment and includes marine violation, marine casualty, marine disaster, very serious marine casualty and such other event or sequence of event as may be notified by the Central Government.</p> <p style="padding-left: 40px;">(b) “maritime emergency response” means a speedy action undertaken subsequent to a marine incident to ensure minimum damage to the vessel, crew, cargo and the marine environment by mitigating, containing, restoring, and provide relief against the said marine incident.</p>	
<b>Appointment of Nodal Authority for Marine Incidents.</b>	<p><b>226.</b>(1) The Central Government shall, by notification, appoint a Nodal Authority who shall administer and supervise the marine incident and the corresponding maritime emergency response.</p> <p style="padding-left: 40px;">(2) The Nodal Authority shall discharge its duties under the supervision and control of the Central Government.</p>	
<b>Primary Response Party.</b>	<p><b>227.</b> The shipowner or master, crew of the concerned vessel and such other persons as may be notified, shall be the primary persons responsible for engaging in maritime emergency response and actions taken in furtherance of such responsibility shall be in addition to and not in derogation of the responsibilities and powers of the Nodal Authority.</p>	
<b>Procedures and Plans for Response Mechanisms.</b>	<p><b>228.</b> The Central Government shall notify plans for prevention of marine incidents and procedures for maritime emergency responses.</p>	

<b>Power of the Nodal Authority.</b>	<p>229.(1)Notwithstanding anything contained in any other law for the time being in force, it shall be lawful for the Nodal Authority to issue directions in writing, consistent with the objectives of this Chapter, to the administrative bodies under the Central Government and State Governments.</p> <p>(2) The Nodal Authority may requisition the services of any officer of the Central Government or other officers or any police officer to assist for the purposes of this Part and it shall be the duty of every such officer to comply with such requisition.</p> <p>(3) The Nodal Authority may requisition the resources and pollution prevention equipment available with any of the offices of the Central Government or other offices or organisation to assist for the purposes of this Part and it shall be the duty of such offices or organisations to comply with such requisition.</p>	
<b>Power of the Central Government.</b>	<p>230.The Central Government shall prescribe circumstances in which the maritime emergency response to a marine incident may be exercised by the Nodal Authority.</p>	
<b>Maintenance of compulsory insurance or other financial security.</b>	<p>231.Every registered owner of an Indian vessel shall, for the purpose of covering his liability under this Chapter, be required to compulsorily maintain adequate insurance coverage or such other financial security, as may be prescribed, and shall carry on board a certificate attesting the compliance with such requirement.</p>	
<b>Power to make rules for marine incidents and maritime emergency response.</b>	<p>232.(1) The Central Government may make rules to carry out the provisions of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matter, namely:-</p> <p>(a) the circumstances in which the maritime emergency response to a marine incident may be exercised by the Nodal Authority under section 230;</p> <p>(b) any other matter which is required or may be prescribed.</p>	

	<b>PART XI</b> <b>INVESTIGATION AND INQUIRIES</b>	
<b>Marine casualties and report thereof.</b>	<p>233. (1) For the purposes of investigations and inquiries under this Part, a marine casualty shall be deemed to be an event, or sequences of events that has resulted in any of the following and has occurred directly by, or in connection with the operations of Indian vessels and vessels other than Indian vessels, when,-</p> <p>(a) on or near the coast of India, any vessel is lost, abandoned, stranded or materially damaged,</p> <p>(b) on or near the coast of India, any vessel causes loss or material damage to any other vessel,</p> <p>(c) any loss of life or presumed loss of life, ensues by reason of any casualty happening, or otherwise, to or on board any vessel, on or near the coast of India,</p> <p>(d) any loss of life or presumed loss of life, ensues by reason of any casualty happening, or otherwise, to an Indian national on board any vessel, anywhere in the world,</p> <p>(e) in any place, any such loss, abandonment, stranding, material damage or casualty as mentioned above occurs to or on board any Indian vessel, and any competent witness thereof is found in India;</p> <p>(f) any Indian vessel is lost or is supposed to have been lost, and any evidence is obtainable in India as to the circumstances under which she proceeded to sea or was last heard of;</p> <p>(g) in any place within the zones under the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976, pollution, or the potential threat of such pollution to the environment, or severe damage to the environment, or the potential to severe damage to the environment is caused of a vessel,</p> <p>(h) a fire or explosion takes place on any Indian vessel anywhere in the world, or a fire or explosion takes place on a vessel other than an Indian vessel, while such vessel is on, or near, the coast of India.</p> <p>(2) In the cases mentioned in sub-section (1), the owner, manager, operator, company, pilot, harbour-master, master, or other person in charge of the vessel, or, where two vessels are concerned, in charge of each vessel at the time of the marine casualty, as the case may be, shall, within twenty-four hours of the occurrence, give notice of the marine casualty to the officer appointed in this behalf by the Central Government.</p> <p>(3) Wherever any such officer receives the notice of the marine casualty under sub-section (2), he shall forthwith report in writing the information to the Central Government and may proceed to make preliminary inquiry into the marine causality and shall furnish the report on completion of independent inquiry into the incident.</p> <p>(4) The Central Government may, for the purposes of the investigation, appoint a body to conduct a marine safety investigation in accordance with the Safety Convention.</p> <p>(5) The body appointed under sub-section (4) shall, make</p>	<p>80 of 1976.</p>



	<p>preliminary assessment of the marine casualty and conduct a marine safety investigation for ascertaining its causes and circumstances and submit its report to the Central Government.</p> <p>Explanation:- For the purposes of this Part the word “company” has the same meaning as assigned to it clause (a) of section 113.</p>	
<b>Power of Central Government to initiate proceedings.</b>	<p><b>234.</b>On receipt of report under sub-section (5) of section 233 or otherwise, if the Central Government is of the opinion that prima-facie, there exists, incompetency, misconduct or violation of any law for the time being in force on part of any person, it may -</p> <p>(a) initiate administrative action; and</p> <p>(b) direct such officer or other authority having jurisdiction over the area to initiate any proceedings, as may be required in accordance with the provision of any law for the time being in force.</p>	
<b>Power to cancel, suspend etc., of certificate of seafarers.</b>	<p><b>235.</b> The Central Government may, by order, cancel or suspend any certificate granted under this Act to any seafarer for any specified period,-</p> <p>(a) if the inquiry report or investigation report reveals that the seafarer is incompetent or has been guilty of misconduct,</p> <p>(b) in a case of collision, the seafarer has failed to render assistance,</p> <p>(c) if the seafarer has been convicted of any offence under this Act or any non-bailable offence committed under any other law for the time being in force in India or outside India; or</p> <p>(d) the casualty, if any, has been caused by wrongful act or default of the seafarer.</p> <p>(e) if the seafarer to whom the certificate has been granted contravenes any provisions of this Act:</p> <p>Provided that no order under this section shall be passed unless the person concerned has been given an opportunity of making a representation against such order.</p>	
<b>Re-hearing.</b>	<p><b>236.</b> Whenever an investigation or inquiry has been made under this Act, the Central Government may order the case to be re-heard either generally or as to any part thereof, and shall so order:</p> <p>(a) if new and important evidence which could not be produced at the time of investigation has been discovered, or</p> <p>(b) if for any other reason there has, in its opinion, been a miscarriage of justice.</p>	

	<b>PART XII</b>	
	<b>WRECK AND SALVAGE</b>	
	<b>CHAPTER I</b>	
	<b>WRECK</b>	
<b>Application of this Chapter to wrecks.</b>	<p><b>237.</b>This Chapter shall apply to the wrecks located within the territory of India including the coastal waters of India:</p> <p>Provided that this Chapter shall not apply to,—</p> <p>(a) any measures taken under the International Convention relating to the Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969;</p> <p>(b) any warship or other vessel owned or operated by the Government for non-commercial service.</p>	
<b>Definitions.</b>	<p><b>238.</b>In this Chapter, unless the context otherwise requires,—</p> <p>(a) “authority” means the Central Government or any person authorised by it;</p> <p>(b) “affected country” means the country in whose Convention area the wreck is located;</p> <p>(c) “Convention” means the Nairobi Convention on the Removal of Wrecks, 2007;</p> <p>(d) “Convention area” means the exclusive economic zone of a State Party, established in accordance with international law or, if a State Party has not established such a zone, an area beyond and adjacent to the territorial sea of that State determined by that State in accordance with international law and extending not more than two hundred nautical miles from the baselines from which the breadth of its territorial sea is measured;</p> <p>(e) “hazard” means any condition or threat, that,—</p> <p>(i) poses a danger or impediment to navigation; or</p> <p>(ii) may reasonably be expected to result in major harmful consequences to the marine environment, or damage to the coastline or related interests of India or any other Country;</p> <p>(f) “maritime casualty” means a collision of ships, stranding or</p>	

	<p>other incident of navigation, or other occurrence on board a ship or external to it, resulting in material damage or imminent threat of material damage to a ship or its cargo;</p> <p>(g) “operator of the ship” means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who, on assuming such responsibility, has agreed to take over all duties and responsibilities established under the International Safety Management Code;</p> <p>(h) “receiver of wreck” means a person appointed as such under sub-section (1) of section 239;</p> <p>(i) “registered owner” means the person registered as the owner of the ship or, in the absence of registration, the person owning the ship at the time of the maritime casualty:</p> <p>Provided that in the case of a ship owned by a State and operated by a company which in that State is registered as the operator of the ship, "registered owner" shall mean such company;</p> <p>(j) “related interests”, in relation to the interest of India directly affected or threatened by a wreck, means—</p> <ul style="list-style-type: none"><li>(i) maritime coastal, port and estuarine activities, including fisheries activities, constituting an essential means of livelihood of the persons concerned;</li><li>(ii) tourist attractions and other economic interests of the areas concerned;</li><li>(iii) the health of the coastal population and the well-being of the area concerned, including conservation of marine living resources and of wild life; and</li><li>(iv) offshore and underwater infrastructure;</li></ul> <p>(k) “removal” means any form of prevention, mitigation or elimination of the hazard created by a wreck, and the expressions "remove", "removed" and "removing" shall be construed accordingly;</p> <p>(l) “ship” means a sea-going vessel of any type whatsoever and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and floating platforms, except when such platforms are on location engaged in the exploration, exploitation or production of seabed mineral resources;</p> <p>(m) “state of the ship's registry” means,—</p> <ul style="list-style-type: none"><li>(i) in relation to a registered ship, the country of</li></ul>	
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	<p>registration of the ship; and</p> <p>(ii) in relation to an unregistered ship, the country, under whose flag the ship is entitled to fly;</p> <p>(n) “wreck”, following upon a relation to maritime casualty, means —</p> <p>(i) a sunken or stranded ship;</p> <p>(ii) any part of a sunken or stranded ship, including any object or goods or cargo that is or has been on board such a ship;</p> <p>(iii) any object or goods or cargo that is lost at sea from a ship and that is stranded, sunken or adrift at sea;</p> <p>(iv) a ship that is in distress or is about, or may reasonably be expected, to sink or to strand, where effective measures to assist the ship or any property in danger are not already being taken.</p> <p>Explanation.— For the purposes of this sub-clause, any question as to whether the measures adopted to assist the ship or any property in danger are effectively being taken or not shall be decided by the Director-General.</p>	
<p><b>Receivers of wreck.</b></p>	<p><b>239.</b>(1) The Central Government, may by notification, appoint any person to be the receiver of wreck to receive and take possession of wreck and to perform such duties connected therewith as are hereinafter mentioned, within such limits as may be specified in that notification.</p> <p>(2) The receiver of wreck shall receive and take possession of wreck with all powers in respect thereof, including powers for disposal or sale of the wreck, power to give notices, power to enforce performance of obligations by owner, operator, insurer of the vessel, as provided in this Chapter, and take such action as require to remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of maritime environment.</p>	

<p><b>Duty to report wrecks.</b></p>	<p><b>240.</b>(1) When any Indian ship has been involved in a maritime casualty resulting in a wreck in any area to which this Chapter applies, the master or owner or the operator of the ship shall, without any delay, report such incident to the Director-General.</p> <p>(2) When any Indian ship has been involved in a maritime casualty resulting in a wreck in a Convention area of any country, the master and the operator of that ship shall, without any delay, report such incident to the affected country in such manner as may be required by that country and shall also report such incident to the Director General.</p> <p>(3) When any ship other than Indian ship has been involved in a maritime casualty resulting in a wreck in any area to which this Chapter applies, the master and the operator of the ship shall, without any delay, report such incident to the Director-General.</p>	
<p><b>Determination of hazard.</b></p>	<p><b>241.</b>(1)For determining as to whether a wreck poses a hazard or not, the following criteria shall be taken into account, namely:—</p> <ul style="list-style-type: none"> <li>(a) the type, size and construction of the wreck;</li> <li>(b) depth of the water in the area;</li> <li>(c) tidal range and currents in the area;</li> <li>(d) proximity to protected areas including coral reefs and other areas as notified by the Government;</li> <li>(e) particularly sensitive sea areas identified and, as appropriate, designated in accordance with guidelines adopted by the International Maritime Organisation, or a clearly defined area of the exclusive economic zone where special mandatory measures have been adopted in accordance with requirements of the United Nations Convention on the Law of the Sea, 1982;</li> <li>(f) proximity of shipping routes or established traffic lanes;</li> <li>(g) traffic density and frequency;</li> <li>(h) type of traffic;</li> <li>(i) nature and quantity of the wreck's cargo, the amount and types of oil (such as bunker oil and lubricating oil) on board the wreck and, in particular, the damage likely to result if the cargo or oil is released into the marine environment;</li> <li>(j) vulnerability of port and port facilities;</li> <li>(k) prevailing meteorological and hydrographical conditions;</li> <li>(l) submarine topography of the area;</li> </ul>	

	<p>(m) height of the wreck above or below the surface of the water at lowest astronomical tide;</p> <p>(n) acoustic and magnetic profiles of the wreck;</p> <p>(o) proximity of offshore installations, pipelines, telecommunication cables and similar structures;</p> <p>(p) proximity of tourist spots and heritage locations; and</p> <p>(q) any other circumstances that might necessitate the removal of the wreck.</p> <p>(2) The Central Government shall be responsible to determine whether a wreck becomes a hazard, in accordance with sub-section (1) and such determination shall be final and binding for the purposes of this Chapter.</p>	
<p><b>Locating and marking of wrecks.</b></p>	<p><b>242.</b> (1) When a wreck has been determined to be a hazard, it shall be the duty of the owner or the operator of such a vessel,—</p> <p>(a) to immediately mark the wreck at his or its own cost in such manner as may be prescribed; and</p> <p>(b) to maintain the marking until the wreck is removed.</p> <p>(2) The cost for locating and marking the vessel shall be borne by or recovered from the owner or the operator of such a vessel.</p>	
<p><b>Power to pass over adjoining lands.</b></p>	<p><b>243.</b> (1) Whenever a vessel is wrecked, stranded or in distress, all persons may, for the purpose of rendering assistance to the ship or of saving the lives of the shipwrecked persons, or of saving the cargo or equipment of the vessel, unless there is some public road equally convenient, pass and repass, either with or without vehicles or animals, over any adjoining lands without being subject to interruption by the owner or occupier, so that they do as little damage as possible and may also on the like condition, deposit on these lands any cargo or other article recovered from the vessel.</p> <p>(2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights under this section shall be a charge on the vessel, cargo or articles in respect of or by which the damage is sustained and in case of dispute, the amount payable in respect of such damage shall be determined by a Magistrate on an application made to him in this behalf.</p>	
<p><b>Prohibition of certain acts in respect of wreck.</b></p>	<p><b>244.</b> No person shall,—</p> <p>(a) without the leave of the master, board or attempt to board any vessel which is wrecked, stranded or in distress, unless the person is, or acts by command of, the Central Government; or</p>	

	<p>(b) impede or hinder or attempt in any way to impede or hinder the saving of any vessel stranded or in danger of being stranded or otherwise in distress in any area to which this Chapter applies or of any part of the cargo or equipment of the vessel, or of any wreck; or</p> <p>(c) release any wreck or deface or obliterate any marks thereon; or</p> <p>(d) wrongfully carry away or remove any part of a vessel stranded or in danger of being stranded or otherwise in distress, in any area to which this Chapter applies, or any part of the cargo or equipment of the vessel or any wreck.</p>	
<p><b>Search warrants where wreck is involved.</b></p>	<p><b>245.</b>Where a receiver of wreck suspects or receives information that any wreck is released or is in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to the nearest Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be, for a search warrant, and that Judicial Magistrate of the first class or Metropolitan Magistrate, as the case may be, shall have power to grant such warrant and the receiver of wreck by virtue thereof may enter any house or other place wherever situate and also any vessel and search for, seize and detain any such wreck found thereof.</p>	
<p><b>Measures to facilitate the removal of wrecks.</b></p>	<p><b>246.</b>(1) When it is determined that the wreck constitutes a hazard, the receiver of wreck shall give the detailed information of the hazard to the Central Government, in such manner as may be prescribed.</p> <p>(2) The Central Government, on receipt of information under subsection (1), shall—</p> <p>(a) inform the government of the country of the vessel registry and the registered owner of the vessel; and</p> <p>(b) consult the government of the country of the vessel registry and other countries affected by the wreck regarding measures to be taken in relation to such wreck.</p> <p>(3) The registered owner of the vessel or, as the case may be, the operator of the vessel shall remove such wreck which has been determined to constitute a hazard:</p> <p>Provided that where any dispute arises as to whether the wreck constitutes a hazard or not, the decision of the Central Government shall be final and binding on all parties.</p> <p>(4) When a wreck has been determined to constitute a hazard, the registered owner of the vessel or, as the case may be, any interested person shall provide to the Central Government or the receiver of wreck with the evidence of insurance or other financial security maintained by him in accordance with the provisions of this Act.</p> <p>(5) The receiver of wreck, owner or operator of the vessel, shall, as the case may be, submit a plan for removal of wreck, for the approval of the Central Government.</p>	

	<p>(6) The Central Government shall approve or disapprove or approve with certain modifications, the plan submitted before it under sub-section (5) above, and shall, having regard to the nature of the hazard, specify on a case by case basis, the time limit for the owner of the vessel or its operator to remove the wreck.</p> <p>(7) If the owner of the vessel or its operator does not remove the wreck within the time specified under sub-section (6), the Central Government may, at the expense of such owner or operator, remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment and the wreck or any sale proceeds derived from such wreck shall become the property of the Central Government.</p> <p>(8) Where immediate action is required and the receiver of wreck has informed the owner of the vessel or the operator accordingly, he may, at the expense of such owner or operator, remove the wreck by the most practical and expeditious means available, consistent with considerations of safety and protection of the marine environment.</p>	
<p><b>Liability of owner.</b></p>	<p><b>247.</b>(1) The registered owner shall be liable for the costs of locating, marking and removing the wreck under this Chapter unless he proves that the maritime casualty which caused the wreck,—</p> <p>(a) resulted from an act of war, hostilities, civil war, insurrection, or a natural phenomenon of an exceptional, inevitable and irresistible character; or</p> <p>(b) was wholly caused by act or omission done with an intent to cause damage by a third party; or</p> <p>(c) was wholly caused by the negligence or other wrongful act of any Government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.</p> <p>(2) Nothing contained in this Chapter shall affect the right of the registered owner to limit his liability in accordance with the provisions of section 163.</p> <p>(3) Nothing contained in this Part shall prejudice any right of recourse available to the registered owner against third parties.</p>	
<p><b>Maintenance of insurance or other financial security.</b></p>	<p><b>248.</b>(1) Every registered owner of an Indian ship of gross tonnage three hundred and above shall, for the purpose of covering his liability under this Chapter, be required to maintain compulsory insurance coverage or such other financial security, as may be prescribed.</p>	



	<p>(2) Every owner of a vessel or operator of a vessel other than an Indian vessel of gross tonnage of three hundred and above, while it is in the area to which this Chapter applies, shall maintain insurance coverage or other financial security to cover his liability under the Convention and shall carry on board a certificate attesting that such insurance or other financial security is in force in accordance with the provisions of the Convention.</p> <p>(3) The certificate referred to in sub-section (2) shall, in case the vessel is,—</p> <p>(a) an Indian vessel, be issued by the Authority;</p> <p>(b) registered in a Convention country other than India, be issued by or under the authority of the Government of that country; and</p> <p>(c) registered in a country which is not a Convention country, be issued or certified by the appropriate authority authorised by any Convention country.</p> <p>(4) Any vessel found contravening the provisions of sub-section (2) shall be liable to be detained by the Authority.</p> <p>(5) Any claim for costs arising under this Chapter may be brought directly against the insurer or other person providing financial security for the registered owner's liability and in such a case, the insurer or such person may invoke defences (other than bankruptcy or winding up of the registered owner) which the registered owner would have been entitled to invoke, including limitation of liability as provided under the provisions of this Act:</p> <p>Provided that where the registered owner is not entitled to limitation of liability under the provisions of this Act, the insurer or such person may limit liability to an amount equal to the amount of the insurance or other financial security required to be maintained under sub-section (1):</p> <p>Provided further that the insurer or such person may invoke the defence that the maritime casualty resulted from the wilful misconduct of the registered owner but shall not invoke any other defence which such insurer or person might have been entitled to invoke in proceedings brought by the registered owner against such insurer or person:</p> <p>Provided also that the insurer or such person shall have the right to require the registered owner to be joined in such proceedings.</p>	
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<p><b>Exception to liability.</b></p>	<p><b>249.</b>(1) The registered owner shall not be liable under this Chapter for meeting the costs referred to in sub-section (5) of section 248 if, and to the extent that, liability for such costs is in conflict with,—</p> <p style="padding-left: 40px;">(a) any other Chapter or provisions of this Act;          (b) the provisions of the Civil Liability for Nuclear Damage Act, 2010; or          (c) any other applicable or binding international legal instrument which India adopts.</p> <p>(2) Where measures are taken under this Chapter to the extent such measures are construed to be salvage under the provisions of section 255, the provisions of said section 255 shall apply for the purposes of remuneration or compensation payable to salvors.</p> <p>Explanation.—For the removal of doubts, it is hereby clarified that the provisions of this section shall be construed harmoniously with the provisions of the Indian Ports Act, 1908 and in case of any ambiguity or conflict thereof, the provisions of the Indian Ports Act, 1908 shall prevail.</p>	
<p><b>Claims of owners to wreck.</b></p>	<p><b>250.</b>(1) The owner of any wreck in the possession of the receiver upon establishing his claim to the same to the satisfaction of the receiver within one year from the time at which the wreck came into the possession of the receiver shall, upon paying the salvage and other charges, be entitled to have the wreck or the proceeds thereof delivered to him.</p> <p>(2) Where any articles belonging to or forming part of a vessel other than an Indian vessel which has been wrecked or belonging to and forming part of the cargo of such vessel, are found in any area to which this Chapter applies or are brought into any port in India, the consular officer of the country in which the vessel is registered or, in the case of cargo, the country to which the owners of the cargo may have belonged shall, in the absence of the owner and of the master or other agent of the owner, be deemed to be the agent of the owner, with respect to the custody and disposal of the articles.</p> <p>(3) Where the owner of the wreck does not appear and claim the balance of the proceeds of sale within one year from the date of sale, the said balance shall become the property of the Central Government.</p>	
<p><b>Extinguishment of right to claim recovery of costs.</b></p>	<p><b>251.</b>Any claim for recovery of costs for locating and marking of the vessel under sub-section (2) of section 242 shall be made within a period of three years from the date of determination of the hazard:</p> <p style="padding-left: 40px;">Provided that no claim shall be made after six years from the date of the maritime casualty that resulted in the wreck:</p> <p style="padding-left: 40px;">Provided further that where the maritime casualty consists of a series of occurrences, the six years period shall run from the date of the first occurrence.</p>	

	<p><b>CHAPTER II</b></p> <p><b>SALVAGE</b></p>	
<b>Application of this Chapter to salvage.</b>	<p><b>252.</b>(1) This Chapter shall apply to the salvage operations within the territory of India including the coastal waters of India:</p> <p>Provided that this Chapter shall not apply to the fixed or floating platforms or to mobile offshore drilling units when such platforms or units are on location engaged in the exploration, exploitation or production of sea-bed mineral resources:</p> <p>Provided further that this Chapter shall not apply to warships or other non-commercial vessels owned or operated by the Government which are entitled, at the time of salvage operations, to sovereign immunity.</p> <p>(2) This Chapter applies to judicial or arbitral proceedings relating to salvage operations in respect of a vessel or any other property, which are instituted in India:</p> <p>(3) This Chapter shall apply, notwithstanding that the vessel undertaking the salvage operations belong to the same owner of the vessel.</p> <p>(4)The Central Government may exempt certain vessels from the provisions of this, Chapter or the rules and regulations made thereunder, in a manner that may be prescribed.</p>	
<b>Definitions.</b>	<p><b>253.</b>In this Chapter, unless the context otherwise requires,—</p> <p>(a) “damage to the environment” means substantial physical damage to human health or to marine life of resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents;</p> <p>(b) “payment” means any reward, remuneration or compensation due under the Salvage Convention;</p> <p>(c) “property” means any property not permanently and intentionally attached to the shoreline and includes freight at risk;</p> <p>(d) “vessel” means any ship or craft, or any structure capable of navigation.</p>	
<b>Salvage award.</b>	<p><b>254.</b>Every master who, renders assistance to any person in danger of being lost at sea, or to property, shall be paid a salvage award for such assistance.</p>	

<p><b>Salvage payable for saving life, cargo or wreck.</b></p>	<p><b>255.</b>(1) Where services are rendered,—</p> <p>(a) wholly or in part within the territorial waters of India in saving life from any vessel, or elsewhere in saving life from a vessel registered in India;</p> <p>(b) in assisting a vessel or saving the cargo or equipment of a vessel which is wrecked, stranded or in distress at any place to which this Chapter applies as specified in section 252; or</p> <p>(c) by any person other than the authority notified by the Central Government in saving any wreck, there shall be payable to the salvor by the owner of the vessel, cargo, equipment, a reasonable sum for salvage having regard to all the circumstances of the case.</p> <p>(2) Salvage in respect of the preservation of life when payable by the owner of the vessel shall be payable in priority to all other claims for salvage.</p>	
<p><b>Salvage operations controlled by Government or port and public authorities.</b></p>	<p><b>256.</b>Where salvage operation are rendered by or on behalf of the Government or by a vessel of the Indian Navy or of the Coast Guard or the commander or crew of any such vessel or the port authorities or any public authority, as the case may be, it shall be entitled to salvage and payment for such services as provided under this Chapter and shall have the same rights and remedies in respect of those services as any other salvor.</p>	
<p><b>Salvage Contracts.</b></p>	<p><b>257.</b>(1) Subject to the provisions contained in section 258, this Chapter shall apply to any salvage operation to which this Chapter is applicable.</p> <p>(2) The owner of a vessel shall be required to conclude contracts with salvors to undertake necessary and adequate salvage operations in compliance with the provisions of this Chapter.</p> <p>(3) The master shall have the authority to conclude contracts for salvage operations on behalf of the owner of the vessel.</p> <p>(4) The master or the owner of the vessel shall have the authority to conclude such contracts on behalf of the owner of the property on board the vessel.</p>	

<p><b>Duties of salvor, owner and master.</b></p>	<p><b>258.</b>(1) The salvor shall have the following duties towards the owner of the vessel or other property in danger, namely:—</p> <p>(a) to carry out the salvage operations with due care;</p> <p>(b) to exercise due care to prevent or minimise damage to the environment during salvage operations;</p> <p>(c) to seek assistance from other salvors including port authorities or public authorities when circumstances so require; and</p> <p>(d) to coordinate with the Director General and act in compliance with the instructions meted out by the Director General;</p> <p>(e) to accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger:</p> <p>Provided that if it is found that such a request was unreasonable, it shall not prejudice the amount of reward of such salvor.</p> <p>(2) The owner, master of the vessel or the owner of other property who is in danger shall have the following duties towards the salvor, namely:—</p> <p>(a) to co-operate fully with the salvor during the course of the salvage operations;</p> <p>(b) to exercise due care to prevent or minimize damage to the environment during the salvage operations;</p> <p>(c) when the vessel or other property has been brought to a place of safety, to accept redelivery when reasonably requested by the salvor to do so; and</p> <p>(d) to provide satisfactory security for the claim, including interest and costs of the salvor for salvage operations, at the request of the salvor.</p>	
<p><b>Liability of salvor</b></p>	<p><b>259.</b> The salvor shall be liable for carrying out the salvage operation in accordance with the Salvage Contract and such liability shall be ensured as per the recourse prescribed by the Central Government.</p>	

<p><b>Rights of salvors.</b></p>	<p><b>260.</b>(1) A salvor shall have a right to payment for the services rendered by him relating to salvage operations:</p> <p>Provided that no such payment shall be made where there is express and reasonable prohibition from the owner or master of vessel or owner of any other property in danger.</p> <p>(2) The criteria for claiming rewards, the manner of fixing rewards, the payment of special compensation, the apportionment of payment amongst salvors, the salvage of persons, the payment under the contract, the payment for additional services not covered under the contract and the effect of misconduct of salvors on reward or payment under this Chapter shall be such as may be prescribed.</p> <p>(3) The salvor shall have right to enforce his maritime lien against the owner or master of vessel or owner of any other property in danger when satisfactory security for his claim, including interest and costs, has not been provided by such person.</p>	
<p><b>Rights and duties of Central Government in relation to salvage operations.</b></p>	<p><b>261.</b>(1) The Central Government shall take such measures as may be prescribed to protect its coastline or related interests from pollution or threat of pollution arising out of a maritime casualty or acts relating to such casualty which may result in major harmful consequences.</p> <p>(2) The Central Government shall give such directions as it deems fit to the concerned vessel owner or the master or the salvor or a port authority or a public authority or any other person in relation to salvage operations.</p> <p>(3) The Central Government shall, for the purposes of efficient and effective salvage operations, saving life or property in danger and preventing damage to the environment, seek cooperation from the concerned vessel owner or the master or the salvor or a port authority or a public authority or any other person, to give assistance to vessel in need, to admit to ports of vessel in distress or in need of assistance and to give facilities to salvors.</p> <p>(4) The Central Government shall prescribe circumstances in which the salvage operation shall be exercised by the Central Government.</p>	
<p><b>Retention of salvors.</b></p>	<p><b>262.</b>The Central Government may for the purposes of this Part notify such salvors as may be compliant with such terms and conditions as may be prescribed.</p>	
<p><b>Grievance Redressal Mechanism</b></p>	<p><b>263.</b>The shipowner and salvor shall for redressal of grievances relating to this Part approach the Director General who shall assist the parties in an independent and impartial manner to enable an amicable settlement in accordance with the prescribed procedure.</p>	

<p><b>Adjudication of disputes</b></p>	<p><b>264.</b>(1) Either party shall prefer an arbitration in accordance with the Salvage Contract wherein the provision on resolution of disputes by arbitration may be stipulated, for a dispute that may not be resolved in accordance with section 264.</p> <p>Provided that where the Salvage Contract does not provide for the resolution of disputes by arbitration, the disputes shall be adjudicated in such manner as shall be determined by the Salvage Contract.</p> <p>(2) Any person aggrieved by the arbitral award pursuant to sub-section (1) shall make an application against such arbitral award before the concerned High Court in accordance with the applicable law.</p> <p>(3) Where there is any dispute as to the persons who are entitled to the salvage amount, the High Court shall decide the dispute and if there are more persons than one entitled to such amount, the High Court shall apportion the amount thereof, among such persons.</p> <p>(4) The cost of and incidental to all proceedings before the High Court under this section shall be in the discretion of the High Court and the High Court shall have full power to determine by whom or out of what property and to what extent such costs are to be paid and to give all necessary directions for the purpose aforesaid.</p> <p>(5) The High Court may, by interim order, direct that the salvor shall be paid such amount as may appear to it to be fair and just, upon such terms, including terms as to security, as may appear to it to be necessary, fair and just, according to the circumstances of each case.</p>	
<p><b>Extinguishment of claims.</b></p>	<p><b>265.</b>Any action relating to payment under this Chapter shall extinguish if no action for such claim is made within a period of two years from the date of completion of salvage operations.</p>	
<p><b>Savings.</b></p>	<p><b>266.</b>Nothing in this Chapter shall affect,—</p> <p>(a) any treaty or arrangement with any foreign country to which India is a party with reference to the disposal of the proceeds of wrecks on their respective coasts; or</p> <p>(b) the provisions of section 29 of the Indian Ports Act, 1908, or any person to salvage in respect of any property recovered by creeping or sweeping in contravention of that section.</p>	

<p><b>Power to make rules with respect to wreck and salvage.</b></p>	<p><b>267.</b>(1) The Central Government may make rules to carry out the provisions of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—</p> <ul style="list-style-type: none"><li>(a) the manner of marking wreck under clause (a) of sub-section (1) of section 242;</li><li>(b) the manner in which detailed information of a wreck determined as a hazard shall be provided under sub-section (1) of section 246;</li><li>(c) the other financial security under sub-section (1) of section 248;</li><li>(d) the manner in which certain vessels may be granted exemption from the application of this Chapter under sub-section (4) of section 252;</li><li>(e) the recourse for ensuring the liability of the salvor under section 259;</li><li>(f) the criteria for claiming rewards, the manner of fixing rewards, the payment of special compensation, the apportionment of payment amongst salvors, the salvage of persons, the payment under the contract, the payment for additional services not covered under the contract and the effect of misconduct of salvors on reward or payment under sub-section (2) of section 260;</li><li>(g) the measures to be taken to protect the coastline or related interests from pollution or threat of pollution under sub-section (1) of section 261;</li><li>(h) the circumstances in which salvage operation shall be exercised by the Central Government under sub-section (4) of section 261;</li><li>(i) the terms and conditions in accordance with which salvors shall be approved under section 262;</li><li>(j) the procedure in accordance with which the Director General shall assist the parties to a dispute relating to this Part under section 263;</li><li>(k) any other matter which is required to be or may be prescribed.</li></ul>	
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<b>PART XIII</b>		
<b>SAILING AND FISHING VESSELS</b>		
<b>Application.</b>	<p>268.(1) Save as otherwise provided, this Part shall apply to vessels of the following description, namely:—</p> <p style="padding-left: 40px;">(a) sailing vessel;</p> <p style="padding-left: 40px;">(b) fishing vessel;</p> <p style="padding-left: 40px;">(c) vessel whose net tonnage is less than fifteen and is engaged solely in coasting trade of India.</p> <p>Explanation.—For the purposes of this section, the words "net tonnage" means the measure of the useful capacity of a vessel determined in accordance with the rules made in this behalf.</p> <p>(2) The provisions of this Act, other than those contained in Part I, Part II, Part III, Part XI, Part XIV and this Part, shall not apply to vessels under sub-section (1):</p> <p>Provided that the Central Government may, by notification direct that any other provisions of this Act shall also apply to such vessels subject to such conditions, exceptions and modifications as may be specified in the notification.</p>	
<b>Decision on whether a vessel falls under this Part.</b>	<p>269.If any question arises whether a vessel falls under this Part, it shall be decided by the Director-General and his decision thereon shall be final.</p>	
<b>Requirements for safety, security, prevention of pollution, and insurance.</b>	<p>270.(1) Every vessel covered under this Part shall be manned and carry on board such fittings, material, appliances and apparatus, for safety, security and prevention of pollution as may be prescribed.</p> <p>(2) Every owner of the vessel covered under this Part shall provide a policy of insurance for all persons employed as members of the crew of such vessel against death or personal injury caused by accident arising in the course of their employment, for an amount which shall not be less than the amount as may be notified.</p> <p>(3) No vessel shall ply or proceed to sea unless it complies with the provisions under sub-sections (1) and (2).</p>	
<b>Manning of Fishing Vessels</b>	<p>271.(1) Every Indian fishing vessel shall be manned with fishers with such manning scale as may be prescribed.</p> <p>(2) The fisher shall hold such certificate of a grade appropriate to his station in the vessel or of a higher grade as may be prescribed:</p> <p>Provided that in relation to different categories of fishing vessel, areas and types of operations there shall be provided such different manning</p>	

	<p>scales as may be prescribed:</p> <p>Provided further that subject to such conditions and restrictions as may be prescribed, the Indian national with foreign certificates of competency or foreign national with certificate of competency issued under this Act or foreign certificate of competency, may serve on Indian fishing vessel.</p> <p>(3) Every fishing vessel, whether at sea or in any port or place, shall be manned by such number of persons with such qualifications as may be prescribed.</p>	
<b>Certificate of Competency</b>	<p><b>272.</b>(1) The Central Government shall, subject to the provisions of STCW-F Convention, grant a certificate of competency or certificate of proficiency, as the case may be, for such different grades of fishers with such requirements and such procedures as may be prescribed.</p> <p>(2) No certificate of competency or certificate of proficiency shall be granted, under sub-section (1) unless the fisher fulfils the requirements in respect of service, age limit, medical fitness, training, qualifications and examination in accordance with the STCW-F Convention.</p> <p>(3) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may grant such other certificate of competency or certificate of proficiency with such requirements and procedures as may be prescribed.</p> <p>(4) A certificate of competency or certificate of proficiency, as the case may be, granted under sub-sections (1), (2) and (3) shall be in such form and on payment of such fee and valid for such period as may be prescribed, and record of such certificate shall be kept in such manner as may be prescribed.</p>	
<b>Training for grant of certificate of proficiency</b>	<p><b>273.</b>(1) The Director-General shall administer, supervise and monitor all activities relating to training and assessment for grant of certificate of competency or certificate of proficiency</p> <p>(2) The Director General will approve training institute, training courses and method of conduct of such training course for grant of certificate of competency or certificate of proficiency under section 272 in accordance with such criteria as may be prescribed through rules made in this behalf.</p>	
<b>Examination for grant of certificate</b>	<p><b>274.</b>(1) No certificate under section 272 may be granted to any person unless such person has first been examined by a person appointed in this behalf by the Director General and has duly passed the said examination.</p> <p>(2) The form and manner in which the examination is to be conducted and the fee payable, if any, shall be such as may be prescribed.</p>	

<p><b>Suspension or cancellation of certificate</b></p>	<p><b>275.</b>If it appears to the Central Government that a person holding a certificate granted under sub-section (1) or sub-section(3) of section 272 has obtained it on the basis of false or erroneous information, or is guilty of misconduct or on receipt by the Central Government of any report of incompetency, or any act of omission or commission or compromise to safety, security or prevention of pollution by the person holding a certificate which may pose a threat to life or property or environment, it may, after due investigation, by order, withdraw, suspend or cancel such certificate:</p> <p>Provided that no order shall be passed under this sub-section without giving the person holding the certificate an opportunity of being heard.</p>	
<p><b>Production of certificate</b></p>	<p><b>276.</b>The owner, master, tindal or skipper of every fishing vessel under this part the certificates of competency of the fishers of the vessel, where applicable, along with a list of crew with the particulars of grades of certificates of master, mates, engineers and ratings.</p>	
<p><b>Agreements with Crew of Fishing Vessels</b></p>	<p><b>277.</b>(1) The owner, master, tindal or skipper of an Indian fishing vessel, or owner of every Indian fishing vessel or his agent shall enter into an agreement in such form and manner as may be prescribed with every fisher whom he engages to man the said vessel and shall submit a copy thereof to the shipping master.</p> <p>(2) A fisher's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board whichever first happens;</p> <p>(3) A fisher engaged under sub-section (1) shall not by any agreement forfeit his lien on the vessel or be deprived of any remedy for the recovery of his wages to which, in the absence of the agreement, he shall be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship or abandon any right that he may have or obtain in the nature of salvage, and every stipulation in any agreement inconsistent with any provisions of this Act shall be void.</p>	
<p><b>Fishery data to be furnished by Indian fishing boats</b></p>	<p><b>278.</b>The Central Government may, by notification in the Official Gazette, require every Indian fishing boat or any specified class of Indian fishing boats to furnish such fishery data to the registrar in such form and at such periodical intervals as may be specified in that notification.</p>	
<p><b>Vessel not to proceed without valid certificates.</b></p>	<p><b>279.</b>(1) No vessel shall ply or proceed to sea unless there is in force in respect of that vessel prescribed certificates granted under this Part, the same being applicable to the voyage on which she is about to ply or proceed.</p> <p>(2) Every certificate shall be granted in such manner and shall be in force for such period as may be prescribed:</p> <p>Provided that where a vessel is not at a port at the time of expiry of the certificate, the owner, master, tindal or skipper of that vessel shall</p>	

	<p>inform to the Central Government and the certificate shall continue to be valid until her first arrival at the next port after the expiry of such period.</p>	
<p><b>Statement relating to crew of vessels to be maintained.</b></p>	<p><b>280.</b>(1) Every owner, master or tindal or skipper of a vessel shall maintain or cause to be maintained a statement of the crew of the vessel containing with respect to each member thereof in such form as may be prescribed, namely:—</p> <p style="padding-left: 40px;">(a) his name;</p> <p style="padding-left: 40px;">(b) the details of the agreement with him under section 277;</p> <p style="padding-left: 40px;">(c) the wages payable to him;</p> <p style="padding-left: 40px;">(d) the names and addresses of his next-of-kin;</p> <p style="padding-left: 40px;">(e) the date of commencement of his employment; and</p> <p style="padding-left: 40px;">(f) such other particulars as may be prescribed.</p> <p>(2) Every change in the crew of the vessel shall be entered in the statement under sub-section (1).</p> <p>(3) A copy of such statement and of every change entered therein shall be communicated as soon as possible to the shipping master.</p>	
<p><b>Inquiry to jettisoning of cargo.</b></p>	<p><b>281.</b>(1) If any owner, master or tindal or skipper of a vessel in the course of the voyage, has jettisoned or claims to have jettisoned the whole or any part of the cargo of the vessel on account of abnormal weather conditions or for any other reason, he shall immediately after arrival of the vessel at any port or place in India give notice of such jettisoning to the proper officer, and such notice shall contain full particulars of the cargo jettisoned and the circumstances under which such jettisoning took place.</p> <p>(2) Where the proper officer receives the notice under sub-section (1), he shall forth-with report in writing to the Central Government and may proceed to make an inquiry into the matter.</p>	
<p><b>Detention of vessel by proper officer.</b></p>	<p><b>282.</b>(1) Any vessel attempting to ply or proceed to sea without free board markings or any vessel which has been so loaded as to submerge such markings or carrying persons in excess of the certified capacity, may be detained by a proper officer until the vessel complies with the rules made in this behalf.</p> <p>(2) Except otherwise provided, for the purposes of this Part, a proper officer may, at any reasonable time, go on board a vessel, and may inspect or audit the vessel, and any part thereof, the structure, equipment, fittings, arrangements, materials, systems, scantlings, cargo, provisions, stores, her certificates, and certificates of the crew on board:</p> <p>Provided that the proper officer shall not unreasonably hinder the</p>	

	<p>operation of the vessel, or unreasonably detain or delay her from proceeding on any voyage.</p> <p>(3) The owner, agent, master or every officer of the vessel shall afford to the proper officer all reasonable facilities for a survey or audit, and provide all such information in respect of the vessel and her structure, equipment, fittings, arrangements, materials, scantlings, systems, cargo, provisions, stores, her certificates, and certificates of the crew, as the proper officer reasonably requires.</p>	
<b>Detention of unseaworthy vessels.</b>	<p><b>283.</b>(1) If any vessel under this Part, arrives in or proceeds from a port or place in India in an unseaworthy condition or which is likely to pose a threat to the security on Indian coasts or offshore installations, the vessel may be detained until the owner, master or tindal or skipper takes all reasonable measures to ensure the seaworthiness of the vessel.</p> <p>(2) Nothing contained in sub-section (1) shall affect the liability of the person in charge of the vessel in respect of such unseaworthiness or threat to the security on Indian coasts or offshore installations under any other provisions of this Act.</p>	
<b>Power to Exempt.</b>	<p><b>284.</b>(1) Notwithstanding anything contained in this Part, the Central Government may, by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any vessel or tindal, skipper or member of crew of such vessel or any class thereof, from any specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement in the case of any vessel or tindal, skipper or member of crew of such vessel or any class thereof if it is satisfied that the requirement has been substantially complied with or that compliance with the requirement is or ought to be dispensed with in the circumstances of the case.</p> <p>(2) Where an exemption is granted under sub-section (1) subject to any conditions, a breach of any of those conditions shall, without prejudice to any other remedy, be deemed to be an offence under this sub-section.</p>	
<b>Power to make Rules.</b>	<p><b>285.</b>(1) The Central Government may make rules to carry out the provisions of this Part.</p> <p>(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-</p> <ol style="list-style-type: none"> <li>(a) the scale of manning and fittings, material, appliances and apparatus to be carried on board by Indian vessel under sub-section (1) of section 270;</li> <li>(b) the scale of manning and qualifications of fishers under subsection (1) and (3) of section 271;</li> <li>(c) Grade of certificate required for different classes of fishers and stations under subsection (2) of section 271;</li> <li>(d) Requirements and procedures for grant of certificate under subsection (1) of section 272;</li> <li>(e) Certificates that may be granted under sub-section (3) of section 272 and requirements and procedures for the same;</li> </ol>	

	<ul style="list-style-type: none"><li>(f) Criteria for training institute, training courses and method of conduct of such training course for grant of certificate of competency or certificate of proficiency under sub-section (2) of section 273;</li><li>(g) form and manner, and fee payable for conduct of examination under sub-section (2) of section 274;</li><li>(h) form and manner for agreement with fisher under subsection (1) of section 277;</li><li>(i) the certificates required to ply or proceed to sea by a vessel under sub-section (1) of section 279;</li><li>(j) the manner of granting of certificate and the period said certificate under sub-section (2) of section 279;</li><li>(k) the form for maintaining a statement of the crew of the vessel under sub-section (1) of section 280;</li><li>(l) any other matter which is required to be or may be prescribed.</li></ul>	
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<b>PART XIV</b>	
<b>PENALTIES AND PROCEDURES</b>	
<b>Penalties.</b>	<p><b>286.</b> (1) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence committed under this Act.</p> <p>(2) The offences mentioned in column (2) of the Table below shall be punishable to the extent mentioned in column (4) of the said Table with reference to such offence respectively.</p> <p>(3) Any person who contravenes any provision of this Act or fails to comply with any provision thereof, which it was his duty to comply with, shall be guilty of an offence, and if in respect of any such offence no penalty is specially provided in sub section (2), he shall be punishable with fine which may extend to fifty thousand rupees.</p> <p>(4) The Principal Officer may, after giving the parties an opportunity of being heard, by order in writing, impose penalties as specified in column (4) of the said Table.</p> <p>(5) Any person aggrieved by the order under sub-section (4), may, within a period of thirty days from the date of receipt of such order, prefer an appeal before the Director-General in such form and manner as the Central Government may specify in this behalf.</p> <p>(6) The Director-General may, after giving the parties an opportunity of being heard, within a period of thirty days from the date of receipt of the order under sub-section (5), pass appropriate order which shall be final and binding on all parties.</p>

Serial Number.	Offences	Section of this Act to which offence has referred	Penalties	By whom the offence triable and penalties imposed
(1)	(2)	(3)	(4)	(5)
1.	If any person causes a vessel to proceed to sea in contravention of sub-section (1) of section 14.	14(1)	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both.	Court
2.	If the Indian charterer fails to comply with the conditions prescribed under section 15	15	Fine which may extend to two lakh rupees	Principal Officer
3.	If the owner of an Indian vessel fails to comply with, or contravenes, sub-section (1) of section 18.	18(1)	Fine which may extend to fifty thousand rupees.	Principal Officer
4.	If any person contravenes sub-section (2) of section 20.	20(2)	Fine which may extend to fifty thousand rupees.	Principal Officer

5.	If the owner fails to deliver the certificate of registry to the Registrar as required under section 18(6).	18(6)	Fine which may extend to fifty thousand rupees.	Principal Officer
6.	If any person contravenes sub-section (1) of section 28.	28(1)	Fine which may extend to one lakh rupees.	Principal Officer
7.	If an owner fails to make an application for registering a new vessel or for registering an alteration of a vessel under section 31.	31	Fine which may extend to fifty thousand rupees; and in addition, a fine which may extend to two thousand rupees for every day during which the offence continues after conviction.	Principal Officer
8.	If any distinctive national colours except those declared under sub-section (1) of section 35 are hoisted on board by Indian vessel.	35(1)	Fine which may extend to two lakh rupees.	Principal Officer
9.	If any person acts in contravention of sub-section (2) of section 35.	35(2)	Fine which may extend to fifty thousand rupees.	Principal Officer
10.	If any person contravenes sub-section (4) section 35.	35(4)	Imprisonment which may extend to two years, or fine which may extend to two lakh rupees, or both.	Court
11.	If an owner or a master of an Indian vessel contravenes section 36.	36	Imprisonment which may extend to two years, or fine which may extend to two lakh rupees, or both.	Court
12.	If any person in the case of any declaration made in the presence of, or produced to, Registrar under Part IV or in any document or other evidence produced to such Registrar-  (i) wilfully makes or assists in making or procures to be made, any false statement concerning the title to or owner vessel of or the interest existing in any vessel or any share in a vessel; or  (ii) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false.	General	Imprisonment which may extend to six months, or fine which may extend to two lakhs rupees, or both.	Court
13.	If any person having 44 (2) been engaged as one of the	45(2)	Imprisonment which may extend to six months or fine which may	Court



	officers referred to in sub-section (2) of section 44 goes to sea without holding a certificate referred to in sub-section (2) of that section		extend to two lakh rupees, or both.	
14.	If any person conducts training course in contravention of sub-section (2) of section 45.	45(2)	Fine which may extend to twenty lakhs rupees.	Court
15.	If any person obstructs authorized person under sub-section (3) of section 45.	45(3)	Fine which may extend to two lakhs rupees	Principal Officer
16.	If any person causes a vessel or fishing vessel to proceed to sea without the required certificated personnel.	General	Imprisonment which may extend to six months or fine which may extend to two lakhs rupees, or both.	Court
17.	If a master fails to comply with the requirement under sub-section (1) of section 47	47(1)	Fine which may extend to fifty thousand rupees and in addition, a fine which may extend to five thousand rupees for everyday during which the offence continues after conviction.	Principal Officer
18.	If any person contravenes sub-section(4) of section 55.	55(4)	Fine which may extend to two lakh rupees	Principal Officer
19.	If any person— (a) is carried to sea to work in contravention of section 62 or 63 (b) is engaged to work in any capacity in a ship in contravention of section 57 or 58 on a false representation by his parent or guardian that the young person is of an age at which such engagement is not in contravention of those sections.	57 or 58	Fine which may extend to two lakh rupees for every seafarer engaged in contravention to section;  Fine which may extend to fifty thousand rupees for every seafarer engaged in contravention to section	Principal Officer
20.	If any person is engaged or carried to sea to work in any capacity in any ship or engaged to work in any capacity in a ship in contravention of sub-section (1) section 59	59(1)	Fine which may extend to two lakh rupees	Principal Officer
21.	If any person contravenes sub-section (2) of section 60.	60(2)	Imprisonment which may extend to one year or fine which may extend to five lakh rupees, or both.	Court

22.	If any person contravenes sub-section (3) of section 60.	60(3)	Fine which may extend to two lakh rupees, for every seafarer engaged in contravention to section 66(3)	Principal Officer
23.	If any person contravenes of sub-section (5) of section 60	60(5)	Fine which may extend to two lakh rupees for every seafarer in respect of whom the offence is committed	Principal Officer
24.	If any master acts in contravention of sub-section (1) of section 61.	61(1)	Fine which may extend to fifty thousand rupees for every seafarer in respect of whom the offence is committed.	Principal Officer
25.	If any person, -(a) forges or fraudulently alters any certificate of discharge or a certificate as to the work of a seafarer or a continuous discharge certificate or a copy of any such certificate; or (b) fraudulently uses any certificate of discharge or a certificate as to the work of a seafarer or a continuous discharge certificate or a copy of any such certificate which is forged or altered or does not belong to him.	General	Fine which may extend to two lakh, rupees on the first offence and imprisonment for repeat offence or both	Court
26.	If a master or owner acts in contravention of sub-section (2) of section 78	78(2)	Fine which may extend to one lakh rupees	Principal Officer
27.	If any master acts in contravention of sub-section (5) of section 78	78(5)	Fine which may extend to fifty thousand rupees.	Principal Officer
28.	If a master fails to comply with the provisions of this Act with respect to taking charge of the property or to making in the official logbook the proper entries relating thereto or to the payment or delivery of such property as required under section 79	79	Fine which may extend to three times the value of the property not accounted for or if such value is not ascertained, to twenty thousand rupees.	Principal Officer
29.	If any person fails, without reasonable cause, to comply with any requisition under section 82	82	Fine which may extend to twenty five thousand rupees.	Principal Officer
30.	If any person commits a breach of any term of any award which is binding on him under sub-section (9) section 87.	87(9)	Fine which may extend to two lakh rupees, or both.	Court

31.	If a seafarer contravenes clause (a), or an owner contravenes clause (b), of sub-section(14) of section 87	87(14) (a); 87(14)(b)	Fine which may extend to fifty thousand rupees, or both.	Court
32.	(a) If any requirement under section 91 is not complied with in the case of any vessel; or	91	Fine which may extend to fifty thousand rupees unless he can prove that the non-compliance was not caused by his inattention, neglect or willful default;	Principal Officer
	(b) if any person obstruct the shipping master, surveyor or seafarer welfare officer, Indian consular officer or any other officer at any port in the discharge of his duty under section 91	91	Fine which may extend to fifty thousand rupees unless he can prove that the obstruction was caused without his knowledge or connivance.	Principal Officer
33.	If a master fails, without reasonable cause, to comply with section 93.	93	Fine which may extend to fifty thousand rupees.	Principal Officer
34.	If any person goes on board a vessel contrary to section 94.	94	Fine which may extend to fifty thousand rupees.	Principal Officer
35.	If a master or seafarer contravenes section 95.	95	Imprisonment which may extend to two years or fine which may extend to five lakh rupees	Court
36.	If a seafarer , - (a) deserts his vessel under clause (a) of sub-section (1) of section 96;	96(1) (a)	He shall be liable to forfeit all or any part of the property leaves on board and of the wages has then earned and also if the desertion takes place at any place not in India, to forfeit all or any part of the wages which earn in any other vessel in which employed until next return to India, and to satisfy any excess of wages paid by the master or owner of the vessel from which deserts to any substitute engaged in his place at a higher rate of wages than the rate stipulated to be paid to him.	Principal Officer
	(b) contravenes clause (b) of sub-section (1) of section 96.			
37.	If a seafarer is guilty of the	97(1) (a)	Forfeiture out of his wages of a	Principal

	offence specified in; (i) clause (a) of sub-section (1) of section 97;		sum not exceeding one month's pay.	Officer
	(ii) clause (c) of sub-section (1) of section 97;	97(1) (c)	Forfeiture out of his wages of a sum not exceeding two days' pay;	Principal Officer
	(iii) clause (d) of sub-section (1) of section 97;	97(1) (d)	Imprisonment which may extend to one month and also for every twenty-four hours of continuance of such disobedience or neglect, forfeiture out of his wages of a sum not exceeding six days' pay or any expenses which may have been properly incurred in hiring a substitute;	Court
	(iv) clauses (e) of sub-section (1) of section 97;	97(1) (e)	Imprisonment which may extend to three months, or fine of fifty thousand rupees which may extend to one month's pay or both	Court
	(v) clause (f) of sub-section (1) of section 97;	97(1) (f)	Forfeiture out of his wages of a sum equal to the loss sustained and also imprisonment which may extend to three months.	Court
	(vi) clause (b) of sub-section (1) of section 97;	97(1) (b)	Fine which may extend to one lakh rupees but nothing herein shall take away or limit any other remedy which any person would otherwise have for breach of contract or refund of money advanced or otherwise.	Principal Officer
38.	If any master fails to comply with section 100.	100	Fine which may extend to one lakh rupees, or both.	Principal Officer
39.	If a seafarer on or before being engaged fully and fraudulently makes a false statement of the name of his last vessel or alleged last vessel or fully and fraudulently makes a false statement of his own name	General	Fine which may extend to fifty thousand rupees.	Principal Officer
40.	If any person contravenes, - (a) sub-section(1) of section 106;	106(1)	Fine which may extend to two lakh rupees.	Principal Officer
	(b) sub-section(2) of section 106	106(2)	Fine which may extend to two lakh rupees.	Principal Officer

41.	If any person goes to sea in a vessel contrary to sub-section(1) of section 107	107(1)	Fine which may extend to two lakh rupees, or both.	Court
42.	If a master fails to deliver the documents referred to in sub-section (1) of section 108.	108	Fine which may extend to fifty thousand rupees.	Principal Officer
43.	If any person harbours or secretes any deserter knowing or having reason to believe that he has deserted	General	Fine which may extend to fifty thousand rupees	Principal Officer
44.	If any person fully destroys or mutilates or renders illegible any entry in any official log book or fully makes or procures to be made or assists in making a false or fraudulent entry in or omission from an official log book.	General	Imprisonment which may extend to one year.	Court
45.	If the vessel contravenes section 114	114	The owner or master of the vessel shall be liable to fine which may extend to fifteen lakh rupees and the vessel may also be detained	Principal Officer
46.	If the master fails, without reasonable cause,- (a) to comply with sub-section (1) of section 115.	115(1)	Fine which may extend to fifty thousand rupees.	Principal Officer
	(b) to comply with sub-section (2) of section 115.	115(2)	Fine which may extend to two lakh rupees	Principal Officer
47.	If any person contravenes section 118.	118	Fine which may extend to fifteen lakh rupees and the vessel may also be detained	Principal Officer
48.	If any vessel proceeds or attempts to proceed to sea without carrying on board the in-formation required by section 119	119	The master of the vessel shall be liable to fine which may extend to one lakh rupees.	Principal Officer
49.	If avessel other than a vessel exempted under Part VI is loaded in contravention of sub-section (1) of section 120.	120	The master or owner of the vessel shall be liable to fine which may extend to four lakh rupees and to such additional fine not exceeding twenty five thousand rupees for every inch or fraction of an inch by which the appropriate load lines on each side of the vessel are submerged or would have been submerged if the vessel had been in salt waters and had no list, as the principal officer thinks fit	Principal officer

			to impose, having regard to the extent to which the earning capacity of the vessel is or would have been increased by reason of the submersion:  Provided that it shall be a good defense for the master or owner to prove that a contravention was due solely to deviation or delay caused solely by stress of whether or other circumstance which neither the master nor the owner nor the charterer, if any, could have prevented or forestalled.	
50.	If a vessel carries passengers in contravention of section 121.	121	The owner or master shall be liable to fine which may extend to two lakh rupees	Principal Officer
51.	If the master owner or agent of a special general trade passenger vessel, after having obtained any of the certificates referred to in Part VI, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the vessel, or special trade passengers other matters to which the certificate relates.	General	Fine which may extend to one lakh rupees for the first offence, and five lakhs for every repeat offence	Principal Officer
52.	If any person contravenes section 122.	122	Fine which may extend to fifteen lakh rupees and the vessel may also be detained	Principal Officer
53.	If any person is guilty of an offence under sub-section (1) of section 123.	123(1)	Fine which may extend fifty thousand rupees	Principal Officer
54.	If any person is guilty of an offence under sub-section (1) or sub-section (2) of section 124.	124(1) or 124(2)	Fine which may extend to five lakhs rupees	Principal Officer
55.	If a person sends or attempts to send a vessel in contravention of section 125.	125	Fine which may extend to two lakhs rupees for the first offence, and ten lakh rupees for every repeat offence,	Principal Officer
56.	If any owner causes a vessel to proceed to sea in unseaworthy condition in contravention of section 126	126	Fine which may extend to two lakhs rupees for the first offence, and five lakh rupees for every repeat offence.	Principal Officer
57.	If any polluting substance is discharged in contravention of section 133(1) by an Indian vessel anywhere into the sea,			

	or by a foreign vessel within the coastal waters of India.—			
	(a) where the discharge is of oil and oily mixtures from ships	133	The owner or master of the vessel shall be liable to fine which may extend to twenty five lakh rupees, imprisonment for a term which may extend to 1 years, or both, and such security as may be considered necessary for securing any damages that may arise in the future.	Court
	(b) where the discharge is of noxious liquid substances	133	The owner or master of the vessel shall be liable to fine which may extend to ten lakh rupees, imprisonment for a term which may extend to six months, or both, and such security as may be considered necessary for securing any damages that may arise in the future.	Court
	(c) where such discharge is of harmful substances carried by sea in packaged form	133	The owner or master of the vessel shall be liable to fine which may extend to ten lakh rupees, and such security as may be considered necessary for securing any damages that may arise in the future.	Principal Officer
	(d) where such discharge is of sewage	133	The owner or master of the vessel shall be liable to fine which may extend to five lakh rupees, and such security as may be considered necessary for securing any damages that may arise in the future.	Principal Officer
	(e) where the discharge is of ballast water and sediments	133	The owner or master of the vessel shall be liable to fine which may extend to five lakh rupees, and such security as may be considered necessary for securing any damages that may arise in the future.	Principal Officer
	(f) where the discharge is of any other polluting substances	133	The owner or master of the vessel shall be liable to fine which may extend to two lakh rupees, and such security as may be considered necessary for securing any damages that may arise in the future.	Principal Officers
58.	If any vessel engages in dumping in contravention of	133(5)	The owner or master of the vessel shall be liable to fine which may	Principal Officer

	Section 133(5)		extend to two lakh rupees, and such security as may be considered necessary for securing any damages that may arise in the future.	
59.	If any person contravenes section 135.	135	Fine which may extend to fifteen lakh rupees and the vessel may also be detained	Principal Officer
60.	If the master of a vessel fails to maintain records as required by section 136or contravenes any rule made under that section.	136	Fine which may extend to fifty thousand rupees	Principal Officer
61.	Master or owner of any other person who sends a ship to sea in violation of detention order under Section 137.	137	Fine which may extend to one lakh rupees	Principal Officer
62.	Any port which fails to comply with the directions under Section 142(2)	142(2)	Fine which may extend to ten lakhs.	Principal Officer
63.	If the master of an Indian vessel or an person fails to comply with the rules made or measure taken by the Central Government under section 138.	138	Fine which may extend to one lakh and fifty thousand rupees	Principal Officer
64.	If owner of any Indian vessel, fails to comply with any order issued under section 139	139	The offender shall be liable to penalty of imprisonment which may extend to six months or fine which may extend to five lakh rupees, or both and if the offence is a continuing one, the offender shall be liable to a further fine which may extend to fifty thousand rupees per day for every day during which the offence continues after conviction.	Court
65.	If any person fails to posses the certificates as required under section 160	160	Fine which may extend to fifteen lakh rupees and the vessel may also be detained	Principal Officer
66.	If a master or person in charge of a ship fails, without reasonable cause to comply with section 159	159	fine which may extend to onelakhrupees.	Principal Officer
67.	If a master fails to comply with section 160	160	Fine which may extend to fifty thousand rupees.	Principal Officer
68.	If the owner or master fails, without reasonable cause, to comply with section 161	161	Fine which may extend to one lakh rupees	Principal Officer



69.	If the owner or agent fails, without reasonable cause, to comply with Section 162	162	Fine which may extend to one lakh rupees	Principal Officer
70.	If the owner fails to comply with sub-section (1) of section 191	191(1)	Fine which may extend to one lakh rupees	Principal Officer
71.	If the owner fails to comply with sub-section (1) of section 208	208(1)	Fine which may extend to fifteen lakh rupees	Principal Officer
72.	If a person violates sub-section (5) of 218	218(5)	Fine which may extend to one lakh rupees	Principal Officer
73.	If the master of a ship contravenes sub-section (1) of section 223	223	Fine which may extend to 15 lakh rupees and the vessel may also be detained	Principal officer
74.	If any person fails to give notice under sub-section (2) of section 233.	233(2)	Fine which may extend to fifty thousand rupees and in default of payments, simple imprisonment which may extend to three months	Court
75.	If any person fails to report under sub-section (1), or sub-section(2) or sub-section (3) of section 240.	240(1); 240(2); 240(3).	Fine which may extend to fifty thousand rupees and in default of payments, simple imprisonment which may extend to three months	Court
76.	If any person contravenes sub-section (1) of section 242.	242(1)	Fine which may extend to two lakh rupees and in default of payment, simple imprisonment which may extend to six months	Court
77.	If any person contravenes sub-section (2) of Section 257	257(2)	Fine which may extend to fifty thousand rupees	Principal Officer
78.	If an owner contravenes sub-section (2) of section 286	286(2)	Fine which may extend to one lakh rupees and the vessel may also be detained	Principal Officer
79.	If any person contravenes sub-section (1) of section 287	287(1)	Fine which may extend to one lakh rupees and the vessel may also be detained	Principal Officer
80.	If the owner, master, tindal or skipper fails to comply with sub-section(1) of section 288.	288(1)	Fine which may extend to fifty thousand rupees.	Principal Officer
81.	If the owner, master, tindal or skipper fails to comply with sub-section(1) of section 289	289(1)	Fine which may extend to one lakh rupees	Principal Officer
82.	(a) If any person is guilty of an offence under sub-section (2) of section 301.	301(2)	Imprisonment which may extend to six months, or fine which may extend to two lakh rupees, or both	Court
	(b) If the owner, master or his agent of vessel is guilty of an offence under sub-section (3) of section 301	301(3)	Fine which may extend to two lakh rupees	Court

83.	If any person acts in contravention of sub-section (2) of section 316.	316 (2)	Fine which may extend to fifty thousand rupees.	Principal Officer
84.	If any person contravenes security measures under sub section (2) of section 318	318(2)	Fine which may extend to five lakh rupees and the vessel may also be detained	Principal Officer
85.	If any person is guilty of an offence under sub-section (2) of section 320.	320(2)	Fine which may extend to one lakh rupees	Principal Officer
86.	If any person is guilty of an offence under section 326	326	Fine which may extend to one lakh rupees	Principal Officer
87.	If any vessel is detained under the provisions of this Act for which no fine is provided.	General	Fine which may extend to fifteen lakh rupees	Principal Officer

<b>Place of trial and jurisdiction of court.</b>	287. Any person committing any offence under this Act or any rules made thereunder, may be tried for such offence before any place in which he may be found, or in any Court which the Central Government may, by notification, direct in this behalf, or in any Court in which he might be tried in any other law for time being in force.	
<b>Special provision regarding punishment.</b>	288. Notwithstanding anything contained in section 29 of the Code of Criminal Procedure, 1973, it shall be lawful for a Metropolitan Magistrate or a Judicial Magistrate of the first class to pass any sentence authorized by or under this Act on any person convicted of an offence under this Act or any rules made thereunder.	2 of 1974.
<b>Appointment of Special Public Prosecutors</b>	289. The Central Government or the State Government may appoint by notification, for the purposes of any case or class of cases under this Act, a person who has been in practice as an advocate for not less than seven years as a Special Public Prosecutor.	
<b>Cognizance of offence.</b>	290. The penalties to which the masters or owners of special trade passenger vessels are made liable by section 286 shall be enforced only on a report made by the proper officer in this behalf.	
<b>Revision of fines</b>	291. The fines as provided in this Act shall be increased by such amount not exceeding ten per cent. in value of the existing fines, on an annual basis on 1st day of April of each year from the date of commencement of the Merchant Shipping Act, 2020, as may be notified by the Central Government.	
<b>Offences by companies.</b>	292.(1) If the person committing an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the	

	<p>company for the conduct of its business, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:</p> <p>Provided that nothing in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.</p> <p>(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of any director, manager, secretary, or any other officer of the company, such director, manager, secretary, or other officer shall also be guilty of that offence and shall be liable to be proceeded against and punished accordingly.</p> <p>Explanation. - For the purposes of this section, -</p> <p>(a) “company” includes a co-operative society, a firm or other association of individuals; and</p> <p>(b) “director” in relation to a firm means a partner in the firm.</p>	
<p><b>Depositions to be received in evidence when witness cannot be produced.</b></p>	<p><b>293.</b>(1) Whenever, in the course of any legal proceeding under this Act instituted at any place in India before any court or Metropolitan Magistrate or a Judicial Magistrate of the first class or before any person authorised by law or by consent of parties to receive evidence, the testimony of any witness is required in relation to the subject-matter, and the defendant or the person accused, as the case may be, after being allowed a reasonable opportunity for so doing, does not produce the witness before any court or Metropolitan Magistrate or a Judicial Magistrate of the first class or person so authorised, any deposition previously made by the witness in relation to the same subject-matter before any court or Metropolitan Magistrate or a Judicial Magistrate of the first class in any other place in India or, if elsewhere, before any Indian consular officer, shall be admissible in evidence-</p> <p>(a) if the deposition is authenticated by the signature of the presiding officer of any court or Metropolitan Magistrate or a Judicial Magistrate of the first class or consular officer, before whom it is made;</p> <p>(b) if the defendant or the person accused had an opportunity by himself or has agent of cross-examining the witness;</p> <p>(c) if the proceeding is criminal, on proof that the deposition was made in the presence of the person accused.</p> <p>(2) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed such deposition, and a certificate by such person that the defendant or person accused had an opportunity of cross-examining the witness, and that the deposition, if made in a criminal proceeding, was made in the presence of the person</p>	

	<p>accused, shall, unless the contrary is approved, be sufficient evidence that he had that opportunity and that it was so made.</p>	
<p><b>Power to detain foreign vessel that has occasioned damage.</b></p>	<p><b>294.</b> (1) Whenever any damage has in any part of the world been caused to property belonging to the Government or to any citizen of India or a company by a vessel other than an Indian vessel and at any time thereafter that vessel is found within Indian jurisdiction, the High Court may, upon the application of any person who alleges that the damage was caused by the misconduct or want of skill of the master or any member of the crew of the vessel, issue an order directed to any proper officer or other officer named in the order requiring him to detain the vessel until such time as the owner, master or coassignee thereof has satisfied any claim in respect of the damage or has given security to the satisfaction of the High Court to pay all costs and damages that may be awarded in any legal proceeding that may be instituted in respect of the damage, and any officer to whom the order is directed shall detain the vessel accordingly.</p> <p>(2) Whenever it appears that before an application can be made under this section, the vessel in respect of which the applications to be made will have departed from India or the territorial waters of India, any proper officer may detain the vessel for such time as to allow the application to be made and the result thereof to be communicated to the officer detaining the vessel, and that officer shall not be liable for any cost or damages in respect of the detention unless the same is proved to have been made without reasonable grounds.</p> <p>(3) In any legal proceedings in relation to any such damage aforesaid, the person giving security shall be made a defendant and shall for the purposes of such proceeding be deemed to be the owner of the vessel that has occasioned the damage.</p>	
<p><b>Power to enforce detention of vessel.</b></p>	<p><b>295.</b> (1) Where under this Act a vessel is authorized or ordered to be detained, any commissioned officer of the Indian Navy or Indian Coast Guard or any port officer, pilot, harbour master, conservator of port or customs collector may detain the vessel under instruction of the proper officer.</p> <p>(2) If any vessel after detention or after service on the master for any notice of, or order for, such detention proceeds to sea before she is released by any competent authority, the master of the vessel shall be guilty of an offence under this sub-section.</p> <p>(3) When a vessel so proceeding to sea takes to sea, when on board thereof in the execution of his duty any person authorized under this Act to detain or survey the vessel, the owner, master or agent of such vessel shall each be liable to pay all expenses of, and incidental to, such person being so taken to sea and shall also be guilty of an offence under this sub-section.</p> <p>(4) When any owner, or master or agent is convicted of an offence under sub-section (3), the convicting court or</p>	

	<p>Metropolitan Magistrate or a Judicial Magistrate of the first class, as the case may be, may inquire it and determine the amount payable on account of expenses by such owner, master or agent under that sub-section and may direct that the same shall be recovered from him in the manner provided for the recovery of fines.</p>	
<p><b>Levy of wages, etc., by distress of movable property or vessel.</b></p>	<p>296.(1) When an order under this Act for the payment of any wages or other sums of money is made by any court or Metropolitan Magistrate or a Judicial Magistrate of the first class or other officer or authority, and the money is not paid at the time or in the manner directed, the sum mentioned in the order with such further sum as may be thereby awarded for costs, may be levied by distress and sale of the movable property of the person directed to pay the same under a warrant to be issued for that purpose by such a court or Metropolitan Magistrate or a Judicial Magistrate of the first class.</p> <p>(2) Where any court or Metropolitan Magistrate or a Judicial Magistrate of the first class or other officer or authority has power under this Act to make an order directing payment to be made of any seafarer's wages, fines or other sums of money, then if the person so directed to pay the same is the master, owner or agent of a vessel and the same is not paid at the time or in the manner directed by the order of the court or Metropolitan Magistrate or a Judicial Magistrate of the first class, or other officer or authority may, in addition to any other power it may have for the purpose of compelling payment by warrant, direct the amount remaining unpaid to be levied by distress and sale of the vessel and her equipment.</p>	
<p><b>Service of documents.</b></p>	<p>297. Where, for the purpose of this Act, any document is to be served on any person, that document may be served-</p> <p>(a) in any case by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or by post; and</p> <p>(b) if the document is to be served on the master of a vessel, where there is one, or a person belonging to a vessel, by leaving the same for him on board that vessel, with the person being or appearing to be in command or charge of the vessel; and</p> <p>(c) if the document is to be served on the master of a vessel where there is no master and the vessel is in India, on the owner of the vessel, or, if such owner is not in India, in some agent of the owner residing in India, or, where no such agent is known or can be found, by affixing a copy thereof to the master of the vessel or at a suitable place on the bridge.</p>	

	<b>PART XV MISCELLANEOUS</b>	
<b>Birth and death of persons on board vessel during a voyage.</b>	<b>298.</b> The master of any vessel performing a voyage shall, on arrival, at the next port or place of call, intimate the proper officer, the date of any birth or death of any person occurring during the voyage and the cause of death or any other relevant details, as the Central Government may by order specify in this behalf.	
<b>Inquiry into cause of death on board or person missing from Indian vessel.</b>	<b>299.</b> (1) If any person dies on board or is missing from an Indian vessel, the master shall forthwith inform to the Director General, and the proper officer of the port or the next port of call.  (2) On receipt of information under sub-section (1), the proper officer shall enquire into the cause of death and make in the official log book an endorsement to that effect, either that the statement of the cause of death in the book is in his opinion true, or the contrary according to the result of inquiry.  (3) If, in the course of any such inquiry, it appears to the proper officer that a death has been caused on board the vessel by violence or other improper means, he shall either report the matter to the Director-General or, if the emergency of the case so requires, shall take immediate steps for bringing the offender to trial.	
<b>Certain persons deemed to be public servants.</b>	<b>300.</b> The following persons shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 namely: —  (a) every surveyor;  (b) every person appointed under this Act to report information as to shipping casualties under Part X,  (c) every person authorized under this Act to make any investigation or inquiry and all persons whom he calls to his aid,  (d) every person directed to make an investigation into an explosion or fire on a vessel,  (e) every other officer or person appointed under this Act to perform any functions thereunder.	45 of 1860
<b>Power of persons authorized to investigate, inquire, etc.</b>	<b>301.</b> (1) Every person who is empowered by this Act to make an investigation or inquiry or to board, survey, inspect or detain a vessel,—	

	<p>(a) may go on board any vessel and inspect the same or any part thereof, or any of the machinery, equipment or articles on board thereof, or any certificate of the master or other officer to which the provisions of this Act or any of the rules made thereunder apply, not unnecessarily detaining or delaying the vessel from proceeding on any voyage, and if in consequence of any incident to the vessel or for any other reason it is considered necessary so to do, may require the vessel to be taken into dock for the purpose of inspection or survey;</p> <p>(b) may enter and inspect any premises, the entry and inspection of which appears to be requisite for the purpose aforesaid;</p> <p>(c) may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine them for the purpose aforesaid, and may require answers or returns to any enquiries he thinks fit to make;</p> <p>(d) may require and enforce the production of all relevant books, papers, or documents;</p> <p>(e) may administer oaths or may in lieu of requiring or administering an oath, require every person examined by him to make and subscribe a declaration of the truth of the statements made by him in his examination; and</p> <p>(f) may muster the crew of any such vessel.</p> <p>(2) No person shall hinder or obstruct any officer or person referred to in sub-section (1) from going on board any vessel or otherwise impede him in the execution of his duties or the exercise of his powers under this Act.</p>	
<b>Power to permit alternative provisions and arrangement.</b>	<b>302.</b> Where this Act requires that the provisions or arrangements for a vessel shall meet the obligations under the Convention, the Central Government may, after satisfying itself based on the Convention or its protocol or its amendments or by trials or otherwise, as effective as that so required, by order, permit such other provisions or arrangements to be used or provided.	
<b>Control of Nuclear vessels and security measures.</b>	<b>303.</b> (1) No vessel provided with a nuclear power plant shall proceed to any port or place in India including territorial waters thereof without permission of the Central Government.  (2) The Central Government may, by general or special order, issue such direction, as it deems fit, to the registered owners of the vessels, for taking such security measure as may be necessary.	
<b>Exemption of public vessels, foreign and Indian.</b>	<b>304.</b> The Central Government may, by notification, direct that the provisions of this Act or any of them shall not apply to vessels belonging to the Government or to any class of such vessels.	
<b>Power to exempt.</b>	<b>305.</b> (1) Notwithstanding anything contained in this Act, the Central Government may, by order in writing and upon such conditions, if any, as it may think fit to impose, exempt any vessel or tindal or seafarer or any class thereof, from any	

	<p>specified requirement contained in or prescribed in pursuance of this Act or dispense with the observance of any such requirement in the case of any vessel or tindal or seafarer, or any class thereof if it is satisfied that the requirement has been substantially complied with or that compliance with the requirement is or ought to be dispensed with in the circumstances of the case:</p> <p>Provided that no exemption which is prohibited by the Safety Convention or Pollution Prevention Convention shall be granted under this sub-section.</p> <p>(2) Where an exemption is granted under sub-section (1) subject to any conditions, a breach of any of those conditions shall, without prejudice to any other remedy, be deemed to be an offence under this sub-section.</p>	
<b>Chartered ships to be licensed</b>	<p><b>306.</b>No ship chartered by a citizen of India, or a company or a co-operative Society, including a Bare Boat Charter, shall be taken to sea from a port or place within or outside India except under a licence granted by the Director-General under this section, in such form and manner and for such duration, as may be prescribed.</p> <p>Provided that the Central Government, if it is of opinion that it is necessary or expedient in the public interest so to do, may, by notification in the Official Gazette, exempt any class of ships chartered by a citizen of India or a company or a co-operative Society, including Bare Boat Charter, from the provisions of this sub-section.</p>	
<b>General power to give directions.</b>	<p><b>307.</b>The Director General may, if he is satisfied that in the public interest or in the interest of Indian shipping, it is necessary so to do, give by notice, circular, order or guidelines in writing, such directions as he thinks fit to any vessel or seafarer or tindal or owner or his agent or maritime training institute or recruitment placement service provider or any class thereof for the purpose of implementation of this Act.</p>	
<b>Special provisions with respect to defaulting ship-owners.</b>	<p><b>308.</b>(1) The Director-General may by order in writing and upon such conditions, if any, as he may think fit to impose, direct the ship-owner who is not taking action for the safety and prevention of any harm to life, property or the environment which may be caused by a vessel owned by such owner but not abandoned by him to take such measures as may be directed.</p> <p>Provided that on failure to comply with the direction by the ship-owner, the Director-General shall be competent to take necessary action including confiscation or forfeiture of the vessel or cargo, if any, or both and dispose the same, as may be deemed appropriate.</p> <p>(2) The cost incurred by the Director-General in averting the harm mentioned under sub-section (1) above, due to failure of timely action by the owner, shall be recovered from such</p>	



	<p>owner as government dues.</p> <p>(3) The Director-General shall be competent to adjust the cost referred to under sub-section (2), with the funds generated by disposal of the vessel or the cargo or both.</p> <p>(4) Notwithstanding anything contained under this section, the owner shall also be liable for criminal prosecution.</p>	
<b>Right to pursue foreign vessels in the high seas.</b>	<p><b>309.</b> The Central Government may authorise a vessel under its control to pursue into the high seas, any foreign vessel which has committed or attempted to commit an offence under this Act, within the coastal waters of India, and thereafter seize the vessel for further proceedings.</p> <p>Provided that, as far as practicable, such foreign vessel shall be given a signal to stop before pursuing the vessel into the high seas.</p>	
<b>Power of the Central Government with respect to vessel without nationality.</b>	<p><b>310.</b> (1) Where it has been established that a vessel within India or in coastal waters of India is not legally entitled to fly the flag of a country or has lost such right, the Central Government may take charge of such vessel and detain the same, including its cargo, as may be deemed appropriate, in such manner as may be prescribed.</p> <p>(2) A vessel which sails under the flags of two or more countries, using them according to convenience, may not claim any of the nationalities in question with respect to any other country, and may be deemed to be a vessel without nationality</p>	
<b>General power to make rules.</b>	<p><b>311.</b> Without prejudice to any other power to make rules contained elsewhere in this Act, the Central Government may make rules generally to carry out the provisions of this Act.</p>	
<b>Provisions with respect to rules.</b>	<p><b>312.</b>(1) All rules made under this Act shall be published in the Official Gazette and shall be subject to the condition of previous publication.</p> <p>(2) In making a rule under this Act, the Central Government may direct that a breach thereof shall be punishable with fine which may extend to fifty thousand rupees, and if the breach is a continuing one, with further fine which may extend to five thousand rupees for every day after the first day during which the breach continues.</p> <p>(3) Every rule made or notification issued under this Act shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall</p>	

	be without prejudice to the validity of anything previously done under that rule.	
<b>Protection of persons acting under the Act.</b>	<b>313.</b> No suit or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.	
<b>Agreement with other countries.</b>	<b>314.</b> The Central Government may enter into agreement with other countries or organisations for effective implementation of the provisions of this Act.	
<b>Costs of Detention and Damages.</b>	<p><b>315.</b> (1) If a vessel is detained under this Act by reason of the condition of the vessel or due to the act or default of the owner or master, the owner of a vessel shall be liable to pay to the Central Government its costs of and incidental to the detention, and the vessel shall not be released until such costs are paid and faults are rectified.</p> <p>(2) The costs or damages due under this section shall be determined by an adjudicating officer appointed by Central Government, and the qualifications of the persons who may be appointed as adjudicating officers under this Section and matters related thereto, may be prescribed by the Central Government.</p> <p>(3) For the purposes of this Act, the costs of and incidental to any proceeding before an adjudicating officer, and a reasonable amount in respect of the remuneration of the surveyor or any person appointed to represent the Central Government, shall be deemed to be part of the costs of the detention of the ship.</p> <p>(4) If it appears that there was no reasonable or probable cause, for detention of a vessel under this Act, the Central Government shall be liable to pay to the owner of the vessel his costs of and incidental to the detention of the vessel and also compensation for any loss or damage sustained by him by reason of detention, as may be prescribed.</p>	
<b>Procedure for detention of vessel other than Indian vessel.</b>	<p><b>316.</b> (1) On receipt of information from the Government of any country which is a party to any International Convention under this Act, that any vessel other than an Indian vessel within the territorial waters of India has contravened the provisions of such Convention, the Central Government may detain the vessel, for such period and subject to such conditions as deemed necessary.</p> <p>(2) When a vessel other than an Indian vessel is detained under this Act, the provisions of this Act shall apply with the following modifications, namely: —</p> <p>(a) a copy of the order for the provisional detention of the ship shall forthwith be served on the consular officer for the country to which the vessel belongs at or nearest to</p>	

	<p>the port in which such ship is detained;</p> <p>(b) the consular officer, at the request of the owner or master of the vessel, may require that the person appointed to survey the vessel shall be accompanied by such person as the consular officer may select, and in that case, if the surveyor and that person agree, the vessel shall be detained or released accordingly, but, if they differ, and the owner and master shall have the right of appeal to the Central Government on the report of the surveyor as in the case of an Indian vessel; and</p> <p>(c) where the owner or master of the vessel appeals to the Central Government, the consular officer, at the request of the owner or master, may appoint a competent person to be assessor in the case in lieu of the assessor who, if the ship were an Indian vessel, would be appointed otherwise than by the Central Government.</p> <p>(3) In case of a vessel without nationality, the procedure shall be as provided in Section 310.</p>	
<p><b>Obligations of ports under International Conventions and monitoring thereof by the Director General of Shipping.</b></p>	<p><b>317.</b>(1) The ports shall ensure that the obligations under the international Conventions to which India is a party, are discharged in accordance with such Conventions.</p> <p>(2) The Director General of Shipping shall supervise and monitor that obligations under sub-section (1) are effectively discharged by the ports.</p> <p>(3) The Director General of Shipping and may call for such information and pass such directions as he may deem fit, for such discharge of obligations by the ports.</p>	
<p><b>Abandoned Vessels</b></p>	<p><b>318.</b>(1) Abandoned vessel includes any of the following vessels in the coastal waters and Indian vessel anywhere, along with its cargo, if any loaded, whether afloat or stranded:</p> <p>(a) a vessel whose ship owner is unknown or cannot be traced and in which or on whose cargo, if any loaded, no other person claims stake, within the specified time period, despite the Central Government duly notifying the flag state of the vessel or consulate of the country of domicile of the registered owner.</p> <p>(b) a vessel whose owner or ship owner or master or person holding stake in the vessel or its cargo, including the mortgagee, insurer, salvor or contractor, fail to fulfill the ship owner's fundamental obligations, required under this Act, towards ensuring safety, security, environment protection and crew and passengers' welfare;</p> <p>(c) a vessel restrained by any court in India and for which the person assigned responsibility by the court fails to fulfill the ship owner's fundamental obligations, required under this Act, towards ensuring safety, security, environment protection and crew and passengers' welfare;</p>	

	<p>Provided that declaration of a vessel as an abandoned vessel by the Central Government, due to inaction or omission by stakeholders shall not absolve the ship owner or other persons in charge of the vessel, including the insurers, of their obligations under this Act.</p> <p>Explanation 1: For the purposes of sub-clause (b), failure to fulfill fundamental obligations shall be deemed to have occurred if effective action, in view of the Central Government, has not been taken by the owner within the specified time period stipulated in the order passed by the Central Government against such shipowner or owner or master.</p> <p>(2) The Central Government may prescribe the form and procedure for issuance of notice to the flag state of the vessel or consulate of the country of domicile of the registered owner for the purposes of sub-section (1)(a) of this Section.</p>	
<p><b>Power of the Central Government in respect of abandoned vessels.</b></p>	<p><b>319.</b>(1) Whenever it is brought to the cognizance of the Central Government that a vessel in Indian waters or an Indian vessel elsewhere is in circumstances which indicate the vessel to be an abandoned within the meaning of this Act, the Central Government may take actions towards ascertainment of such condition and towards safe and environmentally sound resolution of the situation, disposal or removal of the vessel from Indian waters thereafter, in accordance with prescribed rules.</p> <p>(2) The Central Government may, give such directions, in writing, as it deems appropriate, to a port authority or Maritime Board or any other authority or agency to render services or assistance or take measures in respect of any abandoned vessel which has been abandoned on or near the coast of India, or within the coastal waters.</p> <p>(3) The directions passed under sub-section (1) shall be with a view to ensuring safety, security, preventing the abandoned vessel from posing a threat to life or property or environment, including protection of India's coastline or related interests from pollution or threat of pollution arising out the abandoned vessel.</p> <p>(4) Any costs or expenses incurred by the Central Government or any authority or agency for taking any measures in respect of an abandoned vessel, in accordance with the directions passed by the Central Government under sub-section (2) shall constitute a debt due to the Central Government and may be recovered from the proceeds received from the sale of the vessel or its cargo.</p> <p>(5) The procedure for reimbursement of costs or expenses, including the manner of determination of the rates for services rendered, to the authority or agency complying with the directions of the Central Government under sub-section (2) may be prescribed.</p> <p>(6) Notwithstanding anything contained in the Admiralty Act,</p>	

	<p>2017, the debt due to the Central Government stated under sub-section (4) shall be a charge on the vessel and shall have first priority after the following maritime liens-</p> <ul style="list-style-type: none"> <li>(a) claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf,</li> <li>(b) claims in respect of loss of life or personal injury occurring, whether on land or on water, in direct connection with the operation of the vessel.</li> </ul>	
<p><b>Maintenance of insurance or such other financial security.</b></p>	<p><b>320.</b>(1) Every registered owner of an Indian vessel shall, for the purpose of covering his liability under this Act, be required to compulsorily maintain adequate insurance coverage or such other financial security, as may be prescribed.</p> <p>(2) Notwithstanding the generality of sub-section (1), the insurance or other financial security required under Part IX, Chapter II, III and IV, Part X, and Part XII, Chapter I, shall be complied with.</p>	
<p><b>Use and maintenance of electronic records.</b></p>	<p><b>321.</b>(1) Where any provision of this Act or the rules and regulations made thereunder provide for—</p> <ul style="list-style-type: none"> <li>(a) the filing of any form, application or any other document with any office, authority, body or agency owned or controlled by the Central Government or the State Government in a particular manner;</li> <li>(b) the issue or grant of any certificate, licence, permit, sanction, approval or endorsement, by whatever name called in a particular manner; or</li> <li>(c) the receipt or payment of money in a particular manner, then notwithstanding anything contained in such provision, such requirement shall be deemed to have been satisfied if such filing, issue, grant, receipt or payment, as the case may be, is effected by means of such electronic form as may be prescribed by the Central Government or the State Government, as the case may be.</li> </ul> <p>(2) The Central Government or the State Government shall, for the purpose of sub-section (1), prescribe—</p> <ul style="list-style-type: none"> <li>(a) the manner and format in which such electronic forms and documents shall be filed, created or issued; and</li> <li>(b) the manner or method of payment of any fee or charges for filing, creation or issue of any electronic document under clause (a).</li> </ul> <p>(3) Any agreement, record, database, log books, record books and such other documents required to be stored, maintained or updated by the Central Government or Director-General or any other person under this Act or the rules made thereunder</p>	

	may, be maintained in electronic form.	
<b>National Maritime Policy</b>	<p>322. The Central Government may develop a National Maritime Policy consistent with the objects of the Act, with a view to-</p> <ul style="list-style-type: none"> <li>(i) periodically review the Act and the rules made thereunder to bring it on par with global best practices and international standards;</li> <li>(ii) enhance India's stature in the global shipping sector and increasing tonnage;</li> <li>(iii) promote e-governance and digitization;</li> <li>(iv) enhance the ease of doing business in the maritime sector;</li> <li>(v) integration and enhancement of Indian maritime institutes;</li> <li>(vi) enhance the employability of Indian seafarers so as to increase India's share of seafarers in the global market;</li> <li>(vii) provide medium to long term strategic directions, priorities and actions;</li> <li>(viii) address any other matter deemed relevant by the Central Government</li> </ul>	
<b>Regulation of freight charges</b>	<p>323.(1) Every serviceprovider or agent,in respect of any Indian ship or other ship operating in coastal waters, in relation to import, export or domestic transportation, shall specify the all-inclusive freight in the bill of lading or any other transport document, in such mode and manner as may be notified.</p> <p>(2) No service provider or agent shall levy any freight charges other than the all-inclusive freight specified in the bill of lading or other transport document.</p> <p>(3) The Central Government may prescribe the terms and conditions for issuance of the Bill of Lading or any other transport document.</p>	
<b>Removal of difficulties.</b>	<p>324. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to be necessary for removing the difficulty:</p> <p>Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.</p> <p>(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.</p>	

<p><b>Repeals and savings</b></p>	<p>325. (1) The Merchant Shipping Act, 1958 and the Coasting Vessels Act, 1838 are hereby repealed.</p> <p>(2) Notwithstanding the repeal of any enactment by subsection (1),-</p> <p>(a) any notification, rule, regulation, bye-law, order or exemption issued, made or granted under any enactment hereby repealed shall, until revoked, have effect as if it had been issued, made or granted under the provisions of this Act;</p> <p>(b) any office established or created, officer appointed and anybody elected or constituted under any enactment hereby repealed shall continue and shall be deemed to have been established, created, appointed, elected, or constituted, as the case may be, under this Act;</p> <p>(c) any document referring to any enactment hereby repealed shall be construed as referring to this Act or to the provision of this Act;</p> <p>(d) any fine levied under any enactment hereby repealed may be recovered as if it had been levied under this Act;</p> <p>(e) any offence committed under any enactment hereby repealed may be prosecuted and punished as if it had been committed under this Act;</p> <p>(f) any vessel registered under the Merchant Shipping Act, 1958 hereby repealed shall be deemed to have been registered under this Act;</p> <p>(g) any mortgage of vessels recorded in any register book maintained at any port in India under the Merchant Shipping Act, 1958 any enactment hereby repealed shall be deemed to have been recorded in the register book under the corresponding provision of this Act;</p> <p>(h) any licence, certificate of competency or service, certificate of survey, A or B certificate, safety certificate, qualified safety certificate, safety equipment certificate, exemption certificate, international or Indian load line certificate or any other certificate or document issued, made or granted under any enactment hereby repealed and in force at the commencement of this Act shall be deemed to have been issued, made or granted under this Act and shall, unless cancelled under this Act, continue in force until the date shown in the certificate or document, as the case may be;</p> <p>(i) any proceeding pending before any court under any enactment here by repealed may be tried or disposed of under the corresponding provisions of this Act;</p> <p>(j) the officers existing under the commencement of this Act shall continue as if they have been established under this Act;</p> <p>(k) any person appointed under or by virtue of any repealed enactment shall be deemed to have been</p>	

	<p>appointed to that office under or by virtue of this Act;</p> <p>(1) any inspection, investigation or inquiry ordered to be done under the provisions of any repealed enactment shall continue to be proceeded with as if such inspection, investigation or inquiry ordered to be done under the corresponding provisions of this Act.</p> <p>(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.</p>	
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