

**GOVERNMENT OF INDIA
SHIPPING
LOK SABHA**

UNSTARRED QUESTION NO:4259

ANSWERED ON:06.12.2010

MERCHANT SHIPPING ACT

Majhi Shri Pradeep Kumar;Patel Shri Kishanbhai Vestabhai

Will the Minister of SHIPPING be pleased to state:

- (a) whether the Government proposes to amend the Merchant Shipping Act, 1958 with a view of the Nairobi International Convention of the Removal of Wrecks, 2007;
- (b) if so, the details in this regard;
- (c) whether the Government has finalised the amendments; and
- (d) if so, the extent to which these amendments will enable the approach of removal of wrecks and salvage?

Answer

MINISTER OF SHIPPING (SHRI G.K. VASAN)

(a): Yes, Madam.

(b): The Wreck and Salvage provision under the Merchant Shipping Act at present is covered in Part XIII. These provisions at present are not based on any International Convention. The Government of India on becoming party to this convention would enact provisions in the M.S. Act in Part XIII in the following manner.

(i) Definition of "Wreck" is expanded to include the provisions of the Convention.

(ii) This Part is extended to waters upto Exclusive Economic Zone which would include territorial waters and major and minor ports.

(iii) The definition part covers terms like "Hazard", "Operator of the Ship", "Related interests" and "Removal" in a comprehensive manner.

(iv) Additional provisions are:-

(a) Reporting of Wrecks

(b) Determination of Hazards

(c) Measures to facilitate the removal of wreck

(d) Marking of Wrecks

(e) Limitation of Liability

(f) Insurance

(g) Exception to Liability

(c): The amendments are being finalized.

(d): The amendments will ensure that:-

(a) The ships entering Exclusive Economic Zone upto territorial water of India would carry proper insurance, certificates to cover the wreck removal expenditure.

(b) The ship owner/master has the obligation to report any wreck and mark the same.

(c) The ship owners has a responsibility to remove the wreck if it is a hazard to navigation which shall be determined by the Competent Authority i.e. Directorate General of Shipping.

(d) In the event of ship owner becoming bankrupt or fails to discharge his obligations, the coastal state i.e. India has recourse to

recover the expenditure or has right of action against the insurer. The payment of compensation is limited as per the gross tonnage of the ship and the limits described under Limitation of Liability of Maritime Claims, 1976 and its Protocol 1996.

(e) Similar provisions would be extended to the territorial waters of India except that the limitation of liability will be replaced with specified limits against the gross tonnage as action against the insurer is not possible.