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JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY -1931

The Indian Merchant Shipping (Amendment) Bill

3624 (4)
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Act & Bills section

FB-60, PLB

List of Reports of Select or Joint Committees
Presented in the Legislative Assembly in 1931.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Merchant Shipping (Amendment) Bill.	11.2.31.	
2.	The Gold Thread Industry (Protection) Bill.	11.2.31.	
3.	The Steel Industry (Protection) Bill.	11.2.31.	
4.	The Indian Press Bill.	21.9.31.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, members of the Select Committee to which the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, was referred, have considered the Bill, and have now the honour to submit this our Report, with the Bill annexed thereto.

2. We do not propose that any amendment should be made in the Bill, but we wish to place two suggestions on record.

(1) The proposed new sections 37A and 58A, contained in clauses 4 and 6 of the Bill, use the phrase "lascar or other native seaman". We deprecate the use of the word "native", but realise that the phrase in which it occurs is frequently used throughout the Indian Merchant Shipping Act, 1923, and that to use some other phrase in these two sections alone might create

difficulty. We recommend, therefore, that opportunity should be taken in the next Repealing and Amending Bill to alter the phrase so as to remove this word from the whole Act.

(2) In regard to section 91, as recast in clause 8 of the Bill, we consider that the inspection of provisions, water, medicines and appliances should be carried out by qualified medical officers, and we recommend that the Health Officer of each port should always be an "officer duly appointed in this behalf by the Governor General in Council".

3. The Bill was published in the Gazette of India dated the 17th January, 1931.

4. As the Bill has not been altered, it does not require re-publication, and we recommend that it be passed in the form in which it was introduced.

R. K. SHANMUKHAM CHETTY.

G. RAINY.

B. DAS.

K. AHMED.

R. D. DALAL.

L. V. HEATHCOTE.

B. SITARAM RAJU.

GOPIKA ROMON ROY.

J. A. SHILLIDY.

M. A. AZIM.

The 9th February, 1931.

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BILL

*Further to amend the Indian Merchant Shipping
Act, 1923, for certain purposes.*

WHEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purposes hereinafter appearing ; It is hereby enacted as follows :—

1. This Act may be called the Indian Merchant Shipping (Amendment) Act, 1931.
Short title.
2. After clause (a) of sub-section (2) of section 5, 5 of the Indian Merchant Shipping Act, 1923 (herein-
Amendment of section 5, 5 of the Indian Merchant Shipping Act, 1923 (herein-
Act XXI of 1923. after referred to as the said Act), the following clause shall be inserted, namely :—

“ (aa) The provisions relating to the employment of young persons shall apply to ships registered in British India and to foreign ships in the manner prescribed in the said provisions.”
3. In sub-section (1) of section 23 of the said Act,—
Amendment of section 23, Act XXI of 1923.
 - (a) the words “ Subject to the provisions of the Apprentices Act, 1850,” shall be omitted ;
 - (b) after the word “ boy ” the words “ not under fourteen years of age ” shall be inserted ; and
 - (c) for the words “ said Act shall, save as hereinafter provided in this section ” the words “ Apprentices Act, 1850, shall, subject to the provisions of this Act ” shall be substituted.
4. After section 37 of the said Act, the following heading and sections shall be inserted, namely :—
Insertion of new sections 37A, 37B, 37C, 37D, 37E, 37F, 37G, 37H, 37I and 37J in Act XXI of 1923.

“ Employment of Young Persons. ”

37A. For the purposes of the following provisions—
Definitions of “ coasting-ship ”, “ young lascar ” and “ young person ”.
 - (i) “ coasting-ship ” means a ship exclusively employed in trading between any ports or places on the continent of India, or between Aden and Perim, or between ports or places on the continent of India and ports or places in the island of Ceylon ;
 - (ii) “ young lascar ” means a lascar or other native seaman under eighteen years of age ; and
 - (iii) “ young person ” means a person under eighteen years of age, and includes a young lascar.

37B. No young person under fourteen years of age shall be engaged or carried to sea to work in any capacity in any ship registered in British India and no young lascar under fourteen years of

age shall be engaged or carried to sea to work in any capacity in any foreign ship, except—

- (a) in a school-ship, or training-ship, in accordance with the prescribed conditions ; or
- (b) in a ship in which all persons employed are members of one family ; or
- (c) in a home-trade ship of a burden not exceeding three hundred tons ; or
- (d) where such young person is to be employed on nominal wages and will be in the charge of his father or other adult near male relative.

37C. (1) Subject to the provisions of sub-sections (2) and (3), no persons as trimmers or young person shall be engaged or carried to sea to work as a trimmer or stoker in any ship registered in British India, and no young lascar shall be engaged or carried to sea to work as a trimmer or stoker in any foreign ship.

(2) Sub-section (1) shall not apply—

- (a) to any work of trimming or stoking done by a young person in a school-ship or training-ship in accordance with the prescribed conditions ; or
- (b) to any work of trimming or stoking done by a young person in a ship which is mainly propelled otherwise than by steam ; or
- (c) to the engagement or carrying to sea of a young person over sixteen years of age to work as a trimmer or stoker on a coasting-ship, provided he is employed in accordance with the prescribed conditions.

(3) Where in any port a trimmer or stoker is required for any ship mentioned in sub-section (1), other than a coasting-ship, and no person over eighteen years of age is available, two young persons over sixteen years of age may be engaged and carried to sea to do the work which would otherwise have been done by one person over eighteen years of age.

(4) There shall be included in every agreement with the crew in ships to which this section applies a short summary of the provisions of this section.

37D. (1) Subject to the provisions of sub-section (2), no young person shall be engaged or carried to sea to work in any capacity in any ship registered in British India, and no young lascar shall be engaged or carried to sea to work in any capacity in any foreign ship, unless there has been delivered to the master a certificate granted by a prescribed authority that the young person is physically fit to be employed in that capacity.

(2) Sub-section (1) shall not apply—

- (a) to the employment of a young person in a ship in which all persons employed are members of one family ; or

(b) where the shipping-master, on the ground of urgency, has authorised a young person to be engaged and carried to sea, without the certificate required by sub-section (1) being delivered to the master, and the young person is not employed beyond the first port at which the ship in which he is so engaged calls except in accordance with the provisions of sub-section (1).

(3) A certificate of physical fitness required under this section shall remain in force for one year only from the date on which it is granted.

37E. There shall be included in every agreement with the crew of every ship registered in British India and every foreign ship, which engages young persons in British India, a list of young persons who are members of the crew, together with particulars of the dates of their birth, and, in the case of any such ship where there is no agreement, the master shall keep a register of young persons with particulars of the dates of their birth and of the dates on which they became or ceased to be members of the crew.

37F. If any young person is carried to sea to work in contravention of section 37B, section 37C or section 37D, the master of the ship shall for each such offence be liable to a fine which may extend to fifty rupees.

37G. If any young person is engaged to work in any capacity in a ship in contravention of section 37B, section 37C or section 37D 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, such parent or guardian shall be liable to a fine which may extend to fifty rupees.

37H. If the master of any ship refuses or neglects to produce for inspection any medical certificate delivered to him under section 37D when required so to do by a shipping-master, he shall for each such offence be liable to a fine which may extend to fifty rupees.

37I. If the master of a ship where there is no agreement with the crew fails to keep the register of young persons required to be kept by him under section 37E, or refuses or neglects to produce such register for inspection when required so to do by a shipping-master, he shall be liable to a fine which may extend to two hundred rupees.

37J. (1) The Governor General in Council may make rules prescribing—

(a) the conditions of employment of young persons, in any capacity, in school-ships and training-ships, and the authorities by whom and the manner in which the inspection of their work shall be carried out;

(b) the conditions of employment of young persons as trimmers or stokers in coasting-ships ;

(c) the authorities whose certificates of physical fitness shall be accepted for the purposes of section 37D ; and

(d) the form of the register of young persons to be maintained in ships where there is no agreement with the crew.

(2) Rules under clause (b) shall be made after consultation with such organisations in British India as the Governor General in Council may consider to be most representative of the employers of seamen and of seamen."

5. After section 43 of the said Act, the following section shall be inserted, namely :—

43A. (1) The master of every ship, except home-trade ships of a burden not exceeding three hundred tons, shall sign and give to a seaman discharged from his ship in British India, either on his discharge or on payment of his wages, a certificate in a form sanctioned by the Governor General in Council stating—

- Certificate as to work of seaman.
- (a) the quality of the work of the seaman ; or
 - (b) whether the seaman has fulfilled his obligations under the agreement with the crew.

(2) If the master acts in contravention of this section, he shall for each offence be liable to a fine which may extend to one hundred rupees."

6. After section 58 of the said Act, the following section shall be inserted, namely :—

58A. (1) Where the service of a lascar or native seaman employed on a ship registered in British India or engaged in British India for employment on a foreign ship terminates before the date contemplated in the agreement by reason of the wreck or loss of the ship, the lascar shall, notwithstanding anything contained in section 58, but subject to the provisions of this section, be entitled to receive—

- Special provision for shipwrecked lascars.
- (a) wages at the rate to which he was entitled at the date of the termination of service, until he is sent home or to a port near his home in accordance with section 75, or until he has been sent home or to a proper port of return in accordance with the Merchant Shipping Acts, or has in any other way reached his port of departure from India or a port near his home, as the case may be ; and
 - (b) compensation for the loss of his effects up to one month's wages at the said rate.

(2) A lascar shall not be entitled to receive wages under clause (a) of sub-section (1) in respect of any period during which—

- (a) he was or could have been suitably employed ; or

(b) he negligently failed to apply to the proper authority for relief as a distressed or destitute lascar."

7. In section 85 of the said Act,—

Amendment of section 85, Act XXI of 1923.

(a) for sub-section (1) the following sub-section shall be substituted, namely :—

"(1) All British ships and all ships upon which seamen have been shipped in British India shall have on board sufficient provisions and water of good quality and fit for the use of the crew on the scale specified in the agreement with the crew. ";

(b) in sub-section (2), for the words " the officer or person making the examination " the words " any person making an inspection under section 91 " shall be substituted ;

(c) in sub-section (4),—

(i) for the words " The officer directing or the person making the examination " the words " The person making the inspection " shall be substituted ; and

(ii) for the word " examination ", where it occurs the second time, the word " inspection " shall be substituted ; and

(d) in sub-section (5), for the words " If the said officer certifies in that statement that there was no reasonable ground for the complaint, each of the complainants " the following shall be substituted, namely :—

" If the inspection was made in pursuance of a request by members of the crew and the person making the inspection certifies in the statement of the result of the inspection that there was no reasonable ground for the request, every member of the crew who made the request ".

8. For section 91 of the said Act, the following

Amendment of section 91, Act XXI of 1923. section shall be substituted, namely :—

" 91. A shipping-master, deputy shipping-master, or other officer duly appointed in this behalf by the Governor General in Council, at any port—
Inspection of provisions, water, medicines and appliances, weights and measures and accommodation.

(a) in the case of any ship upon which seamen have been shipped at that port, may at any time, and

(b) in the case of any British ship, may at any time, and, if the master or three or more of the crew so request, shall,

enter on board the ship and inspect—

(i) the provisions and water,

(ii) the medicines and appliances,

(iii) the weights and measures,

(iv) the accommodation for seamen,

with which the ship is required to be provided by or under this Act or the Merchant Shipping Acts."

9. Nothing in section 2, section 3 or section 4

Saving. shall prevent the carrying to sea of a young person in a ship in which he is lawfully engaged to work at the commencement of this Act.

GOVERNMENT OF INDIA.

LEGISLATIVE ASSEMBLY
DEPARTMENT.

**Report of the Select Committee on the
Bill further to amend the Indian
Merchant Shipping Act, 1923, for
certain purposes, with the Bill as
recommended by the Select Com-
mittee.**