

# Standing Committee Report Summary

## The Merchant Shipping (Amendment) Bill, 2013

The Standing Committee on Transport, Tourism and Culture (Chairperson: Mr. Sitaram Yechury) presented its report on the Merchant Shipping (Amendment) Bill, 2013 on June 26, 2013. The Bill was introduced in Rajya Sabha on March 18, 2013 and referred to the Committee on March 19, 2013.

The Bill proposes to amend the Merchant Shipping Act, 1958 to adhere to the International Convention for the Control of Harmful Anti-Fouling Systems on Ships, 2001. The Convention aims to protect the marine environment and human health from adverse effects of anti-fouling paints used to coat the ships' surfaces.

Key observations and recommendations of the Committee are:

- **Applicability:** The Committee noted that the proposed amendments would apply to all commercial ships, while exempting warships, naval auxiliary and other government non-commercial ships. The Bill does not specify whether non-government ships on non-commercial service are exempted from its ambit.
- **Safeguards:** The Committee recommended that adequate safeguards and preventive mechanism be built into the system to prevent misuse of the provisions related to inspection, control and detention of ships.
- **Uniform standards:** All state pollution control boards should have uniform standards in management and control of wastes arising from anti-fouling systems.
- **Small and medium segments:** The Committee recommended that the government should ensure that small and medium segments of merchant shipping are not put to a disadvantage because of the ratification of the Convention.
- **Relaxation to domestic ships:** The Committee recommended that the domestic merchant shipping sector, particularly smaller ships and ships moving exclusively in Indian waters, be provided suitable relaxation from certification requirements.
- **Approval and certification mechanism:** The Committee felt that paint approval and certification mechanism envisaged in the Bill is weak. It recommended that the Bill provide for making rules in this regard.
- **Grievance-redressal:** A grievance-redressal mechanism, especially against undue detention of ships, should be specified clearly in the Bill.
- **Penalty:** The Committee observed that the penalties for foreign flag ships are inadequate. The penalties should be adequate enough to have a deterrent effect on the potential violators.
- **Rules:** The Committee recommended that the necessary Rules be framed by the government within six months from the date of notification of the amendment Act.

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