

THE MERCHANT SHIPPING (AMENDMENT) ACT, 1998

No. 9 of 1998

[22nd June, 1998.]

An Act further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Forty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Merchant Shipping (Amendment) Act, 1998.

Short title and
commence-
ment.

(2) It shall be deemed to have come into force on the 26th day of September, 1997.

44 of 1958.

2. In section 89 of the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), after clause (d), the following clause shall be inserted, namely:—

Amendment of
section 89.

“(dd) 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;”.

3. In section 132 of the principal Act, after sub-section (1), the following sub-section shall be inserted, namely:—

Amendment of
section 132.

“(1A) Any complaint of dispute received by the shipping master from an Indian seaman, on a vessel registered in a country other than India, in Indian territorial waters, with the master, owner or agent.”.

4. After section 138 of the principal Act, the following section shall be inserted, namely:—

Insertion of new
section 138A.

“138A. The ordinary hours of work for all seamen shall not exceed forty-eight hours in a week.”.

Working hours
of seamen.

5. In section 369 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

Amendment of
section 369.

“(3) The Central Government shall, on receipt of the investigation report from the court, cause it to be published in the Official Gazette.”.

Amendment of
section 436.

6. In section 436 of the principal Act, in sub-section (2), in the table, after serial number 42 and the entries relating thereto, the following shall be inserted, namely:—

“42A	If the master or owner contravenes the provisions of section 138A	138A	Fine which may extend to double the average wages per hour payable to the seaman for working beyond forty-eight hours”.
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Repeal and
saving.

7. (1) The Merchant Shipping (Amendment) Ordinance, 1998, is hereby repealed.

Ord. 7 of 1998.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.