

Bill Summary

The Merchant Shipping (Amendment) Bill, 2004

- The Merchant Shipping (Amendment) Bill, 2004 was introduced in the Lok Sabha on December 23, 2004 to amend the Merchant Shipping Act, 1958 and the Indian Ports Act, 1908. The Bill was referred to the Department-related Parliamentary Standing Committee on Transport, Tourism and Culture (Chairperson: Shri Nilotpal Basu) which submitted its report on July 27, 2005.
- The Bill updates Indian merchant law so that it includes provisions of the 'International Code for the Security of Ships and Port Facility' (ISPS Code). The ISPS Code was introduced as an amendment to the International Convention on Safety of Life at Sea 1974 (SOLAS) in 2002 and enforced in 2004. The ISPS Code aims to establish an international framework for maritime security.
- The Bill applies to ships engaged in international carriage, including passenger ships, cargo ships and mobile offshore units, and ports serving such ships. The Central Government may also extend the application to ports that are occasionally required to serve ships on international voyages.
- War ships, naval auxiliaries, and other ships owned or operated by the Central Government for non-commercial service are excluded.
- The Bill requires the Central Government or a designated authority to provide every Indian ship of 100 gross tonnage and above and every Indian cargo ship of 300 gross tonnage and above a ship identification number in accordance with the International Maritime Organisation scheme. It also requires merchant ships to carry the ship identification number.
- The Bill prohibits carriage or engagement of any person employed or engaged in work on a ship without identification documents, unless it is a ship of war.
- The Bill establishes certain security measures so that India is in line with the ISPS code:
 - The Central Government or designated authority must set security levels and provide relevant information to port facilities within India and every ship entering an Indian port.
 - The Central Government must carry out port facility assessments.
 - Every company, ship or port facility must comply with the relevant requirements under the Safety Convention and the International Code for the Security of Ships and Port Facility.
 - The Central Government shall issue every applicable Indian ship an International Ship Security Certificate or Interim International Ship Security Certificate.
 - Every Indian ship must be provided with a Ship Security Alert System. And every relevant ship shall be subject to prescribed control measures.
- The Bill grants the Central Government the power to make rules for the carrying out of such activities.
- The Bill proposes an amendment in the Indian Ports Act, 1908 that will update the Act to comply with all of the new requirements in the Merchant Shipping Act, 1958.

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