

The Merchant Shipping (Distressed Seamen) Rules, 1960

UNION OF INDIA

India

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Rule

THE-MERCHANT-SHIPING-DISTRESSED-SEAMEN-RULES-1960 of 1960

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1779.

G.S.R. 1552, dated 17th December, 1960. - In exercise of the power conferred by section 167 of the Merchant Shipping Act, 1958 (44 of 1958), and in supersession of all existing rules, orders and regulations on the subject, the Central Government hereby makes the following rules, namely:-

1. Short title and Commencement.

(1)These rules may be called the Merchant Shipping (Distressed Seamen) Rules, 1960.(2)They shall come into force on the 1st day of January1961.

2. Definitions.

- In these rules-(a)'Act' means the Merchant Shipping Act, 1958;(b)'Form' means a form set out in Schedule I;(c)'Schedule means a schedule to these rules.

3. Application for relief.

(1)Every application for relief and maintenance under section 161of the Act shall be made by the distressed seaman, in writing and be presented in person to the Indian Consular officer at or near

the place where the applicant is in distress, within three months of his having left his last ship.(2)Every applicant under sub-rule (1) shall also fill in and sign an affidavit in form 'A' before the Indian Consular officer.(3)Where the Indian Consular Officer is satisfied that, on account of illness or other sufficient cause, a distressed seaman is not able to write the application or present it in person, the Indian Consular Officer may accept an application made by any other person on behalf of the distressed seaman.

4. Duty to arrange for relief.

- The Indian Consular Officer if he is satisfied that the applicant is distressed seaman who is entitled to relief and maintenance under the Act, shall take steps to arrange for his relief and maintenance in accordance with these rules.

5. Finding employment.

(1)If he is satisfied by medical certificate or otherwise that the distressed seaman is fit for work, the Indian consular officer shall, wherever possible, find an employment for the distressed seaman in the same or similar capacity to that which the seaman was holding in his previous ship.(2)If a seaman, to whom an offer of employment to the nature referred to in subrule (1) is made refuse to take up the employment, he shall cease to be entitled to any relief or maintenance from the date of such refusal.

6. Relief and maintenance till repatriation or employment.

(1)distressed seaman shall be given relief and maintenance till arrangement are made for his return to the proper return port or till a suitable employment is found for him.(2)Such relief and maintenance shall consist of-(a)Maintenance,(b)essential clothing and bedding which shall as far as possible be of the quality to which he is accustomed, and(c)where necessary, medical care and reasonable medical expenses.(3)It shall be the duty of the Indian Consular Officer to see that the expenses on account of the relief and maintenance of a distressed seaman is kept at the minimum;in no case money payment shall be made to the distressed seaman.

7. Period of relief.

- Subject to the provisions of these rules, a distressed seaman shall receive relief for so long as the Indian Consular Officer considers it necessary; and in every case in which relief is given beyond a period of one month, such officer shall report the circumstance of the case to the Director-General.

8. Shipwrecked Seamen.

- In cases of shipwreck, the Indian Consular Officer shall afford relief and maintenance to a seaman only from such time as he causes to be employed to look after the ship's properly and cargo, or for salvage purpose, even though the seaman has applied for relief while he is still employed on such

duties.

9. Discharged Seaman.

(1)The Master of a ship who desires to deposit the expenses for the maintenance and repatriation of a discharged seaman referred in sub-section (3) of section 162 of the Act, shall deposit the expenses with the Indian Consular Officer by whose authority such seaman was discharged.(2)The Indian Consular Officer may, at his discretion, return such seaman to the proper return port in accordance with the provision of these rules.

10. Repatriation of distressed Seamen

- When an Indian Consular Officer is unable to place a distressed seaman on board an Indian ship is want of men to make up its complement, he shall, at his discretion, send such seaman to his proper return port or to a port en route to such port as early as possible, by any other of the modes referred to in sub-section (2) of section 162 of the Act.

11. Conveyance by foreign ship.

- Whenever no Indian ship is available in which a distressed seaman can be sent either to a proper return port or to a port en route thereto, the Indian Consular Officer may, if he considers it desirable, secure a passage for him in a foreign ship on the best terms obtainable and shall advise the Shipping Master at the proper return port or the Indian Consular Officer at an intermediate port, as the case may be, of the terms agreed upon.

12. Return Port to be specified.

- The Indian Consular Officer, having determined the return port to which a distressed seaman is entitled to be sent, shall indicate that port on any document issued by him for the conveyance of the seaman to such port or nay port or place en route to the proper return port.

13. Action of Indian Consular Officer at places en route.

- When a distressed seaman is landed at a port or place en route to his proper return port, the Indian Consular Officer at that port of place shall take similar action in respect of the seaman as could have been taken by the Indian Consular Officer at the port or place at which the seaman was originally in distress.

14. Endorsement on the Agreement with the Crew and Issue of Conveyance Order.

(1)The endorsement on the agreement with the crew mentioned in sub-section (1) of section 164 of the Act shall be in one of the following forms :-(a)When the seaman is placed on board on Indian

ship to make up the complement of her crew :-"I hereby certify that I have sanctioned the engagement of the within-mentioned seaman/seamen entered on the lines _____ upon the terms mentioned in the within mentioned agreement and that he has/they have signed fully undersigned the same".(b)When the seaman is not employed as a member of the crew but is afford a passage on an Indian ship in accordance with the provisions of section 163 of the act :-"Certifies that I have this day placed on board this ship Shri _____ ex S.S./MS _____ as a Distressed Seaman for conveyance to _____. The requisite Conveyance Order has been handed over to the Master".(2)When a seaman is placed on board an Indian ship in accordance with the provisions of rule 10, the Indian Consular Officer shall fill in, sign and deliver to the Master of such ship, a Conveyance Order in form 'B' showing the report to which the seaman is entitled to be sent.(3)Whenever it becomes necessary to send a distressed seaman to his proper return port or to any other port or place by a mode other than the one mentioned in sub-rule (2) of this rule (i.e. by road, rail, air or by sea as a passenger on a foreign ship), the Indian Consular Officer shall hand over to the seaman, form 'C' duly filled in and signed.

15. Rates of Passage.

(1)On arrival at the port to which a seaman has been conveyed, the Master of the conveying ship shall produce the Conveyance Order to the Indian Consular Officer at the port, if the port is a foreign one, or to the Shipping Master if it is an Indian port, after duly filling in and signing Part 3 thereof.(2)The Master of the conveying ship shall be paid by such officer at the rate prescribed in Schedule II in respect of the subsistence of every distressed seaman conveyed by his exceeding the number, if any, wanted to make up the complement of his crew, unless the officer, has reason to doubt the correctness of the Declaration or of any of the particulars in form 'B'. In case of doubt, the payment shall be deferred and the matter reported to the Director-General of Shipping for orders.

16. Rescued Seaman.

(1)Masters of ship and tindals of sailing vessels who have rescued or picked up seaman at sea shall on arrival at port and on application made in writing, to the Shipping Master or in a foreign port, to the Indian Consular Officer, be entitled to be paid by the Shipping Master or the Indian Consular Officer, as the case may be, subsistence in respect of such seamen.(2)The application referred to in sub-rule (1) shall state the number of days during which each distressed seaman received subsistence on the rescuing vessel.

17. Seaman mentally deranged.

(1)In order to provide for the passage to the proper return port of a distressed seaman suffering from mental derangement, the Indian Consular Officer may, with the object of ensuring that requisite care and attendance is given to the seaman during the voyage, make special arrangements with the Master of the ship and may agree to the payment, if necessary, of such sum as may appear fair and reasonable for the passage in addition to the prescribed allowance.(2)A copy of the agreement entered into by the Indian Consular Officer shall in every case, be forwarded, as soon as possible, to the Shipping Master at the port at which the distressed seaman was originally engaged.

If such seaman is sent to an intermediate port in transit, a copy of the agreement shall also be endorsed to the Indian consular Officer or Shipping Master at that port as the case may be.(3)On arrival at the port to which the distressed seaman has been conveyed, the Shipping Master, or the Indian Consular Officer, as the case may be, shall pay to the Master of the ship, in addition to the sum provided for in rule 15, such additional charges as have been agreed to by the Indian Consular Officer at the port from which the seaman was shipped.

18. Seaman at infected ports.

(1)Notwithstanding anything contained in rule 10, no distressed seaman who has suffered from cholera, yellow fever, plague or some other infectious disease, or who is at a port infected at the time with any such disease, shall be sent to any port or place, whether such port or place be similarly infected or not, without the Indian Consular Officer obtaining a certificate from a duly qualified medical practitioner that the seaman is not a source of danger to others.(2)The certificate referred to in sub-rule(1) shall state the nature of the disease from which the distressed seaman had suffered from which infected the port and shall be delivered by the Indian Consular Officer to the Master of the Conveying ship for production, if necessary, to the Health authorities at ports of call. Such certificate shall be retained by the Master until the distressed seaman is landed at his proper return port or a port en route. In the latter case, the certificate shall be handed over to the Indian Consular Officer at a foreign port or the Shipping Master at a port in India along with the Conveyance Order.

19. Recovery of Expenses.

(1)When a distressed seaman is landed at his proper return port, the shipping Master at that port shall, after complying with the provisions of rule 15, determine what portion, if any, of the expenses incurred on behalf of such seaman could be deemed to be "excepted expenses" as defined in clause (b) of sub-section (36) of section 3 of the Act.(2)All repatriation expenses, inclusive of excepted expenses, which constitute a debt to the Central Government, shall be recovered by the Shipping Master referred to sub-rule (1) from the owner or agent of the ship to which the seaman belonged at the time of his discharge or other event which resulted in his becoming distressed, unless the Shipping Master deducts such sum directly from the seaman's wages which have been deposited with him in accordance with section 122 (3) of the Act.

20. Recovery from wages.

(1)The owner or agent of the ship mentioned in the foregoing rule, if he is desirous of recovering the excepted expenses from the wages of the distressed seaman shall furnish the Shipping Master with an account of the expenses, together with such vouchers as may be reasonably required, and the Shipping Master shall, if he is satisfied as to the correctness of the claim, deduct the amount from the wages.(2)All deductions from a seaman's wages shall be subject to the provisions of section 201 of the Act.

21. Credit to Government.

- All repatriation expense which constitute a debt to the Central Government and which are recovered by the Shipping Master shall be credit to the appropriate head of account.

22. Evidence of distress.

- The Shipping Master to whom a Conveyance Order in respect of a distressed seaman is delivered shall be deemed to be an officer specified by the Central Government for the propose of section 165 of the Act and he may, on the strength of such order, issue a certificate to the effect that the seaman was in distress.

23. Returns.

(1)As soon as possible after a distressed seaman is sent from his port, the Indian Consular Officer shall send to the Director-General returns of expenses in forms 'D' and 'E'.(2)When an Indian Consular Officer receives form 'C' in respect of any distressed seaman, such form shall also be sent to the Director-General along with the forms referred to in sub-rule (1).Issued by the Government of India

I

Form 'A'[See rule 3(2)]AffidavitI, the undersigned late of the Ship
of Official Number temporary resident
at..... do solemnly and sincerely declare as follows :-*(1) That I belong to the State of
..... and that I was born at.....in the year(2)That I was
shipped on my last voyage aton the day
of.....19.....and served on board until the..... day
of..... 19.....when my services ended owing to..... [The
ground for my discharge/desertion was.....].(3)That I have since been
employed as.....at.....but am now in distress owing toand am
desirous of returning to(4)That my last address in India
was..... where resided from..... 19..... to.....
19.....(5)Name of relative or friend.....
Address.....And I make this solemn declaration
conscientiously believing the same to be true.Signature or L.T.I. of Seaman.....Declared
before me atthe day of19.....Name and Title Officer
.....19*Number of Discharge Book or Registration Book produced by
seaman.....Description of any other documents produced in support of
identity.....Names of Ships in which seaman had previously
servedForm 'B'[see rule 14(2)]Conveyance Order

Govt. of India ORDER FOR THE CONVEYANCE OF A DISTRESSED SEAMAN
Seal Merchant Shipping Act, 1958 (Sec. 162 and 163)
PART 1. Order to Master of Conveying Ship.

For use at the Shipping Office
No. Year

To the Master of Ship Official No. Port of Registry

..... Pursuant to the Merchant Shipping Act, 1958 (44 of 1958) Section 163, you are hereby required to receive on board your ship and convey to the seaman named below : For his subsistence if Supernumerary over and above the complement of the crew you will be paid at the rate prescribed by the Government of India on complying with the requirements mentioned herein.

Name of Seaman	Rank/ Rating and Continuous Discharge Certificate No.	Name, Official No. Port of Registry of last Ship
		Nationality, if foreign

(Full particulars of Seaman's last voyage to be entered on Page 2) Dated at this day of 19 Seal

..... Signature Title An endorsement as to the conveyance should be made on the Agreement with the crew of the conveying ship and the seaman's proper return port should be stated. The seaman's effect and Discharge Book should accompany him. Important Information For Master Of Conveying Ship Entries should be made in the Official Log Book of the receipt on board of the distressed seaman and of any medical attention or comforts given of his disembarkation. If the seaman is transferred to any other ship, the particulars, with the date of transfer and the Ship's name, must be entered at the time of the transfer in the Official Log Book of both ships. On arrival at the port to which the seaman is ordered to be conveyed, the Master shall arrange for him to be taken to the Shipping Office if in India, or to the India Consular Officer abroad. Responsibility for the payment of the claim will not be accepted unless the Seaman is produced or adequate reasons furnished to show why this cannot be done. When the Master appears before the Shipping Master or other Officer he must make the declaration overleaf.

A SEPARATE FORM TO BE USED FOR EACH SEAMAN.

The conveyance rates allowed by the Government of India are :-

1. For the conveyance of certificated officers when diet and accommodation is superior or that usually afforded to distressed seaman are furnished

Per day
Rs.

7

2. For the conveyance of other members of the crew when afforded the seaman diet as European seaman

5

3. For conveyance of other members of the crew on Indian or similar diet

3

4. For extra diet

1

(in addition to above).

Part 2 – . Particulars of the Seaman's last voyage, to be completed by the Officer who issues the order.

It is most important that the undermentioned particulars of the seaman's 1st voyage should be correct as they form the basis of settlement with the seaman when landed.

WHERE SHIPPED NAME, PORT OF REGISTRY AND OFFICIAL NO. OF SHIP SEAMAN'S PROPER RETURN PORT, i.e., final Port of designation as agreed by him (Sec. 3)(33) M.S. Act, 1958

WHERE DISCHARGED OR LEFT BEHIND CAUSE OF LEAVING SHIP, WAS SEAMAN DISCHARGED WITH OFFICIAL SANCTION ?

e.g., (1) Illness or injury (2) Imprisonment. (3) Termination of agreement. (4) Mutual consent. (5) Other cause : to be specified.

Particulars of Expenses incurred

Date	Place	Expense incurred	Purpose	Remarks	Officer's Signature.....
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Part 3 – . Declaration to be made by the Master of the conveying ship before the Shipping Master or Indian Consular Officer at the port to which the Seaman is conveyed.

Complement of Crew	No. of crew while the Distressed seamen was being conveyed	Date when subsistence commenced	If landed where? If not landed cause to be stated	Date when landed or otherwise disposed of	No. of days subsisted
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I Master of the Ship Official No. do solemnly and sincerely declare that the Seaman above referred to was maintained by me for the period stated during the whole of which time I had my full complement of men (excepting) exclusive of the aforesaid Seaman, and that the above statements are correct. Date Master's Signature

Claim For Medical Attendance And Extra Diet, If Any This form is now to be delivered by the Master of the Ship to the Shipping Master or the Indian Consular Officer who will examine it carefully making reference to the Ship's papers and inquires of the Seaman conveyed. If the Officer thinks that there is any reason to doubt, the correctness of the above Declaration, or any of the particulars given on this form, he will refuse payment, and report the matter to the Director-General of Shipping, Bombay, with full explanation of his reason for so refusing. If there is no reason to doubt the correctness of the particulars given by the Master and the claim is in order, he will then calculate the amount to be paid according to his instructions, and pay the same to the Master, first filling up the certificate below.

Part 4 – . Certificate of the Shipping Master or the Indian Consular Office at the Port where the Seaman is landed.

No. of days maintained Rate per day Amount I CERTIFY that the above declaration was made before me and that the amount of the margin is due for the conveyance of the above named seaman. Date at this day of 19.....

Medical Attendance, extra diet, etc. Signature of Shipping Master or Indian Consular Officer.....

Part 5

Receipt of Master for Conveyance. Received the sum of :- Rupees
..... Date Signature of Master

Part 6 – . - Particulars of expenses incurred by the Shipping Master at the port in India at which a Seaman is landed but which is not his proper return port.

Return Port expenses : Rail Fare to.....	Subsistence.....	I declare that I am proceeding to: (Address).....
Total		I acknowledge receipt of : Rail Fare..... Subsistence..... : Rupees..... Signature or L.T.I. Of Seaman
Summary Of Expenses Rs. nP.		

1. Conveyance expenses

2. Medical Attendance, etc.

3. Return Port expenses

(a) Rail Fare (b) Subsistence (c) Boarding Total Claims For Medical Attendance And Extra Diet In special cases where in the opinion of the Medical Officer, the health of a Seaman conveyed under this Order demands Medical Attendance, extra diet or, in exceptional cases, wines, entries should be made in the Official Log Book of the Days on which such attendance etc. was given and signed by the Master and the Medical Officer who should complete the form below in order to obtain the allowance for such attendance, extra diet, etc.

NATURE OF ILLNESS	Dates upon which Medical Attendance or Extra Dict. Or both were given	No. of Days	Wines and Spirituous Liquours supplied	Total Amount	Date
	Medical Attendance	Extra Diet		Description	Price

Certified in accordance with Official Log Book.....Master.....Medical Officer. I hereby acknowledge having received the Medical Attendance, etc. stated herein. Signature of SeamanForm 'C'[See rule 14(3)]Port of For use at Shipping Office. No. Accounts Of Expenses Notes. - 1. This form should be used in the case of a Seaman sent to another port or place when for any reason a Conveyance Order is not issued, and the passage or travelling expenses have been prepaid or otherwise provided for. It should not be used in case where a conveyance Order. Form 'B'. is issued.

2. This form is to be placed in a sealed envelop and handed to the Seaman to be delivered to the Officer named hereunder. The Seaman should be cautioned that if the letter is tampered with in any way, payment of balance of wages due to him may be delayed.

Toat the Port ofI have this day sent the Seaman named below to your place. (1) in search of employment..... (2) for hospital treatment (3) for conveyance to (4) in the following circumstances viz..... Delete lines not place en route applicable Note-If any Indian Consular Officer at any place en route assists the seaman he should state overleaf the expense incurred. Date Signature and Title of Officer

Name of seaman	Continuous Discharge Certificate No.	Name, Official No and Port of Registry of Ship in which he last served
Date of Birth	Rank or Rating	Address on Agreement with Crew

Particulars of expenses incurred

Date	Expense incurred	Purpose	Remarks Officer's Signature.....
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Note for the guidance of the officer at the place to which the seaman is sent. If the distressed seaman is sent home under Conveyance Order (Form 'B'), the amount of expenses incurred as enter overleaf should be entered in the column provided on the Order. This form should be sent to the Director-General of Shipping, Bombay, together with Form 'D' and 'E'. Shipped at Left at on Cause of

discharge or distressWhether discharged with official sanction
If illness, hurt or injury, state nature, and
whether due to seaman's own wilfulact, default or
 misbehavior.....Proper return PortMode of conveyance
Particulars of expenses, if any, incurred while seaman is en route.
 Date Place Expense incurred Purpose Remarks

Officer's Signature.....

Form 'D'[See rule 23(1)]Expenses Incurred In Respect Of Distressed Seamen By Indian Consular Officer

Reference No. of relevant Form 'B'	Name of seaman	Name of ship to which he belonged at time of discharge for other event resulting in seaman becoming distressed	Place of Discharge	Cause of Discharge	Expenses Incurred	Remark
1	2	3	4	5	6	7

Form 'E'[See rule 23(1)]Details of expenses incurred by the Indian Consular Officer at.....in respect ofof the.....O.N..... ofParticulars of Expenses at.....
 Date Currency Rupees

19 SUBSISTENCE ON PASSAGE

PER.....to.....HOSPITAL to.....days@.....P

HIRE, PORTERAGE, ETC. MEDICAL ATTENDANCE CONVEYANCE TO PROPER

RETURN PORT (.....) SUBSISTENCE ON JOURNEY

PORTERAGE (At the exchange of per) Total

Date.....19.....Indian Consular Officer.

II

[See rule 15(2)] Rates per diem of payment for the subsistence and passage of distressed seaman who are sent on board and Indian ship and are in excess of the number wanted to make up the complement of the crew or who are rescued at sea by Indian vessels.

	For steam or motor ships Rs.	For sailing vessels Rs.
1. For the conveyance of certified officers, when diet and accommodation is superior to that usually afforded to distressed seamen are furnished	7	5
2. For the conveyance of other members of the crew when afforded the same diet as European seamen	5	4
3. For the conveyance of other members of the crew on Indian or similar	3	2

diet

4. For extra diet

1

(In addition
to above)

NOTE - In the case of medicines, etc. the amount may be paid after verifying the details of expenses furnished by the Master and scrutinising the entries in Official Log Book, etc.