

## International convention for the safety of life at sea, 1948

UNION OF INDIA

India

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### Rule

### INTERNATIONAL-CONVENTION-FOR-THE-SAFETY-OF-LIFE-AT-SEA-1948

- Published on 19 November 1952
- Commenced on 19 November 1952
- [This is the version of this document from 19 November 1952.]
- [Note: The original publication document is not available and this content could not be verified.]

International convention for the safety of life at sea, 1948(Ratified by the Government of India, 19th November, 1952)Supplementary requirements as to entries in official logs of passenger shipsThe above convention requires that the following entries shall be made in the official log book of any sea-going passenger ships registered in India :-Time of opening and closing of watertight doors, etc.

#### 1.

A record of the time of opening and closing:-(1)Any watertight door operated by power which is fitted between bunkers in between the decks below the bulkhead deck [see Notes (a) and (g)].(2)Any hinged watertight door in a main transverse bulkhead dividing cargo between deck spaces, if the sill of the door is below the margin line [see Notes (b) and (h)].(3)Any side-scuttles whose sills are below the margin line and which will not be accessible while the steamer is at sea, together with their dead lights [see Notes (b) and (h)].(4)Any gangway, cargo and coal ports, the sills of which are below the margin line [see Notes (b) and (h)].(5)Any portable plate closing any opening in a bulkhead, being an opening which is wholly or partly below the margin line [see Notes (c) and (h)].(6)All side-scuttles in any between deck space wherein the sill of any side-scuttle which can be opened in below a line situated a certain distance above the water at the time when the steamer proceeds to sea [see Note (d)].Practices of opening and closing of watertight doors

#### 2.

A record of every occasion on which the opening and closing of the watertight doors and other contrivances specified below is practised [see Note (e)].(1)Watertight doors in main transverse bulkheads.(2)The side-scuttles and dead lights referred to in (3) above.(3)The side-scuttles referred

to in 1(6) above.(4)The covers and valves of ash shoots, rubbish shoots and other similar contrivances having their inboard opening below the margin line [see Note (h)].(5)The closing mechanism, of all scuppers having their inboard opening below the margin line [see Note (h)].Inspection of watertight doors, etc.

### 3.

A record of every occasion on which the watertight doors and other contrivances specified below are inspected [see Note (f)].(1)All watertight doors in main transverse bulkheads and the mechanism and indicators connected therewith.(2)Every valve, the closing of which is necessary to make a compartment watertight [including valves fitted to watertight bulkheads and flats, as well as the valves referred to in 11(4) and other valves fitted to the ship's side below the margin line].NotesOpening and closing of doors, side-scuttles, etc.(a)The doors as mentioned in paragraph I above are to be kept closed while the steamer is at sea, except so far as it is necessary to open them for the working of the steamer; when open they are to be kept ready to be closed forthwith.(b)The doors, side-scuttles and ports mentioned in paragraphs 1(2), (3) and (4) above are to be securely closed so as to be watertight before the steamer proceeds to sea, and shall always be kept closed while the steamer is at sea.(c)The portable plates mentioned in paragraph 1(5) above shall be in place before the steamer proceeds to sea, and shall not be removed at sea except in case of urgent necessity. In replacing any such plate, all reasonable precautions shall be taken to ensure that the joints are watertight.(d)The line referred to in paragraph 1(6) above is an imaginary line drawn on the side of the steamer parallel to the bulkhead deck [defined in Note (g)] and having its lowest point 2-1/2 percent of the breadth of the ship plus 4Vi feet (or plus 3Vi feet in the tropical zone or in a seasonal tropical area during the appropriate tropical period as defined in the Load Line Rules) above the water when the steamer proceeds to sea.All side-scuttles in any between deck space in which the sill of any side-scuttle of the opening type is below the line so defined must be securely closed so as to be watertight and must be locked before the steamer goes to sea, and must be kept closed and locked so long as the steamer remains at a draught at which the sill of any such side scuttle is below the line so defined.Practices(e)Subject to what is stated in the foregoing Notes as to keeping certain doors and other contrivances closed at sea, the opening and closing of the contrivance mentioned in paragraph II above is to be practised once a week and also before the steamer proceeds to sea on any voyage which is likely to last more than a week, and the opening and closing of hinged or power-operated watertight doors which are in use is to be practised daily while the steamer is at sea.Inspections(f)All the contrivances mentioned in paragraph III above are to be inspected at least once a week.Definitions(g)The bulkhead deck is the uppermost deck up to which the transverse watertight bulkheads are carried.(h)The margin line is a line drawn parallel to the bulkhead deck at side and 3 inches below the upper surface of that deck at side.(j)In order to simplify and shorten the entries in the Log-Book, it may be found convenient to refer to each particular door or other contrivance in the ship by a symbol or a number, are if this is done, the symbols or numbers should be detailed on page 1 of this Log-Book, together with the particulars of the contrivance to which each symbol or number refers.Instructions To MastersI. Agreements

**1. Every erasure, interlineation or alteration in this Agreement (except additions made for the purpose of shipping substitutes or persons engaged subsequent to the first departure of the ship) shall be wholly inoperative, unless proved to have been made with the consent of all persons interested in such erasure, interlineation or alteration by the written attestation, if made in [India] [Sic should read as 'our of'], of Shipping Master or Customs Collector or, if made of India, with the consent of an Indian Consular Officer.**

**2. To enable the Crew to know the contents of the Agreement the Master, at the commencement of the voyage, is bound under a penalty of fifty rupees to have a legible copy (omitting the signatures) posted up at a conspicuous place in the ship which is accessible to the Crew.**

## II. Young persons and children

**3. The Agreement with the crew must include a list of all young persons under the age of 18 years who are Members of the Crew together with particulars of the dates of their Birth [(see page.....)] [Sic. perhaps refers to rule 5 at p. 412, supra.]The employment of children under the age of 15 years is prohibited.**

## III. Engagement of Crews and Seamen in India

**4. The Master of every foreign-going ship engaging a crew at a port in India, shall do so in the presence of a Shipping Master.**

**5. Before the engagement of the Crew is proceeded with, the Master must-**

(a)Produce the Certificate of Competency for himself, his Mates, and his Engineers and Radio Officer, and(b)Produce the apprentices destined for the voyage together with their indentures.(c)Produce the load line certificate and insert in the Agreement the particulars as to the positions of the deck line and load lines specified in the certificate.

**6. Upon the Master complying with the above-mentioned Regulations the Shipping Master will, when the engagement of the Crew has been completed, give him a certificate for clearance outwards.**

**7. The Master of every foreign-going ship, the Crew of which has been engaged before a Shipping Master, shall before finally leaving the port where the engagement took place, sign and send to the nearest Shipping Master, a full and accurate statement in the form sanctioned by the Government of India of every change which has taken place in his crew and in default shall for each offence incur a penalty not exceeding fifty rupees. Such a statement shall be admissible in evidence.**

**8. In the case of substitutes engaged in the place of Seamen who have duly signed the Agreement and whose services are within twenty-four hours of the ship's putting to sea lost by death, desertion or other unforeseen cause, the engagement shall, if practicable, be made before a Shipping Master, and whenever such engagement cannot be so made, the Master shall, before the ship puts to sea, if practicable, and, if not, as soon afterwards as possible cause the Agreement to be read over and explained to the substitutes, who shall thereupon sign the same in the presence of a witness, who shall attest their signatures.**

**9. When a substitute is engaged as aforesaid, the Master shall, before engaging him, ensure that such Seaman is in possession of a valid Medical Certificate and, if there is in existence at that port a seamen's Employment Office, that he is duly registered at that office.**

**10. Carrying any Seaman to sea without entering into an Agreement subjects the Master to a penalty of one hundred rupees for each Seaman.**

#### **IV. Engagement of Crews & Seamen abroad**

**11. When the Master of an Indian ship engages a Seaman at any port outside India, he shall, before carrying the Seaman to sea, procure the sanction of the Indian Consular Officer, if any at that port and shall, if not contrary to any law in force at that port, engage the Seaman before that Officer. The Master shall request the Indian Consular Officer to endorse upon the Agreement an attestation to the effect that it has been signed in his presence and otherwise made as required by the Merchant Shipping Act, 1958, and that it has his sanction; if such attestation is not made, the burden of proving that the engagement was made as required by the above-mentioned Act shall lie upon the Master. If the above provisions are not complied with, the Master**

**shall be liable for each offence to a fine which may extend to one hundred rupees.**

**12. Where a Seaman is transferred under this Agreement from one ship to another, the Master of the ship from which the Seaman is transferred shall, as soon as practicable, transmit to the Master of the other ship, along with the Seaman, all documents in his possession relating to the Seaman.**

**V. Premature discharge or leaving behind**

**13. The Master of a ship shall not discharge a Seaman before the expiration of the period for which he was engaged, unless the Seaman consents to his discharge, or except in circumstances beyond his control, leave the Seaman behind without the authority of a Shipping Master or an Indian Consular Officer and shall obtain endorsed on the Agreement with the Crew, the certificate of such Officer stating that he has granted his authority and also the reason for the Seaman being discharged or left behind; the presence or absence of this certificate will largely determine the owner's liability for the expenses incurred should the Seaman fall in distress.**

**VI. Advances**

**14. When advances are made to Members of the Crew during the voyage the actual amounts advanced, together with the equivalent in Indian Currency and rate of exchange, should always be recorded and entered in the account of wages. The rate of exchange should be that current at the time and place of paying the advance, as endorsed on the Articles of Agreement by the Indian Consular Officer at the port. To avoid disputes, Masters are requested to obtain the signature/thumb print from each individual Seaman for each advance of money or tobacco. Cash advances are to be handed over to each Seaman personally.**

**VII. Death of Seaman or Apprentice on Board**

**15. Whenever a Seaman or Apprentice engaged on a ship, (the voyage of which is to terminate in India), dies during such voyage, the Master shall report the death by cable or radio message to the next-of-kin of the Seaman or Apprentice and to the Shipping Master at the port of engagement and shall**

**take charge of the money and effects of the Seaman or Apprentice which are on board, and shall enter in the Official Log-Book a statement of the money and a description of the effects left by the deceased.**

**16. The Master shall, if the ship before coming to India, touches and remains for forty-eight hours at some port elsewhere, report the death of the Seaman or Apprentice to the Indian Consular Officer at that port and if required, shall hand over the property of the deceased to that officer. Thereupon he shall obtain, endorsed on the Agreement, a certificate from that Officer stating that he has received the property of the deceased seaman or Apprentice.**

**17. Within forty-eight hours of the Ship's arrival at her final port of destination, in India or upon the discharge of the Crew, whichever first happens, the Master should deliver to the Shipping Master the Agreement, and the Official Log Book, an account of the wages and effects of any Seaman or Apprentice who has died on board during the voyage, whether he formed part of the Crew or not, any effects and the balance of wages or other moneys belonging to any such Seaman or Apprentice. The Master should also deliver to the Shipping Master Certificate (Masters Mates' Engineers or Radio Officers') of any Officer who has died or deserted during the voyage. The Shipping Master will then give a Certificate for the purpose of clearance inwards.**

**18. If the Master fails to take charge of the money or effects of a Seaman or Apprentice dying during a voyage or to make proper entries in respect thereof in the Official Log-Book, or to make such payment or delivery or to give such account as hereinbefore stated, he shall be accountable for the money, wages and effects of the Seaman or Apprentice to the Shipping Master as aforesaid, and shall pay and deliver the same accordingly. Such Master shall in addition incur a penalty which may extend to three times the value of the property not accounted for or if such value is not ascertained, to five hundred rupees, but such penalty shall not affect the Master's liability to account for the property not accounted for. All money, wages and effects of any Seaman or Apprentice dying during the voyage shall be recoverable in the same Court and in the same manner in which wages of Seamen may be recovered under the Merchant Shipping Act, 1958.**

VIII. Discharge of Seamen and payment of wages

**19. The Crew of every foreign-going ship, if discharged in India, must be discharged and paid their wages in the presence of a Shipping Master. A contravention of this provision renders the Master or Owner liable to fine which may extend to one hundred rupees.**

**20. The Master shall give every seaman (or leave with the Shipping Master on his behalf), an account; in the form prescribed, of his wages and of all deductions to be made therefrom, at least twenty-four hours before the time of payment or discharge, under a penalty of fifty rupees for non-compliance. Deductions for fines, forfeitures, etc., which are sought to be made in this account must be proved by proper entries made in the Official Log Book.**

**21. Upon paying off or discharging any Seaman, the Master is bound, under a penalty which may extend to two hundred rupees, to give the seaman a Certificate of Discharge and to return to any certificated Officer upon his discharge Certificate of Competency or Service.**

**22. Upon such paying off or discharge of any Seaman, the Master is required to enter in the Official Log Book a statement of character for ability and general conduct or a statement that he declines to give an opinion on such particulars. In the latter case, the reason for so declining shall also be recorded.**

**23. Upon payment of wages being effected the Officer before whom seamen are discharged will require the seamen to sign in his presence a release from all claims in respect of the voyage just finished, subject to the right of any member of the Crew to except from the release signed by him any specified claim or demand in accordance with the provisions of Section 130 of the Merchant Shipping Act, 1958 [(See page.....columns 22 to 24)] [Sic. perhaps refers to rule 8 at p. 412, supra.]**

[Min. of Transport and Communications No. 3-ML(13)/62.]