

Minutes of the 7th Electronic meeting of National Shipping Board held on 22nd June, 2020 at 1430 Hrs.

Attendees:

Dr. Malini Shankar, Chairperson NSB
Shri Abdulgani Serang-NUSI
Shri Amar Singh Thakur-MUI
Shri Anil Devli- INSA
Shri Aditya Suklikar- ICCSA
Shri Rahul Modi- CCTA
Shri Shantanu Bhadkamkar-AMTOI
Capt Piyush Sinha
Shri A. Balasubramanian
Shri Ishwar Achanta
Capt. Sankar Kr. Das
Shri Kshetra Nath Milli
Shri Pradeep Chhabra; Ministry of Shipping, Special invitee

Granting leave of absence: -

Leave of absence was granted to Capt Sanjay Prashar, Shri Ajay Sahai, FIEO and Shri Satinder Pal Singh, JS Shipping. Shri Kumar Sanjay Bariar, Additional DG who represents the Director General of Shipping, could not attend the meeting.

The Chairperson welcomed all members to the 7th meeting of NSB.

2.0 The Chairperson invited Shri Balasubramanian to make his presentation since the agenda of this meeting was to review the report of the Committee created to look at the comments and feedback received from the stakeholder/Board members in respect of the proposed Merchant Shipping Bill 2016.

Shri Balasubramanian thanked all the members of the Committee for all their efforts in collating the recommendations and the various extensive deliberation the team had before putting up the presentation to the Board. Shri Balasubramanian specially thanked Shri Devli for hosting the 'request

for stakeholders' comments on INSA website and collating the recommendations that were received and other assistance.

All recommendations received were bifurcated under various heads just for ease in presentation. The said presentation was also circulated to the members.

2.1 Shri Balasubramanian took the board through each slide and gave a detailed explanation on each of the item presented. Each issue was discussed in detail and the Chair after hearing all concerned gave directions to Shri Balasubramanian to finalize his report based on the final directions.

The suggestions those were made on some were as follows:-

Slide no	Item	Comments
5	Extending benefit of the Act to Indian crew aboard foreign flag vessels:- Definition of Seafarer under Sec 3 (52) read with Sec 60 instead of relying only on RPS rules for them availing such benefits	The Chair mentioned that the suggestion is good but legally this is workable or not, to be examined.
9	Compensation for the loss of seafarer's effects on premature termination of service by wreck, illness. - Article 69 (1) (a) (ii) (B) In the existing 1958 legislation, it is "not less than three months". This has been changed to "not more than three months basic wages" in the Act. NSB recommends that the earlier words "not less than three months" should be maintained.	The Chair suggested that there should also be an upper limit mentioned and not leave it open ended. She suggested an upper limit of six months to one year. Shri Abdulgani agreed that an upper limit of six months would be appropriate to mention.
14	Sec 3 (18) defines High Court must be amended to include original jurisdiction of High Court also in addition to appellate jurisdiction.	The Chair mentioned that this needs to be clarified further as it is not clear. A proper justification should be mentioned.

14	The Government may be empowered to notify all references to Conventions in the Act include all amendments to the Convention, as soon as they are ratified by India.	The Chair was of the view that it would not be appropriate to say as soon as they are ratified by India. Concurring to the views of the Chair, Shri Balasubramanian said that this would be changed after the same has been passed by the parliament.
15	Closure of Registry under Sec 22:- Registry shall be considered as closed "except so far as relates to any unsatisfied mortgages entered herein".	More details and information was sought on this. Shri Balasubramanian said that he would take a close look into this point and would revert to the Chair.
24	Limits of Liability- Sec 158:- Where provisions of LLMC Convention do not apply, NSB recommends to reckon them in Indian Rupees	After a short debate, Shri Balasubramanian said that he would drop it from the present context.
24	Under the said sub section, pilots are not liable for compensation subject to the provisions therein. It is suggested by NSB to restrict the exemption only to trained pilots.	This matter was debated at length. Shri Achanta after discussions agreed that he was agreeable to not putting this point in the Act but wanted to make a point that merely exempting a pilot does not allow the pilot not being trained properly whether by Port Trust or whether by himself. The Chair then concluded that this issue be flagged independent of the Bill or the Act.
27	Penalties and procedures -Sec 256:-	The Chair was of the view that if this was included and made part of the Rule then there was a possibility that this would not be accepted. Shri Abdulgani therefore suggested that the penalties could be subject to review at regular intervals. The Chair suggested that ideally this should be

		part of the Rules. However, in case this was included in the Act, then it should be recommended that this should be reviewed every three years.
28	Need for Appellate Authority and District Judge	<p>The Chair suggested that following details should be first looked into before recommending anything.</p> <p>a) How long it is taking in the Judicial Magistrate Court. b) What is the average time taken by these two courts</p> <p>c) How many cases of shipping go to the Court?</p> <p>d) Categorize the cases on the basis of the complaint filed by the owner, seafarer or third party.</p> <p>If the above details are found, then it could be recommended which court it should go to.</p> <p>However, since getting the data would take a considerable time, it was concluded that the group should be silent currently on this.</p>

2.2 Upon completion of the presentation, the Chairperson complimented Shri Balasubramanian, his team and all who have contributed to the presentation and expressed that she was very impressed. The points were well presented and concise. The presentation and discussion brought out a lot of clarity with a focused and in depth discussion. The other members of the Board too agreed and complimented the group for a wonderful presentation. Here, Shri Abdulgani pointed out that in Slide No. 4 the wordings in the Presentation made today differed with the discussions the Committee had and that he would like to discuss that separately with Shri Balasubramanian after the meeting. Shri Balasubramanian assured Shri Abdulgani that the notes were corrected basis the suggestions that were received from him but would be happy to look at any corrections, where needed.

The Chair requested Shri Balasubramanian to finalize the report taking the points discussed at the meeting and prepare a report as per table below. This report could then be circulated to the group and the Chairperson for submission to the Ministry.

Section no.	Existing clause	Amendment recommended	Justification for change

She further added that as members of the NSB, all members should continue to collect the data and make recommendations to the Ministry for their consideration and the recommendations should be backed with proper justification and reasons in order to make a robust policy for the industry.

The Chair noted that the meeting continued for more than 4 hours and there was no time to discuss any other matters today.

3.0 Fixing date of the next meeting -

The chair suggested that the 8th meeting of the NSB will be held on Tuesday, the 7th July, 2020 at 1430 hrs. At this meeting, the Chairperson agreed to take up a detailed presentation by the Coastal Shipping Promotion group to the members of NSB and an update by other groups.

There being no other matter to be discussed, the meeting was closed.

Approved

Dr. Malini Shankar
Chairperson

Place: Mumbai
Date: 23/06/2020