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GOVERNMENT OF INDIA  
MINISTRY OF TRANSPORT  
DEPARTMENT OF SURFACE TRANSPORT  
(SHIPPING WING)

NEW DELHI, the 7.1.1987

NOTIFICATION

G. S. R. NO. 21(E) IN exercise of the powers conferred by section 386 read with sub-section (2) of section 365 of the Merchant Shipping Act, 1958 (44 of 1958 ), the Central Government hereby makes the following rules namely :-

1. Short title and commencement :-

(1) These rules may be called the **Merchant Shipping (Payment of Expenses to witnesses) Rules, 1986.**

(2) They shall come into force on the date of their publication in the official Gazette.

2. Definitions - :

In rules, unless the context otherwise requires.....

(1) " Act" means the Merchant Shipping Act, 1958 (44 of 1958)

(2) "court" means a Judicial Magistrate of the first class specially empowered in this behalf by the Central Government and a Metropolitan Magistrate making formal investigations into Shipping casualties under section 361 of the Act.

3. Payment of reasonable expenses to witnesses :-

(1) Where a person is called upon to attend the courts as a witness, he shall be entitled to receive the payment of expenses incurred in attending the court at the following rates :-

(a) If such a person is an employee of the Central or the State Government or any Government undertaking he shall not be paid any travelling or other allowances but a certificate shall be issued to him by the Principal Officer, Mercantile Marine

Department under whose Jurisdiction the investigation or inquiry is being conducted, stating clearly the date and time of his attendance at the court to enable him to claim such allowances from his parent department.

(b) If such a person is a master, mate, engineer or any other seaman employment on board ship whose casualty is being investigated or enquired into by the court, he shall be paid travelling and other allowances as under :-

- (i) If he is a master, mate or engineer, the allowances as are admissible to Group A Officers of the Central Government.
- (ii) If he is a petty officer, allowances as are admissible to Group B Officers of the Central Government and
- (iii) to all other seamen, allowances as are admissible to the Group C Officers of the Central Government.

(c) All other persons who are not covered in any of the above mentioned categories, shall be paid the actual travelling expenses and such other allowances as may be decided by the court (but shall not be same that payable to a witness appearing in his court in a criminal Trial )

(2) In case the person referred to in clause. (b) of sub-rule (i) undertakes journey in a class lower than the class by which he is entitled to travel, the travelling expenses payable to him as a part of the expenses shall be limited to the actual expenses incurred by him.

4. Maintenance of witnesses attendance :-

(1) The Principal Officer, Mercantile Marine Department under whose Jurisdiction the investigation or inquiry is being conducted, shall maintain a record of attendance of all the witnesses at the court and shall arrange to make the payments to the individual witnesses in accordance with clauses (b) and (c) of sub-rule (1) and sub-rule 3.

(2) The expenditure incurred on payment made to the witnesses shall be borne by the concerned Mercantile Marine Department.

( F. NO. SW/5-MSR (1) / 86-MA.)

( D. D. SOOD)

Under Secretary to the Government of India.