

Chapter 22

WAGES

A seaman to whom wages are due has a right of action against the owner, the crew may bring an action in the Admiralty court either in personam against the owner, or in rem against the ship.

The general rule is that any person who has done any work on board a ship can bring an action to obtain what is due to him. The jurisdiction of the court extends to foreign seamen on board foreign ships, but when a foreign ship is sued in rem, notice of the action should be sent to the consul of the country to which the ship belongs.

Section 4 (1) (o) of the Admiralty Act (2017) deals with the above subject claim by a master or member of the crew of a vessel or their heirs and dependents for wages or any sum due out of wages or adjudged to be due which may be recoverable as wages or cost of repatriation or social insurance contribution payable on their behalf or any amount an employer is under an obligation to pay to a person as an employee, whether the obligation arose out of a contract of employment or by operation of a law (including operation of a law of any country) for the time being in force, and includes any claim arising under a manning and crew agreement relating to a vessel, notwithstanding anything contained in the provisions of sections 150 and 151 of the Merchant Shipping Act, 1958.

The claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf, the limitation period for filing of the admiralty suit shall be two years from the date on which the wage, sum, cost of repatriation or social insurance contribution, falls due or becomes payable..

The meaning of the word wages and the times from which they begin to accrue and at which they are payable have to be considered. To fall within the term wages for the purpose of an action in the Admiralty court, the sums sued for must have been earned on board the ship, not necessarily at sea, but in work on the vessel itself, or in duties connected with it.

A maritime lien is extinguished with the destruction of the vessel or property, or laches (undue delay in enforcement), or is discharged by payment or judicial act. A maritime lien would be extinguished when the intention of the owner of the vessel is no longer to deploy the vessel for navigation and the vessel has been imported into India for the purpose of demolition/ ship recycling.

Section 4 (1) (o) of the Admiralty Act (2017) deals with the above subject in maritime claims and under section 9 (1) (a) as a maritime lien shall have priority for claims for wages and other sums due to the master, officers and other members of the vessel's complement in respect of their employment on the vessel, including costs of repatriation and social insurance contributions payable on their behalf.