

# Registration and Employment of Seafarers in India

DGS Order No. 1 of 2001

NO:43(6)/CR/2001

Dated: March 27, 2001

**Sub: Registration & Employment of Seafarers in India - Revised guidelines U/S 456 of the MS Act, 1958.**

1. In consonance with the policy of liberalization adopted by Government of India in early 90s, the seamen, who were registered with the Seamen's Employment Office (hereafter referred to as SEO) at Mumbai and who were on the Company Roster of around 14 Shipping Companies were exempted under Sn 456 (1) of the Merchant Shipping Act, 1958, from the provisions of Rules 27 to 34 (both inclusive), 36, 37, 39 and 40 of the Merchant Shipping (Seamen's Employment Office) Rules, 1986, SE Order No. 32, dated 12th November, 1992, issued by the Director-General of Shipping .
2. Praveen Singh Committee on CDCs:  
Subsequently, Government of India set up the Praveen Singh Committee in the year 1995 to examine the aspects connected with the issue of Continuous Discharge Certificates (hereafter referred to as CDCs) and related matters and that Committee submitted its report in September, 1995 recommending, inter-alia, that the trend, which had commenced in the year 1992, of the SEOs functions being passed on to the employers and the Seafarers' Unions, may be continued further.
3. Liberalization in the Maritime Sector:  
Based on the recommendations of the Praveen Singh Committee, Ministry of Surface Transport vide their letter No. B-11015/45/95-MT dated the 7th February, 1997 issued guidelines for recognition of training institutes in the private sector for ratings and for selection of candidates for pre-sea training in Government/approved training institutes, without any necessity for sponsorship from Shipping Companies. As a result, maritime training sector was opened up and many training institutions have been set up in the private sector, and approved by the Director General of Shipping. The CDCs are issued to those who passed out from these institutes and also fulfill the eligibility criteria regarding age, medical fitness and successful completion of the four mandatory STCW (Standards for Training, Certification and Watchkeeping) courses.

4. Level Playing field & company rosters:

The Shipping Companies were given the freedom to employ any of these trained and qualified seamen without the need to go through any bureaucratic procedure through the Director, SEO, etc., since the maritime training sector and employment of seafarers were left to free market forces, it was necessary that the Government should cease to control the process of employment of seamen on Indian ships. Accordingly, in a meeting held on 7th August, 1997, under the chairmanship of the Director General of Shipping, it was decided to discontinue the system of registration of seamen at the SEOs and instructions issued to the all three SEOs in the country. This was done on the basis of the discussion held in the Ministry of Surface Transport and the guidelines issued thereafter that the Government would move away from the regulation of recruitment for employment of seamen for Indian flag vessels. Any eligible person, after pre-sea training, can obtain CDC and, thereafter, has to look for a job on his own on any Indian or other ship. Similarly, any Indian Shipping Company will have the freedom to select any qualified Indian CDC holder, thus providing the Indian Companies with a level-playing field to compete with foreign shipping companies in recruiting Indian seafarers. In pursuance to such instructions issued by the Director General of Shipping in 1997, many Shipping Companies set up their own Company Rosters by selection of qualified CDC holders from the open market, using their own criteria for selection, and the Government did not exercise any control on such selection.

5. Present position in Mumbai, Kolkata and Chennai:

Presently, the Shipping Companies in Mumbai maintain their Company Rosters and the seamen in the General Roster are not being recruited as a mandatory measure through the SEO by any of the Shipping Companies which have Company Rosters. However, at Kolkata, the Shipping Corporation of India Ltd. and APJ Lines etc. are presently recruiting seamen, it appears, from the Company Roster and the General Roster in the ratio of 75:25 or 60:40 respectively as unofficially decided among themselves. Consequently, at Kolkata, some category of seamen in the General Roster, have to wait for more than five years to be employed on board a ship for being taken on board for a voyage, and on the other hand the Shipping Company has to take a seaman who may not be to their liking in terms of age, experience, etc. the reason being the name comes up by rotation. There are a total of about 3,340 registered seamen at Kolkata and there are only three Shipping Companies operating from Calcutta at present, namely, the Shipping Corporation of India, India Steamship Company Ltd., and APJ Lines. At Chennai, the General Roster is being maintained only in respect of

about 100 seamen for being engaged by the Shipping Corporation of India in respect of lesser number of jobs.

6. Need for National Integration & Unity of Approach:

Within the country, the three Seamen's Employment Offices at Mumbai, Kolkata and Chennai are following different practices, in some respects guided by different Seamen's Employment Orders and there is no uniformity in their functioning. There is a need to treat all Indian seafarers alike and to promulgate orders applicable to all the three SEOs in the country in Mumbai, Kolkata and Chennai, in order to streamline their functioning and bring about uniformity throughout the country. They should also be in conformity with the policy of liberalization being pursued by the Government of India and also to provide legal basis to decisions taken from time to time and practices followed in respect of training and employment in the maritime sector.

7. Registration and employment of seamen further liberalized:

In the light of the foregoing development, the Director-General of Shipping, having taken into careful consideration the process of liberalization already set in motion in 1992, and expanded further in 1997, and being satisfied that the requirement of registration and employment of seamen through the SEO under the provisions of section 95 and 96 of the Merchant Shipping Act, 1958 ought to be dispensed with in the circumstances of the case, is hereby pleased to exercise the powers conferred by clause (1) of section 456 of the Merchant Shipping Act, 1958 on the Central Government, read with Notification issued by Government of India vide S.O. No. 3144 dated 17th December, 1960 delegating the said power to him and to exempt the seamen from going through the SEO and further to prescribe the following revised guidelines for the functioning of the Seamen's Employment Offices, and allied matters relating to the employment in the maritime sector as follows:-

- a. There shall be no more fresh registration of seamen at any of the three SEOs, at Mumbai, Kolkata and Chennai.
- b. Consequently and in amplification of orders issued by the Director General of Shipping in November, 1992 and later in August, 1997, all seamen who are already registered with any of the Seamen's Employment Offices at Mumbai/Kolkata/Chennai and who are on any General Roster or any Company Roster are exempted with immediate effect from the provisions of Rules 27 to 37 (both inclusive), 36, 37, 39, 40 and 45 of the Merchant Shipping (Seamen's Employment Office) Rules, 1986.

- c. The Shipping Companies shall themselves enforce the provisions of all the Rules referred to in paragraph 7 (b) above in respect of the seamen on their company roster. There shall be no need to refer them to either any Disciplinary Sub-Committee or to the Director, Seamen's Employment Office. Cases existing at present in office of any Director, SEO shall also be referred back to the concerned Shipping Company for final disposal.
- d. The promotion shall be carried out, in respect of all the ratings, as and when due, by the respective Shipping Companies in accordance with the Seamen's Employment Order No. 19 dated 21st February, 1972, as amended from time to time. No promotion proposal will be entertained in the Office of any of the three Directors, SEO. Cases existing at present in office of any Director, SEO shall also be referred back to the concerned Shipping Company for final disposal.
- e. Only the cancellation of registration of seamen in accordance with Rule 46 of Merchant Shipping (Seamen's Employment Office) Rules, 1986, will continue to be carried out by the Director, Seamen's Employment Offices at Mumbai, Kolkata and Chennai in respect of all seamen, registered in the General Roster.
- f. The Shipping Companies operating one or only a few ships may still not have opened their own Company Roster and hence might be employing seamen from the General Roster. Every Shipping Company is now free to open its own company roster, as may be found suitable. Likewise, the other Shipping Companies who maintain Company Roster have some times taken recourse to General Roster for the category not available in their company roster. However, since there has been, and now will be, no addition to General Roster, it is necessary for all Shipping Companies to take note of these reforms, adopt necessary recruitment procedures, and like in all other profession, recruit from the open market on merits, without fear or favour. Preference may be given by every Indian Shipping Company to such seamen as would strengthen Indian maritime sector, including as a welfare measure, dependents of seamen who have died or been physically incapacitated while in service.
- g. The reported practice of some shipping companies and employer referring or requiring recruits, on or prior to appointment, to obtain No Objection Certificate by whatsoever name called, under one pretext or other, from external bodies such as any Seamen's Union or organization should be stopped forthwith. The practice of the demand for any remuneration whatever connected with providing a seaman with employment is clear violation of provisions of Sn. 97 of the Merchant Shipping Act, 1958.

- h. It is reiterated that CDCs issued by any of the Shipping Masters in India will have equal validity throughout the country for employment on shipping lines and no distinction shall be made between the CDCs issued by the Shipping Masters at Mumbai, Kolkata or Chennai. Any Indian Shipping Company shall be free to employ any qualified seafarers from the open market in order to give equal opportunity to every seamen and every Shipping Company as well, without being bound by any other barrier or constraint on recruitment.
8. Supersession of previous orders and coming into force:  
This order shall come into force with immediate effect and shall supersede the Seamen's Employment Office Order No. 32 dated 12th November, 1992 as well as any other SE Order or instructions given in the past in respect of any issue mentioned hereinabove

**Sd/-**  
**(D.T. Joseph)**  
**Director General of Shipping**  
**& ex-officio Additional Secretary**  
**Ministry of Shipping,**  
**Government of India**