

Crew Branch Circular 1 of 2007

NO: 33(1)/CR/2000-V

Dated:19th January, 2007

Sub: Submission of information under Clause viii of form III of RPS Rules.

1. In exercise of the powers conferred by sub-section (3) of section 95 of Merchant Shipping Act, 1958 (44 of 1958), the Central Government has promulgated Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005 (RPS Rules) vide notification No. G.S.R. 182(E) dated 18.3.2005. These Rules have been further amended by notification No. G.S.R. 580 dated 14th September, 2005.
2. RPS Rules provide a mechanism for protection of Indian seafarers working on Indian and Foreign flag vessels and the necessary safeguards for their repatriation in the event of their being stranded or during such other exigencies, when the ship owner fails to discharge the duty of repatriating the seafarers to the home port of the seaman.
3. All Registered Recruitment and Placement Services (RPS) providers vide Clause viii of Form-III, submitted upon approval for registration or renewal of registration, have committed to submitting a monthly report to the Director General of Shipping/Seamen's Employment Offices. The Form in which this information is submitted is not specified. In default, all registered RPS providers are submitting information in Form-IV prescribed under Rule 5(1)(h) to all Seamen's Employment Offices to maintain a register on information received from the RPS providers.
4. A review of Form-IV has led to the conclusion that the information maintained by SEOs is needed to monitor the workload of the RPS and broad parameters of their work but is not sufficient to meet the requirements of the M.S. Act 1958 to trace the RPS providers if a person is injured/missing/dies etc. during their contract period on board the ship. It is therefore decided to prescribe a separate Form IIIA

which all RPS providers shall submit every month.

5. It is clarified that subsequent to the requirement of submission of Form-III A, RPS providers are not required to submit the existing Form-IV.

6. Form-III A is being made available "online", w.e.f. 1st February, 07. Therefore, the submission of Form-III A can be rendered by logging in to the website of the Directorate www.dgshipping.com. All registered RPS providers are required to comply with the same and are to obtain user name and passwords by sending an e-mail to kris@dgshipping.com or savita@dgshipping.com latest by 25th January, 07.

7. All SEOs are required to continue to maintain documentation with respect to each RPS providers as required under Clause 5 of RPS Rules.

8. All RPS providers are advised to fill in the required data on Form IIIA "online", on daily or weekly but not later than monthly basis.

9. This issues with the approval of Director General of Shipping & Ex-officio Additional Secretary to Government of India.

Sd/-

(Capt. Harish Khatri)

Dy. Director General of Shipping

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

NOTIFICATION

New Delhi, the 18th March, 2005

G.S.R. 182(E).— In exercise of the powers conferred by sub-section (3) of section 95 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely: -

1. (1) Short title and commencement. -- (1) These Rules may be called the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. Definitions -- In these rules unless the context otherwise requires,
 - (a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958).
 - (b) "advisory board" means the advisory board or other authority constituted by the Central Government under clause (a) of sub-section (3) of section 95 of the Act.
 - (c) "Director" means the Director of the seamen's employment office concerned or any other officer authorised by the Director-General in this behalf.

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2 (d) (d) "Director-General" means the "Director-General of Shipping" appointed under section 7 of the Act.

2 (e) (e) "employer" means any person, who has assumed the responsibility of employing seafarers for himself or for any other person in respect of a ship and who has agreed to take over all such duties and responsibilities.

2 (f) (f) "Form" means a form appended to these rules.

2 (g) (g) "inspecting authority" means any officer subordinate to the Director-General or any other person or body of persons professionally competent to carry out inspection under rule 3 and authorised by the Director-General in this behalf.

2 (h) (h) "licence" means the recruitment and placement service license issued under rule 4

2 (i) (i) "ship owner" means the owner of a ship or any organisation or any person such as manager, agent or bareboat charterer, who or which has assumed the responsibility for operation of the ship from such owner and who or which on assuming such responsibilities had agreed to take over all the duties and responsibilities as such owner.

3. 3.1. Inspection - (1) The inspecting authority shall carry out the inspection of recruitment and placement service so as to ensure that

(a) no fees or other charges for recruitment or for providing employment to seafarers are borne directly or indirectly, in whole or in part, by the seafarer:

Provided that the cost of the requisite medical examination or requisite certificates or passport or visa or continuous discharge certificate shall be borne by the seafarer.

- 3.1(b) (b) the seafarers' personal data is collected, stored, processed, combined and communicated to third parties:

Provided that the right to privacy of the seafarer and the need to protect confidentiality as per general employment practices shall be maintained.

- 3.1(c) (c) the management and staff are adequately trained persons having relevant knowledge of the maritime industry to the extent of the duties assigned.

- 3.1(d) (d) no means, mechanism or list is used with the intention to prevent or deter seafarers from gaining employment.

- 3.1(e) (e) the employment contract or agreement contains a provision to repatriate the seafarer in the event of his being stranded at any place, or transportation of the mortal remains of an expired seafarer:

Provided that the employment contract or agreement shall be in accordance with any law for the time being in force and collective agreements, if any:

Provided further that the seafarer is informed of his rights and duties under the employment contract or agreement prior to placement:

Provided also that the seafarer shall be supplied with a copy of employment contract or agreement and the terms of such contract or agreement shall be explained to him before he signs the same.

- 3.1(f) (f) The provisions relating to prohibition against discrimination contained in section 97A of the Act are not violated.
- 3.1(g) (g) records of all seafarers recruited are maintained.
- 3.1(h) (h) a seafarer recruited or placed is qualified and holds the requisite documents for the job concerned.
- 3.1(i) (i) a proper grievance redressal mechanism is adopted in regard to any complaint made against the recruitment and placement service or against the ship owner:

Provided that any unresolved grievance against the recruitment and placement service or the ship owner shall be brought to the notice of the Director-General or the country to which the ship belongs, as the case may be:

Provided further that any complaint against a recruitment and placement service or a ship owner may be directly referred by the seafarer to the Director-General or the country to which the ship belongs.

- 3.1(j) (j) the seamen's employment office concerned and next of kin of the seafarer is informed of each death or disability of the seafarer within forty-eight hours of such death or disability in Form V/

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3.1.(k) (k) the details of the employer and the ship owner are maintained in respect of each ship.

3.1.(l) (l) an acknowledgement containing the name, address, licence number and its validity is issued to the seafarer on filing an application for placement.

3.1.(m) (m) the responsibility, authority and inter-relation of all the personnel in the recruitment and placement service who manage, perform and verify the work are defined and adequate resources and infrastructure are available to carry out their functions.

3. (2) On completion of an inspection under sub-rule (1), the inspecting authority shall submit a report to the Director within a period of fifteen days:

Provided that the Director-General may permit such inspection authority to submit a report within a further period not exceeding fifteen days.

3. (3) Notwithstanding anything contained in sub-rule (2) or sub-rule (4), the Director-General may require any inspecting authority to submit a report to him directly or cause any other inspections to be done as he deems fit.

3. (4) The Director shall ensure that annual inspections or inspections otherwise required by these rules are carried out by the inspecting authority.

3. (5) The recruitment and placement service shall pay a fee of ten thousand rupees for every inspection under these rules.

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(c) where the inspecting authority is an officer subordinate to the Director-General, the recruitment and placement service shall remit the fee referred to in sub-rule (5) by way of crossed demand draft drawn on a scheduled bank and payable at the seamen's employment office concerned:

Provided that where an inspecting authority is an authority other than an officer subordinate to the Director-General, the fees shall be directly paid to such authority.

4. (1)

4. Recruitment and placement service licence - (1) A recruitment and placement service registered in India may apply for a recruitment and placement licence to the seamen's employment office concerned in Form I:

Provided that the Director shall examine the report of the inspecting authority and issue the licence on authorisation by the Director-General:

Provided further that the Director-General may authorise the Director to issue a licence after any inspection carried out under sub-rule (3) of rule 3.

(2)

- (2) A recruitment and placement service licence and such number of attested copies thereof equal to the number of branch offices of the recruitment and placement service shall be issued in Form-II.

(3)

- (3) An application for licence shall be accompanied by -

4 (3) (a)

(a) a declaration in Form- III;

4 (3) (b)

(b) a fee for twenty thousand rupees drawn in favour of the Director concerned by way of crossed demand draft;

- (c) a copy of the employment contract entered into between the employer and the seafarer;
- (d) a statement of qualification and experience of the management personnel in Form-VIII;
- (e) a copy of the agreement between the recruitment and placement service and the employer or the ship owner as the case may be, along with the original, of the same for verification by the Director;
- (f) such number of bank guarantees as required under sub-rule (12)

4. (4) (4) The contract and the agreement referred to in clause (c) and clause (e) of sub-rule (3) shall make provision for the repatriation of a stranded seafarer, his maintenance and the transportation of the mortal remains of an expired seafarer.

4. (5) (5) A licence shall be issued for a period not exceeding five years.

4. (6) (6) An application for renewal of licence shall be in Form VI and shall be accompanied by-

(a) declaration in Form-III;

(b) a fee for ten thousand rupees in favour of the Director concerned by way of crossed demand draft;

(c) a copy of the employment contract entered into between the employer and the seafarer;

(d) a statement of qualification and experience of the management personnel in Form -VIII;

- (e) a copy of the agreement between the recruitment and placement service and the employer or the ship owner as the case may be, along with the original of the same for verification by the Director;
- (f) such number of bank guarantees as required under sub-rule (12).
- (7) The contract and the agreement referred to in clause (c) and clause (e) of sub-rule (6) shall make provision for the repatriation of a stranded seafarer, his maintenance and the transportation of the mortal remains of an expired seafarer.
- (8) An application for renewal of licence shall be submitted by a recruitment and placement service before three months of the date of expiry of such licence.
- (9) The licence issued under these rules shall not be transferable.
- (10) The recruitment and placement service shall, from time to time, intimate the Director any change in the place of business within seven days of such change and apply for a fresh licence on payment of a fee of five thousand rupees in the manner specified in sub-rule (3).
- (11) The licence shall be prominently displayed at the premises of the recruitment and placement service at a place accessible to public.
- (12) The bank guarantee referred to in clause (f) of sub-rule (3) or in clause (f) of sub-rule (6) shall be in accordance with the Table below:—

TABLE

Sl. No.	Number of jobs	Amount of bank guarantee in Indian Rupees
1	upto 50	5 lakhs
2	51 to 100	10 lakhs
3	101 to 150	15 lakhs
4	151 to 200	20 lakhs
5	201 to 250	25 lakhs
6	251 to 300	30 lakhs
7	301 to 350	35 lakhs
8	351 to 400	40 lakhs
9	401 to 450	45 lakhs
10	451 to 500	50 lakhs
11	501 and above	60 lakhs

- (13) The bank guarantee shall be drawn in favour of the seamen's employment office, which shall be drawn on a scheduled bank in India.
- (14) A bank guarantee shall be in the denomination commensurate with the number of jobs and shall be valid at all times.
- (15) In the event of any change in the number of jobs, the recruitment and placement service may furnish the requisite bank guarantee within a period of one month from the date of such change.
- (16) Without prejudice to the foregoing sub-rules, the recruitment and placement service shall ensure that a seafarer with whom an employment agreement is entered into is placed on board a ship.

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5. Functions of seamen's employment office - (1) The seamen's employment office shall -

- (a) issue or renew a licence referred to in rule 4 on receipt of authorisation from the Director-General;
- (b) maintain a register of licence and to assign distinct licence numbers and to display the details of licence on the website;
- (c) maintain a register of recruitment and placement service to whom licence is rejected, or suspended or cancelled and the details thereof and display it on website;
- (d) maintain the details of complaints received from seafarers concerning working or living conditions on board a ship;
- (e) refer, where required, the complaints concerning the activities of the recruitment and placement service from seafarers to the advisory board;
- (f) maintain details of information received in cases of death or disability of seafarers;
- (g) maintain registers of seafarers in respect of various categories of seafarers;
- (h) maintain a register for monthly reports received from the recruitment and placement service in Form IV;

(2) Where the recruitment and placement service fails to repatriate the seafarer in the event of his being stranded or fails to transport the mortal remains of an expired seafarer, the bank guarantee may be

utilised by the seamen's employment office for the aforesaid purposes and also for the maintenance of the stranded seafarer.

6. Suspension or withdrawal of recruitment and placement service licence. —(1) On a report by the inspecting authority or a complaint by a seafarer or otherwise, the Director-General may authorise the Director to issue a notice in Form- VII to the recruitment and placement service requiring it to show cause within a period of thirty days from the date of issue of such notice as to why the licence shall not be suspended or withdrawn.
- (2) The Director- General, after considering the reply to the show-cause notice, shall as soon as possible but not later than thirty days from the date of receipt of reply, if any, authorise the Director to pass such order of suspension or withdrawal as he deems fit and communicate the same to the recruitment and placement service and forward a copy thereof alongwith a detailed report to the Central Government forthwith.
- (3) Every order passed under sub-rule (2) shall be self-contained and give reasons for the conclusions stated therein for suspension or withdrawal of licence.
7. Appeal. - Any person aggrieved of an order under rule 6 may within thirty days of the date of receipt of such order appeal to the Central Government, which shall pass an order thereon within thirty days from the date of receipt of such appeal.
8. Transitional provision. - Notwithstanding anything contained in the foregoing rules, a person, company, institution, agency or other organization in the public or private sector which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers may obtain a license within six months from the date of commencement of these rules:

Provided that a person, company, institution, agency or other organisation in the public or private sector may continue to function as such till such person, company, institution, agency or other organization obtains a licence under these rules.

FORM - I
APPLICATION FOR RECRUITMENT AND PLACEMENT
SERVICE LICENCE

[[See rule 4(1)]]

1. Name
2. Status (person/company/institution/agency or other organisation)
3. Date of incorporation
4. Name, designation and address of the authorised signatories
5. Telephone Number
6. Fax Number
7. Website and e-mail id.
- 8 (a) Registered Office Address
(b) Address of all branches
- 9 Whether the office is owned/leased/hired
10. Residential address of the authorized signatories
11. Name and address of all the Bankers
12. Permanent income-tax number & GIR No., if applicable (enclose a copy of the previous years' income tax returns)
13. Details of Business during the last five years - enclose Profit and Loss Account & Balance sheet
14. Experience, if any, in recruitment of seafarer, number of years

15. Whether any authorised signatory has been associated with any recruiting agency in the past if so, give details.
16. If previously in the business of recruitment of seafarers total number of seafarers deployed year-wise, country-wise and category-wise during the last five years.
17. Whether there are any complaints pending in respect of seafarers recruited, if so, details thereof.
18. Whether there is any criminal or civil case pending in any court. If so, details thereof.
19. Whether any authorised signatory has been convicted. If so, details thereof.
20. Total number of agreements/ contracts with employer with details thereof.
21. Number of seafarers proposed to be recruited.
22. Other Shipping related activities carried out, if any.

UNDERTAKING

I/we undertake that all that are stated above are true and correct to the best of my/our knowledge, information and belief and in the event of any of the information furnished above is found false or incorrect in any respect, I/we shall abide by any decision of the Director, seamen's employment office.

Date

Name and designation of the applicant
Seal

CR/10-61/05-8

List of enclosures: -

- i. Prescribed fee
- ii. Agreement with the ship owner/ employer
- iii. Copy of certificate of incorporation
- iv. Profit and Loss Account & Balance sheet for last five years
- v. Certificate of the assets and liabilities by a chartered accountant

FORM- II
RECRUITMENT AND PLACEMENT SERVICE LICENCE
 [see rule 4 (2)]

1. Name of the Recruitment and Placement Service.
2. Address of the registered office.....
3. Address of branch(s).....
4. Status (person/company/institution/ agency or other organisation.).....
5. Licence number.....

This is to certify that the
 has presented the requisite documents and has
 complied with the procedures prescribed under rules 3
 and 4 of the Merchant Shipping (Recruitment and
 Placement of Seafarers) Rules, 2005.

Subject to the conditions referred to in the rules, and
 unless the licence is suspended or withdrawn in
 writing, this licence is valid from to

Date:

Signature of the Director,
 Seamen's Employment Office
 Stamp & Seal

FORM -III
DECLARATION

[see rules 4(3) (a) and 4 (6) (a)]

I/We, person/company/institution/agency or other organisation
of hereby declare that:

- i. I/ We shall conduct the business at
- ii. I/We shall carry out the business during the period of the validity of the licence;
- iii. I/We shall conduct the business under signatures and seal of the authorised signatories;
- iv. I/We shall not transfer the licence;
- v. I/We shall display the licence at a place accessible to public in the registered office and also the attested copy of the licence at a place accessible to public in the branch Office.
- vi. I/We shall not charge any fee from the seafarers for the purpose of recruitment or for providing employment ;
- vii. I/We shall maintain the following permanent records at the Registered Office as under:
 - a. a register of name and address of seafarers.
 - b. a register containing charges for travel documents, medical examination etc. collected from the seafarers;
 - c. bio-data (giving full particulars including name, address, age, skill, experience and address of next of kin) of each seafarer recruited;
 - d. copies of employment contracts of each seafarer;
 - e. originals of all MoUs/contracts/agreements with the employers;
 - f. all documents relating to recruitment of seafarers, including office copies of all advertisements issued, letters of interviews, where applicable, and original award sheet correspondence with applicants, names and addresses of persons leading to the selection, names and addresses of persons involved in the selection process, copies of

- letters of appointments and other particulars, etc, for a minimum period of five years.
- g. a register of claims for compensation for injury or details of death of the seafarers alongwith the details of the next of kin of the seafarer, passport number, country of employment, nature of injury or death, as the case may be, date of accident, name and address of the employer and the details of compensation paid;
 - h. such other records as may be required to be maintained;
 - viii. I/We shall furnish a monthly report of the preceding month by the 10th of the succeeding month;
 - ix. I/We shall not charge the repatriation expenses from the seafarer in the event of his being stranded and also will not charge for transportation of the mortal remains of a dead seafarer;
 - x. I/We shall ensure that all seafarers recruited are in possession of valid documents for the job for which they are recruited (i.e. Passport, Visa, CDC, COC, required qualification certificates etc.)
 - xi. I/We shall ensure that all ships on which seafarers are recruited and placed are covered adequately by the P&I insurance
 - xii. I/We shall ensure that all seafarers recruited and placed with the ship owners are adequately covered by insurance coverage.
 - xiii. I/We ensure that all the personnel in our office are adequately trained and have relevant knowledge of the maritime industry.
 - xiv. I/We declare that I/we are not convicted under any law and that no criminal proceedings are pending.
 - xv. I/We declare that I/we have valid contracts with all ship owner's/agent's for whom we recruit seafarers.
 - xvi. I/We shall ensure that all rights of seafarers will be duly protected and all seafarers shall enter into valid contracts of employment and sign article of agreements.

I/We declare that to the best of my/our knowledge, belief and information the above particulars are correct and complete. I/We am/are aware that any false statement or information shall render the application cancelled.

Signature of
person/company/institution/agency or other organisation

Date

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FORM -IV
MONTHLY REPORT TO BE SUBMITTED BY THE 10TH
OF THE SUCCEEDING MONTH

(see rule 5 (1) (h))

A	NAME OF THE RECRUITMENT AND PLACEMENT SERVICE	
B	LICENCE No.	
C	REPORT FOR THE MONTH OF:	
D	NUMBER OF SEAFARERS ON BOARD AT THE BEGINNING OF THE MONTH	
E	NUMBER OF SEAFARERS ENGAGED DURING THE MONTH	
F	NUMBER OF SEAFARERS RELIEVED DURING THE MONTH	
G	NUMBER OF SEAFARERS ON BOARD AT THE END OF THE MONTH	
H	NUMBER OF SEAFARERS REPATRIATED BEFORE COMPLETION OF THE CONTRACT OR WINDOW PERIOD THEREIN (ATTACH LIST, WITH REASONS)	
I	COMPLAINTS/DISPUTES FROM SEAFARERS PENDING (ENCLOSE DETAILS)	
J	DETAILS OF DEATHS/INJURIES/DISABILITIES OF SEAFARERS (ENCLOSE DETAILS)	
K	CATEGORY-WISE DISTRIBUTION OF THE SEAFARERS ENGAGED DURING THE MONTH	
	CATEGORY	NUMBERS
	CHIEF OFFICERS AND MASTERS	
	SECOND OFFICERS AND CHIEF ENGINEERS	
	WATCHKEEPING DECK OFFICERS	
	WATCHKEEPING ENGINEER OFFICERS	
	OFFICER TRAINEES - NAUTICAL	
	OFFICER TRAINEES - ENGINEERING	
	DECK/ENGINE/GP RATINGS	
	SALOON RATINGS	
	OTHERS	
L	*WAGE RANGE PER MONTH	

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WAGE RANGE*		
\$ 500 TO 1,000 OR Rs. 20,000 to 40,000		
\$ 1,000 TO 1,500 OR Rs. 40,000 to 60,000		
\$ 1,500 TO 2,000 OR Rs. 60,000 to 80,000		
\$ 2,000 TO 2,500 OR Rs. 80,000 to 100,000		
\$ 2,500 TO 3,000 OR Rs. 100,000 to 120,000		
\$ 3,000 TO 3,500 OR Rs. 120,000 to 140,000		
\$ 3,500 TO 4,000 OR Rs. 140,000 to 160,000		
\$ 4,000 TO 4,500 OR Rs. 160,000 to 180,000		
ABOVE \$ 4,500 OR ABOVE Rs. 180,000		
M		
FLAG-WISE DISTRIBUTION OF THE SEAFARERS ENGAGED DURING THE MONTH		
FLAG STATE		NUMBERS
INDIA		
PANAMA		
LIBERIA		
BAHAMAS		
GREECE		
MALTA		
JAPAN		
UNITED KINGDOM		
UNITED STATES		
CYPRUS		
NORWAY		
OTHERS		
N		
OWNER-WISE DISTRIBUTION OF THE SEAFARERS ENGAGED DURING THE MONTH		
COUNTRY		NUMBERS
INDIA		
JAPAN		
NORWAY		
GREECE		
ITALY		
HOLLAND		
DENMARK		
OTHERS		

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FORM- V
REPORT OF DEATH OR DISABILITY OF A
SEAFARER

[see rule 3 (1) (j)]

- 1 Name of seafarer:
2. Sex :
3. Age :
4. Date of Birth :
5. CDC No.
6. COC details, where applicable:
7. Next-of-kin details:
 - (a) Name:
 - (b) Relationship:
 - (c) Address, Tel. No. and E-mail/Fax address :
8. Nature of accident / incident including damages / casualties suffered (use additional sheet if required) :
9. Details of ship involved in marine casualty / incident :
 - (a) Name of Ship and IMO No. :
 - (b) Tonnage :
 - (c) Location of ship :
 - (d) Flag :
 - (e) Coastal state(s) involved :
 - (f) Name of P&I club :
 - (g) Name of Captain :
 - (h) Details of owners :
10. Details of recruitment and placement service in India:
 - (a) Name:
 - (b) Address, Tel. No. and E-mail/Fax address :
 - (c) Licence No.
11. Details of Assistance given to the seafarer:
12. Insurance Coverage of the seafarer:

Place:

Date:

Name & Designation
Authorised Signatory
Signature and Seal

FORM VI
FORM OF APPLICATION FOR RENEWAL OF
LICENCE
[see rule 4(6)]

1. Name
2. Status [person/company/institution/agency or other organisation]
3. Licence number and date of issue
4. Validity period of licence
5. Total number of seafarers employed during the period of licence— category wise
Pending complaints of seafarers recruited and if so, details thereof.
6. Whether there is any criminal or civil case pending in any court. If so, details thereof.
7. Whether any authorised signatory has been convicted. If so, details thereof.
8. Details of change of registered office/branch
9. Total number of agreement/ contracts signed with employers. Please give the details Flag-wise and ownership wise

UNDERTAKING

I/we undertake that all that are stated above are true and correct to the best of my/our knowledge, information and belief and in the event of any of the information furnished above is found false or incorrect in any respect, I/we shall abide by any decision of the Director, seamen's employment office.

Date

Name and designation of the applicant
Seal

List of enclosures: -

- | | |
|-----|---|
| i | Prescribed fee |
| ii | Agreement with the ship owner/ employer |
| iii | Copy of certificate of incorporation |
| iv | Profit and Loss Account & Balance sheet for last five years |
| v | Certificate of the assets and liabilities by a chartered accountant |

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FORM VII
SHOW CAUSE NOTICE TO RECRUITMENT AND PLACEMENT
SERVICE

[see rule 6 (1)]

To

Sir,

Whereas ----- a Recruitment and Placement Service has been issued a licence bearing number ----- for the period ----- to ----- by the Director, Seamen's Employment Office under Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005.

2. Whereas ----- has failed to comply with the following provisions for the following reasons:

(a)

(b)

(c)

(d)

Now, therefore, the Director Seamen's Employment Office under rule 6 of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005. directs ----- to show cause as to why the Recruitment and Placement Service Licence bearing No. ----- should not be suspended/ withdrawn.

Yours faithfully,
Director
SEO

Place:

Date:

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FORM VIII

[see rule 4 (3) (d) and 4 (6) (d)]

**QUALIFICATION AND EXPERIENCE OF MANAGEMENT
PERSONNEL**Name of the Recruitment and
Placement Service

Address

1 Designation _____ Name _____

Responsibilities _____

Educational Qualification _____

Professional Qualification _____

Experience _____

2 Designation _____ Name _____

Responsibilities _____

Educational Qualification _____

Professional Qualification _____

Experience _____

3 Designation _____ Name _____

Responsibilities _____

Educational Qualification _____

Professional Qualification _____

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Experience _____

4 Designation _____ Name _____

Responsibilities _____

Educational Qualification _____

Professional Qualification _____

Experience _____

5 Designation Medical Officer Name _____

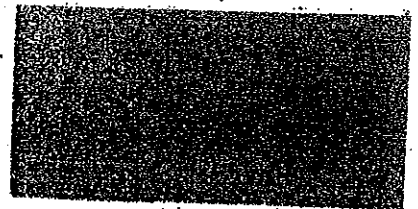
Qualification _____

Experience _____

DGS Approval No. _____

[F. No. SR-11012/7/2004-MA]

R. K. JAIN, Jt. Secy.



THE GAZETTE OF INDIA

EXTRAORDINARY PART II – Section 3 – Sub-section (i) PUBLISHED BY AUTHORITY

No.118] NEW DELHI, FRIDAY, MARCH 18, 2005/PHALGUNA 27, 1926

**MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS
(Department of Shipping)**

NOTIFICATION

New Delhi, the 18th March, 2005

G.S.R. 181(E).-In exercise of the powers conferred by Sub-section (2) of Section 12 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby specifies the Director General of Shipping as the intermediate authority under whose general control the Directors of seamen's employment offices shall exercise their powers and discharge their duties with effect from the date publication of this notification in the Official Gazette.

[F.No. SR-11012/7/2004-MA]

R.K. JAIN, Jt. Secy.

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

NOTIFICATION

New Delhi, the 14th September, 2005

G.S.R. 580(E).—In exercise of the powers conferred by Sub-section (3) of Section 95 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules to amend the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, namely:—

1. Short title and commencement.—(1) These rules may be called the Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2005.

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

2. In the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005 (hereinafter called the said rules),

(a) in rule 4, —

(i) in sub-rule (3), for clause (e), the following clause shall be substituted, namely:—

“(e) a copy of the agreement between the recruitment and placement service and the employer or the ship owner as the case may be, in Form IX;”;

(ii) in sub-rule (6), for clause (e), the following clause shall be substituted, namely:—

“(e) a copy of the agreement between the recruitment and placement service and the employer or the ship owner as the case may be, in Form IX;”;

(iii) in sub-rule (12), for the Table, the following Table shall be substituted, namely:—

TABLE

Sl. No.	Number of Jobs	Amount of Bank Guarantee in Indian Rupees
1.	Upto 50	5.00 lakhs
2.	51-250	7.50 lakhs
3.	251-500	10.00 lakhs
4.	501-750	12.50 lakhs
5.	751-1000	15.00 lakhs
6.	1001 and above	20.00 lakhs

Revised

(b) in the said rules, in rule 5, in sub-rule (1), in clause (h), for the words “monthly reports”, the words “quarterly reports” shall be substituted.

(c) in the said rules, the rule 8, for the words “six months”, the words “one year” may be substituted.

FORM IX

AGREEMENT BETWEEN RECRUITMENT AND PLACEMENT SERVICE AND THE EMPLOYER/SHIP OWNER

Name, Address and full style of the employer/Ship owner :

Name, address and full style of the recruitment and placement service :

Whereas the above-named recruitment and placement service has entered into an agreement with the above-named employer/ship owner for the recruitment and placement of seafarers on board for and on behalf of the employer as agent only.

The employer/ship owner undertakes to repatriate the seafarers so employed if stranded at any place as well as to look after his reasonable maintenance and to transport the mortal remains of the seafarer, if permissible under local laws, in case of death.

Signed, stamped and delivered :

(For and on behalf of the employer/ship owner)

Signed, stamped and delivered :

(For and on behalf of the recruitment and placement service)

5. मृत्यु/ क्षति/ लापता होने के मामलों का संक्षिप्त व्यौरा

प्राधिकृत हस्ताक्षरकर्ता

[फा. सं. एसआर-11012/1/07-एम ए]

ए. के. भल्ला, संयुक्त सचिव

टिप्पण : मूल नियम भारत के राजपत्र भाग 2, खंड 3, उपखंड (i) में संख्यांक सा.का.नि.182(अ), तारीख 18 मार्च, 2005 द्वारा प्रकाशित किए गए थे और तत्पश्चात् संख्यांक सा.का.नि. 580(अ), तारीख 14 सितंबर, 2005 और संख्यांक सा.का.नि. 454(अ), तारीख 1 अगस्त, 2006 द्वारा उनका संशोधन किया गया।

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

NOTIFICATION

New Delhi, the 30th April, 2007

G.S.R. 318(E).—In exercise of the powers conferred by sub-section (3) of section 95 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules further to amend the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, namely: -

1.— (1) These rules may be called the Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2007.

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

2. In the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, (hereinafter referred to as the said rules), in rule 4, after sub-rule (16), the following sub-rule shall be inserted, namely: -

“(17) In the event of any change in the agreement between the recruitment and placement service and the employer or the shipowner, as the case may be, or in the event of any new agreement with any other employer or ship owner, the recruitment and placement service shall, within seven days thereof, intimate the same to the Director along with the copy of the amended agreement, or new agreement, as the case may be.”;

(3) In the said rules, in Form – III, in paragraph vii, for item (a), the following item shall be substituted, namely:-

“a. a register of name and address of seafarers, employed or placed on board by me/us.”;

(4) In the said rules, for Form IV, the following Form shall be substituted, namely:-

FORM -IV
**REPORT TO BE FORWARDED TO DIRECTOR, SEAMEN'S EMPLOYMENT OFFICE, BY
 THE RECRUITMENT AND PLACEMENT SERVICES**
 See rule 5(1)(h)

1. Name of Recruitment and Placement Service
2. Period of Licence

From	
To	
	Licence No.

3. Details of Seafarers engaged during the quarter

Sl. No.	Name of Seafarer	CDC No.	Rank	Date of Engagement	Date of Dis-engagement	Name of Vessel	Date of Signing on	Date of Signing off	Period of Contract	Flag

4. Details of Seafarers repatriated prior to completion of contract

Sl. No.	Name of Seafarer	CDC No.	Name of the Vessel	Flag	Date of Signing on	Date of Signing off	Reason

5. Brief of death/injury/missing cases

Authorised Signatory

[F. No. SR-11012/1/07-MA]

A. K. BHALLA, Jt. Secy.

The principal rules were published in the Gazette of India part II, Section 3, Sub-section (i) vide number G.S.R. 182 (E), dated the 18th March, 2005 and subsequently amended by number G.S.R. 580 (E), dated the 14th September, 2005 and number G.S.R. 454 (E), dated the 1st August, 2006.



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

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पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

अधिसूचना

नई दिल्ली, 1 अगस्त, 2006

सा.का.नि. 454(अ)—केन्द्रीय सरकार, वाणिज्य-पोत परिवहन अधिनियम, 1958 (1958 का 44) की धारा 95 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए वाणिज्य पोत परिवहन (सागरगामियों की भर्ती और तैनाती) नियम, 2005 का और संशोधन करते के लिए निम्नलिखित नियम बनाती है, अर्थात् :-

1. संक्षिप्त नाम और प्रारंभ.—(i) इन नियमों का संक्षिप्त नाम वाणिज्य पोत परिवहन (सागरगामियों की भर्ती और तैनाती) संशोधन नियम, 2006 है।

(ii) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. वाणिज्य पोत परिवहन (सागरगामियों की भर्ती और तैनाती) नियम, 2005 के नियम 8 में "एक वर्ष के भीतर" शब्दों के स्थान पर "31 दिसम्बर, 2006 तक या उसके पूर्व" शब्द और अंक रखे जाएंगे।

[फा. सं. एस. आर.-11012/1/2005-एम.ए.]

ए.के. भल्ला, संयुक्त सचिव

टिप्पणी : मूल नियम, भारत के राजपत्र भाग II, खण्ड 3, उप-खण्ड (i) में सा.का.नि. 182(अ), तारीख 18 मार्च, 2005 द्वारा प्रकाशित किए गए थे और तत्पश्चात् सा.का.नि. 58(अ), तारीख 14 सितम्बर, 2005 द्वारा संशोधन किए गए।

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

NOTIFICATION

New Delhi, the 1st August, 2006

G.S.R. 454(E).—In exercise of the powers conferred by Sub-section (3) of Section 95 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules further to amend the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, namely:

1. **Short title and Commencement.** — (i) These rules may be called the Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2006.

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

2. In the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, in rule 8, for the words "one year" the words and figures "on or before 31st December, 2006" shall be substituted.

[F.No. SR-1101/2006]

A. K. BHALLA, Jt.

Note : The principal rules were published in the Gazette of India Part II, Section 3, Sub-section (i) vide number G.S.R. 182(E), dated the 18th March, 2005 and subsequently amended by G.S.R. 580(B), dated the 14th September, 2005.