



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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CREW CIRCULAR NO. 3/2016

F.No.33(1)CR/2000-IX Pt

Dated : 23.08.2016

Sub.: Clarifications on the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016, promulgated vide the Ministry of Shipping, Govt. of India's Gazette Notification No. GSR 169(E), dated 15.02.16 reg.

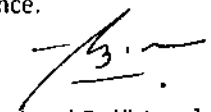
The Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 promulgated vide the Ministry of Shipping, Govt. of India's Gazette Notification No. GSR 169(E), dated 15.02.16 lays down the duties and responsibilities of recruitment & placement of seafarers [RPS] service providers, as well as the process of grant of license to RPS entities along-with other related aspects. For the sake of an effective Implementation of the said Rules, the following clarifications with respect to some of it's provisions are hereby Issued for an information and necessary action by all concerned, contextually;

- 1.1. A fee of ₹ 40,000/-, as per rule 14 ibid is applicable for RPS applications filed after 15.02.16 [date of the said notification]. Such applicants, who have already paid the fee as per the old rules, as between 15.02.16 & till the date of this circular shall pay the balance amount of ₹ 20,000/-separately;
- 1.2. The Existing RPS service providers shall submit an enhanced bank guarantee as applicable in accordance with rule 15 supra. An intimation about the same shall also be submitted to the Inspecting authority at the time of their annual inspection. Such bank guarantees shall cover the eventualities mentioned in Rule 15 (5) ibid and may be worded accordingly. The bank guarantee in Rule 15 supra shall be calculated as per the number of seafarers placed on foreign flag ships. An Indian flag ship shall have in place financial security as laid down in the Merchant Shipping (Maritime Labour) Rules, 2016, for which a separate order shall be issued by this office.
- 1.3. Fee for the inspection under Rule 14 ibid includes fee for an initial inspection.
- 1.4. The timeline of 48 hours stipulated in Rules 5(3) supra, which may be adhered to in cases where seafarers suffer death or injury. Further, as already specified in this office Merchant Shipping Notice No. 13 of 2005 [F. No. 7(12)/CR/2002 dated 25.10.05], the such incidents shall continue to be reported in its specified Form -II to the DGCOMM CENTRE of this by an e-mail at 'dgcommcentre-dgs@nic.in' within 48 hours of such incidents.
- 1.5. As per Rules 9 ibid, an application for fresh/renewal license, along with the given fee, shall be submitted to the office of the jurisdictional Director, Seamen's Employment Office (DSEO), Govt. of India [GoI] and copy of such an application and fee shall also be submitted

to the inspecting authority. It is further clarified that the inspecting authority shall directly process such an application and no further authorization from the DSEO, GoI would be required for the same;

- 1.6. The inspection authority may collect Service Tax, as applicable, on the inspection charges from the applicant concerned.
- 1.7. The procedure for change of name shall be the same as for a change in the place of business of an applicant.
- 1.8. Annual inspection shall be completed every year, during the period starting from two prior months to one month after the anniversary date of the issue of such a license.
- 1.9. RPS agencies shall pay welfare fund contribution as specified in Rule 6 *ibid*. The said contribution shall not be deducted from the payment due to the seafarer. They may, however, collect the same from the ship owners and pay to the same to the Seafarers Welfare Fund Society [SWFS]. Such welfare fund contributions to the SWFS are already being received in respect of seamen below the rank of an officer, *vide* the GOI Notification GSR 33(E) [F. No. A-122 12/3/2010-MA] dated 16.01.14. The said contribution for officers has been stipulated in the Merchant Shipping [Recruitment & Placement] Rules, 2016, which was notified on 16.02.16. The date of the said notification was in the course of the first quarter of the calendar year 2016, where it is also stipulated in that "contribution shall be paid on quarterly basis". Hence such welfare fund contribution to be made by RPS agencies becomes payable from the second quarter, of 2016 i.e., from 01.04.16 onwards.
- 1.10. The words "Rule 12," referred in Rule 16 *supra* may be read as "Rule 15", being a typographical error.
- 1.11. RPS agencies shall continue to submit details of sea service of their seafarers in the Form-I (earlier Form-III A) in an online mode by the twelfth of every following month. Failure to do so may lead to suspension /cancellation of their license.
- 1.12. A RPS license issued by the locational DSEO, GoI in the Form VIII of the said Rules would bear the heading "*Recruitment and Placement of the seafarers Service License issued under the provisions of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016, and Regulation 1.4. of the Maritime Labour Convention 2006, as amended*". The DSEOs, GoI would print and issue fresh licenses to replace the licenses already issued to the existing RPS agencies. However, the validity dates thereof would remain the same. Further, the issuing authority would be mentioned as Director, Seamens' Employment Office, Directorate General of Shipping, Government of India, _____(place).
- 1.13. For the purpose of Sub-Rule 5(1)(s), *ibid*, the RPS service provider shall, as far as is practicable, ensure that all mandatory certificates and documents submitted for such employment are up to date & have not been fraudulently obtained and that employment references are verified.
- 1.14. The application for a RPS licence as in Sub-Rule 9(5), *supra* shall be submitted during the period of six months to three months prior to the date of expiry of a current such licence. This is to ensure that the process of renewal starts well in advance and the company can continue operating without any break due to the expiry of their license. The existing, RPS

agencies are required to adhere to the said timelines, so that there is sufficient time available for the renewal inspection and processing of a renewal licence.


[Dr Amol B. Kirtane]

Deputy Director General of Shipping (Crew)

To,

1. The Director, Seamens' Employment Offices (DSEOs), Mumbai, Chennai & Kolkata.
2. ALL MMDs.
3. Indian Register of Shipping.
4. Website of the DGS, Gol.

Copy forwarded for an information to the Secretary to the Govt. Of India, Ministry of Shipping, Govt. of India, Transport Bhavan, 1 Parliament Street, New Delhi-110 001[Attn : Shri K. Touthang, Director (MA)].