

# Merchant Shipping (Recruitment & Placement of Seafarers) Rules, 2005

**D.G. Shipping Circular No. 8 of 2005**

**No.33(1)/CR/2000/IV.Pt**

**Dated: December 7, 2005**

## **Sub: Merchant Shipping (Recruitment & Placement of Seafarers) Rules, 2005**

Merchant Shipping (Recruitment & Placement of Seafarers) Rules, 2005 were notified by Govt. of India vide Notification dated 18.3.2005. These have been partly amended vide notification dated 14.9.2005. Subsequent to the original notification as well as amendments, representations have been received in the Directorate regarding problem being faced by the industry for implementation of these rules. Series of meetings were held in the Directorate to understand the problem and explain the correct position thereof. The last interactive meeting with the representatives of FOSMA and MASSA was held on 19.10.05. Subsequent to this meeting, the Chairman, FOSMA and MASSA again met the Director General of Shipping for further discussion. A legal opinion was also obtained.

In view of the background explained above and taking into consideration the difficulties likely to be faced by the applicants, the Director General and Secretary to Govt. of India hereby directs that in regard to complying with the provisions of the notification, the following acts will be accepted by this Directorate as due compliance of the provisions of the notification as amended.

1. Section 3(1)(j) of M.S. (R&PS) Rules, 2005:- The expression, "disability", in this provision shall be construed and deemed to mean permanent incapacity or permanent disability, as is defined under the Workmen's Compensation Act, 1923.
2. Section 4(3)(c) of M.S. (R&PS) Rules, 2005:- It is clarified that it is unnecessary to furnish number of agreements in this behalf, and it would suffice if the format of a standard agreement that the agency enters into with seamen is attached.
3. Section 4(16) of M.S. (R&PS) Rules, 2005:- It is clarified that the responsibility is only to ensure that the seafarer is put on board the ship, if the seafarer is ready and willing to do so and reports to the ship as directed.
4. Form No. I of M.S. (R&PS) Rules, 2005:-
  - i. Col. No. 10 :  
It shall be sufficient compliance if the authorised signatories shall give either the residential or the office address, where communication can be established with them, and not necessarily home address.
  - ii. Col. No. 12 :  
Instead of the expression, "income-tax return", it will be sufficient if a photocopy of the return or an attested copy of the acknowledgement from the Income-tax department, confirming submission of return, is furnished.
  - iii. Col. No. 16 :  
In view of the fact that it may be difficult or impossible to furnish the information sought, it would be sufficient to furnish the information as on the date of the application for licence.
  - iv. Col. No. 20 :  
Instead of providing all the agreements, it should be sufficient if the number of agreements are indicated and Form No. IX, as per amendment dated 14th September 2005, is furnished along with the application.
5. Form No. III of M.S. (R&PS) Rules, 2005:-  
In view of the fact that amendment dated 14.9.2005 in rule 5(1)(h) now requires submission of quarterly statement instead of monthly statement, it would be sufficient if quarterly report is furnished in terms of Col. viii of Form No.III.

All concerned are advised to note above for compliance. This will come into force with immediate effect.

**Sd/-**  
**(G.S. Sahni)**  
**Director General of Shipping**  
**ex. officio Additional Secretary to Govt. of India**