



सत्यमेव जयते

भारत सरकार / GOVERNMENT OF INDIA
परिवहन विभाग / MINISTRY OF SHIPPING
परिवहन विभाग / DIRECTORATE GENERAL OF SHIPPING
“जहाज भवन” / “JAHAZ BHAVAN”

☎: 91-22-22613651-54
22613651-54
☎: 91-22-22613655
✉: dgship@dgshipping.com
dgship@dgshipping.com
www.dgshipping.com

W.H. MARG
MUMBAI – 400 001

Tele: 91-22-

Fax: 91-22-22613655

E-mail:

Web: www.dgshipping.com

F. No.16 (5)/CR/2010-Vol-I

Dated: 31 .05.13

Merchant Shipping Notice No.15 of 2013

(Corrigendum to the M.S. Notice No. 7 & 11 of 2013)

Sub.-: Implementation of the Maritime Labour Convention,2006 – voluntary inspection of Indian flag ships – req.

An arrangement of voluntary inspection of the Indian flag ships for compliance with the different aspects of the Maritime Labour Convention [MLC] 2006, pending its formal ratification by India, was formulated vide this office M.S. Notice No. 7 of 2013[F. No. 16(5)/CR/2010] dated 01 .02.13 & M.S. Notice No. 11 of 2013[F. No. 16(5)/CR/2010 Vol-I] dated 17 .04.13 .

2. In order to follow uniformity in the processing of the application and the issuance of the statement of compliance the following working guidelines to the above M.S. Notices are hereby given.

2.1. The format for DMLC Part I shall contain the government logo on the top. The prescribed guidelines for voluntary inspection of the vessels as indicated in M.S. Notices 7 of 2013 shall be repeated in the DMLC Part I as specimen copy of the DMLC Part I is attached (Annexure –I: pages)

2.2. It is notice that the ship owner are submitting the DMLC Part II for the concerned vessel in their own format. To bring in uniformity of submission and to facilitate a quicker processing of such applications, the format of DMLC Part II is standardized as per the specimen enclosed(Annexure – II: pages). All the shipowners are advised to submit the DMLC Part II in the enclosed format only. The registrar of vessel shall after verification sign the DMLC Part II affixing the official seal on all pages with the approval date.

2.3. As regards standards/guidelines on crew accommodation, the following points are clarified and may be taken into consideration.

2.3.1. For existing vessels: For ships constructed before the MLC 2006 comes into force, the construction and equipment of crew accommodation on the ship shall be in compliance with M.S.(Accommodation) Rules 1960 as amended, except where specific exemption are granted by the administration.

2.3.2. For new vessels: The requirements of accommodation code as per title 3 of MLC 2006 shall apply to ships constructed after the MLC 2006 comes into force.

-2-

-2-

3. All other terms & conditions of the said M.S. Notice No. 7 & 11 of 2013 remain unchanged.

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

(C. Rethinadhas)

Deputy Director General of Shipping (Crew)

Encl: As above

To:

1. All Indian flag shipping companies.
 2. Indian Register of Shipping, Mumbai.
 3. Principal Officers, Mercantile Marine Departments, Mumbai, Chennai, Kolkata, Kandla & Kochi.
 4. [Surveyors-in-Charge](#), Mercantile Marine Departments, Jamnagar, Marmugoa, Mangalore, Tuticorin, Vishakapatnam, Paradip, Haldia, Port Blair & NOIDA.
 5. INSA/FOSMA/MASSA.
 6. NUSI/FUSI/MUI.
 7. Nautical/Engineering/Naval Architecture/Training/SD/ Hindi Branches of the Directorate General of Shipping, GOI, Mumbai.
 8. [Deputy Secretary, \[MA Branch\], Ministry of Shipping, GOI, Transport Bhavan, 1,Parliament Street, New Delhi – 110001, for an information.](#)
-

Specimen format for DMLC Part -I

(To be given by registrar)

Annexure-I



Maritime Labour Convention, 2006

Declaration of Maritime Labour Compliance – Part I

(Note: This declaration must be attached to the ship's Statement of Compliance)

1. Issued under the authority of: **The Government of India, Ministry of Shipping, Directorate General of Shipping, India.**
2. With respect to the provisions of the Maritime Labour Convention 2006 (MLC), the following referenced ship:

Name of the Ship	IMO Number	Gross Tonnage

is maintained in accordance with Standard A5.1.3 of the MLC.

3. The undersigned declares, on behalf of the abovementioned competent authority, that:
 - 3.1. The provisions of the MLC are fully embodied in the national guidelines referred to in Annexure – IIB of M.S. Notice No. 7 of 2013 dated 01.02.13 and as amended vide M.S. Notice No. 11 of 2013 dated 17.04.13.
 - 3.2. These national guidelines are contained in the national provisions referenced below; (explanations concerning the content of those provisions are provided, where necessary);
 - 3.3. The details of any substantial equivalence under Article VI, paragraphs 3 and 4, of the MLC are provided under the corresponding national guidelines listed below in the section provided for this purpose below.
 - 3.4. Any exemptions granted by the competent authority in accordance with Title 3 of the MLC are clearly indicated in the section provided for this purpose below; and
 - 3.5. Any ship-type specific requirements under the national legislations are also referenced under the requirements concerned.
 - 3.6. The details of the above mentioned ship set out be seen below and also find mentioned in Annexure – IIB of M.S. Notice No. 7 of 2013 dated 01.02.13 and as amended vide M.S. Notice No. 11 of 2013 dated 17.04.13 and M.S. Notices No. of 2013 dated .

3.6.1 Minimum age (Regulation 1.1)

1. No person under 16 years of age shall be engaged or carried to sea to work in any capacity in any ship.
2. A 'young person' means any seafarer between the age of 16 and 18 years.
3. 'Night' shall cover a period of at least nine hours starting from 2100 hours and ending at 0600 hours of the time zone at the location of the ship
4. Night work for young person is prohibited with the following exceptions;
 - 4.1. for structured training with established programs and schedules approved by the Director General of Shipping.
 - 4.2. for those specific types of works or an approved training programme which are scheduled to be carried out at night only. These types of work shall be decided by the Director General considering the well being of the young persons.
5. Young person shall not be engaged or employed for Carrying out the following hazardous works which may jeopardize the health of such young person's;
 - 5.1. Operating power machines, hoists, cranes or acting as signalers for the operators of such machines.
 - 5.2. Attending to afloat works and work on deck during foul and heavy weathers.
 - 5.3. Entry into boilers, tanks cofferdams and confined spaces.
 - 5.4. Rigging
 - 5.5. Lifting, moving or carrying heavy loads.
 - 5.6. Exposure to toxic/radio active and other dangerous /hazardous substances.
 - 5.7. Entrusting any other work which have been declared as hazardous work by the Director General.

3.6.2. Medical certification (Regulation1.2)

1. Any seafarer including young person employed on board a ship/vessel shall hold a valid medical certificate declaring him/her to be medically fit to carry out duties on board a ship/vessel as prescribed in section 98 and 111 of M. S. Act, 1958 respectively.
2. Medical certificate shall be issued in accordance with the M.S.(Medical Examination) Rules 2000, as amended, issued by the GOI and shall be in compliance with STCW 2010 & ILO/WHO guidelines for conducting Pre sea and periodic Medical Fitness examination for Seafarers and also MLC 2006 compliant.
3. The certificate shall be valid for a maximum period of 2 years and for young person the same shall be valid for one year. The certificate for colour blindness shall be valid for a maximum period of 6 years.
4. In exceptional and urgent circumstances the seafarers including young persons are allowed to sail up to the next port of call without a valid medical certificate. Such sailing shall not exceed 3 months within which periods the seafarer/young person has to obtain a valid medical certificate. The seafarer/ young person shall also possess a recently expired medical certificate of 90 days in such cases.

5. The seafarer/ young person already on board the ship during the time of the voluntary inspection shall invariably hold valid medical certificates from registered medical practitioners. However, they have to obtain medical certificates in the MLC format within 3 months of such voluntary inspection as provided in sub-paragraph 4.

3.6.3. Qualifications of seafarers (Regulation1.3)

(Seal, of the
Registrar of
India

1. All seafarers working on board any ship shall be trained or certified as competent or otherwise qualified to perform their duties.
2. Any seafarer shall be permitted to work onboard a ship only after successfully completing training for personal safety on board.
3. Training and certification of the seafarers shall be in accordance with and conforming to the mandatory instruments adopted by IMO including STCW convention.
4. Qualification, training and certification of the seafarers shall be as prescribed by the Directorate General as per STCW requirements.

3.6.4. Seafarers' employment agreements (Regulation2.1)

1. All seafarers working on board any ship shall have a signed agreement signed between the seafarer and the ship owner or his agent for the said contractual period which gives a decent working condition to the seafarer. The Article of Agreement may be entered into as per the DGS order no.7 of 2002 and revised DGS Order of 2013 which is being issued separately.
2. The agreement shall be freely entered by the seafarer with sufficient understanding of her/his rights and responsibilities on board. The original copies of the agreement shall be held by both the parties and another will be submitted to the Shipping Master concerned as per the directions in DGS order no.07 of 2002 and revised DGS order of 2013 which is being issued separately.
3. Copies of all such agreement signed for the seafarers shall be available on board with the master for verification by any authorities in any port visited by the ship, as per the directions in DGS Order No. 07 of 2002 and revised DGS order of 2013 which is being issued separately.
4. Seafarers' record of employment on board the ship shall be entered in his Continuous Discharge Certificate and given to him on his signing off.
5. The minimum notice period to be given for an early termination is 7 days. In case of termination of contract without notice except on disciplinary grounds, pro rata payment shall be deducted. However, the minimum notice period shall not be applicable in case of termination due to emergency circumstances or compassionate grounds.
6. A copy of the collective bargaining agreement which forms a part of the employment agreement shall be available on board the vessel in English.

3.6.5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation1.4)

1. 'Recruitment and Placement Service' means any person, company, institution, agency or other organization, in public or private sector, which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers.

(Seal, of the
Registrar of
India

2. No person, firm or company shall directly or indirectly, carry on the business, in India, of recruitment and placement service of any seafarer on behalf of an employer / ship owner of Indian / foreign ship, except an Indian ship-owner engaged in recruiting seafarer for his / its own Indian flag vessel or a recruitment and placement service provider registered in India & holding a valid license granted under these Rules.

3.6.6. Hours of work or rest (Regulation 2.3)

1. Hour of work means, time during which the seafarers are required to do work on account of the ship.
2. Hour of rest means, the period or time outside the hour of work, at which the seafarer is free to utilize himself. Meal break given in between the working hours shall not be considered as hour of rest.
3. The ship owners shall ensure that the minimum hours of rest for every seafarer on board their vessels shall be not less than ten 10 hours in any 24 hours period and not less than 77 hours in any 7 day period. The minimum hour of rest shall be divided in to not more than two periods, one of which shall be at least six hours and the time interval between the consecutive periods of rest shall not be more than 14 hours.
4. The shipowners shall define the beginning of any 24 hours period and state the same in their respective ship's DMLC Part II.

3.6.7. Manning levels for the ship (Regulation 2.7)

Ship owners shall ensure that the manning level on board to ensure that ships are operated safely, efficiently & with due regard to security under all conditions, taking into account seafarers fatigue & the particular nature & conditions of the voyage.

3.6. 8. Accommodation (Regulation 3.1)

1. The requirements of accommodation code as per MLC 2006 shall apply to ships constructed after the MLC 2006 comes into force.
2. For those ships constructed before the MLC 2006 comes into force, the construction and equipment of crew accommodation on the ship are in compliance with M.S.(Accommodation) Rules 1960 as amended applies except where specific exemption are granted by the administration.
3. Weekly inspections along with documentation shall be carried out by the Master or his representative on board to ensure that the seafarers' accommodation is clean, decently habitable and maintained as per the requirements of MLC 2006 code.

3.6.9. Onboard recreational facilities (Regulation 3.1)

1. The requirements of accommodation code as per MLC 2006 shall apply to ships constructed after the MLC 2006 comes into force.
2. For those ships constructed before the MLC 2006 comes into force, M.S. (Accommodation) Rules 1998 applies.(as per applicability).

(Seal, of the
Registrar of
India

3. Taking into consideration of the guidelines in Part B of MLC 2006 and without prejudice to its requirements, the following minimum recreational facilities shall be provide on board at present;
Television, magazines, reasonable access to ship to shore telephone communication, email and internet facilities, where available, with reasonable charges for use of these services. To be redrafted as per language in MLC.

3(i) The details of the reasonable access of a ship to shore telephone communication facilities provided by the shipowner, shall be indicated by the latter in his DMLC Part II, for the vessel concerned.

3.6.10. Food and catering (Regulation3.2)

1. Ship owners shall ensure to provide food and drinking water of appropriate quality, nutritional value and quantity which covers the requirement of ship for the voyage and also takes into consideration of cultural and religious background and the food is served in hygienic condition.
2. Ship owners shall ensure that the food is provided to the seafarers free of charge during the period of the contract period of engagement.
3. Ship owners shall ensure that Seafarers employed as ships' cooks with responsibility for food preparation must be trained and qualified for their position on board ship. as stipulated in DGS order 7 of 2012(CR/Misc/1/2009) dated 17.12.12.
4. Documented inspections shall be carried out on board the ships with an interval of 15 days, by or under the authority of the master, with respect to:
 - i. Supplies of food and drinking water:
 - ii. All spaces and equipment used for the storage and handling of food and drinking water; and
 - iii. Galley and other equipment for the preparation and services of meals.

3.6.11. Health and safety and accident prevention (Regulation 4.3)

1. Ship owners shall adopt, implement and promote occupational safety, health policies, programmes on board ships including risk evaluation, training as well as instruction of seafarers in accordance with the provisions of safety management system(SMS) developed by it.
2. Ship owners shall provide reasonable precautions to prevent occupational accidents, injuries and diseases on board ships including measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals as well as risk of injury or diseases that may occur from the use of equipment and machineries on board ships as the laid down procedures in SMS.
3. Ship owners shall report the details of occupation accidents, injuries occurred on board the ships in accordance with the relevant section of M. S. Act 1958.

4. Ship owners shall ensure that the master and another designated officer on board is delegated with the responsibility for the implementation of and compliance with the ship's occupational safety and health, and related programmes policy as prescribed in SMS.
5. Ship owner and master shall ensure that a ships safety committee is established on board and shall submit the records of its recommendations, action taken and functioning during the inspections and specify the authority of the ships seafarers selected as safety representatives to participate in meeting of the ships safety committee in accordance with the laid down procedures.
6. Ship owners shall ensure that the safety and health of young person's on board are adequately taken care of as per the relevant provision of M.S. Act 1958.

(Seal, of the
Registrar of
Ships)

3.6.12. On-board medical care (Regulation 4.1)

1. Ship owners shall ensure that adequate measures are provided to the seafarers while working on board, for the protection of their health (including dental care) and occupational health protection, and in principle, such protection and care shall be given to the seafarers with no extra cost to them.
2. Ship owners shall ensure that seafarers on board who are in need of medical care are given to them on board ship or in a port including foreign port, at no cost to the seafarer.
3. Ship owners shall ensure that the seafarers have the right to visit medical doctor or dentist without delay at any port of call, where practicable, in case of necessity, the provision of same incorporated in the M.S. Act 1958(refer section 172, 174).
4. All ships shall carry medical chest, equipment and medical guide, medical doctor as prescribed in the M. S. Act 1958 & relevant rules made there under.

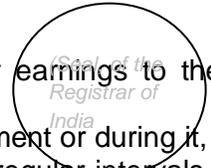
3.6.13. On-board complaint procedures (Regulation 5.1.5)

1. Ship owners shall ensure that their ships are provided with on board complaint procedures for complaints alleging breaches of the requirements of MLC 2006, as prescribed by the Director General in M.S. Notice no. 4 of 2013(F. No. CR Grievance(on board)/75/2012 dated 30.01.13).
2. A copy of the on board complaint procedure along with the details of complaint redressal officers shall be available on board and given to all seafarers in addition to the Seafarers Employment Agreement .
3. The provision in this regulation is without prejudice to the seafarers' right to seek redressal through appropriate legal means.

3.6.14. Payment of wages (Regulation 2.2)

1. Ship owners shall ensure payment of wages to the seafarers engaged by them, in accordance with the agreement, for their work, at no greater than monthly interval.
2. Ship owners shall ensure that the account of wages of payment due and amounts paid, additional payments and the rate of exchange used are given to the seafarers.

3. The currency exchange rate for the wage payment shall be the rate of currency exchange, unless otherwise provided, shall be in accordance with national laws or regulations, be at prevailing market rate or the official published rate and not unfavourable to the seafarers.
4. Ship owners shall ensure that the seafarers are able to transmit their earnings to their families include:
 - i. A system for enabling seafarers, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means; and
 - ii. A requirement that allotments should be remitted in due time and directly to the person or person nominated by the seafarers.
5. Ship owners shall ensure by taking appropriate measures that the seafarers are able to transmit all or a part of their earnings to their families or any legally nominated person by the seafarer and such remittance shall be carried out by the ship owner without delay.



Name

Title:

Signature:

Place:

Date:

(Seal or stamp of the authority, as appropriate)

Substantial equivalencies

(Note: Strike out the statement which is not applicable)

The following substantial equivalencies, as provided under Article VI, paragraphs 3 and 4, of the Convention, except where stated above, are noted *(insert description if applicable)*:

- 1.
- 2.
- 3.

No equivalency has been granted.

Name:

Title:

Signature: Place Date: (mm/dd/yyyy)

(Seal or stamp of the authority, as appropriate)



Exemptions

(Note: Strike out the statement which is not applicable)

The following exemptions granted by the competent authority as provided in Title 3 of the Convention are noted:

- 1.
- 2.
- 3.

No exemption has been granted.

Name: Title:

Signature: Place Date: (mm/dd/yyyy)

(Seal or stamp of the authority, as appropriate)

To be filled by the Registrar of Indian Ships	
Reference No.	Seal, Date & Signature of the Registrar of Indian Ships
	<i>(dd/mm/yyyy)</i>

Specimen format for DMLC Part -II

Annexure – II



Declaration of Maritime Labour Compliance – Part II

Measures adopted to ensure ongoing compliance between inspections

Name of ship		IMO number	Gross tonnage
Shipowner's ¹ Name	Shipowner's ¹ Address		

The following measures have been drawn up by the shipowner, named in the Maritime Labour Certificate to which this Declaration is attached, to ensure ongoing compliance between inspections:

(State below the measures drawn up to ensure compliance with each of the items in Part I)

1. Minimum age (Regulation 1.1)

--

2. Medical certification (Regulation 1.2)

--

[Empty rectangular box]



3. Qualifications of seafarers (Regulation 1.3)

[Empty rectangular box]

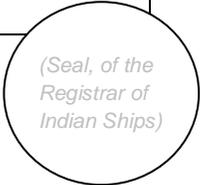
4. Seafarers' employment agreements (Regulation 2.1)

[Empty rectangular box]

5. Use of any licensed or certified or regulated private recruitment and placement service (Regulation 1.4)

[Empty rectangular box]

[Empty rectangular box]



6. Hours of work or rest (Regulation 2.3)

[Empty rectangular box]

7. Manning levels for the ship (Regulation 2.7)

[Empty rectangular box]

8. Accommodation (Regulation 3.1)

[Empty rectangular box]

9. On-board recreational facilities (Regulation 3.1)

[Empty rectangular box]

[Empty rectangular box]



10. Food and catering (Regulation 3.2)

[Empty rectangular box]

11. Health and safety and accident prevention (Regulation 4.3)

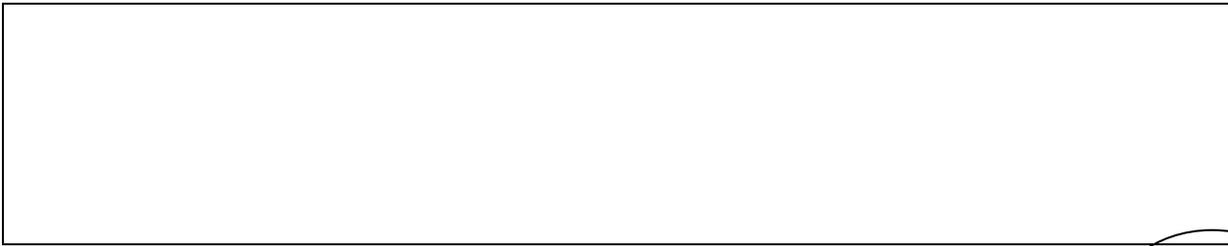
[Empty rectangular box]

12. On-board medical care (Regulation 4.1)

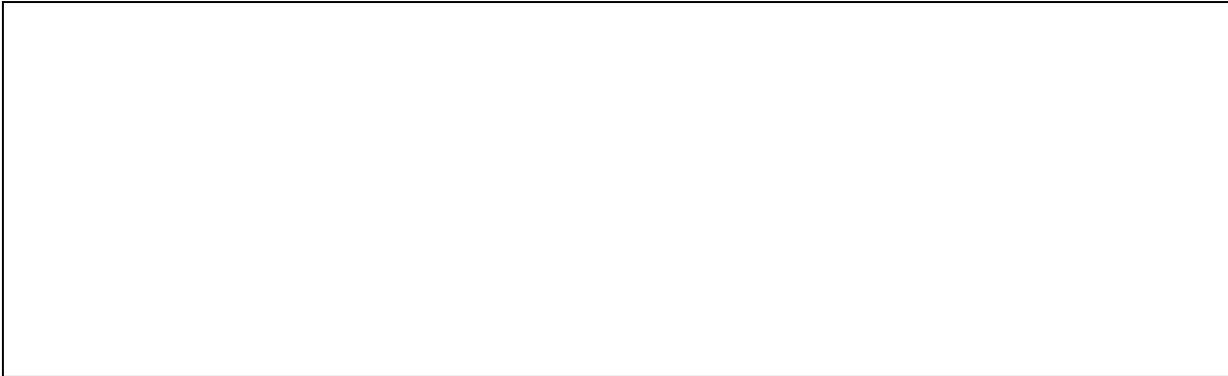
[Empty rectangular box]

13. On-board complaint procedures (Regulation 5.1.5)

[Empty rectangular box]



14. Payment of wages (Regulation 2.2)



I hereby certify that the above measures have been drawn up to ensure ongoing compliance, between inspections, with the requirements listed in Part I.

Name of shipowner¹ :

Company address :
.....
.....
.....
.....

Name of the authorized signatory :

¹ *Shipowner* means the owner of the ship or another organization or person, such as the manager, agent or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner and who, on assuming such responsibility, has agreed to take over the duties and responsibilities imposed on ship- owners in accordance with this Convention, regardless of whether any other organizations or persons fulfil certain of the duties or responsibilities on behalf of the shipowner. See Article II(1)(j) of the Convention .

Title :

Signature of the authorized signatory :

Date :

(Stamp or seal of the shipowner¹)

To be filled by the Registrar of Indian Ships	
Reference No.	Seal, Date & Signature of the Registrar of Indian Ships
	<i>(dd/mm/yyyy)</i>



The above measures have been reviewed by **The Registrar of Indian Ships, Mercantile Marine Department, Mumbai / Kolkata / Chennai / Kochi / Vishakapatnam / Goa²** and, following inspection of the ship, have been determined as meeting the purposes set out under Standard A5.1.3, paragraph 10(b), regarding measures to ensure initial and ongoing compliance with the requirements set out in Part I of this Declaration.

Name :

Title :

Address :

.....

.....

Signature :

Place :

Date :

² *Delete as appropriate*

(Seal)