

Contravention of DGS directives on conduct of Medical Examination by approved medical examiners - regarding

M.S. Notice 09 of 2011

No:7-NT(8)/2010

Dated: 01.04.2011

Subject: Contravention of DGS directives on conduct of Medical Examination by approved medical examiners - regarding

Introduction

1. The Directorate General of Shipping under the section 98 of Merchant Shipping Act 1958 and rules framed there under, appoints Medical Examiners to conduct medical examination of Indian seafarers serving Indian flag ships. The guidelines in this regard have been issued vide Merchant Shipping Notice 23 of 2010. This notice prescribes the procedure to approve medical examiners and their responsibilities and obligations after the appointment. A copy of the latest Merchant Shipping Notice No. [23 of 2010](#) that supersedes earlier Merchant Shipping Notice [17/2002](#) is displayed on DGS website www.dgshipping.com.
2. It has been observed by the Directorate that many approved medical examiners, on its panel are not fully adhering to the procedures in the conduct of medical examination and issuance of medical certificate as specified in the relevant Merchant Shipping Notice 23 of 2010.
3. Some of the frequently noticed non-compliances are:
 - i. Delayed intimation to the Directorate about the change of address other than those approved and displayed on the website.
 - ii. Issuance of incomplete medical certificate i.e. all information is not incorporated.
 - iii. Non-signatory person signing the medical certificate on behalf of the Directorate General of Shipping's approved medical examiners.
 - iv. Late or no submission of periodical returns to the Directorate General of Shipping and,
 - v. Issuance of medical certificate to the seafarers without either conducting medical examination or improper medical examination.

While some of the deficiencies are procedural**, others are more serious*** in nature displaying an unprofessional attitude and violating code of conduct specified in the relevant section of the Medical Council Act. This is not acceptable.

4. In view of the above, the Competent Authority has decided that a cautionary note will henceforth be issued to the concerned medical examiners whenever deficiencies relating to procedure lapse are noticed. While one time lapse may not attract immediate adverse consequences, multiple or repeated lapses may result in suspension/cancellation of the approval.
5. Serious lapses committed by the medical examiner shall lead to suspension cancellation and penal action under the provisions of Merchant Shipping Act, 1958.
6. The approved medical examiner, ship owner or seafarer are advised to adhere to the provisions of M.S. (Medical Examination) Rules, as amended and applicable M.S. Notices issued by the Directorate General of Shipping from time to time.

7. Co-operation of all concerned is solicited.

Sd/-

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Nautical Surveyor-cum-DDG(Tech)

NOTE :

(1) Procedural lapses-

- i. Non submission of returns.
- ii. Non-reporting of change of address.
- iii. Issuance of incomplete medical certificate.
- iv. Not maintaining publications or DGS notices relevant to the medical examination.

(2) Serious lapses-

- i. Issuance of medical certificate without conducting medical examination.
- ii. Issuance of medical certificate signed by unauthorized or non- signatory person.
- iii. Issuance of medical certificate to unfit seafarers.
- iv. Issuance of unfit certificate to the fit seafarers.