



भारतसरकार/ GOVERNMENT OF INDIA
पत्तन, पोतपरिवहनऔरजलमार्गमंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS
नौवहनमहानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

File No. 23-MLC/5/2024-CREW-DGS (C. No. 30987)

Date: 19.12.2024

DGS Order No. 21 of 2024

Subject: ILO 110th session amendments (2022) to Maritime Labour Convention, 2006 - reg.

1. Whereas, in exercise of the powers conferred by section 218A, read with section 457, of the Merchant Shipping Act, 1958 (44 of 1958), as amended, the Central Government, having regard to the provisions of the Maritime Labour Convention, has notified the Merchant Shipping (Maritime Labour) Rules, 2016, which came into force with effect from 29.02.2016, vide the Ministry of Shipping, Govt. of India's Notification G.S.R. 202 (E) dated 29.02.2016 and further amended the Rules as Merchant Shipping (Maritime Labour) Amendment Rules, 2021, which deemed to have come into force on the 26.12.2020 vide G.S.R. 441 (E) 28.06.2021.
2. Whereas, in exercise of the powers conferred by sub-section (3) of section 95 and section 457 of the Merchant Shipping Act, 1958 (44 of 1958), and in supersession of the Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2005, the Central Government has notified Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016 which came into force with effect from 15.02.2016, vide the Ministry of Shipping, Govt. of India's Notification G.S.R. 169 (E) dated 15.02.2016 and further amended the Rules as Merchant Shipping (Recruitment and Placement of Seafarers) Amendment Rules, 2022, which came into force with effect from 26.02.2022 vide G.S.R. 319 (E).
3. Whereas, the International Labour Conference (ILO) in its 110th session adopted a series of significant amendments to the Maritime Labour Convention (MLC), 2006. These amendments were adopted to address the challenges observed during the COVID-19 pandemic and are intended to strengthen the rights of seafarers, ensure their well-being, provide them secure environment in the Maritime Industry and are set to enter into force globally on 23rd December 2024.
4. Whereas, member states party to MLC, 2006 including India, are responsible for implementing the said amendments. The Directorate General of Shipping, Govt. of India hereby issues directives to Indian shipowners, Managers and Recruitment and Placement Service Licenses (RPSL) agencies to ensure full and effective compliance to the following listed amendments by updating their Safety Management Systems (SMS), Crewing Manuals and Declaration of Maritime Labour Compliance (DMLC) as required:

4.1 Reference MLC 2006 Standard A1.4 - Recruitment and placement Para 5 (c) (vi)

....2

9वीं मंजिल, बीटा बिल्डिंग, आई थिंक टेक्नो कैम्पस, कांजुर गाँव रोड, कांजुरमार्ग (पूर्व) मुंबई- 400042

9th Floor, BETA Building, I-Think Techno Campus, Kanjur Village Road, Kanjurmarg (E), Mumbai-400042

फ़ोन/Tel No.: +91-22-2575 2040/1/2/3 फ़ैक्स/Fax.: +91-22-2575 2029/35 ई-मेल/Email: dgship-dgs@nic.in वेबसाइट/Website: www.dgshipping.gov.in

MS (RPS) Rules 2016 Rule 5 (1) (g): establish a system of protection, by way of a bank guarantee to compensate seafarers for any monetary loss that they may incur as a result of the failure of a recruitment and placement service and the relevant shipowner under the seafarer's employment agreement to meet its obligation to them and ensure that seafarers are informed, prior to or in the process of engagement, of their rights under the system.

Compliance Requirements: The Shipowners, Ship Managers, RPS agents are to ensure that the seafarers recruited onboard their vessels are informed about their rights applicable under Seafarer's Employment Agreement (SEA) and applicable Collective Bargaining Agreement (CBA) prior to or in the process of engagement before signing on onboard ships and maintain necessary documentary records to satisfy the compliance.

4.2 Reference MLC 2006 Standard A2.5.1 - Recruitment and placement Para 9

(inserted new paragraph 9 and renumber the subsequent paragraph)

MS (Maritime Labour) Rules 2016 Rule 12 (9): 9. Members shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of Standard A2.5.2, paragraph 2. Port States, flag States and labour supplying States shall cooperate to ensure that seafarers engaged on a ship to replace seafarers who have been abandoned in their territory, or on a ship flying their flag, including Indian seafarers on foreign flag ships shall be accorded their rights and entitlements under this Convention.

Compliance Requirements: The Directorate General of Shipping shall facilitate the prompt repatriation of seafarers, including when they are deemed abandoned within the meaning of these rules. Indian Administration as a Port State, flag State and labour supplying state shall cooperate to ensure that seafarers engaged on a ship to replace seafarers who have been abandoned in Indian territory, or on a ship flying Indian flag, including Indian seafarers serving on foreign flags ships shall be accorded their rights and entitlements under these rules.

4.3 Reference MLC 2006 Standard A3.1 - Accommodation and recreational facilities

(Para 17 amended)

MS (Maritime Labour) Rules 2016 Chapter IV Rule 16: Appropriate seafarers' recreational facilities, amenities and services, including social connectivity, as adapted to meet the special needs of seafarers who must live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account Merchant Shipping (Crew Accommodation) Rules, 1960 and Merchant Shipping (Seafarers' Accommodation) Rules, 2016 and the associated provisions on health and safety protection and accident prevention.

Compliance Requirements: The shipowners and ship managers are to ensure that the seafarers are provided appropriate social connectivity (internet services) onboard as much as practically possible, taking into account the size, type, and area of the operation of the vessels, and maintain necessary documentary records to satisfy compliance.

4.4 Reference MLC 2006 Guideline B3.1.11 – Recreational facilities, mail and ship visit arrangements

....3

[Handwritten signature and date 27/12/24]

(Para 4(j) amended)

MS (Seafarers' Accommodation) Rules, 2016 First Schedule 9(4)(j): *reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount.*

Compliance Requirements: The Shipowners and Managers are to ensure that the seafarers are provided reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount and maintain necessary documentary records to satisfy the compliance.

4.5 Reference MLC 2006 Guideline B3.1.11 – Recreational facilities, mail and ship visit arrangements

(inserted new para 8)

MS (Maritime Labour) Rules 2016 Chapter IV Rule 16: *reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount.*

Compliance Requirements: The Shipowners and Managers are to ensure that the seafarers are provided reasonable access to ship-to-shore telephone communications, where available, with any charges for the use of these services being reasonable in amount and maintain necessary documentary records to satisfy the compliance.

4.6 Reference MLC 2006 Guideline B4.4.2 – Welfare facilities and services in ports

(inserted new para 5 and renumber the subsequent paragraphs)

MS (Maritime Labour) Rules 2016 Chapter IV Rule 16: *Members should, so far as is reasonably practicable, provide seafarers on board ships in their ports and at their associated anchorages with internet access, with charges, if any, being reasonable in amount.*

Compliance Requirements: The Directorate General of Shipping would facilitate so far as is reasonably practicable through the management of respective major and non-major ports in India.

4.7 Reference MLC 2006 i. Standard A3.2 – Food and catering

(Replace paragraphs 2(a) and (b) by the following:)

MS (Maritime Labour) Rules 2016 Chapter IV Rule 17: *2 (a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety, and shall be provided free of charge during the period of engagement;*

2 (b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions; and

....4

(Replace paragraph 7(a) by the following)

7(a) supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety.

Compliance Requirements: The Shipowners and Managers are to ensure that the seafarers are (a) provided food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety, and shall be provided free of charge during the period of engagement; including travelling to and fro from the ship (b) the organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied, balanced and nutritious meals prepared and served in hygienic conditions; (c) provide supplies of food and drinking water in relation to their quantity, nutritional value, quality and variety; and maintain necessary documentary records to satisfy the compliance.

4.8 Reference MLC 2006 Standard A4.1 – Medical care on board ship and ashore

(inserted new paragraph 5)

MS (Maritime Labour) Rules 2016 Chapter V Rule 18 (5): 5. Each Member shall ensure prompt disembarkation of seafarers in need of immediate medical care from ships in its territory and access to medical facilities ashore for the provision of appropriate treatment.

Compliance Requirements: The Directorate General of Shipping will ensure prompt disembarkation of seafarers in need of immediate medical care from ships in Indian territory and access to medical facilities ashore for the provision of appropriate treatment.

4.9 Reference MLC 2006 Standard A4.1 – Medical care on board ship and ashore

(inserted new paragraph 6)

MS (Maritime Labour) Rules 2016 Chapter V Rule 18 (5): 6. Where a seafarer has died during a ship's voyage, the Member in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate.

Compliance Requirements: The Directorate General of Shipping would ensure that where a seafarer has died during a ship's voyage, the country in whose territory the death has occurred or, where the death has occurred on the high seas, into whose territorial waters (country) the ship next enters, shall facilitate the repatriation of the body or ashes by the shipowner, in accordance with the wishes of the seafarer or their next of kin, as appropriate and maintain necessary documentary records to satisfy the compliance.

4.10 Reference MLC 2006 Guideline B4.1.3 – Medical care ashore

(inserted new paragraphs 4, 5)

Reference MLC 2006 Guideline B4.1.4 – Medical assistance to other ships and international cooperation

.....5

(replace para 1(k) by the following)

Compliance Requirements: The Directorate General of Shipping would facilitate so far as is reasonably practicable.

4.11 Reference MLC 2006 Standard A4.3 – Health and safety protection and accident prevention

(inserted new paragraph 6)

MS (Maritime Labour) Rules 2016 Chapter V Rule 18 (1)(b): 1(b) reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships.

Compliance Requirements: The Shipowners and Managers are to ensure that reasonable precautions to prevent occupational accidents, injuries and diseases on board ship, including through the provision of all necessary appropriately-sized personal protective equipment and measures to reduce and prevent the risk of exposure to harmful levels of ambient factors and chemicals, as well as the risk of injury or disease that may arise from the use of equipment and machinery on board ships are provided and maintain necessary documentary records to satisfy the compliance.

4.12 Reference MLC 2006 Standard A4.3 – Health and safety protection and accident prevention

(Replace the chapter of paragraph 5, insert new paragraph 5(a) and renumber the subsequent subparagraphs:)

MS (Maritime Labour) Rules 2016 Chapter V Rule 18 (5): 5 (a) all deaths of seafarers employed, engaged or working on board ships that fly its flag are adequately investigated and recorded, and reported on an annual basis to the Director-General of the International Labour Office to be published in a global register:

Compliance Requirements: Directorate General of Shipping will ensure that all deaths of seafarers employed, engaged or working on board ships that fly the Indian flag are adequately investigated and recorded, and reported on an annual basis to the Director-General of the International Labour Office to be published in a global register.

4.13 Reference MLC 2006 Guideline B4.3.5 – Reporting and collection of statistics

(Insert new paragraphs 4 and 5)

Compliance Requirements: Directorate General of Shipping would comply with the requirements so far as is reasonably practicable.

4.14 Reference MLC 2006 Appendix A2-I – Evidence of financial security under Regulation 2.5, paragraph 2

....6

Amul
20/12/24

(Replace item (g) by the following:)

MS (Maritime Labour) Rules 2016 Form 1 (g): (g) name of the shipowner, *or of the registered owner if different from the shipowner*;

Reference MLC 2006 Appendix A4-I – Evidence of financial security under Regulation 4.2

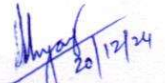
(Replace item (g) by the following:)

MS (Maritime Labour) Rules 2016 Form 2 (g): (g) name of the shipowner, *or of the registered owner if different from the shipowner*;

Compliance Requirements: *Directorate General of Shipping shall accept the financial security document with details of name of the shipowner, or of the registered owner if different from the shipowner.*

5. The following listed compliance mechanism shall be applicable for all the above listed MLC amendments effective and in force from 23rd December 2024:

- a) *Existing MLC and DMLCs (DMLC Part I and Part II) that have been issued prior to the entry into force of the amendments will continue to remain valid. However, they shall be amended no later than the date of the first renewal inspection or next intermediate inspections on or after 23 December 2024 following entry into force of the amendments.*
- b) *Shipowners and Shipmanagers are required to amend their policies as well as their procedures, manuals and related documentation suitably to reflect the new requirements or amendments.*
- c) *Shipowners and Shipmanagers shall update their DMLC Part I and Part II, initially by way of an addendum and self-attested by DPA and shall be kept appended to the vessel's existing MLC Certificate as evidence of compliance with the amendments.*
- d) *RPS agents are required to amend their policies as well as their procedures, manuals and related documentation suitably to reflect the new requirements / amendments no later than the date of the next annual / renewal on or after 23 December 2024 following entry into force of the amendments.*
- e) *Vessels being registered as Indian flag on or after 23 December 2024 must have a new DMLC Part I & II updated with the latest amendments.*


20/12/24

(Shyam Jagannathan)
Director General of Shipping