



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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F. NO.CR-21(1)/2010

Dated:16 .01.18

DGS ORDER No. 1 of 2018

Sub: Exemption of repair technicians from the purview of MLC, 2006-reg.

Merchant Shipping (Maritime Labour) Rules 2016 notified on 29.02.16 and the Directorate General of Shipping Merchant Shipping Notice No.16 of 2016 dated 08.12.16 inter-alia provide guidelines for implementing the provisions of the Maritime Labour Convention on Indian flag ships.

2. The Directorate General of Shipping has also issued Merchant Shipping Notice No. 7 of 2017 dated 11.08.17 launching e-migrate system for seafarers joining vessels abroad.

3. The Indian National Shipowners Association (INSA) has made representation to the Directorate seeking exemption for the sailing repair personnel from the purview of Maritime Labour Rules stating that these personnel are neither seafarers nor supernumeraries and are engaged through contractors and placed on board for ship's specific repair. They have also requested to facilitate these persons under the e-migrate system.

4. Article II paragraph 3 of Maritime Labour Convention, 2006, to which India is a party, provides that *"In the event of doubt as to whether any categories of persons are to be regarded as seafarers for the purpose of this Convention, the question shall be determined by the competent authority in each Member after consultation with the ship-owners' and seafarers' organizations concerned with this question."*

Accordingly the issue was discussed and deliberated in a meeting held on 21.11.17 with Indian

shipowners association and seafarers unions by this Directorate.

5. It was deliberated that these sailing repair personnel (repair technicians) are qualified welder, machinist, specialist painter who are placed aboard for a non-regular specific ship repair work. They do not form part of CBA. These are persons who principally work ashore but who occasionally spent a short period working on ship and their work does not concerned with the routine work of the ship. The frequency of period of work spent on board is at-least twice a year. The duration of stay on board of the persons concerned usually less than six months in a year. The location of the person's principal place of work is ashore. These persons are placed on board to complete specialized jobs of ship repair and up-gradation of vessel. The shipowners ensures that the contractor through whom these persons are engaged protect the labour and social standards applicable for them. The shipowners have the agreement in place with the contractor.

6. In the light of the foregoing and having taken into careful consideration the above facts, the Director General of Shipping is satisfied that in the circumstances of the issue, the requirement of Rule 2 of Merchant Shipping (Maritime Labour) Rules, 2016, ought to be dispensed with, for the said persons. Therefore, in exercise of powers conferred by clause (1) of section 456 of the Merchant Shipping Act, 1958, on the Central Government, read with notification issued by the Government of India, vide S.O. No. 3144 dated the 17th December, 1960, delegating the said powers to the Director General of Shipping, the Director General of Shipping and the Special Secretary to the Govt. of India, is pleased to grant exemption from the provision of Rule 2 of Merchant Shipping (Maritime Labour) Rules, 2016, in respect of the said persons subject to the following conditions:

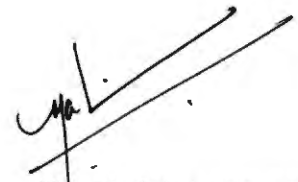
- (i) The shipowners shall ensure that they have the agreement in place with the contractor for engaging and placing such persons on board;
- (ii) The shipowners shall ensure that the agreement with the contractor through whom these persons are engaged and placed on board protects the labour and social standards applicable for them, including appropriate insurance cover.
- (iii) The duration of stay on board of a person concerned shall not exceed 120 days in a year.
- (iv) Such persons shall not be entitled for their sea service to be counted for the purpose of

CoC/CDC as otherwise applicable to the seafarers constituting the regular crew of the ship.

(v) The shipowners shall ensure that the living and working facilities provided to these persons will not be at the cost of the facilities being provided to the regular officers and crew of the vessel.

(vi) Ship-owner/Master of the vessel will ensure that these repair technicians are carrying out the assigned functions, keeping in view the safety practices specified in the safety manual of the ship, under the ISM Code.

7. The data of their placement on board shall be submitted by the shipowners in the e-migrate system, using the Passport No. of the person, facility of which has been provided in the said system.



(Dr. Malini V. Shankar)

Director General of Shipping & Special Secretary to the Govt. of India

Copy to:

1. INSA/MASSA/FOSMA/ICCSA/MUI/NUSI/IMF,
2. MMD MUMBAI/KOLKATA/CHENNAI/COCHIN/KANDLA,
3. Govt. Shipping Office Mumbai/Kolkata/Chennai,
4. DSEO Mumbai/Kolkata/Chennai.
5. E-Governance Branch for placing in the DGS website.