

Cut off date for acceptance of applications for issuance of CDC under Rule

DGS Order No. 5 of 2001

NO:8(26)/CR/2000

Dated:June 4, 2001

Sub:Cut off date for acceptance of applications for issuance of CDC under Rule 4(9) of M.S.(CDC) Rules, etc.

The Government of India, Ministry of Surface Transport, vide its letter No. B-11015/15/94-MT dated 12th October 1994 ordered the setting up of a Committee headed by Shri Praveen Singh, former Director General of Shipping, to examine the issue of CDCs freely to all applicants and related matters thereof. The Committee deliberated on the issues at length and submitted its report to the Government in September 1995. In its report, the Committee inter-alia considered the matter of issue of CDCs to existing seamen in the home trade sector and OSVs who were sailing without CDCs. The Committee observed that there are about 500 persons who are sailing on the home trade sector without CDCS and recommended that those persons who were already sailing on the home trade vessels and had a minimum sea service of six months during the five years from 1.4.1991 onwards should be issued with CDCs subject to the production of a service certificate issued by the Master/owner of the vessel duly authenticated by the employing company and by wage slips. The Committee further recommended that the cut off date for considering these requests may be twelve months from the date of the Government notification on the subject.

Similarly the Committee also recommended that in the case of personnel already sailing on OSVs without CDCs, CDCs maybe issued subject to their fulfilling the requirements of at least twelve months service on OSVs within the period of five years from 1.4.1991 onwards supported by documents as mentioned in the case of home trade sea farers. In this case, the Committee recommended a cut off date for considering applications of twelve months from the date of the Government notification. These recommendations were accepted by the Government of India and a Notification GSR No. 421 dated 15.12.1997 was issued by the Ministry of Surface Transport amending the Merchant Shipping (Continuous Discharge Certificate) Rules, 1993 as per which inter alia Rule 4(9) was added to the MS (CDC) Rules which stipulates that an applicant who has been working on board Offshore Supply Vessels or Home Trade vessels or Passenger Ships in any capacity without a CDC will be issued a CDC subject to fulfilling the requirements recommended by the Praveen Singh Committee.

Accordingly CDCs were being issued under Rule 4(9) to applicant seamen who were sailing without CDCS in the home trade sector and on OSVs and a large number of such CDCs have already been issued far in excess of the number of 500 estimated by the Praveen Singh Committee. A Tripartite Meeting with all the associations of Ship owners and Unions of seafarers was held on 24th April, 2000 in this Directorate to streamline the procedure for issuance of CDCs and the practice of issuing CDCs under Rule 4(9) to seamen in the home trade sector and those who were sailing on OSVs was discussed at length. It was reported by the Shipping Masters and the Union representatives that though it was expected that only about 500 seafarers would be eligible for the benefit under sub rule 4(9), but in actual fact a disproportionately large number of applicants have been issued CDCs under this rule and it was surmised based on the experience of the shipping masters that a lot of applicants took the benefit of this sub rule by producing either flimsy or fraudulent certificates of sea services, which could not be verified by the Shipping Masters. It was also observed that the benefit under this rule was intended to be provided only to cover existing seamen in the home trade and OSV sector who were all supposed to be issued with CDCs within the cut off period of six months or twelve months as recommended by the Committee and the Committee had not intended an indefinite application of the provision of the rule. It was therefore unanimously decided during the meeting that no further applications should be entertained by the Shipping Offices for issuance of CDCs under rule 4(9) of the M.S(CDC) rules after 31st May, 2000.

All the three shipping offices stopped entertaining applications under Rule 4(9) of the M.S.(CDC) Rules, w.e.f. 31st May, 2000 or the date of receipt of the minutes of the above meeting dated 24.4.2000, which ever was later. This Directorate has also forwarded a draft revised M.S.(CDC) rules, 2001 to the Ministry of Shipping, New Delhi in July, 2000 wherein inter alia the existing sub rule 4(9) has been deleted.

In view of these facts and circumstances, the Director General of Shipping and Ex-Officio Additional Secretary to the Government of India having been convinced that compliance with sub rule 4(9) of the MS (CDC) Rules, 1993 is no longer necessary is hereby pleased to exercise the powers conferred by clause (1) of section 456 of the Merchant Shipping Act, 1958, read with notification issued by the Government of India, vide S.O.No.3144 dated 17th December, 1960, delegating the said powers to the Director General of Shipping and to order that no fresh applications for issuance of CDCs under Rule 4 (9) of the MS (CDC) Rules, 1993 may be entertained by any of the shipping masters on or after 31.5.2000 or the date of receipt of the minutes of the tripartite meeting dated 24.04.2000, whichever is later.

At the Tripartite Meeting held in this Directorate with all the associations of Ship owners and Unions of seafarers on 24th April, 2000, two other issues discussed were the issue of CDCs in the category of utility hand and the qualifications to be prescribed for issuing CDCs in the category of Petty Officer. In the case of Utility Hand, it was pointed out at the aforesaid meeting that this category existed only on Indian vessels and not foreign flag vessels and there was a lot of unemployment among CDC holders in this category. The Meeting therefore recommended that CDCs should not be issued indiscriminately in this category and should be restricted only to restricted cases of persons seeking CDCs for employment on compassionate grounds who are sons or dependants of seamen who have died on board the vessel or are medically incapacitated. The recommendation of the Tripartite Meeting that CDCs in the category of Utility Hand should be restricted for issue only to applicants who satisfy the above criteria subject to their fulfilling the requirements of the CDC rules, was also accepted.

In the case of CDCs in the category of Petty Officer, the Meeting recommended that qualifications in only those trades listed in the MS CDC Rules should be considered for the issue of CDCs and duration of the course should be not less than two years except in the case of Diploma Course in Catering Technology where the minimum acceptable duration should be three years. This recommendation was also accepted and the Shipping Masters were directed to shall comply with these guidelines.

Sd/-

(D.T. Joseph)
Director General of Shipping
& ex-officio Additional Secretary
Ministry of Shipping,
Government of India