



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

75
आज़ादी का
अमृत महोत्सव

File No: 20-11011/7/2020-TRG-DGS

Date: 02.08.2022

SPEAKING ORDER OF SUSPENSION OF APPROVAL OF THE INSTITUTE

1. Whereas, the Directorate had accorded approval to the MTI “**M/s. International Maritime Academy, Chennai**” (MTI No. 406026), No.41, Jamin, Korattur, Puthuchatram, Chennai, Tamil Nadu – 600 056 for conducting following maritime training courses.

Sr. No.	Course Name
1.	B.Sc. Nautical Science
2.	BE / B-Tech Marine Engineering
3.	Basic Safety Training
4.	Diploma in Nautical Science
5.	Security Training for Seafarer with Designated Security Duties
6.	Training for General Purpose Ratings

2. Whereas, the MTI belongs to the Trust **M/s International Maritime Academy Trust**. The Trustees of the said Trust are Shri. J. Senthil Kumar (S/o Shri K Jayaraman), Smt. M. Hemalatha (W/o Shri J. Senthil Kumar).

3. Whereas, it has been brought to the notice of the Directorate that M/s International Maritime Academy, Chennai (IMA Chennai) is continuing the violations of admitting the candidates, who are not meeting the entry standards, in pre-sea B.Sc. (NS) degree course and Diploma in Nautical Science courses despite the Judgment of the Hon'ble Madras High Court dated 09.09.2019 in a batch of Writ Petitions filed by the said institute M/s International Maritime Academy, Chennai (IMA Chennai) and Maritime Institutes Association.

4. Whereas, a Show Cause Notice was issued to the said institute by the Directorate General of Shipping on 14th Sept 2021 seeking explanation for the deliberate violations of the DGS guidelines. The institute has furnished its reply to the DGS vide email dated 28.09.2021. The issues raised in the SCN, the reply given by the institute and final comments of DGS are enumerated in the forgoing paras.

5. SCN Para No:3

5.1. Admission of candidates who are not meeting the entry standards in B. Sc NS degree course and Diploma in Nautical Science courses approved by DGS.

5.1.1. Whereas, the High Court of Judicature at Madras in Writ Petition Nos. 40370, 40371, 42306, 42307 of 2016, 1415, 2892, 20830, 20831, 32885, 34869 of 2018, 1278, 1639 and 1651 of 2019 and W.M.P.Nos.34441, 34443, 36211, 36213 of 2016, 1800, 1801, 3566, 24447, 24448, 24449. 24450 to 24452, 38102, 38103, 38105, 40420, 40421, 40423 of 2018, 1432, 1434, 1436, 1819 and 1848 of 2019 has pronounced an order dated 9.09.2019.

5.1.2. The conclusive Para 92 of the said Order

"To sum up the writ petitions are disposed of with the following findings and directions:-

(i)The Director General of Shipping is the authority vested with absolute power to regulate all training programmes leading to examinations for grant of certificates;

(ii)As far as Diplomas, Degrees and Post Graduate Diplomas offered by the Institutes affiliated to Universities, the policy of the Central Government binds the Universities and the Institutes affiliated to the Universities. DGS power to prescribe minimum eligibility marks for admission in Diploma and degree courses flows from Entry 25 in List I of Schedule VII of the Constitution of India".

5.2. Reply from IMA-

5.2.1. Though you have selectively referred to only Para 92 of the order issued by the Madras High Court dated 09.09.2019 in W.P. no. 40370 of 2016 etc. batch of Writ Petitions, you will note that in the very same order at **para 87**, the Learned

Judge has observed that 'Hence, the prescription of minimum mark for admission in diploma or degree course offered by the University by DGS have **persuasive value**'.

5.2.2. Further at **Para 89** the Learned Judge has clearly stated that '**except Diplomas, Degrees, Post graduate degrees and higher degrees offered by the universities**, the DGS is the absolute authority to impose conditions for qualification and training programmes. As far as diplomas, degrees and post graduate diploma etc. granted by the universities, the central government decisions conveyed through the DGS carry persuasive effect on the Universities.'

5.2.3. In addition, you will find that in Para 91 the Learned Judge has advised your good self to "come out with composite order based on the STCW Code, 1978 the STWC Rules, 2014 and the CDC Rules, 2017 so that, the maritime institutes offering training programmes will also be properly guided to conduct their institutes in consonance with the Act and the Rules issued in exercise of the power under the Statute referred" and that such exercise ought to be completed **within four months**. **But till date, there is no such composite order that has been issued by the DGS / Ministry to all universities who are conducting maritime courses.**

5.2.4. Even in paragraph 92 of the order that you have sought to rely upon, the Learned Judge has concluded that 'as far as diplomas, degrees and post graduate diplomas by the Institutions affiliated to Universities, **the policy of the Central Government binds the Universities and the Institutions affiliated to the Universities.**'

5.2.5. From a combined reading of the above observations in the judgment, it is therefore apparent that, if anything, the Learned Judge has clearly held that it is the Central Government which the ultimate authority in matters relating **diplomas**, degrees and post graduate diplomas and your reading to the contrary to confer power upon yourself is clearly mistaken and contrary to the judgment rendered by the Learned Judge.

5.2.6. In any case you will note that questioning other portions of the common order issued by the Learned Judge, we have filed W.A. no. 4209 of 2019 before the

Learned Division Bench of the Madras High Court and the same is pending final adjudication as on date.

5.2.7. You will also further note that with regard to minimum marks prescribed by the DG Shipping, there is one more writ petition no: 12670 of 2014 which is still pending final adjudication at Madras High Court in which the Learned Judge had been pleased to grant interim orders. DGS has not filed the counter affidavit in the Writ Petition 12670 of 2014 till date and the same is pending for final adjudication. The Interim stay order issued by this Hon'ble Court continues to operate till date and DGS has not taken any steps till date to get the final order in the above writ petition.

5.3. Comments of the Directorate

5.3.1. Whereas, Hon'ble High Court of Judicature at Madras order dated 9.09.2019
Para 89

"On a cumulative appreciation of these provisions, this Court come to the irresistible conclusion that the DGS has got the power to regulate training courses on marine education which includes diplomas, degrees and post graduate diplomas. However, it shall be subjected to the rules and code. There cannot be any fetter in his power to prescribe qualification norms which are reasonable and in consonance with rules and code. Except diploma, degree, post graduate degree and higher degrees offered by the universities, the DGS is the absolute authority to impose conditions for qualification and training programmes. As far as diplomas, degrees and Post Graduate Diploma etc., granted by Universities, the Central Government decisions conveyed through the DGS carry persuasive effect on the universities.

5.3.2. The High Court of Judicature at Madras in Writ Petition has pronounced an order dated 9.09.2019 and in the **conclusive Para 92** of the said Order

"To sum up the writ petitions are disposed of with the following findings and directions:-

(i) The Director General of Shipping is the authority vested with absolute power to regulate all training programmes leading to examinations for grant of certificates;

(ii) As far as Diplomas, Degrees and Post Graduate Diplomas offered by the Institutes affiliated to Universities, the policy of the Central Government binds the Universities and the Institutes affiliated to the Universities. DGS power to prescribe minimum

eligibility marks for admission in Diploma and degree courses flows from Entry 25 in List I of Schedule VII of the Constitution of India”.

5.3.3. Further, the reply given by the institute regarding the interim order in WP No. 12670 of 2014 is totally wrong and misleading. The Directorate has already filed the Counter affidavit seeking disposal of the petition in view of the Judgment dated 09.09.2019. The interim order in WP 12670 of 2014 is with respect to issuance of CDCs for a batch of students admitted in the year 2013 who got PCM percentage above 55% but less than 60 % prescribed by DGS in Training Circular No. 05 of 2013. The Para 13 and 62 of the latest order dated 09.09.2019 already considered the said interim order and Judgment has been pronounced. Hence, the Maritime Training Institute is duty bound to comply with the Judgment dated 09.09.2019. Any disregard for the Judgment of the Hon’ble Madras High Court will lead to Contempt of Court.

5.3.4. The Directorate in compliance to Hon’ble High Court Order has already issued a composite order as DGS Training Circular 12 of 2020, 18 of 2020 and 20 of 2020 in accordance with STCW Convention, Code and M.S. STCW Rules, 2014. Therefore, the reply given by the institute regarding non-compliance with the order of the Hon’ble High Court is totally wrong and not acceptable.

5.3.5. Hence the deliberate misinterpretation of Judgment dated 09.09.2019 by MTI is not acceptable. Further MTI by admitting candidate below the prescribed minimum eligibility criteria is not only violating the DGS Guidelines but also its contempt of Hon’ble High Court Order.

6. SCN Para No.4:

6.1. SCN Para No.4

6.1.1. The High Court of Judicature at Madras in Writ Petition Nos. 9050 & 9119/2020 and WMP.Nos.11011, 11013, 11117 & 11118/2020 has pronounced an order dated 18.08.2020.

6.1.2. The conclusive **Para 19** of the said Order *“In so far as the power and authority of the 2nd respondent in issuing the Circular is concerned, this Court concurs with the findings of the earlier order dated 09.09.2019 passed by the learned Single Judge in the batch of writ petitions. Therefore, this Court is not*

inclined to once again go through the exercise of determining the power and authority of the 2nd respondent, more particularly, since the Institution has challenged that portion of the order by filing a writ appeal”.

6.2. Reply from IMA-

6.2.1. Your reliance sought to be placed on the order issued by the Madras High Court dated 18.08.2020 in W.P. no. 9050 of 2020 etc. batch of Writ Petitions is entirely misplaced as the said batch dealt with challenge to requirement regarding placement and issuance of degrees certificates etc. sought to be imposed by yourself and it nowhere dealt with prescription of minimum marks at all. The observation in para 19 of the said order sought to be relied upon by you only related to the circular impugned therein and does not in any form or manner confer power upon you to deal with other matters.

6.3. Comments of the Directorate;

6.3.1. The conclusive Para 19 of the said Order

“As pointed out the Central Government, under Section 7(2) of the Merchant Shipping Act, 1958 has delegated most of its power to DGS including the matter relating to regulating training programmes. The statute itself has conferred certain powers of DGS regarding training and issuance of certificates. So, it is highly preposterous to contend that DGS has no power to issue orders or circulars in connection with training. In fact, the provisions of Merchant Shipping Act and the Rules framed there under clearly indicate that the intention of the Central Government is to provide qualified man power for shipping industry and for that purpose, the DGS has been conferred with power to regulates the Marine training.

Above all, unlike the other education, marine education being a specialized education involving international community and India being the member of International Maritime Organization, they are bound by the Code and the reforms which are brought in by the Central Government in consequence to the international convention. The DGS is the authority and through him, the Central Government implement its policy. Hence, the attack on the DGS circulars and orders questioning his competency and jurisdiction is untenable and liable to be rejected.”

6.3.2. The latest Judgement of the Honourable Madras High Court dated 18.08.2020 reiterated the powers of DGS in regulating maritime training.

Accordingly, these provisions were quoted in Show Cause Notice. Therefore, the reply given by the institute is not acceptable.

7. SCN Para No: 5

7.1. SCN Para No: 5

7.1.1. The Directorate has received letter from MTI dated 21.12.2020 informing about the admitted students for B.Sc. Nautical Science and Diploma Science. It was found from the letter that MTI is still admitting candidate below minimum eligibility criteria. The DGS Training Circular 12 of 2018 dated 01.04.2020 mention in details about the minimum eligibility criteria for admission in approved MTI for approved maritime Pre-Sea training course. The MTI is in Non-compliance to the DGS Guidelines as the same has been already upheld by Hon'ble High Court of Judicature at Madras. The above Non Compliance falls under Major deficiencies mentioned under Part 5, Para 5.3 (5.3.1.2) of DGS Order 07 of 2018.

7.2. Reply from IMA-

7.2.1. In the DGS' TEAP Manual, Flow diagram no: II/1-1(A) allows the students of nautical science course who have scored 60% PCM and above in 12th standard to appear their second mate examinations.

7.2.2. The DGS circular no: 2 of 2017 dated 26.09.2017 and TEAP manual flow diagram no: II/7-1 and II / 12-1 allows the students of Nautical science course (Deck cadets) of 1-year (DNS), 3-year (BSC), and 4-year (Polyvalent) pre-sea deck cadet course with 12th standard (10+2) with PCM to appear second mate examination through NWKO / NCV. This was issued by the previous DG with the approval of Chief Examiner of Master and Mates (Nautical Advisor to the Govt. of India) in order to comply with the international convention (Attachment 1). This circular has been issued by you with full knowledge of the existing circumstances and is still valid as on date.

7.2.3. The university has fixed their eligibility marks to join the Degree and Diploma nautical science courses with minimum 45% in 10+2 PCM as per UGC norms. In the academic year 2020 and 2021, majority of admitted students are with 60% in PCM who will appear their second mate examination as per TEAP manual

flow diagram no: II /1-1(A). Few aspiring students demanded admission as per the University norms who have scored above 45% PCM in 12th standard but below 60%.

7.2.4. Such students are aware of the above DGS circular 2 of 2017 and TEAP Manual flow diagrams II/7-1 and II / 12-1 well before their admission and they have given their willingness and undertaking letter (Attachment 2 – samples) to appear their second mate exam through NWKO / NCV route as allowed by the DGS in flow diagrams II/7-1 and II / 12-1. This was already clarified to DGS vide our earlier letter dated 11-3-2021. Now, the same clarification is again sought by the DGS.

7.2.5. Thus, there is no non-compliance of DGS orders and TEAP manual guidance. If DGS brings out with only one possibility in their TEAP manual' flow diagrams for nautical cadets, then such single policy will be adhered by all the aspiring students. As the TEAP manual gives multiple options to the students either with 10+2 PCM with 60% and above (or) simply with 10+2 PCM without any minimum marks to appear second mate examinations, the aspiring students seek admission of nautical science courses with PCM (Physics, Chemistry and Math's as subjects) in 12th standard as allowed in the DGS TEAP manual.

7.2.6. Compliance of DGS circular no: 12 of 2020 dated 1-4-2020:

The DGS has introduced Common Entrance Test (CET) for the admission of all maritime courses which will be conducted by Indian Maritime University (IMU) which is effective from 1st March 2020 onwards. But, IMU did not conduct the CET as per the DGS circular 12 of 2020 for centralized admission for the academic years 2020 and 2021 for its affiliated colleges and also for other colleges who are affiliated with other Universities. Both the IMU and DGS are two separate statutory bodies under Ministry of Shipping. Even then, the IMU has its own admission process and issues various circulars irrespective of DGS circular 12 of 2020 and its effective commencement date. Under the circumstances, the other Universities who are following the UGC norms cannot be expected to follow the admission criteria prescribed by DGS. We hope that the DGS can understand the situation of maritime institutions who have to adhere for both the University's eligibility criteria as per UGC norms as well as the DGS norms. The conduct of CET and admission process as per the above circular is also pending in Madras High Court in W.P. no. 10101 of

2020 and suitable interim orders have been issued by the Madras High Court dated 18.08.2020.

7.3. Comments of the Directorate;

7.3.1. The reply given by the institute is not acceptable due to the following facts;

7.3.1.1. The eligibility requirements for undertaking various DGS approved courses have been prescribed by the Directorate through DGS orders/circulars/guidelines in accordance with the approved Training Programme formulated by the DGS. (i.e. Training, Examination and Assessment Programme – TEAP).

7.3.1.2. The IMA Chennai is deliberately not following the entry requirements prescribed by the DGS since 2014 and the institute was admitting the unqualified students in DGS approved pre-sea courses such as B.E. Marine Engineering, B. Sc Nautical Science and Diploma in Nautical Science courses. Also, the IMA Chennai has filed several cases in Madras High Court challenging the powers of the DGS including the power to prescribe entry qualification for candidates joining the pre-sea degree/diploma courses.

7.3.1.3. The Hon'ble Madras High Court has passed the Judgment on 09.09.2019 upholding the powers of DGS and disposed of the batch of Writ Petitions filed by the institute and the Maritime Institutes Association.

7.3.1.4. Despite the Judgment of the Hon'ble High Court dated 09.09.2019, the institute IMA Chennai continuing the deliberate violations and admitting the ineligible candidates with utter regard to the Judgment of the Hon'ble High Court.

7.3.1.5. The institute with the sole motive of filling up of seats admitted the ineligible students by mis-quoting the clarifications given in NT/EXAM Circular No. 02 of 2017. The said circular does not to prescribe the entry qualifications for joining the DGS approved pre-sea degree/diploma courses. It merely clarifies the options available to the candidates for appearing in Certificate of Competency Examination.

7.3.1.6. Pursuant to the Judgment of the Hon'ble Madras High Court dated 09.09.2019 the DGS has issued the consolidated order in the form of DGS order 12 of 2020, 18 of 2020 and 20 of 2020. The DGS order 12 of 2020 has consolidated the earlier circulars pertaining to entry standards and prescribed the eligibility Criteria for all the DGS approved courses which need to be followed by all the institutes approved by the DGS. Moreover, the entry qualifications for the DGS approved pre-sea degree and diploma courses has already been detailed in the approved Training Programme (TEAP) promulgated by the DGS in accordance with M.S. STCW Rules, 2014.

7.3.1.7. The said DGS order has also introduced the requirements of CET but the CET is kept in abeyance for the academic year 2020-21 and 2021-22 due to Covid-19 situation.

7.3.1.8. Therefore, the reply given by the institute is not acceptable. Also, the practice of taking undertaking in stamp paper from innocent students by wrongly quoting the NT/Exam Circular No. 2 of 2017 is nothing but fraud and contempt of Hon'ble High Court.

7.3.2. Hence, the MTI is in Non-compliance to the DGS Guidelines and the above Non Compliance falls under Major deficiencies mentioned under Part 5, Para 5.3 (5.3.1.2) of DGS Order 07 of 2018.

8. SCN Para No. 6:

8.1. SCN Para No. 6: Several complaints have been received at the Directorate against the above mentioned issues of the Maritime Training Institute (MTI) from candidates that after completing said courses they were not eligible for assessment as they are not meeting minimum eligibility criteria as per the DGS Training Circular 12 of 2018 dated 01.04.2020 at the time of admission for the Pre-Sea course by MTI. Students of B.E.(Marine Engineering) have complained that MTI is not issuing course completion certificate and mark sheet to the final year students. Many of Diploma Nautical Science candidates have complained that MTI is not issuing SSTP certificate.

8.2. Reply from IMA-

8.2.1. It is informed that **we did not admit any candidates** for the 4-year Marine Engineering course who have scored below 60 % PCM in 10+2 after the Madras High court order dated 9-9-2019.

8.2.2. Complaints from existing students regarding mark sheets:

The exam results were declared by the University' authorities for every semester immediately. But, the issue of mark sheets was delayed by the University due to pandemic situation and less staff members. On 16-9-2021, all the pending mark sheets (nearly 6000 mark sheets) and provisional certificates were issued by the Annamalai University and the same will be sent to the students.

8.2.3. Complaints from students for non-issuance of SSTP:

We had issued the SSTP for all the students who had successfully submitted their DLP's. We had already sent our compliance to DGS in this regard vide our earlier letter dated -03-2021. The students, who had not completed their DLP and cadet record books properly, were communicated to fill it up properly and send back to us. Copy of such sample communications are enclosed for your perusal. Once we receive it from them in proper order, then their SSTP will be issued by the University authorities.

8.2.4. Complaints from passed out Marine Engineering students who are denied to appear their Class IV competency examination by MMD:

The marine engineering students with lesser than 60% PCM in 10+2 but with the minimum marks 45 % in PCM as prescribed by the respective Universities had been admitted prior to the court order 9-9-2019. This admission was made as per the stay order given by the Madras High court in WP: 12670 of 2014 against the DGS eligibility criteria of 60%. The students who had been admitted from academic years 2014 to 2019 have successfully completed their courses and required on-board training. Court orders are prospective and not retrospective. The students, who had been admitted during the period when the stay order stood valid and till the issuance of order dated 9-9-2019, must have been allowed to appear for their engineering stream competency examinations by the MMD.

In Nautical science stream, two options are given in the TEAP manual of DGS to appear second mate examinations both with 60 % in PCM and below 60% in PCM. But there is no such option given for the students of 4-year Marine Engineering course who have scored below 60 % PCM. All engineering students are being admitted with only 45% in PCM as per AICTE norms during the last 5 years and hence the universities who were conducting Marine engineering courses were also prescribed the same 45% as per AICTE norms for the Marine Engineering course. Such students are now helpless.

8.2.5. These marine engineering students are not allowed by the Mercantile Marine Department officers. The rejected students are mentally very much upset and they have no way to proceed further even though they have completed the required on-board training and hence they are sending many complaint letters to the DGS. Thus, in order to save the future of hundreds of these marine engineering students, we hereby request the DGS to kindly allow them to appear for their Class IV engineering competency examination as one time measure for them. We have filed WP no: 3555 of 2020 in this matter.

8.2.6. If the DGS is showing any immediate remedy and career path for the marine engineering students who had been admitted prior to court order 9-9-2019 with below 60% in PCM, then those students will be highly thankful to the Hon'ble DGS. Our academy will withdraw the concerned writ petition.

8.2.7. We would like to highlight a similar situation in the year 2004 that a group of maritime institutes (around 12) had admitted some lesser mark students in Deck Rating & GP Rating courses due to misunderstanding of eligibility marks. With mutual consensus, the DGS had reduced the intake capacity of erring institutes for next two years and the institutions had also agreed for the same. The DGS' action greatly helped the students who had completed their course. Please refer the attached DGS letter dated on 12-05-2004.

8.2.8. If at all the DGS decides to consider the above marine engineering students who had been admitted with below 60% PCM during the validity of stay period (till 9-9-2019) to appear their class IV exams, then the DGS can reduce our academy's intake capacity for marine engineering course from 160 students to 120 students for

some years without prejudice to the outcome of the above writ petition. Thus, the innocent and poor students' career can be saved by the Govt. of India and by the DGS.

8.3. Comments of the Directorate;

8.3.1. The reply given indicates that the institute has decided to follow the DGS entry standards for B.E. Marine Engineering course subsequent to the Judgment of the Madras High Court dated 09.09.2019. On the other hand the institute has deliberately violated the judgment of the Hon'ble Madras High Court and admitted the ineligible candidates for B. Sc Nautical Science degree course and Diploma in Nautical Science course. The institute does not have the liberty to apply the Judgment on selective manner. Therefore, the Justification provided by MTI is not acceptable since the institute is mandated to comply with the entry standards prescribed in TEAP for all the DGS approved courses as per the Judgment of the Hon'ble Madras High Court. The MTI is in Non-compliance to the DGS Guidelines and the above Non Compliance falls under Major deficiencies mentioned under Part 5, Para 5.3 (5.3.1.2) of DGS Order 07 of 2018.

8.3.2. Additionally if MTI is interested to surrender any approved course can do so by sending a request letter without any conditions.

9. Further, the Directorate is in receipt of numerous complaints from student against IMA and the MTI is not abiding DGS Orders and issued Guidelines while admitting candidates for Pre-Sea courses. The Directorate taking cognizance of the above facts issued letter to MMD, Chennai to carry out a comprehensive inspection. MMD, Chennai carried out a comprehensive inspection of the Institute on 30th September 2021.

10. The inspection team, in his report, has pointed out 7 major & 11 non major lapses and violations from the part of the institute management, against the applicable DGS guidelines. Several of the observations from the inspection team, particularly relating to admitting in-eligible candidates, inadequacy of faculty conducting Degree programmers without affiliation to any University, irregularities in remittance of fees to Govt., non-conduct of CIP certifications etc. clearly show that the institute is

conducting various DGS approved courses in violation of applicable DGS orders / guidelines, raising doubts on the quality of training being imparted.

11. The Major and minor deficiencies observed by the inspection team and the present status of deficiencies are attached with this order as **Annexure-I**.

12. It is observed that, the IMA has repeatedly violated the conditions and has charged lakhs of rupees from innocent students with false promises and fraudulently admitted them to undergo the training in their institute with the full knowledge that the candidates are not meeting the eligibility requirements prescribed by the Directorate for joining such training courses, thereby jeopardizing the lives of the innocent students. It is also observed that the IMA on his own, with the sole motive of unjust profit filled up seats by admitting ineligible students in the degree programmes without disclosing the full requirements of approved training programme formulated by the Directorate for obtaining Certificate of Competency and thus cheated hundreds of innocent students aspiring to become officers in the Merchant Navy.

13. It is to be noted that the Central Government and the DGS has formulated the standards of training programme for seafarers entering into maritime profession under the provisions of section 78, 87, 88, 98, 456, 457 and 458 of Merchant Shipping Act, 1958 and the Merchant Shipping (Standards of Training, Certification and Watch-keeping for Seafarers) Rules, 2014. The Judgment dated 09.09.2019 of the Hon'ble High Court in batch of Writ Petitions filed by the Petitioner has once again re-iterated the powers of the DGS in all matters of Maritime Training.

14. IMA has obtained the approval for conducting maritime courses from the Director General of Shipping based on an undertaking that all the requirements stipulated by the DGS including the entry criteria will be complied with for conducting these courses and subsequently violated the conditions of approval and started enrolling candidates who were not meeting the eligibility criteria with the intention of filling up the seats by admitting ineligible students without disclosing the full requirements of approved training programme formulated by DGS for obtaining Certificate of Competency and cheated innocent students aspiring to become officers in the Merchant Navy.

15. It is to be noted that in accordance with the provisions of Merchant Shipping (STCW Rules), 2014 and the definition of "Approved training, examination and assessment programme" in Rule 4.7 of the STCW Rules mentioned hereinabove, it is clear that the Director General of Shipping, GOI is competent and empowered by the Central Government to specify the complete scheme of training and standards including entry standards, course curriculum etc. of all the courses leading to issuance of Certificate of Competency/Certificate of Proficiency which includes the marine diploma & degree courses as per the mandate of STCW Convention, so that candidates passed out from the approved Institutes can become eligible for examination for Certificate of Competencies which are statutory certificates under section 78 of Merchant Shipping Act, 1958 read with Rule 5 of STCW Rules, 2014. Accordingly, in accordance with the provisions of STCW Rules, 2014 and the STCW Convention, the DGS has framed the 'Training, Examination and Assessment Programme' (TEAP) which needs to be complied with by all the maritime training institutes in order to meet the requirements of STCW Convention towards issuance of Certificate of Competency / Certificate of Proficiency. Also, the Rule 9.1 of the said STCW Rules, 2014 mandates the Director General of shipping to designate assessment centres (MMDs) which shall, examine the documentary evidence that the candidate has fulfilled the eligibility criteria for joining an approved training and assessment programme. Therefore, the MMDs have the obligation to verify the eligibility criteria of the candidates prior to allowing them to appear for the Competency Examination. It is to be noted that the requirements of on-board training vary based on the pre-sea training as specified in the TEAP Part-A.

16. The DGS has granted approval to impart maritime training courses to several maritime training institutes situated across India. All the institutes conducting these courses are strictly complying with the specified entry criteria. It is also to be noted that the application for grant of approval for courses are processed only when the institute accepts the entry criteria prescribed by the DGS. IMA violated the specified conditions and charged hefty fees from innocent students and admitted ineligible students in clear violation of the conditions of approval for conduct of course, thereby, playing with the lives and the future of innocent students. Because of this act of the IMA, innocent candidates entering into maritime profession were cheated as the details of the conditions of the approval were not disclosed to the innocent students prior their taking admission to the course.

17. Further, it is to be noted that IMA has conducted B.E. Marine Engineering programme under the affiliation of Annamalai University without the approval of the AICTE till the year 2019. Therefore, the engineering degree granted by the Annamalai University is not recognized by the AICTE and UGC. The IMA did not disclose these facts to the innocent candidates at the time of admission. Nevertheless, the University's power to issue degree and diploma has not been interfered with by the Directorate. It is also to be noted that the grant of such degrees and diploma will not ipsofacto entitle any person to automatically obtain a Certificate of Competency under provisions of the Merchant Shipping Act, unless all the requirement stipulated in the STCW Convention and Merchant Shipping (STCW) 2014 Rules are complied with.

18. Moreover, it is to be noted that IMA is still continuing to admit the ineligible students during the years 2020, 2021 and till date by taking an undertaking in Rs.100 stamp paper that candidates are made aware of the DGS requirements to appear for competency examination with the sole motive of filling up seats and cheating the innocent students.

19. In view of the deliberate violations of DGS guidelines and the orders of the Hon'ble High Court of Madras by "M/s. International Maritime Academy, Chennai" (MTI No. 406026), thereby jeopardizing the merchant navy careers of innocent students the undersigned, in exercise of the powers of supervision of maritime training as provided in Rule 75 of the Merchant Shipping (Standards of Training certification and Watch Keeping for Seafarers) Rule, 2014 notified under Section 78, 87, 88, 98, 456, 457 and 458 of Merchant Shipping Act, 1958, as amended, and in terms of para 5.5 of DGS Order No. 7 of 2016 and para 5.5 of DGS Order No. 5 of 2016 for the proceeding reasons spelt out, hereby direct M/s. International Maritime Academy, Chennai" (MTI No. 406026) the following:

19.1 The Directorate temporarily suspends the approvals granted to the M/s. International Maritime Academy, Chennai (MTI No. 406026), for conduct of B.Sc. Nautical Science, Diploma in Nautical Science and Training for General Purpose Rating course and only ongoing batches are allowed to continue till further orders.

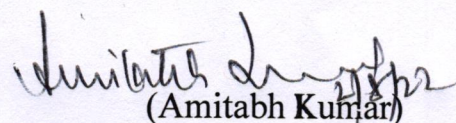
19.2 The Directorate will not recognize and allow any candidate from IMA admitted below eligibility criteria set by the DGS Guidelines at time of MMD assessment.

19.2 In the best interest of the prospective candidates, M/s International Maritime Academy (IMA), Chennai directed to be refrained from admitting candidates to any new batches to any of the DGS approved courses forthwith, till such time all the deficiencies reported during the Pre-informed Inspection of the institute dated 30th September 2021 are rectified and verified & confirmed to the satisfaction of the Director General of Shipping.

19.3 In case, if the institute fails to comply with the reported deficiencies within thirty days from the issue date of this order, the Directorate will initiate necessary action as per Section 5.5 of DGS orders No. 07 of 2016 & No.05 of 2016, as the case may be.

19.4 The MTI online profile has been blocked so that MTI cannot upload any batch details in the E-Governance system forthwith, till the compliance of above.

Yours Sincerely,



(Amitabh Kumar)

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

To;

M/s. International Maritime Academy, Chennai (MTI No. 406026),
41, Jamin Korattur, Pudhuchatiram,
Chennai – 600124.

Copy to:

1. The Principal Officer, MMD, Mumbai/Kolkata/Chennai/Kochi/Kandla
2. Registrar, IMU, Chennai.
3. Registrar, Anna University, Chennai.
4. Registrar, Alagappa University, Chennai
5. Shipping Master Office Mumbai/Kolkata/Chennai