



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

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आज़ादी का
अमृत महोत्सव

FILE No. 20-19016/2/2022-TRG - DGS

Date: 24.06.2022

ORDER

1. Whereas, India is a party to the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978, as amended [STCW Convention, 1978] which is a Convention of International Maritime Organization (IMO), a specialized agency of United Nations Organization [UNO]. The main purpose of the Convention is to promote safety of life and property at sea and the protection of the marine environment by establishing common International standards of training, certification and watch-keeping for seafarers. This Convention read with its Code [STCW Code] deals with the requirement of qualifications, the nature of the training and standards to be maintained & followed for the Maritime field & profession in the Shipping Industry. India being a party to the Convention is obliged to give effect to the provisions of this Convention so as to maintain the quality of maritime education & training in the country, so that India can produce competent seafarers for employment on Indian ships and foreign ships.

2. Whereas, as per Section B-I/6 of Part B of STCW Convention *Guidance regarding training and assessment*
Use of distance learning and e-learning

6. Parties may allow the training of seafarers by distance learning and e-learning in accordance with the standards of training and assessment set out in section A-I/6 and the guidance given below.

Guidance for training by distance learning and e-learning

7 Each Party should ensure that any distance learning and e-learning programme:

“.1 is provided by an entity that is approved by the party;

.2

10 The e-learning system should be secured from tampering and attempts to hack into the system.”

Guidance for assessing a trainee’s progress and achievements by training by distance learning and e-learning.

11 Each party should ensure that approved assessment procedures are provided for any distance learning and e-learning programme, including:

“.4 the conditions where the examination can take place and the procedures for invigilation to be conducted;

.5 secure procedures for the examination system so that it will prevent cheating.”

3. Whereas, the Directorate had issued Guidelines for implementation of Centralized attendance system at maritime training Institute vide DGS Training Circular 14 of 2020 dated 13.04.2020. The Centralized Attendance system (CAS) is an online face recognition software customized for recording attendance of Principal, Faculty, Instructors and candidates at Maritime Training Institutes.

4. Whereas, the Directorate had also issued Guidelines for Online Exit exam for DGS approved modular courses vide DGS Training Circular 17 of 2020 dated 24.04.2020.

5. Whereas, as per the Para 13 of DGS Training Circular 17 of 2020 dated 24.04.2020 *“The facility for the exit exam and the records of exit examination shall be categorically inspected during any inspection after 15.05.2020. Inspection of facility for exit exam and records of exit exam shall also be part of all inspections”*.

6. Whereas, the Directorate vide DGS Order 20 of 2020 dated 04.08.2020 permitted certain short duration courses to be conducted via three tier training methodology comprising of Virtual Classes/ Live Video Sessions, E-Learning and Exit Examination to ensure continued validity of mandatory short duration courses required by seafarer prior joining ship and complying with the STCW Convention.

7. Whereas, the Directorate vide DGS Order 40 of 2020 dated 17.12.2020 informed that facility for three tier learning mechanism has been developed for a total of 80 courses, and these courses could be completed only using the three tier mechanism.

8. Whereas, keeping in view improvement in COVID situation the Directorate issued DGS Order No. 11 and 12 of 2022 for re-opening of MTIs under controlled condition. As per point vii of para 8 of the DGS Order 11 of 2022, *"it is expected that the MTIs are having dedicated computer labs and required infrastructure as per the issued Guidelines. The MTIs have to arrange an examination hall, having sufficient number of computers/laptops with IP cameras. Computers/Laptops cameras are to be so arranged that multiple face detentions should be avoided during the exam. Examination Room/Computer Lab should be well illuminated, having one or two CCTV cameras for continuous recording. **It is to further clarify that all the candidates have to appear for online Exit Exam from MTI premises on the last date of theory. In case, if a candidate fails in his online Exit Exam, then for the next attempt he has to again appear from the same concerned MTI only**"*.

9. Whereas, as per point 8 (viii) of para DGS Order 11 of 2022, *"at present the exit exam is configured to allow only one machine connected to a dedicated single IP address. The MTIs may need multiple machines accessing exit exam facility through the same IP address. MTIs are therefore requested to fill in the information in Annexure 1 and mail to training-dgs@nic.in; info@dgsexams.in immediately. On verifying the same all such machine of MTI mapped with IP addresses will be enabled for multiple users"*.

10. Whereas, the International Maritime Foundation of Marine Education (MTI No. 208056) located at 401,408 ELLORA FIESTA, SECTOR 11, JUINAGAR SANPADA NODE, Navi Mumbai 400705 is owned by a Trust "International Maritime Foundation Charitable Trust" and the Trustees of the Trust are Mr. Amit Kumar Tripathi, Mr. Mangal Tiwari, Mr. Amit Chauhan and Ms. Nidhi Shrivastava. The Directorate had accorded approval to the Maritime Training Institute (MTI) for conducting "Basic STCW Safety Training", and "Security Training for Seafarer with Designated Security Duties" courses.

11. Whereas, the technical team of Exit exam on 26.04.2022 conducted e-proctoring of the system and found few cases of malpractice in the online Exit Exam system. It was found that International Maritime Foundation of Marine Education found to be involved in the malpractice / misconduct of online Exit Exam system. The Directorate issued a Show Cause Notice Vide File No. 20-19016/2/2022-TRG-DGS Dated: 02.05.2022. The institute was asked to reply within fifteen days from the issuance of the SCN.

12. Whereas, International Maritime Foundation of Marine Education has replied to SCN on 12.05.2022 and the Directorate examined the same. The parawise response to the Show Cause Notice and the observations of this office on the response of the MTI is given below:

13. As per SCN – *"Whereas, as per above said DGS Order your institute has sent an email on 31.03.2022 to the Training Branch of the Directorate sharing UUID No. of 26 computers and IP Address of MTI and the same has been mapped with exit exam system"*.

Reply by MTI -- With respect to the contents from Para No.1 to Para No.7, it is stated that they are the matters of Fact and these facts are not disputed. It is true that the Directorate General of Shipping, Mumbai has issued guidelines for online exit exams for DGS approved modular Courses. It is also true that short duration

courses were permitted to be conducted via virtual classes/ Live Video sessions, E-learning and Exit Examination.

It is stated that it is true that till 31/03/2022, Certain DGS approved short duration courses were conducted entirely through online mode including the Exit Examination. Thus, owing to the Pandemic situation created by Covid-19, the MTI'S were completely and entirely working through online methodology and E-Learning Mechanism. Thus, the sea farers were attending the mandatory short duration courses through Virtual Classes and E- Learning. Further, the Exit Examination, which is the last leg of the three tier online training methodology, was also attended by the seafarers entirely through online/ virtual mode without physically attending the MTIs.

It is stated it is true that keeping in view improvement in Covid Situation, the directorate issued DGS order no-11 and 12 of 2022 for reopening of MTIs under controlled conditions. Thus the MTIs had to arrange an examination hall and sufficient number of computer/ laptop with IP cameras and the candidates had to appear for online exit exam from MTI Premises. Accordingly, all the required arrangements like the examination hall and sufficient number of computer/ laptop were made by us. Thus we abided in its entirety all the specifications and guidelines of the DGS order no-11 and 12 of 2022.

It is stated that it is true that the MTIs had to fill in the information in Annexure 1 and send email to the training branch directorate and accordingly we sent an email sharing the Static IP Address on 14/04/2022. Also, the details of 20 Computers of MTI was also sent.

Comments of the Directorate – As per point viii of para 8 of DGS Order 11 of 2022, *“at present the exit exam is configured to allow only one machine connected to a dedicated single IP address. The MTIs may need multiple machines accessing exit exam facility through the same IP address. MTIs are therefore requested to fill in the information in Annexure 1 and mail to training-dgs@nic.in; info@dgsexams.in*

immediately. On verifying the same all such machine of MTI mapped with IP addresses will be enabled for multiple users”.

When the technical team of Exit exam on 26.04.2022 conducted e-proctoring of the system and found cases of manipulation /malpractice in the online Exit Exam system done by International Maritime Foundation of Marine Education.

14. As per SCN – *“Whereas, the technical team of Exit exam on 26.04.2022 conducted e-proctoring of the system and found few cases of malpractice in the online Exit Exam system. During investigation it was found that your MTI Machine No. (UUID) 4C4C4544-0057-5310-8056-B1C04F354253 and IP Address 45.79.123.186 was misused during the conduct of online Exit Exam. It has been verified that the said machine from your MTI was used for conduct of Exit Exam for the candidates from other institutes. This is considered being a breach of the system and major non-compliance of the DGS Guidelines. On further investigation it was found that the suspicious image of candidates captured during online Exit Exam by face recognition application (appearing from your MTI) were verified and found that the batch details for the course of the candidates has been uploaded by other MTI. Prima facie it appears a case of manipulation of system by the MTI. It has been observed through facial recognition application/pictures captured during Exit Exam that in place of actual background of the Institute some pre-recorded videos/images of the candidate has been used during the online exit examination”.*

Reply by MTI-- In response to Para No.9, it is stated that it is true that Exit Exams were conducted in on 25/04/2022 and on 26/04/2022. In the same paragraph it is alleged that our MTI Machine number- (UUD) D8EE9AFE-SESF634A-A783-3CCBF043F87E and IP Address- 106.201.234.106 was used for conduct of Exit Exam for the candidates from other institutes. It also alleged that suspicious image of candidates have been captured during online Exit Exam by face recognition application. Thus the above mentioned misconduct by us has been found to be malpractice on our part, by the technical team of the Exit Exams and thus we have been asked to show cause as to the non adherence and non compliance of the DGS Guidelines.

It is stated that in defense of the MTI International Maritime Foundation of Marine Education, the following points are hereby presented

a) The above mentioned MTI is an entirely new institute, having received all the approvals in January 2021.

b) The MTI has thus started operating under extremely tough and non conducive situation/ circumstances created by the Pandemic due to the Covid-19. Thus the MTI has been operating in online mode right from its inception. And even under such highly tough and non conducive situation, the MTI has always endeavored to maintain the DGS Approved Standards and Guidelines and has throughout maintained good credentials. It is to be noted that this is the first time that any breach/ misconduct of DGS Guidelines has been noticed.

c) Till 31/03/2022, the entire course was online/virtual and it is to be noted that from 1 April 2022, the transition from online to offline mode started in a phase wise manner. Thus, the MTI was in a transitional mode and the alleged error can be attributed to the phase where the management of the MTI was trying to adjust itself to this transformation and certainly not to any wilful misconduct on the part of the management of the MTI.

d) The Management of MTI had appointed one of the member of the staff to overlook the technical problem of computer lab. The fact is that this **staff member who was working as computer lab technician has done the mischief by allowing candidates from other Institute to attend the Exit Exam** and unfortunately the Management of the MTI had absolutely no clue of any sort of this misconduct on the part of the staff member. Further, as stated in your show cause notice the staff has used pre recorded videos/ images of the candidates from the other Institutes. These candidates were not present physically in the MTI. Thus, due to the physical non presence of the candidates from the other Institutes, the management of the MTI did not come to know about the above mentioned misconduct of the staff member. To the utter shock and

surprise of the MTI, the misconduct of the staff member was revealed only when the show cause notice of DGS was received by them. The MTI had immediately sent a notice to the staff member with the intention of taking disciplinary action against his misconduct. After receiving the reply from the staff member, the **management has taken disciplinary action against him and terminated the staff member from the employment.** His termination letter is attached with this letter. Thus, The MTI had absolutely no intension of breaching any of the guidelines of DGS, but the staff number is wholly and solely responsible for the misconduct and the management of the MTI was completely unaware of the same.

e) It is to be noted that the management of MTI had absolutely no control over the action of the staff member as the Exit Exam was online and the details of the candidates from the other institute were uploaded by the staff member using pre recorded videos/ images of the candidates.

f) It is to be noted that there was no mechanism devised or in existence where upon the MTI could have kept a check/control over the above mentioned action of the staff member. It was only after this Exit Examination that the DGS devised mechanism whereby the access to the candidates from other institutes was immediately and instantly denied by DGS upon their login.

g) The error/ breach or misconduct alleged has in fact taken place but only because of the misconduct of the staff member and the management of the MTI had absolutely no part/role of any sort in the entire proceedings. The Management of the MTI was helpless as there was absolutely no mechanism to curb the unwanted actions of the staff member. The MTI has always tried its level best meet the standards prescribed by the DGS and even then is in precarious situation today because of eth fact that the staff member has resorted to these activities behind the back of the MTI. Thus, the breach/misconduct alleged in the show cause notice has taken place without the knowledge of the MTI as there was no method to keep a check, and MTI had no intention of causing any of the

breach. The alleged breach can also be attributed to the transaction phase from online to offline mode.

h) Further, the management of MTI has explored the ways in which such conduct of the staff member resulting in breach of the DGS Guidelines can be curbed and after much thought has decided to protect the misuse of the system by making it password protected. The password shall be with the Principal of the MTI and only after the Principal puts in the password access will be given to the staff member. Thus, the MTI is taking all the care possible to prevent any further breach of the DGS Guidelines.

i) Under the above mentioned circumstances, the MTI thus request and pleads with the DGS that the DGS may take lenient view of the unintentional breach of the DGS Guidelines by the MTI. The DGS may kindly not take up any extreme disciplinary action like the withdrawal of approvals granted to the MTI, considering the nascent stage of the MTI and its good credentials so far. It is also pleaded that no disciplinary action might be taken against the trust "International Maritime Foundation Charitable Trust" and the trustee of the Trust Mr. Amit Chauhan /Principal/Course In-charge/Exam In-Charge for the non compliance of the DGS Guidelines, considering the fact that the breach/ misconduct has occurred without their knowledge and also considering the fact that there was no mechanism through which the trust and trustee would have been aware of such misconduct and could have kept a check upon the same. The DGS may also kindly not take extreme disciplinary action of blacklisting the trust and trustees as it is not the management who has carried out the misconduct but the staff member.

j) Thus, the MTI requests and pleads the DGS to kindly take a lenient view of the misconduct and not take any extreme disciplinary measure, also considering the fact that the MTI had to operate in a hugely disadvantageous and unprecedented conditions/circumstances brought in by the pandemic. The MTI pleads that severe measures may not be taken against it in the interest of justice and considering the fact that any severe measure may result in irreparable loss and damage to the MTI.

Comments of the Directorate—The MTI in its reply has accepted that misconduct / manipulation has been done by their staff during conduct of online Exit Exam. The MTI has accepted the allegation as stated in SCN. The explanation of MTI that Management (Principal etc.) was not involved or aware of the fact till they received SCN from the Directorate, is not acceptable as it is the overall responsibility of the Principal and Management to look after the critical aspect of the Training i.e. Examinations.

15. The Directorate has issued letter 20-19016/2/2022-TRG-DGS dated 02.06.2022 to International Maritime Foundation of Marine Education whereby granted permission and allowed conduct of online Exit Exam at International Maritime Foundation of Marine Education on 3rd, 6th and 7th June 2022 under supervision of the Surveyors /Officer of the DG Shipping. The Exit Exam conducted only for candidates those who were enrolled with International Maritime Foundation of Marine Education but could not appear for Exit Exam. The Exit Exam was conducted on 3rd, 6th and 7th June 2022 under the supervision of the Surveyors /Officer of the DG Shipping.

16. The Director General of Shipping has offered a personal hearing to International Maritime Foundation of Marine Education on 15.06.2022 at 1530 hrs. Mr. Amit Chauhan attended personal hearing. The matter of misconduct of Exit Exam has been explained to them. Mr. Amit Chauhan accepted that the misconduct of online Exit Exam was done from their approved MTI i.e. International Maritime Foundation of Marine Education, Navi Mumbai.

17. From the facts of the case it is clear that the Maritime Training Institute International Maritime Foundation of Marine Education, Navi Mumbai had got the UUID of the said computer configured for gaining access to the Exit Examination System. The system was used to conduct examination of students who were not enrolled in International Maritime Foundation of Marine Education. Instead of physical presence of the students still photographs and videos of the students was used for hoodwinking the system. Many of the

students who used agents for this fraud by International Maritime Foundation of Marine Education have confessed to the same.

18. On the examination of the entire case the undersigned is satisfied that the Institute "International Maritime Foundation of Marine Education (MTI No. 208056)" has been involved in the malpractice in the online exit Exam system. Now, therefore 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. 5 of 2016 for the proceeding reasons spelt out, **hereby Suspend with immediate effect all the approval granted to International Maritime Foundation of Marine Education (MTI No. 208056)** located at 401,408 ELLORA FIESTA, SECTOR 11, JUINAGAR SANPADA NODE, Navi Mumbai 400705 **for a period of one year from the date of issuance of this order.**

No.	Name of Course
1.	Basic STCW Safety Training
2.	Security Training for Seafarer with Designated Security Duties

19. After completion of suspension period the International Maritime Foundation of Marine Education (MTI No. 208056) has to undergo a comprehensive inspection of MMD, Mumbai thereafter on the recommendation of MMD the revival of suspension may be considered.

20. The Trustee of the Trust "International Maritime Foundation Charitable Trust" and Trustees of the Trust are Mr. Amit Kumar Tripathi, Mr. Mangal Tiwari, Mr. Amit Chauhan and Ms. Nidhi Shrivastava are also debarred from any DGS related activities for a period of one year.

21. The MTI is directed to preserve all records pertaining to the attendance of faculty, candidates and CAS, registers, video recordings and all such requirement as per relevant DG Order, Circulars and Guidelines and present it to the DG authority as and when called for further investigation and verification.


(Amitabh Kumar)

Director General of Shipping &
Additional Secretary to the Government of India

To
International Maritime Foundation of Marine Education
(MTI No. 208056)
401,408 ELLORA FIESTA, SECTOR 11,
JUNAGAR SANPADA NODE,
Navi Mumbai 400705

Copy forwarded to :
The Principal Officer, Mercantile Marine Department, Mumbai.