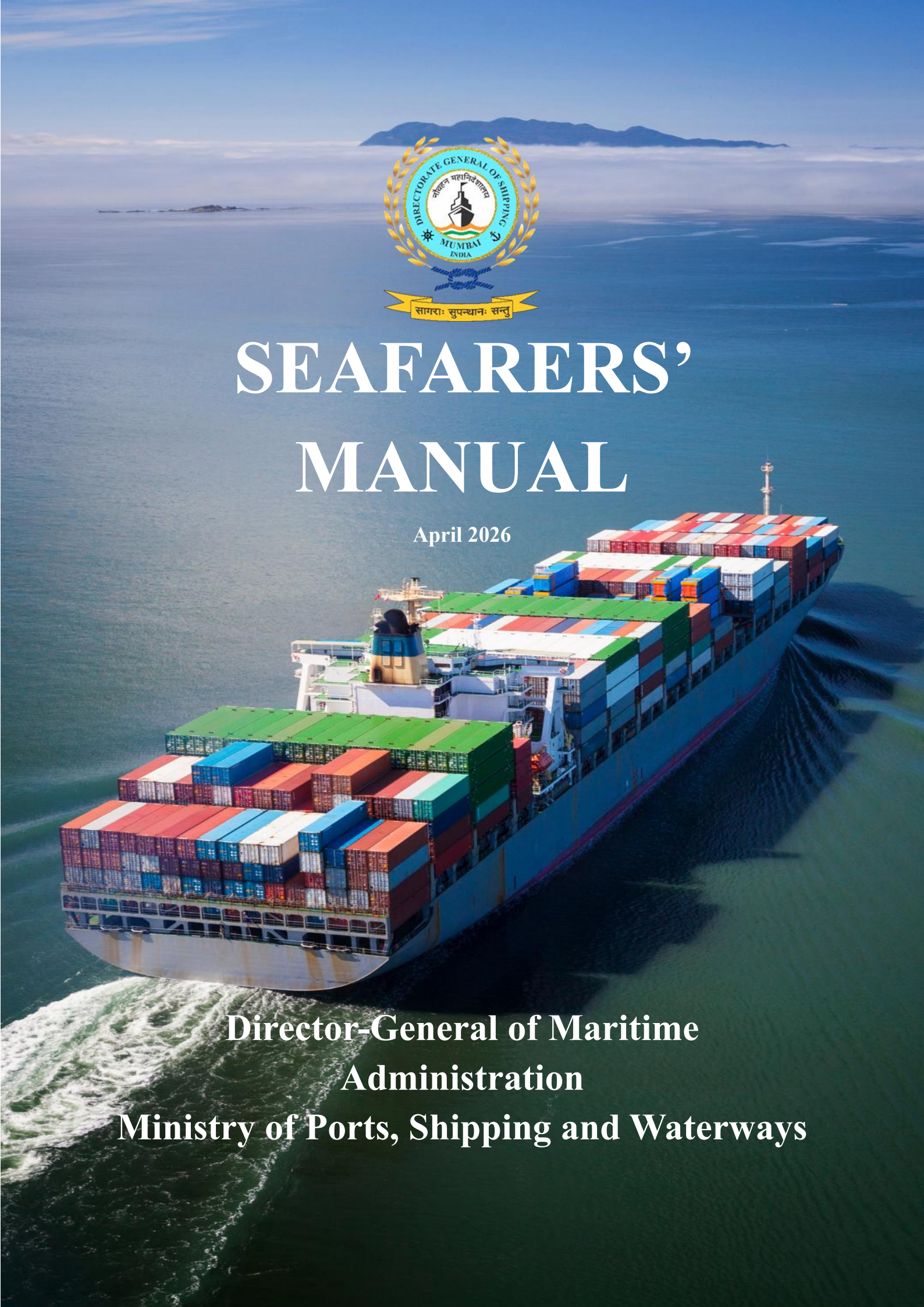

SEAFARERS' MANUAL

April 2026

Director-General of Maritime Administration

Ministry of Ports, Shipping and Waterways

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List of Abbreviations

S. No.	Abbreviation	Expanded Form
1.	DGMA / Director-General	Director-General of Maritime Administration
2.	Additional Director-General	Additional Director-General of Maritime Administration
3.	DDG	Deputy Director-General of Maritime Administration
4.	ADG	Assistant Director-General of Maritime Administration
5.	MMD	Mercantile Marine Department
6.	RPSL	Recruitment and Placement Service Licence
7.	SWFS	Seafarers' Welfare Fund Society
8.	SPFO	Seafarers' Provident Fund Organisation
9.	MLC, 2006	Maritime Labour Convention, 2006, as amended
10.	MS Act, 1958	Merchant Shipping Act, 1958
11.	MS Act, 2025	Merchant Shipping Act, 2025
12.	INDoS	Indian National Database of Seafarers
13.	MLR, 2026	Merchant Shipping (Maritime Labour) Rules, 2026
14.	CDC	Continuous Discharge Certificate
15.	SID	Seafarer's Identity Document
16.	CoC	Certificate of Competency
17.	CoP	Certificate of Proficiency
18.	STCW	Standards of Training, Certification and Watchkeeping
19.	GRC	Grievance Response Committee
20.	SEC	Shipboard Enquiry Committee
21.	GR-SU	Grievance Redressal Support Unit
22.	MEA	Ministry of External Affairs
23.	MoPSW	Ministry of Ports, Shipping and Waterways
24.	ITF	International Transport Workers' Federation
25.	e-Gov Portal	e-Governance Portal
26.	SOP	Standard Operating Procedure

27.	FoC	Flag of Convenience
28.	STW Committee	Standards of Training and Watchkeeping Committee
29.	DGCOMM	Directorate General of Communication (DGMA Communication Centre)
30.	FRS	Functional Requirements Standard
31.	DGRO	Designated Grievance Redressal Officer
32.	MTI	Maritime Training Institutes
33.	CBA	Collective Bargaining Agreement
34.	DPA	Designated Person Ashore
35.	IFC-IOR	Information Fusion Centre – Indian Ocean Region
36.	ILO	International Labour Organization
37.	IMO	International Maritime Organization
38.	ISM Code	International Safety Management Code
39.	MARPOL	International Convention for the Prevention of Pollution from Ships, 1973/78
40.	MKC	Maritime Knowledge Cluster
41.	MRCC	Maritime Rescue Coordination Centre
42.	NoK	Next of Kin
43.	PDC	Presumed Death Certificate
44.	PPE	Personal Protective Equipment
45.	SAR	Search and Rescue
46.	SEA	Seafarer's Employment Agreement
47.	SOLAS	International Convention for the Safety of Life at Sea, 1974
48.	TMAS	Telemedical Assistance Service
49.	UNCLOS	United Nations Convention on the Law of the Sea, 1982

Executive Summary

Executive Summary

Overview

This manual is a comprehensive reference guide for Indian seafarers and maritime administrators, published under the authority of the Director-General of Maritime Administration (DGMA). It consolidates India's international obligations, domestic maritime legislation, e-governance systems, welfare schemes, crew documentation procedures, grievance mechanisms, and strategic vision into a single operational document. It should be read in conjunction with the Merchant Shipping Act, 2025 and allied rules.

International Framework (Chapter 1)

India's seafarer regulatory environment is anchored in four major international pillars: the Maritime Labour Convention, 2006 (MLC, 2006) — often called the "Seafarers' Bill of Rights" — which India ratified in 2015; the STCW Convention governing training and certification; SOLAS for shipboard safety; and MARPOL for pollution prevention. India is also bound by UNCLOS, 1982, which defines flag State responsibilities and seafarer welfare rights. The DGMA is the nodal authority for implementing all these conventions domestically.

Indian Merchant Shipping Legislation (Chapter 2)

The Merchant Shipping Act, 2025 (MS Act, 2025), which came into force on 15 March 2026, replaces the MS Act, 1958. It modernises India's maritime legal framework and renames the Directorate General of Shipping to the Directorate General of Maritime Administration (DGMA). Allied rules enacted under the new Act include the MLR, 2026; RPS Rules, 2026; STCW Rules, 2026; CDC Rules, 2026; and SID Rules, 2026. A comparative table in the manual details the key differences between the 1958 and 2025 Acts.

E-Governance and Circulars (Chapter 3)

DGMA has transitioned from legacy systems to a consolidated e-Governance portal (e-Gov portal) and e-Samudra platform for digital crew management. This covers INDoS registration, CDC issuance, RPS licensing, SEA/CBA submissions, repatriation reporting, and grievance tracking. Key crew-related circulars have been digitised and the manual provides guidance on migrating from the old system.

Welfare and Provident Fund (Chapter 4)

Two key bodies manage seafarer welfare:

- Seafarers' Welfare Fund Society (SWFS) — runs welfare schemes for seafarers and their families, funded through contributions from RPSL companies and shipowners as specified in the RPS Rules, 2026.
- Seamen's Provident Fund Organisation (SPFO) — manages retirement and provident fund benefits for Indian seafarers.

Recruitment & Placement Service (Chapter 5)

Licensed Recruitment and Placement Service (RPS) agencies must comply with MLC, 2006 standards. The chapter covers eligibility criteria, application and renewal procedures, compliance requirements, the Seafarer Employment Agreement (SEA) process, and grounds for suspension or cancellation of licences. RPS agencies bear specific responsibilities including maintaining seafarer records, ensuring proper SEA execution, and managing emigration processes.

Crew Documentation (Chapter 6)

The manual provides detailed procedures for:

- INDoS (Indian National Database of Seafarers) registration
- CDC (Continuous Discharge Certificate) issuance, renewal, and replacement
- SID (Seafarer's Identity Document)
- Cookery certificates, passport/personal detail updates, and document correction timelines

Modules and Legacy Systems (Chapter 7)

Key modules of the e-Gov portal are described, including the CDC Module, INDoS System, e-Samudra portal, and RPS Module. The transition plan from legacy systems to the new integrated platform is outlined.

Grievance Redressal and Crisis Management (Chapter 8)

Structured grievance redressal system covers both onboard and onshore mechanisms in line with MLC Regulation 5.1.5. The chapter details types of grievances, timelines, SOPs, and escalation procedures, including a dedicated Complaint Committee for Women Seafarers. Crisis management procedures are outlined for scenarios including piracy, vessel detention/arrest, missing seafarers, medical emergencies, casualties, and death at sea. The DGCOMM Centre (24×7) serves as the primary first point of contact for marine casualties. A Crisis Management and Reaction Group chaired by the Director-General coordinates all emergency responses.

DGMA Organogram (Chapter 9)

The Crew Branch hierarchy under DGMA is detailed, including roles of the Additional DG, Deputy DGs, and Assistant DGs. Specific officers are assigned responsibility for welfare, MLC compliance, grievance resolution, RPS matters, and crisis response.

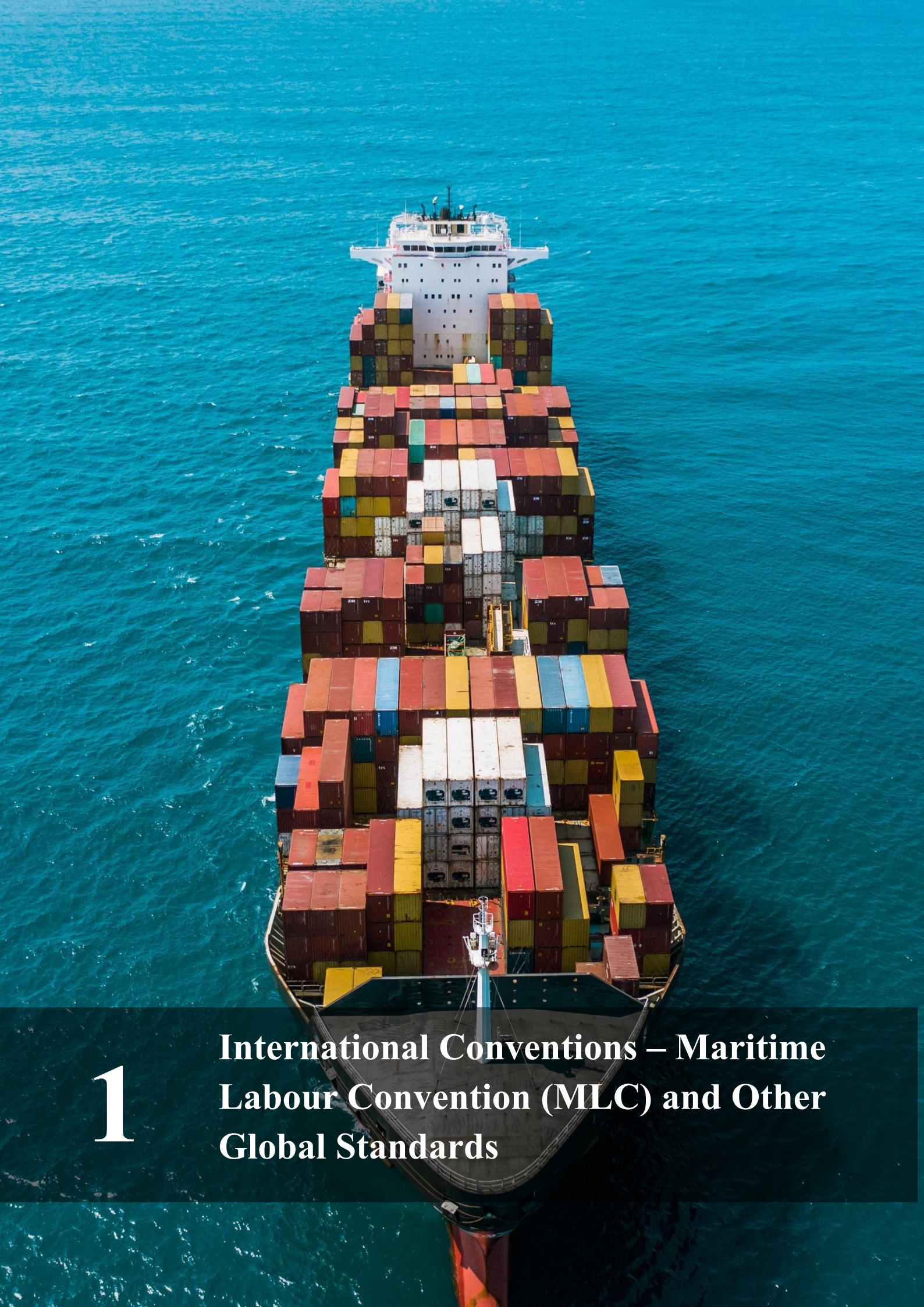
Judicial Precedents (Chapter 10)

A comprehensive compilation of Indian and international judicial decisions covering: seafarer classification, wage rights, CDC entitlements, abandonment, repatriation, safety obligations, Flag State jurisdiction, and ITLOS rulings. These form the interpretive foundation for implementing the MS Act and allied rules.

Vision and Strategic Objectives (Chapter 11)

Under Maritime Amrit Kaal Vision 2047 and MIV 2030, India aims to:

- Generate 30,000–35,000 maritime employment opportunities through domestic ship repair expansion
- Increase the share of women seafarers from 0.5% to over 5% through the Sagar Mey Samman programme
- Promote seafarer wellness via the Sagar Mein Yog programme
- Expand e-visa access to ease crew changes globally
- Modernise Maritime Education and Training (MET) through new courses, faculty development, and industry partnerships



1 International Conventions – Maritime Labour Convention (MLC) and Other Global Standards

1 International Conventions and Institutions – Maritime Labour Convention (MLC) and Other Global Standards

1.1 Overview of International Maritime Framework for Seafarers

The international maritime framework governing seafarers aims to ensure uniform standards for the safety, rights, working conditions, and welfare of crew members across all flag States. This framework was developed through extensive collaboration among international organizations, regional maritime bodies, unions of seafarers, flag States, port States, and forms the foundation of national maritime laws—including those of India.

India, as a signatory to several core maritime conventions and a member of global maritime and labour bodies, aligns its seafarer regulatory environment primarily through the Merchant Shipping Act, 2025 (MS Act, 2025), and associated rules such as the Merchant Shipping (Maritime Labour) Rules, 2026 (MLR, 2026), the Merchant Shipping (Recruitment and Placement Services) Rules 2026 (RPS Rules, 2026), the Merchant Shipping (Standards of Training, Certification and Watch-keeping for Seafarers) Rules, 2026 (STCW Rules, 2026), and other allied rules and Directorate General of Maritime Administration (DGMA) notices, orders and circulars.

Note: *(1) The Directorate General of Shipping has been renamed in the Merchant Shipping Act, 2025 to Director-General of Maritime Administration, which has come into force w.e.f. 15.03.2026. Hence, the Director-General, the Directorate General of Shipping and DGMA refers to the same authority.*

(2) This manual is non-exhaustive and should be read along with the Merchant Shipping Act, 2025 and allied rules and applicable orders, notices and circulars for complete understanding.

1.1.1 Key International Instruments Forming the Legal Backbone:

1. **Maritime Labour Convention, 2006, as amended (MLC, 2006):**

   - Regarded as the "Bill of Rights" for seafarers.
   - Consolidates and updates over 65 International Labour Organisation (ILO) instruments.
   - Covers employment agreements, wages, hours of work/rest, repatriation, health protection, accommodation, food, onboard medical care, onshore medical care and complaint mechanisms.
   - MLC applies to all ships, engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks, but does not apply to warships or naval auxiliaries.
   - MLC, 2006 ensures compliance through Flag State certification and Port State Control inspections, mandating ships to carry Maritime Labour Certificate and Declaration of Maritime Labour Compliance.
   - India ratified MLC, 2006 in 2015, bringing it in force for India in 2016. The Director-General ensures compliance of MLC, 2006, through national rules such as the MLR, 2026 and RPS Rules, 2026.

2. **International Convention on Standards of Training, Certification and Watchkeeping, 1978 as amended (STCW Convention):**

   - Prescribes international standards for seafarer competency, certification, refresher training, and watchkeeping.
   - Mandates competency levels based on ship type, rank, and voyage pattern.
   - The Manila Amendments to the STCW Convention and Code in 2010, which introduced updated training requirements, modernized certification standards, strengthened measures to prevent fatigue, and incorporated new competencies related to technological developments in the maritime industry.
   - India implemented STCW via STCW Rules, 2014 and the e-Governance Certification Platform.

3. **International Convention for the Safety of Life at Sea (SOLAS), 1974:**

   - Covers requirements for ship safety, including life-saving appliances, fire protection, navigation systems, and emergency procedures.
   - Requires crew to participate in regular safety drills, follow emergency procedures, and be familiar with safety equipment onboard.

4. **International Convention for the Prevention of Pollution from Ships, 1973/78 (MARPOL):**

   - Regulates pollution from ships through oil, garbage, sewage, air emissions, and noxious liquid substances.
   - Crew training under MARPOL ensures that vessel operations are carried out in a manner that minimises environmental harm.

5. **(United Nations Convention on the Law of the Sea), 1982 (UNCLOS):**

   - Establishes flag State responsibilities, port State rights, and crew welfare rights under maritime zones.
   - Promotes seafarers' access to repatriation, shore leave, and fair treatment in legal proceedings.
   - India implements these through the Ministry of External Affairs (MEA), DGMA, and port authorities.

1.1.2 Implementation in India:

- The Merchant Shipping Act, 1958 (MS Act, 1958), and its amendments serve as the statutory foundation.
- DGMA acts as the nodal enforcement authority. This authority was named as the Directorate General of Shipping under the MS Act, 1958. This Act has now been amended to Merchant Shipping Act, 2025 (MS Act, 2025), which has come into effect from 15.03.2026.
- MLR, 2016 and RPS Rules, 2016 operationalised MLC regulations and standards. These have been amended as MLR 2026 and RPS 2026 under the new Act.

- Shipping Masters, Mercantile Marine Departments (MMDs), and port inspectors conduct audits, issue clearances, and verify compliance.

India's integration into the international maritime framework ensures that:

- Indian seafarers are accepted globally.
- India's fleet is compliant with the international conventions and Codes to which India has undertaken the obligation to comply.
- India assumes Flag State responsibilities and port State responsibilities to ensure compliance with international conventions and Codes.
- Seafarers' complaints and grievances have international recognition and acceptance (legitimacy).
- Training standards from the Director-General approved maritime training institutes (MTIs) meet global equivalence.

This global legal architecture provides the baseline against which India's domestic seafarer protection, certification, recruitment, repatriation, and welfare laws are benchmarked.

1.2 Maritime Labour Convention, 2006, as amended (MLC, 2006)

MLC, 2006, also referred to as the "Seafarers' Bill of Rights", is a comprehensive international labour convention adopted by the ILO. It aims to secure the right of all seafarers to decent working and living conditions onboard ships.

MLC, 2006 is the fourth pillar of international convention for maritime transport, following the SOLAS, MARPOL Convention and STCW Convention.

MLC, 2006 consolidates and updates more than 65 existing ILO instruments related to seafarers and applies to all ships, engaged in commercial activities, other than ships engaged in fishing or in similar pursuits and ships of traditional build such as dhows and junks, but does not apply to warships or naval auxiliaries.

MLC, 2006 establishes Special Tripartite Committee- a collaboration between government, employers and workers to improve working conditions of the seafarer globally.

India ratified the MLC on 4 October 2015, and it came into force domestically via:

- MLR, 2016 and RPS Rules, 2016 under the MS Act, 1958.
- Direct oversight and enforcement by the Director-General.

1.2.1 Five Fundamental Pillars of MLC, 2006

MLC is structured around five Titles, each covering a critical aspect of seafarers' working conditions and welfare:

1. **Minimum Requirements for Seafarers to Work on a Ship (Title 1)**

- Regulation 1.1: Minimum age to work onboard is 16 years (18 for hazardous work). Night work of seafarer under the age of 18 shall be prohibited, subject to certain exceptions as provided in Standard A1.1, paragraph 3.
- Regulation 1.2: Valid medical fitness certificate (ILO/WHO).
- Regulation 1.3: Basic training certifications under STCW Rules, 2014 must be completed before engagement.
- Seafarers must possess appropriate identity and discharge documents, such as Continuous Discharge Certificate (CDC) and Seafarer's Identify Document (SID).

2. **Conditions of Employment (Title 2)**

- Regulation 1.4: Recruitment and placement services (RPS) must be licensed, regulated, and the licensed RPS shall not charge any remuneration, donation, fees etc. from the seafarer for recruitment or for procuring visa, other than the cost for obtaining national statutory medical certificate, national seafarer's book, passport, personal travel documents.
- Regulation 2.1: Engagement of seafarers must be by entering into a valid and written Seafarer's Employment Agreement (SEA) in a language understood by the seafarer.
- Regulation 2.1: Where a Collective Bargaining Agreement (CBA) forms part of an SEA, the reference of the same shall be clearly incorporated in the SEA and copy of such CBA shall be available on board the ship/vessel in English.
- Regulation 2.2: Wages must be paid at least once a month and be fully documented.
- Regulation 2.3: Maximum hours of work: 14 hours in 24 hours and 72hours in any 7days, or minimum 10 hours of rest per 24 hours and 77 hours in any 7-day period.
- Regulation 2.4, 2.5: Rights to leave, repatriation, and compensation for injury or death must be clearly defined.
- Discrimination against seafarers is prohibited under the MS Act, 1958.

3. **Accommodation, Recreational Facilities, Food and Catering (Title 3)**

- Regulation 3.1: Ships must comply with international standards on:
    - Size of rooms and living spaces
    - Lighting, ventilation, heating, and noise control
    - Toilet and washing facilities
- Regulation 3.1: Access to recreation facilities such as television, internet, books, and exercise spaces.
- Regulation 3.2: Provision of free of charge nutritious food and drinking water, with qualified cooks onboard.

4. **Health Protection, Medical Care, Welfare, and Social Security (Title 4)**

- Regulation 4.1 and 4.3: Seafarers must have access to:

    - Prompt medical care onboard and ashore
    - Occupational safety measures, PPE, and training
    - Mental health support and counselling
- Regulation 4.2: Ship owners must provide insurance/financial security for:
    - Death or long-term disability (as per SEA or CBA)
    - Repatriation due to abandonment or medical emergencies
- Regulation 4.4: Seafarers working on board a ship shall have access to shore-based facilities and services to secure their health and well-being, wherever accessible.
- Regulation 4.5: Seafarers shall have access to social security protection through national policies to the extent set out in national laws.

5. **Compliance and Enforcement (Title 5)**

- Regulation 5.1 and Regulation 5.2: DGMA ensures compliance of MLC, 2006 by conducts of
    - Flag State Inspections exercised through MMDS,
    - Port State Inspection for Foreign vessels .
- Regulation 5.1.3: Ships of 500 GT or above engaged in international voyages must:
    - Be certified with a Maritime Labour Certificate (MLC Certificate).
    - Carry a Declaration of Maritime Labour Compliance (DMLC Part I & II).
- Regulation 5.1.5 and 5.2.2: Grievance redressal mechanisms (onboard and onshore) must be accessible to all seafarers.
- Regulation 5.1.6: DGMA conducts or ensures an inquiry into serious marine casualties involving Indian-flagged ships, especially where there is injury or loss of life.
- Regulation 5.3: DGMA ensures the implementation of the requirements of MLC, 2006, regarding the recruitment and placement of seafarers as well as the social security protection of seafarers that are its nationals or are resident, if any, or are otherwise domiciled in its territory, to the extent that such responsibility is provided for in MLC, 2006.

1.2.2 India's Implementation of MLC, 2006

India ensures domestic implementation through:

- MS Act, 2025 (erstwhile Merchant Shipping Act 1958)
- MLR, 2026 (erstwhile Merchant Shipping (Maritime Labour) Rules, 2016)
- RPS Rules, 2026 (erstwhile Merchant Shipping (Recruitment and Placement of Seafarers) Rules, 2016)
- Orders, Circulars and MS Notices issued by DGMA (e.g., MSN 16 of 2016 for MLC, 2006 enforcement)

- MLC inspections and audit processes conducted by MMDs.
- e-Governance portal (e-Gov portal) of DGMA for:
  - Crew data uploads
  - SEA/CBA and repatriation reports
  - Grievance tracking
  - RPS licensing

1.2.3 Relevance of MLC, 2006 to Indian Seafarers

Sl. No.	Area	Benefits
1	Wages & Leave	Defined minimum standards, timely disbursement, protection from unauthorised deductions
2	Safety & Health	Mandatory PPE, risk mitigation, and medical care onboard and ashore
3	Contractual Rights	Transparent SEA/CBA, repatriation clauses, grievance filing rights
4	Work Conditions	Safe manning levels, rest hours, onboard welfare monitoring
5	Accountability	Indian Licensed RPS are held to MLC, 2006 standards for placement ethics and crew support

Table 1- India's Areas of MLC Implementation and Benefits

1.3 International Maritime Organization (IMO)

The International Maritime Organization (IMO) is a specialised United Nations agency established in 1948 and operational since 1959. It is the global authority responsible for setting international standards for shipping safety, environmental performance, legal regulation, and the welfare of seafarers.

1.3.1 Core Objectives of IMO

IMO's mandate is to:

- Promote safe, secure, environmentally sound, efficient, and sustainable shipping.
- Develop fair and effective global regulations to facilitate international maritime transport.
- Protect the rights and safety of seafarers through convention-based mechanisms.

1.3.2 Key IMO Conventions Affecting Seafarers

1. **STCW Convention, 1978, as amended:**
   - Establishes minimum standards for training, certification, and watchkeeping.
   - Ensures global recognition of competency certificates.
   - Integrated into India's certification processes via DGMA.

2. **SOLAS, 1974:**
   - Focuses on ship safety architecture, life-saving appliances, navigation equipment.
   - Ensures crew are trained for emergencies, firefighting, and survival.
3. **MARPOL (1973/78):**
   - Prevents marine pollution by regulating ship discharges.
   - Crew are trained in pollution prevention, handling oily waste, garbage, and emissions.
4. **ISM Code (International Safety Management):**
   - Introduces a systematic safety management framework onboard and ashore
   - Requires active participation of crew in drills, audits, and incident reporting.
5. **ILO-IMO Joint Guidelines:**
   - Promote fair treatment of seafarers in events like abandonment, detention, or criminal prosecution.
   - Recommended for adoption in national seafarer grievance and repatriation frameworks.

1.3.3 India's Role in IMO

- India is a founding member of IMO and has served multiple terms on the IMO Council.
- DGMA is the nodal agency to implement IMO conventions in India.
- DGMA regularly contributes to IMO committees on training, safety, and environmental protection.

1.3.4 Impact on Crew Branch Operations

Sl. No.	IMO Instrument	Influence on Indian Crew Policies
1	STCW	Certification and training recognition
2	SOLAS	Safety drill mandates and crew emergency readiness
3	MARPOL	Crew compliance with pollution control
4	ISM Code	Safety culture and crew accountability

Table 2- Influence of IMO Instruments on Indian Crew Policies

1.3.5 Implementation by DGMA

- All Director-General approved MTIs in India follow DGMA' Quality Standards System (QSS) based on IMO norms.
- Seafarer documentation such as CoC, CDC, Medical Certificates, and STCW compliance is monitored via the e-Governance portal.
- Port State Control inspections follow IMO checklists to assess flag compliance.

1.4 International Labour Organization (ILO)

The ILO is a specialised United Nations agency founded in 1919 that promotes social justice and internationally recognized human and labour rights. It is the only tripartite UN agency where governments, employers, and workers jointly shape policies and programs.

In the maritime sector, the ILO plays a critical role in setting global labour standards for seafarers, focusing on their rights, working conditions, safety, health, and social protection. The ILO's conventions and recommendations, especially the MLC, 2006, form the backbone of crew welfare governance worldwide.

1.4.1 Key Functions of ILO in Maritime Sector

- Develops and monitors international labour standards for seafarers.
- Supports member States (like India) in ratification and implementation of conventions.
- Collaborates with IMO and ITF to ensure decent work in the maritime industry.
- Addresses issues like abandonment, forced labour, unfair recruitment, and occupational safety.

1.4.2 Major ILO Maritime Conventions Impacting Seafarers

1. **MLC, 2006:**
   - Consolidates 68 earlier ILO instruments.
   - Known as the "Seafarers' Bill of Rights".
   - Covers:
     - Minimum age and medical fitness
     - Employment terms and contracts
     - Wages, hours of rest/work, and leave
     - Onboard conditions (accommodation, food, medical care, recreation)
     - Health and safety standards
     - Grievance redressal, repatriation, and social protection
2. **ILO Convention No. 147 (Minimum Standards, 1976):**
   - Applied to all seafarers and mandates decent working and living conditions onboard ships.
   - However, MLC, 2006 had revised this convention and is the relevant convention impacting seafarers.
3. **ILO Work in Fishing Convention, 2007 (C.188):**
   - Though not directly applicable to merchant shipping, this sets standards for crew on fishing vessels.
4. **ILO Convention No. 185 – Seafarers' Identity Documents Convention (Revised), 2003:**

- Enhances security and facilitates shore leave and transit for seafarers across countries.
- India has developed biometric Seafarer Identity Documents (SID) in line with this.

1.4.3 ILO's Role in Grievance Redressal and Welfare

- Promotes establishment of complaint handling procedures onboard ships.
- Supports seafarer rights during abandonment cases and coordinates with ITF and national authorities.
- Advocates fair treatment and non-criminalization of seafarers during marine accidents or piracy incidents.

1.4.4 India's Engagement with ILO

- India is a founding member of the ILO and has ratified the MLC, 2006.
- DGMA had notified MLR, 2016 to implement MLC, 2006 provisions.
- DGMA conducts flag State inspections, port audits, and RPS monitoring to ensure ILO compliance.
- India has also set up mechanisms like Directorate General of Communication (DGCOMM) grievance portal, and shipping offices for enforcement.

1.4.5 Impact of ILO on Crew Branch Operations

Sl. No.	Area	ILO Influence
1	Recruitment	Ethical recruitment via licensed RPS under MLC Regulation 1.4
2	Contracts	Mandatory written SEA
3	Living Conditions	Onboard accommodation, food, and sanitation rules
4	Rest and Hours	Regulation of hours of work/rest
5	Safety	Training, equipment handling, and shipboard risk assessments
6	Grievance	Onboard and onshore complaint procedures required
7	Repatriation	Employer and RPS duty to repatriate at no cost to seafarer
8	Social Security	Access to health care and welfare schemes

Table 3- Impact of ILO on Crew Branch Operations

1.4.6 Collaborations and Reporting

- India submits periodic compliance reports to the ILO.
- Tripartite Maritime Committees are established to review policy, involving:
    - DGMA (Indian maritime administration)
    - Maritime Unions (Workers)

- INSA/FOSMA/MASSA (Employers)

1.5 United Nations Convention on the Law of the Sea (UNCLOS)

The United Nations Convention on the Law of the Sea (UNCLOS), 1982, is the global treaty that defines nations' rights and responsibilities over the world's oceans and maritime zones. While UNCLOS primarily governs territorial waters, navigation rights, and marine resources, it also has critical implications for seafarers and crew welfare.

1.5.1 Key Provisions Relevant to Seafarers

1. **Article 94 (Duties of the Flag State)** requires every State to effectively exercise jurisdiction and control over ships flying its flag. This includes ensuring safety at sea, proper manning, labour conditions, and training of crews.
2. **Article 98 (Duty of render assistance)** obligates ships to assist anyone in danger at sea, including rescuing persons in distress and rendering aid in collisions. This is one of the most direct protections for seafarers.
3. **Article 99 (Prohibition of the transport of slaves)** explicitly forbids transporting slaves, protecting human dignity and seafarers from forced labour.
4. **Articles 100-107 (Piracy provisions)** establish duties of States to cooperate in repressing piracy, define piracy, and outline seizure rights. These safeguard seafarers against attacks on the high seas.
5. **Article 110 (Right of visit)** allows warships to board foreign ships suspected of piracy, slave trade, or unauthorized broadcasting. This indirectly protects seafarers by enabling enforcement against unlawful acts.
6. **Article 146 (Protection of human life),** in the context of seabed activities, requires measures to ensure the safety of human life, including seafarers working in offshore operations.
7. **Article 217–219 (Enforcement by Flag and Port States)** cover enforcement of pollution prevention measures, including seaworthiness of vessels, which directly impacts crew safety.
8. **Article 292 (Prompt Release of Vessels and Crews)** provides for the quick release of detained vessels and their crews upon posting of a bond, protecting seafarers from prolonged detention in foreign jurisdictions.

1.5.2 India's Implementation of UNCLOS

- India ratified UNCLOS in 1995.
- The Merchant Shipping Act, 1958, and associated DGMA rules give effect to UNCLOS provisions.
- Shipping Masters and port Authorities oversee seafarer rights at Indian ports.
- DGMA ensures that Indian vessels follow international crew standards across maritime zones- territorial sea, exclusive economic zone, and high seas.

1.5.3 Impact on Crew Branch Operations

Sl. No.	Area	UNCLOS Relevance
1	Flag State Control	Crew certification, vessel manning, and safety compliance
2	Port State Control	Inspections for MLC/STCW/ILO compliance
3	Legal Protection	Rights in piracy, detainment, and environmental prosecutions
4	Access to Shore Leave	Humanitarian access to shore leave and services

Table 4- UNCLOS Relevance

1.5.4 Customary International Law

- Customary international law - ILC Draft Articles on Diplomatic Protection 2006, which is recognized by UN and ITLOS as customary principle of international law.
- Specific reference to Article 18 that deals with "Protection of ships 'crews", including reparation of seafarer, diplomatic protection etc.
- Principle upheld by ITLOS in MV SAIGA (no.2) case [ICGJ 336 (ITLOS) 1999] & MV North Star case [ICGJ 541 (ITLOS) 2019])

1.6 Important Institutions or Organizations

1.6.1 International Transport Workers' Federation (ITF)

ITF is a global union federation representing over 700 trade unions across 150+ countries, including global federation of unions like NUSI and MUI in India. It advocates for the rights, welfare, and dignity of transport workers, with a major focus on seafarers' protection under international conventions.

1.6.1.1 Key Roles of ITF in Maritime Sector

- Defends seafarer rights against criminalization, exploitation, unsafe work, and unfair dismissal.
- Works with ILO, IMO, and Indian maritime administration like DGMA to uphold MLC, 2006 and ILO standards.
- Coordinates with port ITF inspectors worldwide to inspect vessels for crew welfare compliance.
- Maintains a database of flagged vessels and flags of convenience (FoC) with risk-based monitoring.
- CBA Enforcement: The manual should include a clear mechanism for monitoring and enforcing CBA provisions, with timelines for ship owners/manning agents' compliance and defined reporting procedures.

1.6.1.2 Services to Seafarers

1. **MLC/Contract Enforcement:**

- Ensures seafarers are given fair wages, proper SEAs, safe conditions, and timely repatriation.
- Helps crew facing abandonment, wage theft, or coercion.

2. **ITF Ship Inspections:**
   - ITF inspectors all over the world, conducts over 10,000 ship inspections annually to check for compliance with international labour standards.
   - Informs DGMA or Port State Control in case of MLC, 2006 violations.
3. **Abandonment & Grievance Support:**
   - Offers emergency financial aid, legal support, and negotiations with shipowners.
   - Collaborates with DGCOMM grievance portal in India.
4. **Solidarity through Unions:**
   - Supports maritime unions like NUSI and MUI in collective bargaining, welfare negotiations, and global coordination.
5. **Family Welfare Integration**
   - Family welfare schemes run by NUSI should be referenced and linked with DGMA welfare initiatives for better coordination and wider reach.

1.6.1.3 India's Engagement with ITF

- NUSI and MUI are affiliated members of ITF.
- Indian seafarers benefit from ITF-approved CBAs.
- DGMA coordinates with ITF in cases of abandonment, unsafe vessels, or repatriation issues.

Impact on Crew Branch Operations

Sl. No.	Area	ITF Contribution
1	Contract Support	Enforces fair contracts and wages
2	Welfare Monitoring	Ensures shipboard conditions meet MLC/ILO norms
3	Dispute Resolution	Assists in abandonment, unpaid wages, legal cases
4	Union Strengthening	Backs Indian maritime unions in global dialogue

Table 5- Impact on Crew Branch

1.6.2 National Union of Seafarers of India (NUSI)

NUSI is the oldest and largest maritime trade union representing Indian seafarers, founded in 1896. It plays a crucial role in safeguarding the rights, welfare, training and working conditions of Indian ratings, petty officers and cruise seafarers employed on national and foreign flag ships.

1.6.2.1 Core Functions of NUSI

- Acts as the official representative body of Indian seafarers for grievance redressal, collective bargaining, and legal support.

- Affiliated with the International Transport Workers' Federation (ITF) and recognised by DGMA and Indian shipowners.
- Negotiates CBAs with the associations with ship-owners/ ship managers/ agents to ensure minimum standard wages, working hours, and welfare benefits.

1.6.2.2 Key Services for Seafarers

1. **Grievance Redressal:**
   - Assists crew in cases of unpaid wages, unsafe working conditions, or abandonment.
   - Coordinates with DGCOMM grievance portal and ITF to escalate issues.
2. **Legal and Repatriation Support:**
   - Provides legal aid to seafarers in distress or wrongful termination.
   - Supports family members of deceased or abandoned crew.
3. **Training and Welfare:**
   - Offers training scholarships, skill development, and pre-sea orientation programs.
   - Operates NUSI Welfare Fund for medical assistance, educational and scholarship grants, life insurance and many more.
   - NUSI provides Skill Enhancement initiatives for seafarers.
   - Provides counselling service for overall well-being of seafarers and their families.
   - Holiday home and home for destitute seafarers at Lonavala.
   - NUSI Sankalp, an initiative for the plantation of trees and conservation of water.
4. **Emergency Relief & Solidarity:**
   - Extends support to seafarers and their families during natural calamities and emergencies.
   - Set up COVID-19 vaccination camps for seafarers to enable them to be vaccinated and then join ships.
   - Runs helplines for urgent crew assistance.

1.6.2.3 Role in Indian Maritime Governance

- Participates in tripartite discussions with DGMA, along with the associations of ship-owners/ ship managers/ agents (INSA, FOSMA, MASSA, ICCSA).
- Abandonment Case Procedures: A detailed, step-by-step protocol should be included for handling seafarer abandonment cases, outlining coordination between DGMA, shipowners, and NUSI to ensure swift rescue and repatriation.
- Member of various committees formed by the Ministry of Ports, Shipping & Waterways (MoPSW) for maritime labour reform and MLC, 2006 implementation.
- Supports DGMA in policy consultation, safety drives, and labour welfare initiatives.

Impact on Crew Branch Operations

Sl. No.	Area	NUSI Contribution
1	Labour Representation	Protects rights of Indian ratings globally
2	CBA Enforcement	Negotiates minimum standards with employers
3	Abandonment Cases	Liaises with DGMA for rescue and repatriation
4	Family Support	Runs welfare schemes for seafarer families

Table 6- NUSI's Contribution to Crew Branch

1.6.3 Seafarers' Unions & Trade Union Coordination

India's seafaring workforce is supported by a structured network of maritime trade unions that work in coordination with the government, shipowners, and international bodies to safeguard seafarers' rights. These unions play a key role in policy advocacy, collective bargaining, dispute resolution, and welfare administration.

1. **Major Recognised Unions**

- National Union of Seafarers of India (NUSI) – Represents ratings, petty officers and cruise seafarers employed on national and foreign flag ships.
- Maritime Union of India (MUI) – Represents officers.
- Forward Seamen's Union of India (FSUI) – Independent union representing both officers and ratings.

These unions are registered under the Trade Unions Act, 1926 and affiliated with international federations like the ITF and ILO-based maritime committees.

2. **Functions of Maritime Unions**

- **Collective Bargaining:** Negotiate minimum wages, working hours, leave, repatriation, and social benefits through CBAs with employers and RPS.
- **Legal Representation:** Represent seafarers in labour tribunals, DGMA proceedings, and international courts (in case of abandonment, unpaid wages, etc.).
- **Statutory right to represent:** To represent the seafarer / seamen to rightfully demand constitution of Tribunals for adjudication of disputes with ship owner under section 89 of MS Act, 2025.
- **Welfare Services:** Provide financial assistance, education grants, pension schemes, and support to families.
- **Policy Participation:** Represent worker voices in tripartite committees under DGMA andthe Ministry of Ports, Shipping and Waterways**.**

3. **Coordination with Government & Employers**

- Seafarers' unions participate in the Maritime Labour Advisory Committee (MLAC), National Shipping Board, and Tripartite Maritime Forums, along with shipowner associations like INSA, MASSA, and FOSMA.
- They consult on new regulations, grievance handling frameworks, and implementation of MLC 2006, STCW Rules, 2014, and DGMA Notices.
- During national or global crises (e.g. COVID-19), unions coordinate repatriation, quarantine assistance, and emergency welfare with DGMA and MEA.

4. **Impact on Crew Branch Operations**

Sl. No.	Area	Role of Unions
1	Dispute Resolution	Mediate wage issues, abandonment, contract violations
2	Compliance Monitoring	Highlight cases of unsafe working or MLC breaches
3	Grievance Support	Assist crew in raising complaints via DGCOMM or ITF
4	Regulatory Reform	Contribute to crew policy updates and feedback loops

Table 7- Role of Unions on Crew Branch Operations

Key Advantage: The presence of organised unions ensures a collective voice for Indian seafarers, protects them from exploitation, and promotes equitable treatment across flag States and shipowners.

1.6.4 Maritime Union of India (MUI)

MUI is the official trade union representing Indian merchant navy officers. Established in 1939, MUI plays a critical role in ensuring the welfare, rights, and working conditions of officer-level seafarers aboard Indian and foreign-flagged vessels.

1.6.4.1 Key Roles and Responsibilities

- **Collective Bargaining**: MUI negotiates CBAs with national and international shipping companies to ensure minimum wages, leave, repatriation terms, and fair treatment of officers.
- **Legal Protection**: Offers legal aid to officers facing contract violations, detainment, or disciplinary actions. MUI coordinates with DGMA and international maritime bodies to resolve such issues.
- **Welfare & Financial Support**:
    - Provides education grants, medical relief, pension schemes, and family welfare support.
    - Runs officer welfare programs and emergency financial assistance in cases of death, disability, or abandonment.

1.6.4.2 Affiliations and Collaborations

- Affiliated with the ITF and works closely with the ILO.
- Partnered with DGMA in formulating and implementing crew-related policy, especially those concerning officers' training, employment, and safety.
- Member of tripartite forums like the MLAC.

1.6.4.3 Major Services to Seafarers

Sl. No.	Service Area	MUI Contribution
1	Employment Contracts	Standardises and secures terms for Indian officers
2	Grievance Redressal	Assists in wage disputes, unfair termination, abandonment
3	Certification & Policy	Engages with DGMA on STCW, CoC, and MLC, 2006 issues
4	Welfare Schemes	Offers insurance, pensions, and emergency support to officers and families

Table 8 Major Services to Seafarers

1.6.4.4 Notable Contributions

- Played a major role during the COVID-19 pandemic by organising crew changes and repatriation support in partnership with DGMA.
- Conducts awareness drives on mental health, gender inclusion, and seafarer safety in coordination with maritime training institutes.

1.6.5 Ministry of Ports, Shipping and Waterways (MoPSW)

MoPSW is the nodal central ministry responsible for formulating policies, regulations, and strategies related to maritime transport, seafarer welfare, ports, and shipping in India.

It plays a crucial oversight role in ensuring that the rights and welfare of Indian seafarers are protected, in line with national legislation and international conventions such as MLC 2006, STCW, and UNCLOS.

1.6.5.1 Key Roles in DGMA

1. **Policy Formulation:**
   - Sets national policy on merchant shipping, crew certification, maritime labour, and safety.
   - Oversees implementation of the Merchant Shipping Act and allied rules.
2. **Oversight of DGMA:**
   - DGMA functions as the maritime regulator under the administrative control of MoPSW.
   - Monitors performance, budget, regulatory output, and grievance redressal systems like DGCOMM.
3. **Inter-ministerial Coordination:**
   - Coordinates with the MEA, Ministry of Labour & Employment, and Ministry of Home Affairs for crew repatriation, foreign postings, and emigration issues.
4. **International Representation:**
   - Represents India at IMO, ILO, and international maritime conventions.
   - Leads negotiations on seafarer rights, safety standards, and maritime environmental protection.

1.6.5.2 Recent Crew Welfare Initiatives

- Promotes gender inclusion in shipping and support for Indian women seafarers.
- Initiated reforms in licensing of RPS, maritime education quality, and digital monitoring of crew grievances, such as introduction of Grievance Response Committee vide DGMA Order no. 4 of 2025, dated 21.04.2025.

1.6.5.3 Impact on Crew Branch Operations

Sl. No.	Area	MoPSW Contribution
1	Legislation	Oversees MS Act, Maritime Labour Rules, Recruitment and Placement Service Rules
2	Regulatory Oversight	Supervises DGMA operations
3	Welfare	Supports policy for safety, wages, mental health
4	Representation	Engages with international bodies for seafarer rights

Table 9 Role of MoPSW Contributions on crew Operations

1.6.6 Ministry of External Affairs (MEA)

MEA plays a vital role in protecting Indian seafarers working overseas by handling diplomatic, legal, and consular matters. It serves as India's principal interface with foreign governments in cases involving Indian nationals onboard international vessels.

1.6.6.1 Key Responsibilities Related to Seafarers

1. **Consular Support & Repatriation:**
   - Facilitates rescue, repatriation, and evacuation of Indian seafarers stranded or detained abroad.
   - Coordinates with Indian Missions/Embassies in foreign countries during cases of abandonment, death, arrest, or injury.
2. **Legal Assistance:**
   - Provides legal aid and consular access to seafarers facing detention or legal cases in foreign jurisdictions.
   - Ensures fair treatment under UNCLOS and international maritime laws.
3. **Coordination with DGMA & MoPSW:**
   - Works closely with DGMA to resolve cases involving:
     - Abandoned ships
     - Missing or deceased seafarers
     - Crew welfare during conflicts or emergencies (e.g., piracy, warzones)
   - Supports issuance of No Objection Certificates (NOC) for deployment to sensitive regions.
4. **Emigration & Verification:**

- Oversees Emigration Clearance for non-deck/engine crew and repair technicians.
- Verifies authenticity of foreign shipowners and recruitment entities through Indian embassies.

1.6.6.2 Crisis Support Mechanism

- MEA activates Emergency Response Cells and provides helplines during:
  - Conflicts (e.g., Ukraine, Red Sea)
  - Maritime piracy incidents
  - Natural disasters and global emergencies
- Maintains communication with seafarers' families and unions during ongoing cases.

Impact on Crew Branch Operations

Sl. No.	Area	MEA Support
1	Repatriation	Coordinates safe return of crew during crises
2	Legal Aid	Provides diplomatic/legal help abroad
3	Abandonment	Engages with flag States and embassies
4	Emergency Contact	Handles urgent family communications via missions

Table 10 Role of MEA on crew operations

1.6.7 Institutional Support to Crew Branch

The Crew Branch of DGMA functions through an integrated institutional framework involving ministries, statutory bodies, maritime unions, autonomous agencies, and international partners. This collaborative ecosystem ensures the enforcement of seafarer welfare, certification, grievance redressal, safety standards, and crisis response.

1.6.8 Key Institutional Stakeholders

S.No	Institution	Role
1	MoPSW	Parent ministry responsible for policymaking and oversight of DGMA. It supports reforms in maritime labour governance, RPS licensing, and gender inclusion in seafaring.
2	DGMA	Nodal regulatory authority enforcing MLC, 2006, STCW Convention through MS Act, 2025 and applicable rules thereof for crew certification, employment, grievance handling, and safety compliance.
3	MMDs	Regional enforcement units under DGMA conducting certification exams, inspections, and inquiries for crew matters.
4	Shipping Masters (Mumbai, Kolkata, Chennai)	Statutory authorities appointed under the MS Act, 2025 to handle registration, signing-on/off, dispute resolution, and crew documentation.

S.No	Institution	Role
5	MEA	Provides diplomatic support for abandoned, arrested, or missing seafarers abroad; coordinates with Indian Missions and embassies.
6	Ministry of Labour & Employment	Works on implementation of labour standards, social security, and crew inclusion in national schemes.
7	Seafarers' Welfare Fund Society (SWFS)	Administers welfare schemes for seafarers and their families, such as death-based schemes, inability-based schemes, schemes for dependents etc.
8	Seamen's Provident Fund Organisation (SPFO)	Maintains and manages provident fund accounts of seafarers as per MS Act regulations.
9	Maritime Unions (NUSI, MUI, FSUI)	Represent seafarers' collective interests; participate in tripartite forums for policy advocacy, CBAs, and grievance redressal.
10	Indian Maritime University (IMU)	Central university under MoPSW, standardizing maritime education and training across India.
11	International Bodies (IMO, ILO, ITF)	Guide regulatory alignment with global maritime labour standards and seafarers' rights protection mechanisms.
12	Institute of Marine Engineers (India) (IMEI)	Represents marine engineering professionals; supports professional development, technical knowledge, maritime education and training, and contributes to industry standards and seafarer competency development.
13	Company of Master Mariners of India (CMMI)	Represents Master Mariners and promotes professional standards, competency and welfare of seafarers; supports maritime education, training, professional development and provides technical inputs to maritime authorities.
14	Indian National Shipowners Association (INSA)	Represents Indian shipowners and the shipping industry; supports maritime policy advocacy, seafarer welfare, employment, skill development and engagement between shipowners, Government and seafarers organisations.
15	Board of Examinations for Seafarers Trust (BES)	Conducts the All India Exit Examination for GP and CCMC ratings and supports quality assurance in maritime education, training and assessment.

Table 11 Key Institutional Stakeholders Supporting Crew Branch

1.6.9 Coordination Mechanism

- Tripartite Committees: Institutional platforms like the MLAC and Crew Welfare Committees include representation from government, shipowners, and unions.
- Digital Systems: Platforms like e-Gov portal, DGCOMM, and e-Migrant enable real-time coordination, record keeping, and transparency.

- Crisis Management Cells: Set up during events like COVID-19 or warzone evacuations (e.g. Ukraine), with MEA and DGMA coordination.

This institutional network ensures the holistic functioning of DGMA, enabling it to uphold international commitments while serving the unique needs of Indian seafarers.

2 Indian Merchant Shipping (MS) Act & Rules

2 Indian Merchant Shipping (MS) Act & Rules

2.1 Introduction and Background

2.1.1 Legislative Evolution

- The MS Act, 1958 was the first major maritime law of independent India.
- It governed shipping for over 65 years, but became outdated due to:
    - New international conventions (STCW, MLC, SOLAS, MARPOL, UNCLOS).
    - Complex seafarer issues such as abandonment, repatriation delays, and wage disputes.
    - Rapid digitalisation in maritime administration.
- Recognising these challenges, the Merchant Shipping Act, 2025 (Act No. 24 of 2025) (MS Act, 2025) was enacted, repealing the MS Act, 1958 in full.
- The MS Act, 2025 came into force on 15 March 2026.

2.1.2 Purpose of Reform

- To modernise Indian shipping law.
- To ensure compliance with global maritime treaties.
- To give legal recognition and protection to seafarers.
- To empower DGMA and associated agencies with stronger regulatory authority.

2.1.3 International Conventions Incorporated

The following are the important Conventions / international instruments among others:

- **STCW Convention:** Training, watchkeeping, competency exams.
- **MLC, 2006:** Crew rights on wages, repatriation, welfare, accommodation.
- **SOLAS & MARPOL:** Safety of life and environmental protection.
- **UNCLOS, 1982:** India's jurisdiction over crew safety and welfare in its waters and on high seas.

2.1.4 Crew-Centric Priorities

- Crew welfare and safety given statutory priority.
- Digitalisation of certification, recruitment, grievance redressal.
- Recognition of seafarers as key workers, ensuring mobility and protection during crises.

2.2 Objectives of the Act

The Act has five major objectives relevant to crew:

1. **Safeguard seafarer safety and welfare-**

- Right to safe working conditions, timely wages, repatriation, and medical care.

2. **Regulate recruitment, placement, certification, and medical fitness-**
   - RPS licensing, zero-fee recruitment, and compulsory medical certificates.
3. **Provide mechanisms for discipline and appeals-**
   - Clear inquiry and appeal system with legal rights protected.
4. **Modernise shipping laws for global compliance-**
   - Digitalised certification, e-Gov portal integration, Port State Control alignment.
5. **Recognise seafarers as key workers-**
   - Priority in repatriation, medical access, port clearance and the like.

2.3 Key Provisions under the Merchant Shipping Act, 2025

The Act is structured into **16 parts with 325 sections**, covering administration, safety, certification, recruitment, and welfare.

2.3.1 Employment and Welfare of Seafarers

The employment and welfare provisions of the MS Act, 2025 are designed to protect the rights, dignity, and safety of Indian seafarers serving on both Indian and foreign-going ships. These provisions legally bind shipowners, licensed RPS, and operators to provide fair working conditions, ensure timely wages, and safeguard welfare.

2.3.1.1 Recognition as Key Workers - Section 56(3) of the MS Act, 2025

Provision:

- Declares seafarers as key workers for the purposes of facilitation of safe and unhindered movement for embarking or disembarking a vessel, shore leave, and when necessary, for shore-based medical treatment.
- Aligns with IMO and ILO resolutions during COVID-19 which urged countries to recognise seafarers as "essential workers."

Implications:

- Seafarers cannot be denied entry, transit, or medical support during crises (e.g., pandemic, natural disaster, war, strikes).
- Entitled to priority vaccination, medical access, and mobility.
- Facilitates uninterrupted crew change and repatriation processes.

Practical Example:

During the COVID-19 pandemic, seafarers were stranded without relief due to border closures. This section prevents recurrence by giving seafarers statutory rights as "key workers."

2.3.1.2 Minimum Age of Employment - Section 59 of the MS Act, 2025

Provision:

- Prohibits employment of persons below 16 years on any ship.
- Restricts persons below 18 years from working at night or work jeopardising their health and safety or any other hazardous work as may be determined by the Director-General with the approval of the Central Government from time to time as per rule 4 of MLR, 2026.

Implications:

- Prevents exploitation and child labour in the maritime sector.
- Ensures compliance with ILO Convention No. 138 (Minimum Age Convention) and ILO Convention No. 182 (Worst Forms of Child Labour).
- Hazardous duties include engine-room work, night shifts, cargo handling, and emergency drills.

Crew Branch Role:

- Verification of age documents during CDC/SID application.
- Enforcement through inspections and RPS audits.

2.3.1.3 Repatriation of Seafarers - Section 67 of MS Act 2025

Provision:

- Shipowners are obliged to repatriate seafarers under rule 12 of MLR, 2026:
    - On contract completion.
    - On contract termination
    - In case of illness or injury.
    - If the seafarer is abandoned.
    - Compassionate grounds.
- Costs borne entirely by shipowner (not by seafarer or their family).

Implications:

- Protects seafarers from being stranded in foreign ports.
- Prevents exploitation by ensuring free travel home after service.
- DGMA can recover repatriation costs from defaulting owners or licensed RPS.

Crew Branch Role:

- Coordinate with Indian Missions abroad, ship owners, and ITF for safe repatriation.

Example:

If an Indian seafarer is abandoned in Dubai due to company insolvency, DGMA can:

1. Blacklist the RPS.

2. Arrange repatriation at government cost initially.
3. Recover expenses from the shipowner's insurance or P&I club.

2.3.1.4 Seafarers' Wages and Compensation - Sections 64 and 79 of MS Act 2025

Provision:

- Timely payment of wages at monthly intervals is a statutory right. In case payments are made later than monthly intervals, seafarers shall be entitled to wages and interest as may be prescribed in the MLR, 2026, subject to exceptions mentioned under section 64(2) of MS Act 2025.
- Unlawful deductions prohibited.
- Compensation mandated for:
  - Natural death.
  - Missing at sea
  - Permanent disability.
  - Occupational illness or injury.

Implications:

- Seafarers' wages cannot be withheld beyond monthly intervals as per rule 9(1) of MLR, 2026. In case a CBA mentions a lesser period for payment, the same shall be considered as per rule 9(2) of MLR, 2026.
- Compensation system aligns with the regulations and standards of MLC, 2006.

Crew Branch Role:

- Shipping Masters adjudicate wage disputes under section 83 of MS Act 2025.
- DGMA monitors non-payment complaints via the grievance portal.

Practical Example:
If a seafarer dies during a contract, family members are entitled to statutory compensation as per rule 19 of MLR, 2026, processed through DGMA, and recoverable from ship owner/insurer.

2.3.1.5 Health & Medical Care, Medical Fitness and Medical Certification - Sections 60, 62 and 72 of MS Act 2025

Provision:

- Ship owners must provide free onboard and shore-based medical treatment to seafarers.
- Seafarers shall be considered as key workers for shore-based medical treatment under section 56(3) of MS Act 2025.
- Ships must carry medical chest, first-aid equipment, and medicines as per DGMA/WHO standards.

- Employment requires a Medical Fitness Certificate, issued only by the Director-General approved medical practitioners. The cost of obtaining a medical certificate shall be borne by the seafarers under Proviso of section 62(2) of the MS Act, 2025.
- Rule 18(1) of MLR, 2026 provides that the ship owner shall adopt measures for providing protection to health and medical care, including essential dental care, at no cost to the seafarers, for seafarers working on board a ship.
- Rules 18(3) of MLR, 2026 provides that all ships shall carry a medical chest, medical equipment and a medical guide as per the Merchant Shipping (Medical) Rules, 2026.
- Rules 18(4) to (7) of MLR, 2026 provide that ships are required to carry a qualified medical practitioner on board or a seafarer who has satisfactorily completed training in medical care as per STCW Convention and oversees medical care and administering medicine on board.
- Medical Standards are also dealt with in rule 12 of STCW Rules, 2026.

Implications:

- Ensure medically fit individuals are onboard vessels.
- Ensure adequate medical facilities in case seafarers are in need.

2.3.2 Certification and Training

Certification and training provisions under the MS Act, 2025 ensure that only qualified, medically fit, and properly trained seafarers serve onboard ships. These provisions align Indian law with the STCW Convention and ILO Conventions, thereby granting Indian seafarers an international recognition.

2.3.2.1 Certification of Officers and Crew - Part IV of MS Act, 2025

Provision:

- **Certificates of Competency (CoC):**
  - Mandatory for officers (deck and engine) and engineers.
  - Issued only after sea service, training, and successful written and oral examinations conducted by MMDs as per rule 5, Chapter II, III of the STCW Rules, 2026.
- **Certificates of Proficiency (CoP):**
  - Mandatory for ratings, cooks, and support staff.
  - Covers watch keeping, catering, and emergency duties.
  - Chapter VI of the STCW Rules, 2026 deals with minimum requirements for CoP issuance,

Compliance Requirement:

- All CoCs and CoPs are issued under the STCW Convention, 1978 (Manila Amendments 2010).
- Ensures global acceptance of Indian seafarers' qualifications basis any formal mutual recognition by other Flag States' maritime administrations under section 50 of MS Act, 2025.

- Under section 49(1) of MS Act, 2025, the master of every vessel shall on demand, produce to the proper officer the CoC of the seafarers of the vessel along with a list containing the particulars of grades of certificates of the seafarers including the master.

Practical Implications:

- Without a valid CoC or CoP, seafarers cannot join duty on Indian or foreign flag vessels.
- Every ship must carry a minimum number of CoC or CoP holders, as per safe manning requirements as per section 45(1) and 69 of MS Act, 2025 and the Merchant Shipping (Safety of Navigation) Rules, 2026.

DGMA Role:

- DGMA (through MMDs) conducts competency examinations.
- Maintains an e-database of certificates linked to INDoS profiles.

2.3.2.2 Suspension and Cancellation of CoC or CoP - Section 48(6) of MS Act, 2025 and the STCW Rules, 2026

Provision:

1. Under sections 62(5), 98(3), 99(3) of MS Act, 2025 and rule 81(1) of the STCW Rules, 2026, DGMA or Chief Examiner for Master and Deck Department personnel or the Chief Examiner for Engine Department personnel, as the case may be, may suspend or cancel a CoC or CoP either permanently or for such specified period as may be specified if the holder is found to have obtained the CoC or CoP based on false or erroneous information, or to have deserted the vessel or have been absent without leave or is found indiscipline or misconduct, incompetency, or any act of omission or commission or compromise to safety, security or prevention of pollution, which may pose a threat to life or property or environment.
2. Under section 101 of MS Act, 2025, any offence under sections 98 or 99 where a fine may be imposed, such entry shall be made in the official logbook and signed by the master and the officer on the watch.

Process:

- Complaint received.
- Preliminary investigation through the issue of a show cause notice to the concerned seafarer.
- Seafarer shall be given an opportunity to be heard under the principles of natural justice as per rule 81(3) of the STCW Rules, 2026.
- Final order → Reinstatement, suspension, cancellation, or warning entered into the digital profile.

Appeals under rule 82 of the STCW Rules, 2026:

- A person whose certificate has been cancelled or suspended may appeal against such order to the Director-General within 30 days from the date of receipt of such order.
- The Director-General shall, as far as practicable, dispose of the appeal within a period of three months from the date of receipt of the appeal.

Impact on Seafarers:

- Suspended CoC → seafarer cannot sail in rank until reinstated.
- Cancelled CoC → permanent disqualification unless appeal is successful.

2.3.2.3 Continuous Discharge Certificate (CDC) - Sections 58, 62, 63, 98, 99, 100, 281 of MS Act, 2025 and CDC Rules, 2026

Provision:

- The CDC is the service record for all Indian citizens, valid for 10 years.
- An application for renewal may be made within eighteen months prior to the date of expiry or at any time after the date of as per Rule 7 of CDC Rules, 2026.
- A seafarer shall not have previously been issued a CDC and must not have applied for a CDC to any other issuing authority in India at the time of applying for the certificate.
- Mandatory for employment onboard any Indian or foreign flag vessel.

Eligibility:

- INDoS number issued generated by Director-General approved MTIs.
- Completion of pre-sea training course from Director-General approved MTI.
- Medical Fitness Certificate from a Director-General approved medical practitioners.

Application Process:

- Apply online through DGMA e-Gov Portal.
- Upload training certificate, INDoS details, ID proof, and medical certificate and all other required documents.
- Pay fees online and track status digitally.
- CDC issued physically and updated digitally in the seafarer profile.

Cancellation and suspension of CDC under Rule 10 of CDC Rules, 2026:

- A CDC shall be cancelled or withheld or suspended, whichever is applicable, if found guilty under sections 62(5), 98(3), 99(3) and 100(1) of MS Act, 2025.
- In case CDC has been obtained based on any false or fraudulent document or information or any report of death or disappearance, the issuing authority may cancel such CDC.
- A seafarer shall be given an opportunity to be heard under the principles of natural justice.
- In case a CDC is cancelled, such holder shall be debarred from applying for renewal of CDC for such period as may be specified by the issuing authority.

Surrender of CDC under Rule 11 of CDC Rules, 2026:

- Any CDC holder who has acquired citizenship of a country other than India, such holder to surrender the CDC, which shall be cancelled by the issuing authority.

- In case of permanent disablement, the holder shall surrender their CDC to the issuing authority immediately after receiving compensation, who shall cancel the CDC.

Appeal under Rule 13 of CDC Rules, 2026:

- Any person aggrieved by any order of the issuing authority, may appeal against such order to the jurisdictional principal officer within 60 days from the date of receipt of such order.
- The principal officer shall dispose of the appeal within 30 days from the date of receipt of the appeal.

Importance:

- Records every sign-on and sign-off.
- Required by MMDs for certification and sea service verification.
- Serves as evidence of seafarer's employment history.

2.3.2.4 Seafarers' Identity Document (SID) – Sections 58, 62, 63, 98, 100 of MS Act, 2025 and SID Rules, 2026

Provision:

- Biometric-enabled SID introduced under the Seafarers' Identity Documents Convention (Revised), 2003 (No. 185).
- No person shall engage or carry to sea, any seafarer in any ship, unless the seafarer is in possession of seafarer's identity document.

Features:

- The SID is an identity document for Indian citizens, valid for 5 years.
- An application for renewal may be made within eighteen months prior to the date of expiry or at any time after the date of its expiry under rule 6 of SID Rules, 2026.
- Machine-readable and globally verifiable.
- Linked to INDoS and Aadhaar for identity authentication.

Application Process:

- Apply on DGMA SID e-portal.
- Upload ID proofs and biometrics.
- Book an appointment at a SID issuance centre (Mumbai, Chennai, Kolkata, Kochi, etc.).
- SID delivered and linked to seafarer's DGMA profile.

Suspension or cancellation of a SID under Rule 9 of SID Rules, 2026:

- An SID shall be cancelled or withheld or suspended, whichever is applicable, if found guilty under sections 98(3) and 100(1) of MS Act, 2025.

- An SID shall be promptly withdrawn if the eligibility criteria for issuance of SID no longer stands valid under rule 2 of SID Rules, 2026.
- In case of any report of death or disappearance, the issuing authority may cancel the SID.
- A seafarer shall be given an opportunity to be heard under the principles of natural justice.
- In case an SID is cancelled, such holder shall be debarred from applying for renewal of SID for such period as may be specified by the issuing authority.

Surrender of SID under Rule 10 of SID Rules, 2026:

- In case of permanent disablement, the holder shall surrender their SID to the issuing authority immediately after receiving compensation, who shall cancel the SID.
- In case the holder wishes to discontinue sea-going service, such holder shall surrender SID to the issuing authority who shall cancel the same.

Appeal under Rule 14 of SID Rules, 2026:

- Any person aggrieved by any order of the issuing authority, may appeal against such order to the jurisdictional principal officer within 60 days from the date of receipt of such order.
- The principal officer shall dispose of the appeal within 30 days from the date of receipt of the appeal.

Importance:

- Without an SID, seafarers cannot access foreign ports.
- Provides international legal protection under ILO conventions.

2.3.2.5 Training Institutes and Standards- Part IV of MS Act, 2025 and STCW Rules, 2026

Provision:

- Only Director-General approved MTIs shall conduct seafarer training.
- These MTIs are required to comply with Training manual (DG Training Circular 31 of 2018)
- Covers mandatory basic safety training courses under the STCW framework:
    - **P**ersonal Survival Techniques (PST) or Proficiency in survival craft and rescue boards (PSCRB).
    - Fire Prevention and Fire Fighting (FPFF) or Advance Fire Fighting (AFF).
    - Elementary First Aid (EFA) or Medical First Aid (MFA) or Medical Care (MC).
    - Personal Safety and Social Responsibility (PSSR)
    - Security Training for Seafarers with Designated Security Duties (STSDSD) or Ship Security Officer (SSO).
- **Under section 62(2)(d) of MS Act, 2025,** there shall be no discrimination among seafarers based on the MTIs from where they obtained training for their recruitment and engagement on board any ship.

- Rules 18(4) to (7) of MLR, 2026 provide that ships are required to carry a qualified medical practitioner on board or a seafarer who has satisfactorily completed training in medical care as per STCW Convention and oversees medical care and administering medicine on board.

Enforcement:

- Under section 281(2) No. 7 of MS Act, 2025, any person conducting training in contravention to section 47(2) of MS Act, 2025 shall face a penalty extending up to INR 20 lacs.
- Under section 281(2) No. 8 of MS Act, 2025, any person obstructing an authorised person from inspecting an MTI shall face a penalty extending up to INR 2 lacs.
- If a master fails to produce certificates required under section 49(1) of MS Act, 2025 shall face a penalty which may extend to fifty thousand rupees and in addition, a penalty which may extend to five thousand rupees for every day during which the contravention continues.
- All training records are digitally updated to the seafarer's INDoS profile, ensuring global traceability and preventing forgery.

DGMA Role:

- Approve, monitor, and audit MTIs.
- Ensure compliance with STCW training modules.
- Handle complaints of fraudulent training practices.
- Conduct annual Comprehensive Inspection Program (CIP) to regulate and enhance the standards of courses delivery in MTIs.

2.3.3 Recruitment and Placement Services

Recruitment and placement provisions under the MS Act, 2025 are designed to protect Indian seafarers from exploitation, ensure transparency in hiring, and fix accountability on both RPS and ship owners. These provisions in (MLC, 2006, Regulation 1.4) are implemented in RPS Rules, 2026.

2.3.3.1 Regulation of RPS entities- Sections 58, 62 of MS Act, 2025 and RPS Rules, 2026

Provision:

- Under section 62(1) and (2), no entity may recruit seafarers for foreign flag ships without a valid RPS license issued by the Director-General.
- Under section 62(2)(c), there shall be no remuneration or fees or charges for seafarers' recruitment or placement or for providing onboard training or employment to seafarers or any person seeking onboard training or employment as a seafarer.
- The seafarer shall only bear the cost of obtaining a medical certificate, the CDC or SID and a passport or other similar personal travel documents.
- Seafarers should check the validity of RPS license through DGMA website.
- RPS must comply with strict obligations as required under section 62(6) of the MS Act, 2025 and in accordance with the RPS Rules, 2026.

- Failure to comply with the provisions of the MS Act, 2025 and RPS Rules, 2026 may lead to suspension or withdrawal of the RPS license.

Purpose:

- To prevent unlicensed/illegal agents from exploiting seafarers.
- To create a traceable, transparent digital record of all seafarer placements.

Crew Branch Role:

- Issue, renew, and monitor RPS licenses.
- Conduct intermediary, i.e., third annual inspection of RPS under RPS Rules, 2026.
- Temporary block online login credentials of the licensed RPS on receipt of a report by the inspecting authority, or a complaint by a seafarer concerned or otherwise, if he has a reason to believe that the activities of the recruitment and placement service are against the provisions of the MS Act, 2025 or RPS Rules, 2026 or against the interest of the seafarer until the proceedings are concluded and a decision is reached.
- Cancel RPS license and blacklist the RPS for non-compliance or fraud under RPS Rules, 2026.
- To initiate action against recruiters or such persons recruiting without license in contravention of section 62(2)(a) of the MS Act, 2025 as granted under the RPS Rules, 2026. Penalty shall be as per section 281(3) No. 6 of the MS Act, 2025.

Appeal:

- Any person aggrieved by any order of the issuing authority, may appeal against such order to the jurisdictional principal officer within 60 days from the date of receipt of such order.
- The principal officer shall dispose of the appeal within 30 days from the date of receipt of the appeal.

2.3.3.2 Zero Fee Recruitment Principle- Section 62(2)(c) of the MS Act, 2025

Provision:

- The licensed RPS are strictly prohibited from charging any remuneration or fees or charges for seafarers' recruitment or placement or for providing onboard training or employment to seafarers or any person seeking onboard training or employment as a seafarer.
- Any contravention shall be dealt with as per section 281(3)(7) of the MS Act, 2025 and RPS Rules, 2026.
- Costs to be borne by ship owner:
    - Joining tickets/airfare.
    - Visa expenses.
    - Sign-on related expenses.
- Costs allowed for seafarers themselves:

- Passport or similar travel documents.
- CDC.
- SID.
- Pre-sea medical examination.

Purpose:

- To eliminate financial exploitation of seafarers.
- To ensure fair employment practices under ILO/MLC standards.

Practical Example:
If a licensed RPS demands "service fees" of ₹50,000 from a seafarer for placement, this is a violation and can lead to suspension or cancellation of license.

Crew Branch Role:

- Investigate complaints of misconduct of licensed RPS in violation of RPS Rules, 2026.
- Penalise RPS under section 281 of the MS Act, 2025.

2.3.3.3 Joint and Several Liability under section 57(4) of MS Act 2025

Provision:

The ship owner and the recruitment and placement service provider shall jointly and severally be liable to discharge the responsibilities of the ship owner, and such service provider shall be deemed to be the ship owner for the purposes of offences and penalties under sections 281 and 282 of MS Act, 2025.

Purpose:

- To prevent "blame-shifting" between shipowners and recruiters.
- To assist that seafarers receive dues regardless of disputes between parties.

Crew Branch Role:

- Enforce joint liability during grievance resolution.
- Direct licensed RPS to arrange emergency repatriation or payment of wages.

2.3.3.4 Immediate Reporting Obligations- Section 62(6)(e) of MS Act, 2025 and RPS Rules, 2026

Provision:

- Licensed RPS must report to the Director-General, at the earliest and not later than 24 hours of receipt of information, any incident or casualty on-board causing:
    - injury (excluding minor injuries), or
    - death, or
    - disappearance, or
    - loss overboard or
    - homicide by or of an Indian National.

- Reports must be submitted digitally to the Director-General through the grievance monitoring system.

Purpose:

- To ensure quick intervention for stranded or abandoned seafarers or any incident happened on board.
- To allow the Director-General to alert Indian Missions/ High Commissions/ Embassies abroad and coordinate rescue/repatriation.

Crew Branch Role:

- Maintain real-time grievance dashboards (DGCOMM Portal).
- Escalate cases to Indian Missions/ High Commissions/ Embassies, port authorities, and ITF when required.
- Take appropriate actions against defaulting entities that fail to report following principles of natural justice.

2.3.4 Safety and Working Conditions

The MS Act, 2025 incorporates India's obligations under the international conventions such as SOLAS (1974), MLC, 2006 and Load Line Convention 1966 to foster development and efficient maintenance of the Indian merchant fleet and to ensure safe working conditions and living standards for crew on board ships.

2.3.4.1 Safety of Life at Sea

Provision:

- Part VI of the MS Act, 2025 implements SOLAS obligations in Indian law. This part ensures vessels are built safely, equipped properly, certified correctly, and operated securely.
- Mandatory for all Indian-registered vessels and foreign vessels entering Indian waters.

Requirements for Crew:

- **Emergency Preparedness:** Crew must participate in regular fire, lifeboat, and emergency drills.
- **Muster Duties:** Every crew member must be assigned emergency duties (life-saving appliances, firefighting, evacuation).
- **Safety Equipment Familiarity:** Crew must be trained to operate lifeboats, life rafts, fire extinguishers, and alarm systems.

Key SOLAS 1974 provisions reflected in the MS Act, 2025:

- **Safety Certificates**
    - Section 123(1) and Section 124 of the MS Act, 2025 require vessels to possess valid certificates and prohibit proceeding to sea in the absence of such certificates.

  - Section 116(2) of the MS Act, 2025 provides that the nature and type of certificates shall be prescribed by rules in accordance with applicable international conventions, including SOLAS.
  - Exemptions and flexibility are governed through prescribed rules aligned with SOLAS standards.

- **Construction & Equipment Standards**
  - Section 121(1) of the MS Act, 2025 provides for vessel stability, damage control, and maintenance of watertight integrity in compliance with international conventions.
  - Section 128(1) of the MS Act, 2025 imposes a statutory obligation to ensure seaworthiness of the vessel.
  - Detailed requirements relating to life-saving appliances, fire protection, and ship construction are governed through rules framed under the Act and compliance with SOLAS.
- **Radio Communication Requirements- Section 120 of the MS Act, 2025 and Merchant Shipping (Radiocommunication) Rules, 2026**
  - These provisions stated above on installation of radio communication equipment, which is mandated by SOLAS for distress communication and navigational safety.
- **Stability Information**
  - Section 121 of the MS Act, 2025 requires ships to carry stability data.
- **Load Line Rules**
  - Sections 121 and 122 of the MS Act, 2025 deal with international load line standards.
  - Section 281(2) No. 47 deals with penalty in contravention of load line standards.

DGMA Role:

- Conduct safety audits via MMDs.
- Impose penalties under section 281(2) for non-compliance of the provisions of Act and allied rules.

2.3.4.2 Prevention of Collisions- Part VI of the MS Act, 2025, Merchant Shipping (Prevention of Collisions at Sea) Rules, 2026 and Merchant Shipping (Safety of Navigation) Rules, 2026

Provision:

- Part VI of the MS Act, 2025 implements the Convention on the International Regulations for Preventing Collisions at Sea (COLREGs), 1972, and defines navigational responsibilities of deck officers to avoid accidents.
- Under section 116 (1)(d) of the MS Act, 2025 and rule 1(3) of Merchant Shipping (Prevention of Collisions at Sea) Rules, 2026 (Collisions Rules, 2026), this part is applicable to all vessels upon the high seas, coastal waters and in all waters connected therewith navigable by sea going vessels.

- Indian vessels, and foreign vessels within Indian waters, shall comply with the Collisions Rules, 2026 and collision regulations (lights, shapes, sound signals, steering rules).
- Section 147 mandates that every vessel, company or port shall be surveyed, audited and certified to confirm compliance with COLREGs, 1972.
- Indian ships, and foreign ships within Indian waters, shall obey with the collision regulations (lights, shapes, sound signals, steering rules).
- Rule 4(2) of Collisions Rules, 2026 states the duty of vessels to proceed to sea only if it carries all lights, shapes, sound-signaling appliances, and other equipment required under the rules and its Schedule I.
- Rules 4(3) and (4) of Collisions Rules, 2026 provide for installation of navigational lights and construction of sound signal appliances must be approved by the nautical advisor or a recognised organisation.
- Traffic Separation Schemes adopted by IMO or as notified by the Director-General are strictly binding on all vessels. Further, rule 3(2) of the Collisions Rules, 2026 requires every vessel navigating within or near a Traffic Separation Scheme to comply with the provisions of rule 10 of the COLREGs, 1972 or such additional directions as may be issued by the DGMA from time to time.
- Part IX, Chapter I including sections 154-160 of the MS Act, 2025 covers apportionment of liability, damage or loss of vessel, cargo or property, joint and several liability for loss of life or personal injury, right of contribution, duty of master of vessel to assist in case of collision, collision to be entered in official logbook, report to Director-General of accidents to vessels.
- Rules 5 and 6 of Collisions Rules, 2026 state obligations after collision or accident and reporting of violations and incidents, division of loss in case of collision, damages for personal injury, duty of masters to assist after collision, and recording/reporting of collisions. These provisions align with COLREGs, 1972 obligations on conduct after collisions.
- Rule 15 of the Merchant Shipping (Safety of Navigation) Rules, 2026 ensures that Indian vessels must now use English as the mandatory working language for all safety-related bridge and shore communications to ensure clarity and uniformity in commands.
- The Central Government, under rule 6(2)(i) of the Merchant Shipping (Safety of Navigation) Rules, 2026 for meteorological arrangements, specifically encourages masters to inform nearby vessels and shore stations whenever they experience wind speeds of 50 knots or more.
- Rule 6(1) of Collisions Rules, 2026 require that masters must report any apparent violation of navigation rules by other vessels or any incident involving a risk of collision.

Crew Responsibility:

- Watch keeping officers must follow COLREGs and Collisions Rules, 2026 strictly.
- Duty to maintain safe speed, lookout, and radar/ automatic identification checks.
- Any contravention of the Collisions Rules, 2026 or failure to comply with any requirement thereof shall be liable to penalties.
- Officers failing to comply can face disciplinary action.

DGMA Role:

- Conduct CoC examinations in navigation/collision regulations.

- Investigate and inquire into collision incidents.
- Impose penalties under section 281(2) for non-compliance of the provisions of MS Act, 2025 and allied rules.

2.3.4.3 Survey and Inspection

Objective:

- Survey and inspection under the MS Act, 2025 are not merely technical checks they are core welfare safeguards to ensure:
    - Safety of life at sea.
    - Decent living and working conditions.
    - Compliance with Maritime Labour standards.
    - Prevention of exploitation, unsafe practices, and negligence.
    - The law mandates continuous regulatory oversight of vessels, directly linked to crew protection.

Appointment & role of surveyors:

- Under section 9 of MS Act, 2025, the Central Government appoints surveyors to enforce compliance with the Act. These surveyors act as statutory authorities responsible for inspection, certification, and regulatory oversight. The Central Government appoints qualified surveyors to enforce compliance
- Ensure vessels comply with:
    - Safety standards
    - Crew welfare provisions
    - Certification requirements
    - International conventions

Provision:

- Section 93 explicitly mandates inspection of crew welfare parameters dealing with the dignity, health, and living standards of seafarers, such as food and drinking water quality and the like.
- Sections 76 & 77 incorporate MLC-based inspection systems including checking of labour conditions, certification etc.
- Sections 150 and 151 confer upon the competent authorities the statutory mandate to investigate any violations arising under the MS Act, 2025 and to initiate appropriate corrective measures.
- Sections 9, 277, 278 and 309 empower designated officials to act when a ship is found to be unsafe, unseaworthy, or in violation of regulatory requirements, including safety standards, crew conditions, or compliance with lawful orders.

- The intent of these sections is to safeguard maritime operations by ensuring that vessels posing risks to life, property, or the environment are prevented from proceeding to sea until corrective measures are taken.
- For the grant of safety convention certificate to ships to operate, the MS Act 2025 requires regular surveys and inspections of passenger and cargo ships to check:
    - Construction standards
    - Collision-prevention equipment
    - Life-saving and fire appliances
    - Radio communication systems
    - Load lines and stability information
- Any contravention is dealt with under section 281(2) of the MS Act, 2025 and allied rules.

Port State Inspections:

- Inspection procedures at ports
- Risk-based inspection database
- Enforcement of labour standards
- This ensures global standards of crew welfare are enforced domestically.

2.3.4.4 Crew accommodation and provisions- Sections 70, 78(1) of MS Act, 2025 and Rule 4 and Schedule I, II, III and IV of Merchant Shipping (Seafarer Accommodation) Rules, 2026

Provision:

- Prescribes minimum standards for accommodations and recreational facilities for seafarers working or living onboard, or both, consistent with promoting the seafarer's health and well-being in alignment with MLC, 2006.
- Covers:
    - Accommodation: Adequate floor area, ventilation, natural light, noise & vibration control.
    - Food & Water: Nutritious meals, safe drinking water, regular inspection of galleys.
    - Recreation: Access to internet, TV, indoor games, books, newspapers.
    - Sanitation: Clean toilets, bathing facilities, laundry arrangements.

Crew Rights:

- Right to decent living standards onboard.
- Right to raise complaints if accommodation or provisions are inadequate.

DGMA Role:

- Enforce standards during ship surveys.

- Act on seafarer complaints regarding food, water, or hygiene.

2.3.5 Digitalisation and Transparency

The MS Act, 2025 has prioritised digital governance to reduce corruption, enhance accountability, and provide real-time services to seafarers.

2.3.5.1 DGMA e-Gov Portal

Functions:

- Single-window digital system covering:
    - CDC, SID, and CoC applications.
    - RPSL licensing & renewal.
    - Grievance redressal and abandonment reporting.
    - Disciplinary inquiries and appeals.
- Manage portal services.
- Approve/reject applications digitally.
- Maintain e-records of disciplinary orders.

Features for Crew:

- Application tracking with auto-generated IDs.
- Digital storage of certificates linked to INDoS profile.
- Access to grievance dashboards to monitor complaint status.

2.3.5.2 Digital Blacklisting Mechanism

Provision:

- Fraudulent seafarers, non-compliant shipowners, and defaulting RPS are digitally blacklisted.
- Lists are updated in real time and flagged on the DGMA e-Gov portal.

Impact for Crew:

- Protects seafarers from illegal recruitment agencies.
- Alerts shipowners about blacklisted individuals or companies.

International Sharing:

- Blacklists shared with:
    - IMO (for Flag state control).
    - ILO (for labour compliance).
    - Foreign Port Authorities (for entry clearance).

2.3.5.3 Transparency Tools

Digital Seafarer Profile:

- Contains:
  - Employment history (sign-on/sign-off).
  - Certification status (CDC, CoC, SID validity).
  - Disciplinary records (suspension, cancellation, blacklisting) as per MS Act, 2025 and allied rules.

Automated Alerts:

- Sent to:
  - Port authorities.
  - Licensed RPS
  - Indian Missions/High Commissions/Embassies abroad.
- Alerts generated when:
  - A seafarer is blacklisted.
  - A shipowner fails to pay wages.
  - An RPS license is suspended or cancelled.

Crew Rights:

- Seafarers can see their own profile online.
- Can challenge wrongful entries through the appeal system.

2.4 Comparison: MS Act, 1958 vs MS Act, 2025

S.No	Aspect	Merchant Shipping Act, 1958	Merchant Shipping Act, 2025
1	**Legislative Structure**	18 Parts, 461 sections, heavily amended, complex and overlapping.	21 Parts, 325 sections, streamlined drafting, modern terminology, simplified cross-referencing.
2	**International Conventions**	Partial alignment: STCW/MLC incorporated through later amendments; gaps in consistency.	Directly integrates STCW 1978 (as amended), MLC 2006, ILO C185 (SID), UNCLOS 1982 into Indian law.
3	**Seafarer Welfare**	Focused on wages, repatriation, accommodation; protections scattered across provisions.	Expands welfare: seafarers recognised as key workers, mandatory medical care, digital Articles of Agreement, explicit rights for rest hours, grievance redressal, welfare facilities.
4	**Recruitment & Placement**	Licensed RPS system existed but mostly paper-based; weak	Zero-fee recruitment principle; compulsory NIL returns and

S.No	Aspect	Merchant Shipping Act, 1958	Merchant Shipping Act, 2025
		enforcement allowed unlicensed agents.	SEA/CBA uploads to DG portal; joint and several liability of licensed RPS & shipowners for wages, repatriation, medical care.
5	**Certification & Training**	Provided for CoC, CDC, and basic rules; physical applications and manual verification; forgery harder to detect.	Provision for full digital certification (CDC, SID, CoC, CoP linked to INDoS); biometric SID under ILO C185; ₹20 lakh penalties for fraudulent training; real-time blacklisting of MTIs.
6	**Discipline & Penalties**	Penalties modest (few thousand rupees); inquiries lengthy and paper-based.	Stronger deterrence: ₹50,000 for general offences, ₹20 lakhs for fraudulent training; digital inquiries; suspension/cancellation of CDC/CoC/SID recorded online.
7	**Safety & Working Conditions**	Aligned with SOLAS but limited welfare scope; no modern amenities covered.	Broader scope: accommodation standards, safe food & water, internet access, recreational amenities; crew can legally refuse unsafe ships.

Table 12- Comparison between MS Act 1958 and MS Act 2025

3 Key Circulars and E-Governance Systems (Old and New)

3 Key Circulars and E-Governance Systems (Old and New)

3.1 Important Crew-related Circulars

3.1.1 Crew Circular 23 of 2022 – Issuance of Seafarer's Identity Documents (SID)

This circular introduced a revised and technology-driven framework for the issuance of Seafarer's Identity Documents (SID) to Indian nationals, aligning with the standards laid down in ILO Convention 185. It mandated biometric data capture and security integration, including fingerprint and facial recognition, to enhance identity verification. The SID issuance process was fully migrated to the DG Shipping's e-Governance portal, eliminating manual paperwork and reducing delays. RPSL companies were instructed to verify SID authenticity before deploying seafarers, and MMDs/Shipping Offices were designated as biometric enrolment centres. The move strengthened global acceptance of Indian seafarers' credentials and facilitated secure international maritime travel.

3.1.2 Crew Circular 3 of 2023 – Modification of Online e-Governance Module for RPSL

This circular revised the e-Governance module used for monitoring and managing licensed RPS. It introduced new digital workflows to automate the processing of license applications, renewal audits, and monitoring of compliance with crew engagement rules. The system also enabled integration of sea service verification modules and raised audit transparency by recording agency activities in real time. The reforms promoted efficiency, accountability, and data reliability across licensed RPS operations and enhanced DG Shipping's oversight capabilities.

3.1.3 Crew Circular 7 of 2023 – Statistics of engagement of Indian Seafarers on Indian/Foreign flag merchant ships (2010–2022)

Through this circular, the Directorate General of Shipping released a comprehensive statistical report covering 12 years (2010–2022) of Indian seafarers' deployment. It categorised seafarers based on ship type (foreign-flagged vs Indian-flagged), rank (officer, ratings, trainee), and licensed RPS engagement patterns. The data was intended to inform stakeholders, i.e., policy makers, unions, and maritime training institutes, about sector trends, training needs, and demand-supply gaps. It also enhanced India's ability to advocate in global maritime forums with accurate workforce evidence.

3.1.4 DGMA Order 6 of 2024 – Issue of E-Migrations due to E-Migrate Portal Upgrade

Due to a significant upgrade in the MEA's e-Migrate portal, this circular provided operational guidance to seafarers and licensed RPS. It laid out steps to ensure continuity in migration approvals for Indian seafarers despite ongoing system updates. Key actions included use of interim clearance certificates, revised timelines for AoA validation, and provision of direct helplines for technical support. The circular also directed licensed RPS to maintain detailed communication logs in case of delays and to coordinate

with Protector of Emigrants (PoE) for manual clearances where required. This temporary arrangement aimed to prevent voyage cancellations and protect seafarers' employment.

3.1.5 Crew Circular 25 of 2024 – Changes brought in E-Governance e-migrate system related to SMS alerts, port and country of joining and procedures for viewing acknowledging sea service details by seafarers

This circular introduced a set of crucial reforms in the e-Migrate system to enhance seafarer awareness, safety, and control over their employment records. It mandated the implementation of real-time SMS alerts for seafarers upon sign-on or sign-off, indicating the port and country of joining. Additionally, it introduced a dedicated dashboard within the DG Shipping portal where individual seafarers could view and acknowledge their sea service details, voyage history, and RPSL engagement status. These features aimed to minimize data manipulation, increase transparency, and empower seafarers with direct access to their employment records. The move also helps resolve disputes over service documentation and reduces dependence on intermediaries.

3.1.6 Crew Circular 2 of 2025 – Seafarers' Financial & Mental Well-being Data Collection

This circular proposed a structured initiative to collect data on the financial and mental well-being of Indian seafarers. Licensed RPS were directed to administer self-declaration forms and report cases of stress, financial hardship, or mental health challenges faced by crew members. The objective was to create a national baseline for policy interventions, support programs, and mental health services in collaboration with MoPSW and other stakeholders. It marked the first formal attempt by DG Shipping to integrate wellness metrics into seafarer policy.

3.1.7 Crew Circular 8 of 2025 – Issues faced by Shipping / RPS Companies while extending contractual Article of Agreement

These circular addressed complications arising when crew Articles of Agreement (AoA) exceeded 9 months due to force majeure (e.g. port delays, medical emergencies). It permitted shipping companies and RPSL agencies to apply for special approvals from DG Shipping for contract extensions. The requests had to be justified with documentation and crew consent. The circular provided a clear framework for handling such exceptions while ensuring crew rights were not compromised, in line with Regulation 2.1 of MLC and Indian MS Act norms.

3.1.8 Crew Circular 12 of 2025 – Visa Exemption for Civilian Sea Crew Members Traveling to Republic of Malta to join the ships from Maltese Ports

This circular formalized visa exemption procedures for Indian sea crew traveling to join vessels at ports in the Republic of Malta, under a bilateral facilitation agreement. It clarified the documentation required for airport transit, port authorities, and Maltese immigration. The exemption was aimed at streamlining crew movement, preventing port delays, and ensuring legal entry without additional visa processes. RPSL companies were instructed to ensure crew had valid SID, CDC, employment contract, and company letters at embarkation.

3.1.9 Crew Circular 13 of 2025 – Statistics of engagement of Indian seafarers on Indian / Foreign Flag Merchant vessels from 2010 to 2024

This statistical circular published year-on-year data of Indian seafarer deployment across Indian and foreign-flagged vessels from 2010 to 2024. It included detailed tables by rank, vessel type, flag, and RPSL company. The circular served as a key reference for manpower forecasting, training policy, and India's positioning in the global maritime labour market. It reflected increasing Indian seafarer presence, especially in tankers and cruise segments.

3.1.10 Crew Circular 14 of 2025 – Constitution of Expert Committee for Development of Seafarers Manual - Call for Nominations

This circular announced the formation of an Expert Committee tasked with drafting a comprehensive Seafarers Manual for India. It invited nominations from maritime training institutes, unions, RPSL companies, and shipping operators. The committee's mandate included compiling operational, legal, welfare, and grievance redressal processes for Indian seafarers in one structured document. The final Manual was to be published under the guidance of DG Shipping and MoPSW for public use and institutional reference.

3.1.11 Crew Circular 28 of 2025 – Maritime Advisory to all Indian seafarers and Indian flagged vessels in reference to the Indian embassy in Tehran. Ministry of External Affairs (MEA) Social media Advisory dated 13.06.2025

Based on advisories from the Ministry of External Affairs (MEA) and the Indian Embassy in Tehran, this circular warned Indian seafarers and companies against taking up employment on vessels heading to high-risk zones in the Persian Gulf and surrounding waters. The circular flagged the risk of detentions, blacklisting, and imprisonment due to regional tensions. RPSL agencies were instructed to obtain seafarer consent and share voyage details with DG Shipping in such cases. It highlighted safety, security, and diplomatic coordination priorities in crew deployment.

3.2 E-Governance System (Old and New)

3.2.1 E-Governance System (Old) for Crew-Related Modules

The E-Governance System implemented by the DGMA aimed to digitalise and streamline services related to Indian seafarers. Before the introduction of upgraded systems, the old E-Governance platform facilitated several crew-related processes through defined modules. The key modules were:

3.2.1.1 INDoS

1. **Objective:**

To maintain a centralised and unique identification system for all Indian seafarers.

2. **Key Features and Steps:**

    1. INDoS number was mandatory for admission into the Director-General approved maritime courses.

2. Director-General approved MTIs have login access to register candidates.
3. Steps:
   - **i.** MTI logs into the portal with credentials.
   - **ii.** Fills candidate details along with photograph and documents.
   - **iii.** System validates and generates a unique INDoS number.
   - **iv.** Candidate receives INDoS Certificate online or via MTI.
4. Linked with Aadhaar and biometric data (in later years) for authentication.

3.2.1.2 CDC

1. **Objective:**

To issue and track CDCs in a secure, transparent manner under the CDC Rules, 2026.

2. **Key Features and Steps:**

- Applications could be filed by:
  - Individual seafarers, or
  - MTIs and licensed RPS for batch applications.
- Digitally verified documentation, including sea service, medicals, and pre-sea training.
- Steps:
  - **i.** Applicant logs into DGMA portal.
  - **ii.** Uploads scanned copies of required documents.
  - **iii.** System checks training completion and INDoS linkage.
  - **iv.** Application is reviewed by the Seafarer Branch.
  - **v.** CDC is generated and dispatched after approval.
- Reduced chances of forgery through real-time verification with INDoS data.

3.2.1.3 RPSL Module

1. **Objective:**

To manage and regulate RPS processes.

2. **Key Features and Steps:**

- Enabled online application, renewal, and compliance monitoring for licensed RPS.
- Maintained database of active and blacklisted RPS.
  - **i.** RPS applies for fresh license or renewal via portal.
  - **ii.** Uploads documents (bank guarantee, infrastructure details, compliance history).
  - **iii.** System checks for previous defaults and active grievances.
  - **iv.** On approval, RPS License number is issued and displayed on the portal.
  - **v.** Licensed RPS logs into the portal to:
    - Manage crew lists.
    - Upload AoA/SEA/CBA.
    - Report sign-on/sign-off events.
    - Submit quarterly and annual compliance reports.

- Integrated with grievance redressal and audit systems.

3. **System Limitations:**

- The old E-Governance platform lacked real-time integration with immigration and port databases.
- Manual verification delays, especially for CDC processing and AoA/SEA/CBA uploads.
- Gradual transition to newer systems began around 2023–2024, with improved dashboards and automated alerts (e.g., SMS updates for sign-on).

3.2.2 E-Governance System for Seafarers – e-Samudra (New System)

1. **Introduction**

The e-Samudra system is the next-generation e-Governance platform launched by MoPSW and DGMA. It replaces the legacy systems and offers an integrated digital framework for all services related to seafarer certification, documentation, and regulatory compliance.

Developed in line with Digital India and MLC, 2006 regulations, standards and guidelines, e-Samudra enhances transparency, security, and efficiency in maritime governance.

2. **Scope of the System**

The e-Samudra platform is built to cover the complete lifecycle of a seafarer's interaction with DGMA services, including but not limited to:

- CDC Application and Renewal
- Issue of CoC & CoP
- Cook CoC Issuance (MLC-Compliant)
- Suspension/Revocation Process of CoC/CDC
- Document Authentication and e-Verification
- Automated e-Mail/SMS Alerts for Document Status
- BharatKosh and PFMS linked platform for smooth processing of payments.

The platform links with INDoS, Aadhaar, and biometric systems, ensuring seamless verification and digital records.

3. **Objectives**

- Streamline seafarer services under a single digital umbrella.
- Automate and standardize procedures to reduce human interface.
- Enable real-time data sharing between DGMA, MMDs, licensed RPS, and the Director-General approved MTIs.
- Eliminate manual delays, ensure security of data, and enable prompt decision-making.
- Empower seafarers to track their own documentation lifecycle and grievances online.

4. **Key Modules under e-Samudra**

The following modules and sub-modules are in the application development phase and expected to Go-Live by last quarter of 2025:

- **Seafarer and Related Processes and Available Services, CDC Sub-Module**
  - Apply for fresh CDC
  - Apply for revalidation/lost/damaged CDC
  - Upload training and medical records
  - Track status through SMS/e-mail alerts
- **CoC / CoP / GMDSS / Cook Certificate Module**
  - Apply for CoC or CoP
  - Upload training, STCW compliance documents
  - Schedule examination and oral interview dates
  - Download result and verification letter digitally
- **Suspension & Cancellation Module**
  - Enables automated triggers for suspension due to:
    - Grievance redressal decisions
    - Abandonment cases
    - Forgery or fraud
  - Sends automated show-cause notices
  - Captures officer remarks, supporting documents
  - Records DG/MMD approval digitally
- **Document Verification & Authentication**
  - Allows ports, embassies, and employers to verify SID, CoC, CDC online
  - Ensures authenticity of documents through digitally signed QR codes
- **Seafarer Dashboard**
  - Unified dashboard for each seafarer
  - Access to all past and ongoing applications
  - Grievance status, sea service logs, certificate expiry alerts

5. **Steps in Using e-Samudra for Seafarers**

   i. **Step 1: Registration**

- Seafarer registers on the e-Samudra portal using INDoS Number and Aadhaar credentials.

ii. **Step 2: Profile Completion**
- Uploads photo, biometric data, training details, medical certificate, and documents.

iii. **Step 3: Service Selection**
- Selects service: e.g., CDC Issue/Revalidation, CoC Application, Suspension Response.

iv. **Step 4: Document Upload**
- Scanned copies of required certificates, affidavits, and STCW courses are uploaded.

v. **Step 5: Payment & Submission**
- Fee payment via digital gateway.
- Application is submitted to nearest MMD for digital scrutiny.

vi. **Step 6: Verification & Approval**
- MMD official reviews documents, schedules oral/written exams (where required).
- Final approval granted via system with digital certificate issued.

vii. **Step 7: Digital Delivery**
- Seafarer can download certificates or receive digitally signed copy via email/SMS.

viii. **Step 8: Tracking & Appeals**
- All actions recorded.
- If suspended, the seafarer can upload explanation and initiate appeal via dashboard.

6. **Benefits of e-Samudra for Seafarers**

- Fully online, paperless, and faster processing.
- One-click access to all records and pending applications.
- Integrated with DG Shipping databases and Aadhaar for identity verification.
- Real-time SMS/email updates on progress.
- Minimizes corruption or manual delay.
- Direct access to grievance, disciplinary notices, and appeal functions.

7. **Key Improvements with e-Samudra**

- **Unified Access**: One platform for all services with seamless navigation.
- **Self-Reliance**: Seafarers empowered to manage and track their documents.
- **Transparency**: Reduces manual interference; digitally timestamped decisions.
- **Efficiency**: System-driven verification speeds up approvals.
- **Compliance & Safety**: Direct linkages to welfare audits, medical repatriation reports, and RPSL monitoring.

3.2.3 Comparison of Old vs New e-Governance Systems for Seafarers

Sl. No.	Aspect	Old e-Governance System	New e-Samudra System
1.	Platform Name	DG Shipping e-Governance Portal (legacy modules)	e-Samudra Portal
2.	Launch Period	Initiated in early 2010s	Phased rollout from August 2025 onwards
3.	Key Modules	INDoS, CDC, CoC, CoP, GMDSS, RPS licensing, MLC inspection, Grievance	Seafarer related processes and available services (CDC, CoC Suspension), Shipping Entity and available services (Ship Registration, Charter Permissions and Licensing), Ports and SBFA (Shipbuilding financial assistance)
4.	User Interface	Outdated interface with multiple login modules and poor navigation	Modern, responsive UI with single sign-on and role-based dashboards
5.	Document Uploads	Limited formats; required PDF uploads separately for each module	Unified digital document upload with format validation and single upload point
6.	Verification Mechanism	Manual verification at MMDs; limited online tracking	Real-time status tracking with e-signatures, officer comments, and automatic QR verification
7.	Alerts & Notifications	No real-time alerts; relied on email or physical visits	SMS/email alerts at every milestone – application submission, processing, approval, rejection
8.	Data Integration	Partial integration; duplication of training and personal records	Fully integrated with INDoS, Aadhaar, biometric verification; centralized seafarer profile
9.	Grievance/Disciplinary	Managed via emails or manual uploads; delay in responses	Built-in modules for disciplinary show-cause notices, suspension, appeals, and case tracking
10.	Seafarer Dashboard	Not available; users had to check each module separately	Central dashboard for all documents, applications, exams, and grievances
11.	Authentication	Required visits to MMDs or physical signature verifications	Fully digital with OTP-based Aadhaar login and e-authentication of documents
12.	RPSL Oversight	Basic licensing module, no live compliance tracking	Includes sea service records
13.	Port Welfare Compliance (SWBAT)	New module for auditing seafarer welfare at ports under SWBAT	Not Covered

Sl. No.	Aspect	Old e-Governance System	New e-Samudra System
14.	Transparency & Self-Service	Low – relied on MMD office for updates	High – seafarers can view service history, and download documents directly
15.	Time Taken for Certificate Issue	20–45 days depending on MMD load	5–10 days on average (post-document upload & verification), with real-time status updates

Table 13 Comparison of Old vs New E-Governance Systems for Seafarers

4 Governance of Welfare Schemes and Provident Fund

4 Governance of Welfare Schemes and Provident Fund

4.1 Seafarers Welfare Fund Society (SWFS)

4.1.1 Overview

The Seafarers' Welfare Fund Society (SWFS) is a registered society under the Societies Registration Act, 1860, functioning under the administrative control of MoPSW and DGMA.

SWFS is responsible for implementing and administering welfare measures for Indian seafarers and their dependents in accordance with the provisions of MS Act, 2025 and the Seafarers Welfare Board and Levy of Fees Rules, 2026.

4.1.2 Objectives

The core objectives of SWFS shall be aligned with the welfare framework prescribed under MS Act, 2025 and shall include the following:

- To assist in the implementation of welfare measures for seafarers as advised by the Seafarer's Welfare Board constituted under Section 5 of MS Act, 2025.
- To support the establishment and maintenance of welfare facilities for seafarers, including hostels, boarding and lodging houses, clubs, canteens, libraries, and other port-based amenities.
- To facilitate access to medical care, including the establishment of hospitals and provision of medical treatment for seafarers.
- To promote educational and allied welfare facilities for seafarers and their families.
- To assist in the administration, collection, and utilisation of fees levied on vessel owners for seafarer welfare, in accordance with Section 5(3) of MS Act, 2025, read with the Seafarers' Welfare Board and Levy of Fees Rules, 2026.

4.1.3 Administration

SWFS is administered by a Committee of Management under the Chairmanship of the Director-General, with representation from:

- Government authorities
- Shipowners and shipping companies
- Seafarers' unions

The Committee oversees policy decisions, approval of welfare schemes, and financial management of the fund.

4.1.4 Financial Administration

The Seafarers Welfare Fund is maintained as a dedicated corpus by the SWFS for the implementation of welfare schemes for seafarers.

The financial administration of the Fund includes:

- **Collection of Contributions:**
  - Contributions are collected from shipowners and licensed RPS in accordance with the applicable Rules and Government notifications issued under MS Act, 2025.
- **Fund Management:**
  - The collected funds are maintained in designated accounts and managed in accordance with Government financial norms and guidelines.
- **Investment and Interest:**
  - Surplus funds may be invested as per applicable Government policies, and interest earned is credited back to the Welfare Fund.
- **Utilisation of Funds:**
  - The Fund is utilised exclusively for approved welfare schemes and administrative expenses as authorised by the Committee of Management.
- **Audit and Oversight:**
  - The accounts of SWFS are subject to periodic audit and financial review in accordance with applicable Government procedures.

Note: Detailed contribution rates and modalities are notified separately by the DGMA and are subject to revision from time to time.

4.1.5 Scope of Welfare Schemes

The SWFS administers various welfare schemes for seafarers and their dependents. The major schemes are categorized as follows:

A. Serving Seafarer Welfare Schemes

- Financial assistance to families of stranded or abandoned seafarers
- CoC Recognition and Career Progression support
- Medical support for critical or terminal illnesses
- Medical and term insurance premium assistance

B. Retired Seafarer Support

- Old Age Benefit Scheme (lump sum assistance at prescribed age milestones)

C. Seafarer-Specific Welfare

- Maternity Benefit Scheme for women seafarers

D. Incapacity and Disability Support

- Invalidity Benefit Scheme (for permanent disability)

E. Education and Family Support

- Financial assistance for pre-sea training and higher education
- Academic awards for meritorious children of seafarers

F. Dependent Assistance (Death Cases)

- Survivor's Benefit Scheme
- Ex-gratia assistance in case of death, including death on board

G. Community and Welfare Infrastructure

- Financial support to seafarers' clubs
- Crew engagement programmes (e.g., Crew Connect initiatives)

H. Legacy / Time-Bound Schemes

- Certain schemes such as COVID-19 assistance and special one-time support schemes are closed or time-bound.

Note: Specific eligibility criteria, financial assistance amounts, and effective dates are notified by DGMA from time to time and may be amended periodically. Seafarers are advised to refer to the latest circulars or the DGMA portal for updated details.

4.1.6 Application and Disbursement Process

Seafarers or their eligible dependents may avail benefits under SWFS through the following process:

1. Submission of application through the prescribed format or DGMA portal.
2. Upload/attachment of required documents (e.g., INDoS number, CDC, bank details, supporting certificates).
3. Verification of eligibility by the competent authority.
4. Approval by SWFS.
5. Disbursement of financial assistance through Direct Benefit Transfer (DBT) to the beneficiary's bank account.

4.1.7 Audit and Compliance

- The SWFS fund is subject to periodic audit and financial oversight as per Government norms.
- Welfare schemes are reviewed periodically to ensure effective implementation and coverage.

4.2 Seamen's Provident Fund Organisation (SPFO)

4.2.1 Overview and Administration

The Seamen's Provident Fund Organisation (SPFO) administers the Seafarers' Provident Fund established under the Seamen's Provident Fund Act, 1966. The Fund provides long-term savings and retirement benefits to eligible seafarers.

The Fund is managed by a Board of Trustees constituted by the Central Government, comprising representatives of:

- Government
- Shipowners/employers
- Seafarers

The Board is responsible for overall administration, policy decisions, fund management, and oversight of the Provident Fund.

The day-to-day administration is carried out by the Provident Fund Commissioner and supporting officers.

4.2.2 Objective

The primary objective of the Seamen's Provident Fund Organisation is to provide long-term financial security and retirement benefits to seafarers through a contributory provident fund system.

The Fund ensures:

- Compulsory savings during the period of employment
- Financial support upon retirement, disablement, or death
- Social security protection for seafarers and their dependents

4.2.3 Contributions

- The Provident Fund applies to seafarers and employers covered under the Seamen's Provident Fund Act, 1966 and the relevant Scheme.
- Contributions are mandatory for both employer and seafarer.
- The current rate of contribution is as prescribed under the Scheme (generally 12% of wages or as notified).
- The employer is responsible for:
    - Depositing both employer and employee contributions
    - Deducting the employee's share from wages
    - Remitting contributions within prescribed timelines
- Contributions are maintained in individual accounts for each seafarer.

4.2.4 Withdrawals and Benefits

Withdrawals from the Provident Fund are permitted in accordance with the Scheme, including in the following cases:

- Retirement from service
- Permanent disablement
- Death (payable to nominee)
- Other conditions as specified in the Scheme

Key provisions:

- **Nomination:** Every member must nominate a beneficiary; nominations may be updated
- **Interest:** Payable at rates notified by the Government
- **Transfer:** Balance may be transferred where permissible under applicable laws

4.2.5 Protection of Fund

- Provident Fund balances are not attachable for recovery of debts or liabilities
- In cases of insolvency or winding up, Provident Fund dues receive priority over other debts
- Employers cannot reduce wages or benefits on account of Provident Fund contributions

4.2.6 Compliance and Enforcement

- Employers are required to ensure timely contribution and maintain records
- SPFO may conduct inspections, audits, and inquiries
- Defaults in contribution or false declarations may attract penalties, including fines and other actions as per the Act
- Outstanding dues may be recovered in accordance with applicable law

4.2.7 Stepwise Processes for Contribution and Withdrawal

1. **Contribution Process**

   i. **Step 1 – Applicability Check**
      - Confirm the seafarer is covered under the Seamen's Provident Fund Act, 1966.
      - Verify employer registration with SPFO.

   ii. **Step 2 – Wage & Contribution Calculation**
      - Calculate 12% of monthly wages (or rate prescribed in the Scheme).
      - Employer's share = Employee's share.

   iii. **Step 3 – Employer Payment**
      - Employer deposits both shares (employer + employee) to the SPF account within due dates.
      - Deduct employee's share from wages.

   iv. **Step 4 – Documentation**
      - Maintain wage records, contribution challans, and employee-wise registers.

   v. **Step 5 – Remittance**
      - Submit contributions (with administrative charges) to SPFO through authorised banking channels or e-payment (if enabled).

   vi. **Step 6 – Confirmation**
      - Employer receives acknowledgement/receipt from SPFO.
      - Update employee's passbook/account.

2. **Withdrawal Process**

   i. **Step 1 – Eligibility Check**
      - Seafarer meets withdrawal conditions under the SPF Scheme (retirement, disablement, death, or other permitted reasons).

   ii. **Step 2 – Application Submission**
      - Seafarer or nominee submits withdrawal form (as per Scheme) to SPFO through employer or directly (if permitted).
      - Attach required documents (identity proof, nomination, bank details, supporting medical/death certificate if applicable).

   iii. **Step 3 – Verification**

- SPFO verifies membership status, contribution history, and withdrawal eligibility.

iv. **Step 4 – Approval**
- Withdrawal sanctioned by SPFO Commissioner/Deputy Commissioner.
- Any deductions (as per Scheme) applied.

v. **Step 5 – Payment**
- Amount credited directly to member's bank account or paid via approved method.

vi. **Step 6 – Record Update**
- SPFO updates member account to reflect withdrawal and closure (if applicable).

3. **Compliance & Monitoring**

- **Employer:** Ensure timely contributions and maintain accurate records.
- **SPFO:** Conduct inspections, audits, and enforce penalties for defaults.
- **Member:** Keep nomination details updated to avoid disputes.

4.3 Welfare Fund Contributions specified in RPS Rules, 2026

4.3.1 Fee for repatriation or replacement of seafarers

1. A fee of ₹50 (or as notified) is payable per seafarer for repatriation/replacement by the licensed RPS electronically to the Government account.
2. The net proceeds after deduction of annual cost go to SWFS.
3. This fund is strictly for repatriation/replacement of abandoned seafarers.
4. Repatriation/replacement expenses can be recovered from shipowners or licensed RPS, after adjusting fees already paid.

4.3.2 Welfare fund contribution for ships other than Indian ships

1. Welfare fund contribution of INR 600 per seafarer per month shall be payable to SWFS in respect of all ships other than Indian ships, for all seafarers, other than trainees, engaged on such ship.

5 Rules for Recruitment and Placement Service

5.1 Eligibility and Registration Criteria

To engage in the recruitment and placement of Indian seafarers on Indian and Foreign flag ships, companies, any person, institution, agency, other organisations must obtain a valid RPS license as required under section 55 of MS Act, 2025 from the Director-General. The eligibility criteria are outlined in the latest version of the Functional Requirements Standard (FRS v5.4) and are summarized below:

5.1.1 Eligibility Requirements

1. **Legal Incorporation**
   - The applicant must be a registered entity under the Companies Act, 2013 (or earlier versions, if applicable).
   - It must operate from a physical office in India, which will be verified during inspection by DGMA/MMD.
2. **Mandatory Tax and Government Registrations**
   - The company must possess:
     - PAN (Permanent Account Number) – issued by the Income Tax Department
     - TAN (Tax Deduction Account Number)
     - GSTIN (Goods and Services Tax Identification Number)
   - These must be valid and match the company details filed with the Registrar of Companies (RoC).
3. **Financial Eligibility**
     - The latest audited balance sheet, certified by a Chartered Accountant
     - CA-issued Net Worth Certificate with UDIN (Unique Document Identification Number)
4. **Maritime Domain Experience**
   - At least one key managerial person (Director/Partner/Owner) must have:
     - Previous sea-service experience (as an officer or rating), or
     - Minimum of three years of experience in the maritime recruitment/placement sector.
   - Relevant certificates or sea service letters must be submitted.
5. **Infrastructure & Office Setup Requirements**
   - The company must maintain an independent, functional, and accessible office, compliant with DG Shipping norms:
   - Minimum Office Specifications
     - Floor Area: At least 200 square feet of dedicated office space.

- Privacy & Functionality: A partitioned room or area for interviews and seafarer counselling.

5.2 Submission of Application

To legally operate as a licensed RPS in India, an applicant company must apply for a license from the DGMA through its e-Gov portal. The process includes registration, documentation, inspection, and compliance verification.

5.2.1 Step-by-Step Application Process

i. **Step 1: Portal Registration**
   - Visit the e-Gov portal: https://www.dgshipping.gov.in
   - Create an account for the company with the following:
     - Company Name and Contact Details
     - PAN, TAN, GST credentials
     - Authorised Signatory information

ii. **Step 2: Documentation Preparation**
   - Prepare and scan the following documents (in PDF/JPEG formats), duly signed:
     - Certificate of Incorporation and MoA/AoA
     - PAN, TAN, and GST Registration Certificates
     - Latest Audited Balance Sheet
     - Net Worth Certificate from Chartered Accountant
     - Proof of Maritime Experience for at least one director/partner or senior management personnel
     - Registered Office Address Proof – Lease deed or ownership document
     - Office Infrastructure Photographs – Interview room, reception, etc.
     - Fire Safety Compliance Certificate
     - CCTV Setup Proof – Retention and backup systems
     - Standard Operating Procedures (SOPs) including:
       - Recruitment & onboarding process
       - Grievance redressal mechanism
       - Data privacy and document retention policy
       - Emergency repatriation and abandonment response

iii. **Step 3: Online Form Submission**
   - Log in to the DGMA portal.
   - Navigate to: RPSL > Apply for New License
   - Fill the application form covering:
     - Company profile
     - Infrastructure and IT capability
     - Director and staff details
   - Upload the required documents as attachments in each section.

iv. **Step 4: Application Fee Payment**
   - Make the payment via the portal's integrated online system.
   - Retain the Payment Transaction ID for your records and future reference.

v. **Step 5: Acknowledgment**
   - After submission, you will receive:

        - An Application Reference Number (ARN)
        - Email confirmation acknowledging receipt

vi. **Step 6: DSEO Pre-Licensing Inspection**
    - The local DSEO office coordinates the inspection through the Regional Office (RO).
    - They will assess:
        - Validity and authenticity of documents
        - Infrastructure adequacy
        - Safety and IT readiness
        - Maritime experience of leadership
        - Conformity with the RPS Audit Checklist

vii. **Step 7: Issuance of License**
    - Upon successful inspection and approval of the PowerPoint presentation by the DGMA:
        - A formal RPS license number is assigned (e.g., RPSL-DEL-001)
        - The license certificate is uploaded on the e-Gov portal
        - The license is valid for a period of up to five years or a shorter duration from the date of issuance.
        - An intermediate inspection will be conducted by inspectors or surveyors nominated by the DGMA Crew Branch.

5.3 Key Compliance Notes

- The RPS license number must be displayed at the office and printed on all official materials.
- Agencies must not operate or recruit until the RPS license is granted.
- All uploaded data and information must be accurate misrepresentation may lead to disqualification.

Bank Guarantee under RPS Rules, 2026:

- All entities applying for a RPS license must provide bank guarantee as required under RPS Rules, 2026.
- The utilisation of such bank guarantee shall be as mentioned in these rules.

5.4 Renewal and Annual Inspections

The RPS license issued by DGMA is valid for 5 years and must be renewed as per RPS Rules, 2026, within 6 months to 3 months prior to the date of expiry of current license.

In case application is not submitted at least 3 months prior to the expiry of the license, the licensed RPS shall pay a penalty of INR 50,000. However, before imposing such penalty, the applicant shall be given an opportunity of being heard.

In addition to license renewal, all licensed RPS are subject to annual inspections by a RO/SM/MMD/DGMA on behalf of DSEO to ensure ongoing compliance with national and international maritime standards, including the MLC, 2006 and intermediate inspection by DGMA under RPS Rules, 2026.

5.4.1 RPS License Renewal Process

1. **Timeline for Renewal**

- The renewal application must be submitted at least three months before the license expiry date to avoid disruption in operations under RPS Rules, 2026.
- Renewal can be initiated via the e-Gov portal.

2. **Documentation for Renewal**

- Prepare and upload the following updated documents:
  - Renewal Application Form (online)
  - Latest Audited Balance Sheet
  - Internal Audit Report (Compliance with FRS and MLC standards)
  - Updated Director/Partner Information
  - Proof of Office Continuity – lease renewal or ownership documents
  - Fire Safety and CCTV compliance for office Premises
  - Declaration of number of seafarers placed
  - Complaint records and their resolution status
  - Updated SOPs if modified
  - Affidavit stating no criminal case pending against directors or agency

3. **Payment of Renewal Fees**

- Pay the renewal fee online.
- Retain the Renewal Payment Transaction ID for reference.

4. **Inspection and Verification**

- RO/ DSEO/DGMA will conduct a renewal inspection of the office premises
- Key areas of inspection as per Inspection checklist mentioned in Schedule IV of RPS Rules, 2026.

5. **Issuance of Renewal Certificate**

- On successful review and inspection, DGMA will issue the renewed RPS license with a new validity term.
- This license is uploaded on the DGMA portal and must be displayed in the office.

5.4.2 Annual Inspections by RO/DSEO/DGMA

1. **Scheduling**

- MMD will schedule an annual inspection.
- RPS may also be inspected on complaint-based grounds.
- Intermediate inspection (third annual inspection) is always done by DGMA.

2. **Areas Covered in Inspection shall be as per Schedule IV of RPS Rules, 2026**

- The inspection team will verify:
  - Recruitment Records: Seafarer deployment logs,
  - Compliance with MLC, 2006 and FRS
  - Infrastructure Status of the office premise: CCTV, interview room
  - SOP Implementation: Especially grievance redressal and abandonment
  - Documentation: SEA/CBA, medicals, sea-service, placement registers
  - Digital Systems: Secure backup, online profile updates
  - Office staff: Knowledge of procedures and compliance

3. **Inspection Report & Compliance**

- An Inspection Report is shared with the agency.
- Agencies must close non-compliances (if any) within a specified timeline.
- Repeat violations may lead to suspension or cancellation of RPS license under RPS Rules, 2026.

4. **Key Compliance Notes:**

- Non-submission of renewal in time leads to automatic expiry of RPSL.
- Annual inspection reports must be archived and made available to DG Shipping on request.
- The agency must cooperate fully during inspections to avoid administrative action.

5.5 Change of Name/Address:

Licensed RPS must maintain accurate and up-to-date records with the Director-General. Any change in the company name, registered office address, or branch office address must be reported and updated promptly to ensure legal and operational compliance under RPS Rules, 2026.

5.5.1 Step-by-Step Process for Change of Name or Address

1. **Step 1: Identify Nature of Change**

- Change of Name: Applicable when the company changes its registered name with the Ministry of Corporate Affairs (MCA).
- Change of Address: Applicable for a shift in:
  - Registered office,
  - Branch office,
  - Interview/operations site used for DG-approved activities.

2. **Step 2: Update in MCA Records**

- First, complete the required changes with the Registrar of Companies (RoC) through MCA filings.
- Obtain updated:
  - Certificate of Incorporation (in case of name change),
  - Address change acknowledgement,

- Board resolution approving the change.

3. **Step 3: Notify the Director-General**

- Submit an online request for update via the e-Gov portal under RPSL profile section.
- Attach the following documents as applicable:
  - Updated Certificate of Incorporation (for name change)
  - Board Resolution approving the change
  - Updated GST registration copy
  - Updated Rent Agreement/Lease Deed or Ownership Proof (for new address)
  - Photograph of new premises showing nameboard and infrastructure
  - Undertaking for continuity of operations and data security

4. **Step 4: Physical Verification (if required)**

- The concerned MMD or the Director-General may inspect the new premises to verify:
  - Office infrastructure,
  - Data systems,
  - Biometric and CCTV setup,
  - Accessibility and legitimacy of the new office.

5. **Step 5: The approval of Director-General**

- After review, the Director-General will approve the change request.
- The RPSL profile on the e-Gov portal will be updated accordingly.

6. **Step 6: Display and Communication**

- The updated name and/or address must be:
  - Printed on all official documentation, website, and communications.
  - Displayed prominently on office premises.
  - Communicated to seafarers engaged by the agency.

7. **Compliance Note:**

- Timeline: The change must be reported within 7 days of the change taking effect.
- Failure to notify the Director-General may result in show-cause notices, penalties, or suspension of license as per RPS Rules, 2026.

5.6 Updating Company Profile

All RPSL-licensed recruitment and placement agencies are required to maintain accurate and updated information on the e-Gov portal. This ensures transparency, traceability, and compliance with applicable guidelines issued by the Director-General of the RPS Rules, 2026 and the latest FRS.

Failure to update the company profile in a timely and truthful manner may lead to suspension, show-cause notice, or cancellation of the RPS license.

5.6.1 Step-by-Step Process for Updating Company Profile

1. **Step 1: Login to DG Shipping e-Governance Portal**

   - Visit the official portal: https://www.dgshipping.gov.in
   - Log in using the agency's RPSL credentials (User ID and Password).

2. **Step 2: Navigate to the Profile Section**

   - After logging in, go to the "RPSL Profile Management" module.
   - Select "Update Profile" or the equivalent tab available.

3. **Step 3: Review Existing Information**

   - Carefully review each field of your currently listed profile:
     - Registered office and branch address
     - Contact details (phone, email)
     - Name of authorized contact person
     - Website and GSTIN
     - Infrastructure and systems available
     - Maritime experience of directors or proprietors

4. **Step 4: Update the Following Details (as required)**

   - **Contact Person Details**: Change in authorised signatory or SPOC (Single Point of Contact).
   - **List of Seafarers Deployed**: Upload or update the record of seafarers placed within the last year.
   - **Ship/Vessel Information**: Include vessel names, IMO numbers, and names of principal employers.
   - **Complaint Records**: Number and nature of grievances handled, and action taken.
   - **Infrastructure and Systems**: If upgraded, attach supporting images and evidence (e.g., CCTV, Biometric, Fire Safety).
   - **Office Photographs**: Showing name board, seating area, and IT setup.
   - **Audit Status**: Update last internal audit details and dates.

5. **Step 5: Upload Supporting Documents**

   - Documents may include:
     - Updated Board Resolution (if contact person changed)
     - Latest GST certificate or RoC filing
     - Complaint register summary
     - Proof of biometric setup or CCTV maintenance log (if claimed)

6. **Step 6: Save and Submit**

- Once all relevant updates are made, click on "Save".
- After verifying all entries, click on "Submit" for review.
- A reference number or acknowledgment will be generated upon submission.

7. **Step 7: Await Approval**

- The Director-General may verify details before updating the public-facing profile.
- In case of discrepancies, a clarification or physical inspection may be requested.

8. **Compliance Notes:**

- **Frequency**: It is advised to update the RPSL profile at least once every 6 months or immediately after any operational change.
- **Consequences for non-compliance**:
  - Issuance of Show-Cause Notice
  - Temporary suspension from the e-Gov portal
  - License revocation in case of repeated non-updation or false information

5.7 Specified Categories and Responsibilities

As per DGMA FRS for RPS & MLC, 2006 Regulation 1.4, licensed RPS under DGMA are expected to operate within specified categories of responsibility that ensure legal compliance, welfare protection, ethical conduct, and transparency in recruitment of Indian seafarers. These responsibilities are governed by RPS Rules, 2026, the MLC, 2006, and FRS.

1. **Permitted Scope of Services**

Licensed RPS are permitted to engage in:

- Recruitment and placement of Indian seafarers on Indian and foreign flag ships.
- Placement of repair teams and technical workers (non-seafarers) with appropriate emigration clearance.
- To perform with MS (RPS) Rules, as amended or repealed, in compliance with MS Act, 2025.

2. **Core responsibilities of licensed RPS under section 62(6) of MS Act 2025 and RPS Rules, 2026**

- Maintain updated records of seafarers, ships, and ship owners and make them available for inspection.
- Employ trained staff with maritime knowledge and verify seafarers' qualifications, certificates, and medical fitness.
- Ensure seafarers are provided with seafarer's employment agreement, informed of their rights, have labour conditions in conformity with seafarer's employment agreement.
- Prevent exploitation, clearly state any costs to seafarers, and ensure ship owners bear required expenses.
- Ensure ship owners has the financial ability to repatriate abandoned seafarers and take care of maintenance and required medical assistance before such repatriation.

- Transport mortal remains, in case of death of seafarers.
- Handle complaints fairly, protect confidentiality, and support seafarers' families when needed.
- Display licence details, apply for annual inspection on time, and report serious incidents (death/injury within 24 hours of receipt of information, abandonment within 48 hours of receipt of information).

3. **Mandatory Digital Submissions**

- Upload SEA/CBA, MLC, DMLC Part I and II, P&I certificate/Financial Security Certificate, embarkation details, repatriation data, and sea service to e-Gov portal.
- Generate voyage-wise seafarer deployment reports.

4. **Ethical Conduct & Anti-Exploitation**

- No fees or commission to be charged from seafarers as mentioned in section 62(2)(c) of MSA 2025. Any contravention is punishable under section 281(3)(7) of MS Act 2025.
- No false offers, coercion, or blacklisting without procedure.
- Display helpline/contact board at office for grievance assistance.

5. **Grievance Redressal**

- Provide seafarers a mechanism for complaint registration and follow-up.
- Escalate unresolved grievances to DGCOMM, MMD, or Shipping Master, Shipping Office.

6. **Periodic Reporting and Audit**

- Submit quarterly and annual performance reports to DSEO.
- Surprise inspections by DSEO/ DGMA
- Maintain records for a minimum of five years for audit.

7. **Handling of Repair Technicians**

- Ensure clearance from Protector of Emigrants (PoE) for technical crew not classified as seafarers.
- Adhere to emigration protocols and ensure STCW safety course attendance.

8. **Step-by-Step Responsibility Cycle for licensed RPS**

Step	Responsibility	Key Action	Tool/Platform
Step 1	Seafarer Verification	Verify all original documents	Physical + digital checks
Step 2	Contract Validation	Match SEA/CBA with MLC-compliant terms	HR team cross-check
Step 3	Digital Upload	Submit SEA/CBA, voyage info	DG e-Gov portal + e-Migrate

Step	Responsibility	Key Action	Tool/Platform
Step 4	Deployment	Issue orders and inform vessel owners	Email
Step 5	Post-Placement	Monitor well-being, repatriation rights	Grievance tracking
Step 6	Incident Reporting	File abandonment, injury, or death reports	DG portal
Step 7	Compliance	Submit inspection, audit, and performance reports	DSEO inspection

Table 14- Step by Step Responsibility Cycle for RPSL Agencies

9. **Regulatory Obligations**

- Operate in full compliance with:
  - Regulation 1.4 of MLC, 2006
  - FRS V5.4 for RPSL
  - MS Act, 2025
- Failure to comply may lead to:
  - Suspension or withdrawal of RPS license
  - Debarment of directors from future license applications
  - Legal action under the MS Act 2025, sections 281(2) and (3)

5.8 Seafarer Employment Agreement (SEA) Submission & Updates

As per the RPS Rules, 2026 and FRS for licensed RPS, every seafarer engagement must be backed by a duly executed SEA, which shall also include the CBA (if applicable). This ensures legal protection, clarity of contractual terms, and regulatory traceability.

The SEA is a mandatory legal document governed under section 63 of the MS Act, 2025 and its format and submission are monitored via the e-Gov portal.

1. **Key Requirements for SEA (for India flagged vessels only)**

- SEA must be executed before the sign-on of the seafarer.
- Must include signatures from:
  - The seafarer
  - The shipowner or licensed RPS representative (authorised signatory) or master (if applicable)
- SEA must comply with the provisions of MLC, 2006, and is inferred to include CBA, if applicable.

2. **Step-by-Step Process for SEA Submission & Update**

   i. **Step 1: Preparation of Agreement**
      - Fill up the required details for SEA using the standard Director-General-approved format (available on the e-Gov portal).
      - Ensure it includes:

        - Seafarer's personal details (as per INDoS and CDC)
        - Employer details and RPSL license number
        - Vessel details (name, IMO number, flag)
        - Period of employment
        - Rank and duties
        - Wages and leave entitlements
        - Repatriation conditions and insurance coverage
        - Signatures from all parties

ii. **Step 2: Digital Upload Before Sign-On**
    - Log into the e-Gov portal.
    - Navigate to the RPSL/ shipowner SEA upload module.
    - Upload scanned signed copy of the SEA (PDF format).
    - Input mandatory metadata:
        - INDoS No.
        - CDC No.
        - Voyage dates
        - Sign-on port
        - STCW compliance confirmation
    - Save and submit for system validation.

iii. **Step 3: Physical Record Maintenance**
    - Retain a physical copy of the signed SEA at the office of the licensed RPS for at least 3 years from the date of sign-off.
    - The document should be available for inspection by the Director-General or MMD officials.

iv. **Step 4: Updating SEA Records**
    - **Premature Discharge:** Update the portal with discharge date, reason, and repatriation details.
    - **Voyage Extension:** Submit a revised SEA or amendment.
    - **Death/Injury Cases:** Ensure SEA is linked to the crew member's case documentation for insurance/welfare follow-up.

3. **Regulatory Obligations**

- Licensed RPS are responsible for ensuring that all SEA/CBA are uploaded digitally and submitted before deployment.
- Failure to submit or incorrect SEA data can lead to penalties, suspension of the RPS license, or blacklisting.

4. **Best Practices for Compliance**

- Maintain an internal SEA register (physical or digital).
- Periodically verify SEA uploads on the e-Gov portal.
- Notify the seafarer of his/her rights under the SEA during onboarding.

5.8.1 Record-Keeping Requirements

Licensed RPS must maintain complete, updated, and auditable records of all their operations, including seafarer engagements and grievance redressals.

1. **Documents to be Maintained (digital or physical)**

Sl. No.	Category	Required Documents
1	Seafarer Documentation	SEA/CBA, CDC, INDoS, Medical fitness, STCW Certificates, Repatriation records
2	Employment Data	Onboard records and sea-service verification,
3	Grievance Management	Complaint register, closure reports, investigation notes
4	Company Compliance	Monthly return submissions, Nil Declarations, Inspection reports
5	Audit Reports	Internal audit logs and corrective actions undertaken
6	Safety and Welfare	Insurance details, accident reports, rest hour records

Table 15 Documents to be maintained

Documents should be retained for a minimum of 3 years, or longer if stipulated by the Director-General.

2. **System Backup and Security**

- Ensure encrypted digital backups of all records.
- Maintain access logs for audit trail.
- Store physical copies in fireproof and secure filing systems.

3. **Inspection & Verification**

- MMD or the Director-General officials may conduct random or scheduled inspections.
- Inadequate record maintenance or non-filing of Nil Declaration may result in:
    - Suspension of the licensed RPS
    - Penalties or blacklisting proceedings

5.9 Emigration Process for Repair Technicians

Licensed RPS are not limited to deploying seafarers alone. In special cases, they may deploy repair technicians, riding squads, or workshop personnel who work temporarily onboard ships but are not classified as "seafarers" under the MS Act, 2025. These individuals fall under the jurisdiction of the PoE and the MEA, and must undergo a separate emigration process.

5.9.1 Who Qualifies as a Repair Technician?

- Riding squad technicians

- Hull or engine room welders/fabricators
- Electrical repairmen or fitters
- Temporary floating staff not holding STCW-compliant CoCs

They are not governed under MLC, 2006 or STCW Convention, but must comply with safety, visa, and emigration protocols.

5.9.2 Step-by-Step Emigration Clearance Process

i. **Step 1: Candidate Identification**
   - Identify the individual's category: repair technician or non-seafarer riding staff.
   - Ensure the role is project-specific and duration-based.

ii. **Step 2: Document Collection**
   - Valid Indian passport
   - Employment contract specifying role, duration, and vessel details
   - Proof of visa or joining letter from foreign shipowner/manager
   - Minimum STCW Familiarisation (Personal Safety, Fire Prevention, PSSR, PST) recommended
   - Vaccination and Medical fitness certificate (Director-General-approved doctor)

iii. **Step 3: Approval by Protector of Emigrants (PoE)**
   - Submit the case to PoE via the e-Migrate portal (https://emigrate.gov.in)
   - Upload supporting documents and apply for Emigration Clearance (EC)

iv. **Step 4: Approval from DG Shipping**
   - Licensed RPS must inform the Director-General online about the deployment:
     - Role, port of joining, ship name and IMO number
     - Duration of contract
     - Justification that person is non-seafarer under the MS Act, 2025

v. **Step 5: Clearance Issuance**
   - Once PoE grants Emigration Clearance:
     - Share the clearance document with the technician
     - Notify shipowner/operator
     - Keep a copy uploaded on RPSL portal and stored for inspection

1. **Post-Deployment Reporting**

- After the technician signs off, the licensed RPS must update the e-Gov portal with:
  - Date of joining and sign-off
  - Any medical/disciplinary events during the voyage
  - Ensure repatriation in case of abandonment or accident

2. **Non-Compliance Consequences**

- Deploying repair technicians without emigration clearance or the Director-General notification may lead to:
  - Suspension or cancellation of the licensed RPS
  - Blacklisting of agency
  - Legal liability under Emigration Act and the MS Act 2025

5.10 Suspension and Cancellation of License

The Director-General reserves the right to suspend or cancel the RPS license of any entity that fails to comply with the guidelines and functional standards defined in the MS Act, 2025, RPS Rules, 2026 and relevant orders.

5.10.1 Grounds for Penalty/Suspension/Withdrawal

Under section 281 of the MS Act, 2025 and RPS Rules, 2026, a licensed RPS may face penalty, suspension or withdrawal of license if:

- The licensed RPS engages in unauthorised recruitment of seafarers.
- The licensed RPS fails to submit SEA within the stipulated time.
- There is submission of forged or fraudulent documents (CDC, CoC, medicals, etc.).
- The licensed RPS fails to respond to the Director-General notices or show-cause letters.
- Involvement in cases of abandonment, wage denial, or mistreatment of seafarers.
- Repeated non-compliance with the MLC, 2006 or the STCW Convention.
- Breach of any condition set under the RPS license or the latest FRS.

1. **Step-by-Step Process: Suspension or Cancellation**

   i. **Step 1: Identification of non-compliance**
      - The Crew Branch or regional Maritime authorities (e.g., MMD, Shipping Masters) detect a serious breach of licensing terms or receive complaints.
      - Internal audits, inspections, or grievance redressals may also flag irregularities.

   ii. **Step 2: Issuance of Show Cause Notice**
      - A formal show-cause notice is issued to the licensed RPS by the Director-General.
      - The company is provided with a timeframe to respond with justifications or corrective measures.

   iii. **Step 3: Evaluation of Reply**
      - The Director-General evaluates the explanation/documentation submitted.
      - If the response is unsatisfactory or no reply is received, the matter is escalated for disciplinary action.

   iv. **Step 4: Temporary Suspension of RPS License**
      - If interim measures are needed (e.g., for seafarer safety), the license may be temporarily suspended pending further investigation.

   v. **Step 5: Final Order of Withdrawal (if applicable)**
      - Upon confirmation of serious breach, a final order withdrawal the license is issued.
      - The entity name is blacklisted and published on the official website.
      - All associated persons in the top management may also be barred from reapplying for a defined period.

2. **Post-Cancellation Obligations**

   - The entity must:

- Cease operations immediately.
- Cooperate in repatriating or resolving issues of any deployed seafarers.
- Return original documents to the concerned seafarers or authorities.
- Respond to pending grievances and provide closure documentation.

3. **Appeal Mechanism**

- Any party aggrieved by any order passed under the RPS Rules, 2026 by the issuing authority may prefer an appeal to the principal officer within 60 days of the receipt of such order.
- The principal officer may pass an order within 30 days of the appeal after giving an opportunity of being heard.

6 INDoS, CDC and Other Crew Documentation

6 INDoS, CDC and Other Crew Documentation

6.1 INDoS Registration Process

The INDoS is a unique lifelong identification number allotted by the Director-General. It is mandatory for any individual aspiring to undergo pre-sea maritime training at the Director-General approved MTIs.

1. **Purpose:**

- Centralises identity and tracking of Indian seafarers.
- Links with all future certifications: CDC, CoC, STCW, etc.
- Enables verification by authorities, MTIs, and licensed RPS.

6.1.1 Stepwise Application Procedure (As per Training Circular 8 of 2019):

i. **Step 1: Access DG e-Gov Portal**
   - Visit: https://www.dgshipping.gov.in
   - Navigate to the INDoS/Seafarer Registration section under e-Gov services.

ii. **Step 2: Create/Access User Login**
   - New users must register using their email ID and mobile number.
   - Existing users can log in with credentials.

iii. **Step 3: Fill Online Application Form**
   - Select the option for INDoS Registration.
   - Fill in basic personal details, education, and contact information.

iv. **Step 4: Upload Required Documents**
   - Upload scanned copies in PDF/JPEG format:
     - Passport-size photograph (recent, white background),
     - Class 10th pass certificate or equivalent,
     - Aadhaar Card or Passport copy (ID proof),
     - Medical fitness certificate from a Director-General–approved doctor.

v. **Step 5: Payment of Fees**
   - Pay the prescribed application fee through the online payment gateway.

vi. **Step 6: Submission and Acknowledgment**
   - Submit the completed form.
   - An acknowledgment receipt will be generated with tracking details.

vii. **Step 7: Verification and INDoS Number Generation**
   - DG Shipping verifies documents and application.
   - Upon approval, a unique INDoS number is issued via email and available on the e-Gov portal.

2. **Post-Issuance Guidelines:**

- The INDoS number must be used for:
  - CDC Application
  - STCW Training Courses
  - CoC Applications

- Sea Service Recording

- INDoS details can be verified via the public search feature on the e-Gov portal.
- Corrections (if any) must be submitted through a formal correction request with valid proof.

3. **Important Notes:**

- INDoS is a one-time, permanent ID and cannot be changed or re-issued.
- Misuse, duplicate applications, or submission of false documents may attract penalties under the MS Act, 2025.

6.2 CDC Application Procedure

The CDC is a mandatory document that certifies a person as a qualified seafarer eligible to serve onboard Indian or foreign ships. It functions like a seafarer's passport, recording all sea service details.

1. **Eligibility Criteria:**

Before applying, the applicant must:

- Possess a valid INDoS number
- Have successfully completed pre-sea training from a Director-General approved MTIs or five basic safety courses
- Be medically fit, certified by a Director-General-approved medical examiner
- Be an Indian citizen, passed 10th standard and at least 16 years old

2. **Stepwise CDC Application Process:**

i. **Step 1: Log in to e-Gov Portal**
   - Go to: https://www.dgshipping.gov.in
   - Use your registered seafarer login credentials.

ii. **Step 2: Navigate to CDC Application**
   - Select "Apply for New CDC" under Seafarer Services.
   - Ensure your INDoS profile is updated with training and medical details.

iii. **Step 3: Fill the Online Application Form**
   - Provide the following:
     - Personal details: Name, DOB, gender, nationality
     - Educational qualification
     - Passport number and address
     - Pre-sea course details and training institute
     - Medical certificate details

iv. **Step 4: Upload Required Documents (in PDF/JPEG format):**
   - Passport-size photograph (white background)
   - Self-attested copy of:
     - Passport
     - INDoS certificate
     - 10th Std mark sheet
     - Pre-sea course completion certificate

        - Medical fitness certificate

v. **Step 5: Payment of CDC Fee**
    - Pay the prescribed fee using the online payment gateway.

vi. **Step 6: Submit the Application**
    - Review details and click submit.
    - An application reference number will be generated.

vii. **Step 7: Verification & Issuance**
    - DG Shipping verifies the application.
    - Upon successful verification, the CDC is:
        - Issued and dispatched to the registered address via Speed Post.

Important Notes:

- CDC Number is permanent and must be used for all shipboard engagements.
- Any errors or data mismatch should be immediately reported using the correction request module on the portal.
- CDC must be renewed after the expiry date or if all pages are used up.
- There is no fee to be charged in case the CDC is lost due to fire onboard a vessel or due to any other marine peril.

6.3 Renewal, Duplicate & Replacement of CDC

- Renewal, replacement or duplicate shall be as per RPS Rules, 2026.
- The process must be carried out strictly through the e-Gov portal.

6.3.1 Renewal of CDC

1. **When is Renewal Required?**

- CDC has expired (typically valid for 10 years from date of issue).
- There are no pages left for sea service entries.

2. **Stepwise Process:**

i. **Step 1: Log in to https://www.dgshipping.gov.in**
    - Go to the Seafarer Profile section using your login.

ii. **Step 2: Navigate to Renew CDC**
    - Select the option under "CDC Management" → "Renew CDC"

iii. **Step 3: Fill in Renewal Details**
    - Include passport details, reasons for renewal, address, and seafarer's declaration.

iv. **Step 4: Upload Required Documents**
    - Scanned copy of old CDC (front and relevant pages)
    - Passport-size photo (white background)
    - Self-attested passport copy
    - Updated medical fitness certificate (if needed)

v. **Step 5: Pay Application Fee**
   - Use the online payment gateway.

vi. **Step 6: Submit and Track**
   - Submit the application. A reference number will be generated for tracking.

vii. **Step 7: Issuance**
   - The renewed CDC will be printed and dispatched to the seafarer's registered address via speed post.

6.3.2 Duplicate CDC (Lost/Stolen)

1. **When to Apply?**

- Original CDC is lost, stolen, or irreparably damaged.
- A duplicate copy is required for official or visa processes.

2. **Stepwise Process:**

i. **Step 1: File a Police Complaint/make a logbook entry/enquiry report and Obtain Affidavit**
   - File a police complaint/ make a logbook entry/enquiry report 9as the case may be) in case of loss or theft.
   - Get an affidavit on ₹100 stamp paper stating the circumstances of the loss and affirming ownership.

ii. **Step 2: Log in to e-Gov Portal**
   - Select the option "Apply for Duplicate CDC".

iii. **Step 3: Upload the Following Documents:**
   - Copy of FIR (signed and stamped)
   - Affidavit (notarized)
   - Copy of old CDC (if available)
   - Passport-size photo
   - Passport copy
   - INDoS certificate
   - Medical fitness certificate (optional)

iv. **Step 4: Pay Fee and Submit**
   - Complete the online fee payment and submit the application.

v. **Step 5: Verification and Issuance**
   - The issuing authority will verify documents and issue the duplicate CDC by speed post.

6.3.3 Replacement CDC (Damaged/Change of Details)

1. **When is this Used?**

- CDC is damaged, illegible, or worn out.
- Change required in entries (like passport number, name correction, etc.).

2. **Process:**

Same as duplicate CDC process, but instead of FIR, a damage explanation letter and the original damaged CDC must be uploaded.

3. **Important Notes:**

- All applications must be submitted online—no manual process is allowed.
- Processing time: 7–15 working days post successful verification.
- Misrepresentation or fake FIRs will attract penalties under the MS Act, 2025.
- For foreign CDC holders wanting an Indian CDC, DG Shipping provides separate instructions.

6.4 Cookery Certificate Issuance & Duplication

The Cookery Certificate is issued to seafarers who wish to serve as Ship's Cooks, as per MLC, 2006 – Regulation 3.2. It certifies that the individual has undergone adequate training in food preparation, nutrition, hygiene, and galley operations in accordance with international standards.

6.4.1 Issuance of Cookery Certificate

1. **Eligibility Criteria:**

- Must be an Indian national with a valid INDoS number.
- Should have completed a Ship's Cook Course from a Director-General approved MTIs.
- Must possess:
  - Valid Passport
  - Valid Medical Fitness Certificate from a Director-General-approved medical practitioner.
  - CDC and any applicable sea-service proof (if required)

2. **Stepwise Application Process:**

i. **Step 1: Login to e-Gov Portal**
   - Visit https://www.dgshipping.gov.in
   - Use Seafarer login credentials.

ii. **Step 2: Access "Cook Certificate Application" Module**
   - Go to "Seafarer Services"
   - "Cookery Certificate Application"

iii. **Step 3: Fill in the Required Details**
   - Provide personal details, INDoS number, training course details, and upload institute completion certificate.

iv. **Step 4: Upload the Required Documents**
   - Passport-size photograph (white background)
   - Copy of:
     - Passport
     - CDC
     - INDoS certificate
     - Medical fitness certificate
     - Ship Cook training course completion certificate

v. **Step 5: Make Online Payment**
   - Pay the application processing fee via the payment gateway..

vi. **Step 6: Submit Application**
   - After successful submission, an application reference number is generated.

vii. **Step 7: Verification and Certificate Issuance**
   - The issuing authority verifies the authenticity of the training and documents.
   - Upon approval, the Cookery Certificate is issued and available under your login.
   - Hard copy may be dispatched, or a digital copy (PDF) may be downloadable.

6.4.2 Duplication of Cookery Certificate (Lost or Damaged)

1. **When Required:**

- The original Cookery Certificate is lost, stolen, or damaged beyond usability.
- Duplicate is required for documentation or visa purposes.

2. **Stepwise Process for Duplicate Certificate:**

i. **Step 1: Prepare Affidavit & police complaint/make a logbook entry/enquiry report**
   - File a police complaint/make a logbook entry/enquiry report (as applicable) if lost/stolen.
   - Prepare a notarised affidavit on ₹100 stamp paper explaining the loss and affirming authenticity.

ii. **Step 2: Log in to e-Gov portal**
   - Navigate to "Duplicate Cookery Certificate" under Seafarer services.

iii. **Step 3: Upload the Following Documents:**
   - FIR copy
   - Affidavit (notarised)
   - Previous Cookery Certificate copy (if available)
   - Passport copy
   - INDoS number and CDC
   - Photograph (as per standard)
   - Any other relevant document (proof of course completion, sea service etc.)

iv. **Step 4: Make Payment**
   - Pay the applicable duplicate issuance fee online.

v. **Step 5: Submit and Track Application**
   - Once submitted, a reference number will be issued for tracking.
   - After verification, a duplicate certificate shall be issued.

3. **Important Notes:**

- Cookery Certificates are issued only for training completed at the Director-General approved MTIs.
- All records are maintained digitally under e-Gov Seafarer Profile for future verification by employers or authorities.

6.5 Uploading Supporting Documents

Uploading supporting documents is a mandatory step in all online applications such as CDC, CoC, INDoS registration, Cookery Certificate, Course Approvals, Sea Service Records, and Profile Updation. The e-Gov portal requires digital document uploads in standard format to maintain a centralised verified seafarer record.

6.5.1 Objective

To ensure transparency, reduce forgery, and build a secure, authenticated digital repository of seafarer documents accessible to the Director-General, licensed RPS, MMDs, shipping offices and foreign authorities.

6.5.2 Types of Documents Commonly Uploaded

- Passport (front & back)
- INDoS Certificate
- 10th Std Certificate (or educational proof)
- CDC (first & last pages)
- Pre-Sea Training Certificate
- STCW Course Certificates
- Medical Fitness Certificate
- Photographs (passport size, white background)
- Aadhaar / PAN / Voter ID (for address proof)
- Affidavit / FIR/police complaints/enquiry report/official logbook entries (for duplicate requests)

6.5.3 Stepwise Document Upload Process:

i. **Step 1: Login to e-Gov Portal**
   - Visit: https://www.dgshipping.gov.in
   - Click on "e-Governance" → Login under Seafarer Registration section.

ii. **Step 2: Go to "Upload Document" Section**
   - Navigate to "Seafarer Profile" → "Upload Supporting Documents"
   - Select the relevant document category (e.g., Passport, INDoS, CDC, etc.)

iii. **Step 3: Scan Documents as per Required Format**
   - File type: PDF/JPEG/JPG
   - File size: Usually below 500 KB–1 MB (varies by module)
   - File name format: Suggested to follow this format – [Name][DocumentType]YYYY.pdf
     e.g., Rohit_Passport_2025.pdf

iv. **Step 4: Upload Each Document**
   - Select the correct document type from the dropdown
   - Browse and upload the scanned copy
   - Click "Submit"
   - A success confirmation and upload reference will be shown

v. **Step 5: Repeat for Each Document Type**

- Make sure all mandatory documents are uploaded and marked "Approved" before applying for any service like CDC, Cookery Certificate, or CoC renewal.

6.5.4 Document Verification Status:

- Uploaded documents are auto synced to your profile.
- Status shown as:
  - Uploaded
  - Approved by the Director-General
  - Rejected (with reason)

If rejected, revise and re-upload with corrections (e.g., blur, name mismatch, wrong certificate type).

6.5.5 Recommended Practices:

- Use colour scanned copies.
- Avoid overlapping text, poor lighting, or handwritten scans.
- Ensure name, INDoS, and passport number match across all documents.
- Keep your profile always updated with new documents (e.g., renewed passport, medical cert).

6.5.6 Common Upload Portals on DG Site:

- Seafarer Profile → Upload Documents
- Apply for CDC/CoC/Cook Certificate → Upload Documents tab
- Grievance Filing / RTI Application → Attach supporting evidence

6.6 Updating Passport or Personal Details

It is essential for all Indian seafarers to maintain accurate and up-to-date personal records in the e-Gov portal. Any changes in personal details like passport number, address, contact information, marital status, etc., must be updated promptly to ensure consistency across CDC, CoC, RPS documentation, and port inspections.

6.6.1 Details That Can Be Updated:

- Passport number, issue date, expiry date
- Mobile number, email ID
- Permanent/temporary address
- Name correction (only minor clerical errors)
- Marital status
- Emergency contact details
- Educational qualification (if new degree added)

Note: Name, DOB, and nationality changes require stricter documentation and are allowed only in rare, legally justified cases.

6.6.2 Stepwise Process to Update Passport or Personal Details:

i. **Step 1: Visit e-Gov Portal**
   - URL: https://www.dgshipping.gov.in
   - Click on "e-Governance"
   - Login under Seafarer Registration

ii. **Step 2: Navigate to "Seafarer Profile" Section**
   - Go to: Seafarer Profile → View / Edit Profile
   - Click on the field you want to update (e.g., Passport, Address)

iii. **Step 3: Edit the Required Fields**
   - Enter updated passport number, issue/expiry dates, or new address
   - For name corrections, use official government spellings
   - For email and mobile, ensure OTP verification is completed

iv. **Step 4: Upload Supporting Documents**
   - Documents required (as applicable):
     - Scanned copy of new Passport
     - Aadhaar card / Address proof
     - Affidavit in case of name correction
     - Marriage certificate (for marital status update)
   - File format: PDF or JPEG (under 500KB)

v. **Step 5: Submit the Request**
   - Click Submit
   - You will receive an acknowledgment with reference number
   - The change request is forwarded to the Director-General for approval

vi. **Step 6: Track the Status**
   - Visit the "Track Profile Update Request" tab
   - Status will show:
     - Under Review
     - Approved
     - Rejected (with remarks)

6.6.3 Important Notes:

- Passport validity must be updated before it expires to avoid issues in CDC, CoC renewal, or joining vessel.
- Ensure the INDoS and CDC data match with updated details.
- Wrong or mismatched entries may result in rejection of applications for CoC, MLC inspections, or foreign visa clearance.
- Always keep your mobile number and email updated to receive system notifications and alerts.

6.7 Correction Mechanism and Timelines

Seafarers are responsible for ensuring that all personal and professional details entered in the e-Gov portal are accurate. However, in case of inadvertent errors, typographical mistakes, or incorrect uploads, a correction mechanism exists within the system to allow rectification with official verification.

6.7.1 Types of Corrections Allowed:

Sl. No.	Category	Examples
1	Personal Details	Name (spelling), Gender, DOB, Nationality
2	Passport Details	Passport Number, Issue/Expiry Date
3	Address	Permanent/Correspondence Address
4	Educational Qualification	10th/12th/Degree updates
5	INDoS Details	INDoS number mismatch, date error
6	Course Certificate Correction	Wrong course code, issue date, or document not visible
7	CDC Details	Name mismatch, expired date, incorrect issuing authority

Table 16 Types of Corrections Allowed

6.7.2 Stepwise Correction Process

i. **Step 1: Login to e-Gov Portal**
   - Go to: https://www.dgshipping.gov.in
   - Click on "e-Governance"
   - Login using Seafarer Registration ID and password

ii. **Step 2: Navigate to "Request for Correction"**
   - Click on "Seafarer Profile" → "Profile Correction"
   - Select the category of correction (e.g., Name, Passport, CDC)

iii. **Step 3: Enter Correct Details**
   - Input correct information in the editable fields
   - Give a short reason for correction (e.g., name misprinted, wrong expiry date)

iv. **Step 4: Upload Supporting Documents**
   - Mandatory to attach clear scanned proof as per the correction
   - Upload in PDF/JPEG format, size less than 500 KB per file

v. **Step 5: Submit Request**
   - Review all entries and click "Submit"
   - A correction request reference number is generated

vi. **Step 6: Track Status**
   - Use the "Track Correction Request" link under Seafarer Dashboard
   - Status stages:
     - Pending Review
     - Under Verification by DG (MIS) or MMD
     - Approved
     - Rejected (with remarks for re-submission)

6.7.3 Timelines for Correction Approval

Sl. No.	Type of Correction	Expected Timeline (Working Days)
1	Minor personal data (email/mobile)	Instant to 2 days
2	Document-based corrections	5–10 working days
3	CDC/INDoS-linked correction	10–15 working days (manual vetting)
4	Affidavit-based name change	15–30 working days (legal review)

Table 17 Timelines for Correction Approval

Note: Corrections may be delayed if documents are unclear, incomplete, or not matching existing data.

6.7.4 Escalation Mechanism

- If no response is received within 30 days:
  - Send a mail to: seafarer@dgshipping.gov.in with reference ID and proof
  - Call or visit nearest MMD
  - Raise grievance via Seafarer Grievance Module on e-Gov Portal

6.7.5 Recommended Practices:

- Always double-check entries before submission.
- Keep all records and uploads clear, recent, and matching official formats.
- Name, DOB, and nationality changes should match across Passport, INDoS, CDC, and Academic Records.

6.8 Linking of Seafarer Profile with e-Governance

The Directorate General of Shipping (DG Shipping) has established a centralised e-Gov portal to manage the lifecycle of Indian seafarers—from training to certification, placement, and grievance redressal. Linking an individual's seafarer profile with the e-Gov portal is mandatory to access all online services such as CDC issuance, CoC applications, course registration, sea service tracking, and MLC compliance.

6.8.1 Purpose of Linking Profile:

- Creates a single digital identity for each seafarer.
- Enables tracking of training, certification, placement history, and grievances.
- Ensures seamless communication with the Director-General and licensed RPS.
- Prevents duplicate records and fraud through Aadhaar and document validation.
- Acts as the gateway to services like:
  - INDoS registration
  - CDC application/renewal
  - CoC and watchkeeping certificationF
  - STCW course tracking

- MLC documentation
- RP job data submission

6.8.2 Who Must Link the Profile?

- All Indian nationals aspiring to become seafarers.
- Existing seafarers who received their CDC/CoC before e-Gov rollout.
- Foreign nationals working on Indian vessels under special endorsements.

6.8.3 Stepwise Process to Link Seafarer Profile with e-Governance

i. **Step 1: Access the e-Gov portal**
   - Visit: https://www.dgshipping.gov.in
   - Click on "e-Governance" portal link

ii. **Step 2: Create Seafarer Profile**
   - Click "Seafarer Registration"
   - Fill in basic details:
     - Full Name (as per Passport)
     - Date of Birth
     - Nationality
     - Email ID and mobile number (OTP verified)
   - Set login password

iii. **Step 3: Complete INDoS Linking**
   - If INDoS number already issued:
     - Select "Link Existing INDoS"
     - Provide INDoS number and date of birth
     - System fetches data and links automatically
   - If new seafarer:
     - Apply for INDoS and it will auto-link once generated

iv. **Step 4: Fill Detailed Profile Information**
   - Under "Seafarer Profile" tab:
     - Enter details for passport, education, address, next of kin, etc.
   - Upload scanned documents:
     - Passport, Aadhaar, 10th Certificate, Photograph
     - Medical Certificate (from DGMA-approved doctor)

v. **Step 5: Submit for Review**
   - After entering all information and uploading documents, click "Submit for Verification"
   - A reference number will be generated

vi. **Step 6: Verification and Activation**
   - The DGMA backend (MIS Cell or MMD) will verify documents
   - Upon approval:
     - The profile is marked as "Verified"
     - User gets access to all seafarer modules (CDC, CoC, Grievances, etc.)

6.8.4 Important Notes:

- Profile completion and linking is mandatory before applying for any DGMA-recognised course or certificate.
- Incomplete or unverified profiles will not be allowed to proceed with applications.
- Mobile number and email ID must remain active and up-to-date for OTP verifications and communication.
- In case of mismatch in INDoS or CDC records, seafarer must initiate correction (see Section 5.7).

6.8.5 Frequently Used Linked Modules Post-Activation:

Sl. No.	Module	Service Provided
1	INDoS	Registration, verification, update
2	CDC	New, duplicate, renewal
3	CoC	Application, watchkeeping endorsement
4	STCW Course Tracker	Approved training courses history
5	RPSx Voyage Record	Job history, SEA uploading
6	Seafarer Grievance Module	Complaint filing, tracking, response escalation

Table 18 Frequently Used Linked Modules Post-Activation

7 Modules and Legacy Systems

7 Modules and Legacy Systems

7.1 CDC Module

The CDC module has been introduced as an e-Gov initiative for multiple services pertaining to new application, application for duplicate CDC or replacement of CDC. The detailed workflows for the various services under this module are explained in 6.2.

7.2 INDoS System

The INDoS is a unique lifelong identification number allotted by the Director-General. It is mandatory for any individual aspiring to undergo pre-sea maritime training at the Director-General approved MTIs. An online module has been introduced to digitalise the process of application for INDoS. The detailed workflow is explained in 6.1.

7.3 e-Samudra (Seafarer Portal)

The e-Samudra portal is a comprehensive portal being developed in which certain modules are dedicated to catering to the various seafarer related process. These various modules are being developed under the portal pertaining to crew that includes the creation of new seafarer's profile for both Indian and foreign seafarers, updating seafarer's profile, creation of profile for sailing vessel seamen, issue of new ID cards, generate duplicate and renewed cards CoC, CDC and COPs etc. The e-Samudra portal would be integrated to various internal portals (such as Shipping entity, Ship Building Financial Assistance, etc.) and external applications (such as UIDAI/ Aadhar, banks etc.)

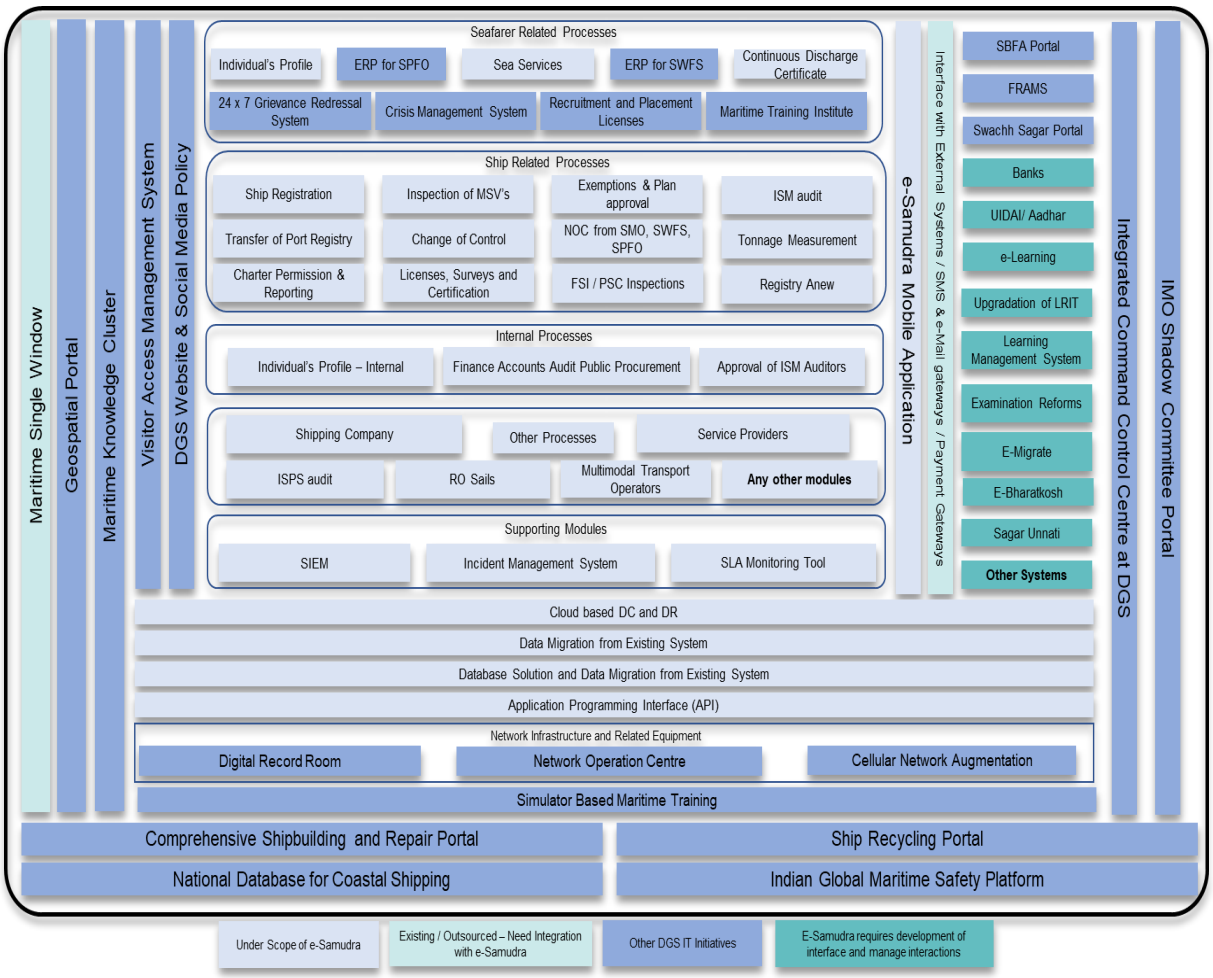


Figure 1- e-Samudra Architecture

7.4 RPS Module

Manning entities involved in recruitment and placement of seafarers must obtain a license from the Director-General under the MS Act, 2025 and RPS Rules, 2026. There are various processes involved for these RPS activities. They include the creation of RPS profile, issuance of RPS license, renewal of RPS license, change of details in RPS license, grievance redressal and correction of seafarer details in Form I. To cater to these services, an e-Gov portal has been created. The workflows of these services are explained below.

7.4.1 Application for New Application:

i. **Step 1:** Visit the Directorate General of Shipping (DGMA) website.
ii. **Step 2:** Click on "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Navigate to Internal Reference Links, select RPSL from the drop-down menu, and click the Go button.
iv. **Step 4:** Click the link "Application for RPS License"
v. **Step 5:** On the displayed page, click the link "New Application"
vi. **Step 6:** Fill in all the required details in the Company Profile section and click "Save and Next" button to proceed.

vii. **Step 7:** In the Liaison/Branch Address section, fill in the address details and click "Add to List" button to add to the details to a list, same process can be done for multiple address if needed. Click "Next" button to continue.

viii. **Step 8:** In the Authorized Signatory section, enter the required details and select the signature file to upload. Click "Add to List" button to add the details. Repeat the same process for multiple records if needed. Click the 'Next' button to continue.

ix. **Step 9:** In the Manning Agreement with the Employer section, fill in the agreement details and select the agreement file to upload. Click the 'Add to List' button to add the details. Repeat the same process for multiple records if needed. Click the 'Next' button to continue.

x. **Step 10:** In the Bank(s) section, enter the bank details and click the 'Add to List' button to save them. Repeat the process for multiple records if needed. Click the 'Next' button to continue.

xi. **Step 11:** In the Payment section, enter the transaction details and select receipt to upload. Click the button "Save and Next." to continue.

xii. **Step 12:** Select a Recognized Organization from the drop-down menu and click the button "Save and Next" to continue.

xiii. **Step 13:** Choose the office under DSEO Branch from the drop-down menu and click the "Submit" button to complete the application submission process.

xiv. **Step 14:** Upon submission a confirmation message will appear, displaying the Reference Number and Application Date. Note these details for future communications.

xv. **Step 15:** The system will send the user ID and password to the email address provided in the application upon its approval.

7.4.2 View Application

i. **Step 1:** Visit the DGMA website.

ii. **Step 2:** Click on "e-Governance" under the "I.T AND E-GOVERNANCE" menu.

iii. **Step 3:** Navigate to Internal Reference Links, select RPSL from the drop-down menu, and click the Go button.

iv. **Step 4:** Click the link "Application for RPS License "

v. **Step 5:** On the displayed page, click the link "View Application".

vi. **Step 6:** Enter the application number, application date and click the button "Submit" to view the status of application.

7.4.3 Procedure to take printout of RPS License

i. **Step 1**: Go to the DGMA website.

ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.

iii. **Step 3**: Login with the User ID and Password provided by DGMA.

iv. **Step 4:** Navigate to the Seafarer → Recruitment and Placement Services

v. **Step 5**: Go to Inbox → RPS License.

vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.

vii. **Step 7**: Go to Inbox → RPS License.

viii. **Step 8:** System will display the License; click the "Print" button at the bottom of the page to print the license.

7.4.4 Procedure to apply for Renewal Inspection

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Login with the User ID and Password provided by DGMA.
iv. **Step 4:** After login, navigate to the Seafarer → Recruitment and Placement Services (RPS).
v. **Step 5:** Go to→ Inbox → Renewal Inspection.
vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.
vii. **Step 7:** Go to→ Inbox → Renewal Inspection.
viii. **Step 8:** Click on the "Apply for renewal" link Under My License Notification(s).
ix. **Step 9:** Fill in the required details in the form, select the necessary files to upload, read the list of enclosures and the undertaking, mark the checkbox, and click the 'Save and Next' button to continue.
x. **Step 10:** Select RO under Recognized Organization click the button "Save and Next" to continue.
xi. **Step 11:** Select Office under DSEO Branch and click the button "Submit" to complete the renewal application submission process.

7.4.5 Procedure to View Application Details

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4:** After login, navigate to Seafarer → Recruitment and Placement Services (RPS).
v. **Step 5:** Go to → Inbox → View Application Details.
vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.
vii. **Step 7:** Go to → Inbox → View Application Details.
viii. **Step 8:** Enter Application number, date of application and click the button "submit"
ix. **Step 9:** You can view the status of the application and submit a reply if any query is raised.

7.4.6 Procedure to apply for Annual Inspection

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4:** After login, navigate to Seafarer → Recruitment and Placement Services (RPS).
v. **Step 5:** Go to → Inbox → Annual Inspection.
vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.
vii. **Step 7:** Go to → Inbox → Annual Inspection.
viii. **Step 8:** Under My License Notification(s). Click on the "Apply for Annual Inspection" link.

ix. **Step 9:** Select Recognized Organization (RO) from the dropdown and click the button "Save & Next."

x. Step 10: Select Office under DSEO Branch and click the button "Submit" to complete the Annual Inspection application submission process.

7.4.7 Procedure for change of address/ change of name

i. **Step 1**: Go to the DGMA website.

ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.

iii. **Step 3**: Login with the User ID and Password provided by DGMA.

iv. **Step 4:** Navigate to the Seafarer → Recruitment and Placement Services

v. **Step 5:** Go to Inbox → Change of Address/Change of Name.

vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.

vii. **Step 7:** Click the link "Apply for change of address/change of name" under My License Notification(s).

viii. **Step 8**: Fill in the required details in the form, select the necessary files to upload, read the list of enclosures and the undertaking, mark the checkbox, and click the 'Submit' button to complete the application submission for change of address or change of name.

7.4.8 Procedure for Updating Company Profile

i. **Step 1**: Go to the Directorate General of Shipping website.

ii. **Step 2:** Click on the "e-Governance" sub-menu under the "I.T AND E-GOVERNANCE" section.

iii. **Step 3:** Log in using your User ID and Password provided by DGMA.

iv. **Step 4:** Navigate to the Seafarer ->Recruitment and Placement Services (RPS).

v. **Step 5:** Go to Profile ->Company Profile

vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.

vii. **Step 7:** Click on 'Company Profile', enter the required details, and click the 'Update' button to save in the system will navigate to next tab "Liaison/Branch Address".

viii. **Step 8:** In the "Liaison/Branch Address" tab enter the required details and click the button "Add to List" to save in the system. Click the "Next" button to go the next tab i.e. Authorized Signatory.

ix. **Step 9:** Same process to be followed for other tabs i.e. Authorized Signatory, Manning agreement with the employer, Ship, Management Personnel, Sponsorship Letter(s), MOU (Memorandum of Understanding), Bank Details and Payment Details tabs.

7.4.9 Specified Categories

1. **Upload Documents and View Status**

i. **Step 1:** Go to the DGMA website.

ii. **Step 2:** Click on the "e-Governance" sub-menu under the "I.T AND E-GOVERNANCE" section.

iii. **Step 3:** Log in using your User ID and Password provided by DGMA.

iv. **Step 4:** Navigate to the Seafarer ->Recruitment and Placement Services (RPS).

v. **Step 5:** Click the "Submit Application" submenu under Specified Categories menu.

vi. **Step 6:** The system will prompt for the profile password. Enter it and click the 'Login' button.
vii. **Step 7:** Click the "Submit Application" submenu under Specified Categories menu.
viii. **Step 8:** Select a Specified Category from the dropdown and click the "Continue" button to proceed to the concerned application.
ix. **Step 9:** Fill the required details and note the required documents to be uploaded once the details submitted by clicking the button "submit data and proceed to upload the documents".
x. **Step 10:** Can view the status of application and also can upload of documents using the link "Upload Documents and View status".

2. **Cancellation of Commencement of Contract:**

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4**: Navigate to Seafarer → Recruitment and Placement Services.
v. **Step 5:** Go to Foreign Ship Engagement → Sign-On/Sign-Off.
vi. **Step 6:** Enter the INDoS number and click the button "Continue".
vii. **Step 7:** The system will populate the personal details based on the entered INDoS number, along with the list of sea service details entered earlier
viii. **Step 8:** Click the "Cancel" link under the "Cancel Date of Commencement of Contract" column.
ix. **Step 9:** The system populates the previously entered details. Enter the reason for cancellation and click the 'Submit' button to complete the cancellation of Commencement of Contract process.

3. **Update Sign on Ship Details:**

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4**: Navigate to Seafarer → Recruitment and Placement Services.
v. **Step 5:** Go to Foreign Ship Engagement → Sign-On/Sign-Off.
vi. **Step 6:** Enter the INDoS number and click the button "Continue".
vii. **Step 7:** The system will populate the personal details based on the entered INDoS number, along with the list of sea service details entered earlier.
viii. **Step 8**: Click the link "Click to Sign On Ship" under Date of Sign On Ship column.
ix. **Step 9:** The system populates the previously entered details. Enter the Sign on Ship Details and click the 'Submit' button to complete the Sign On Ship update process.

4. **Update Onboard Change Details:**

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4**: Navigate to Seafarer → Recruitment and Placement Services.
v. **Step 5:** Go to Foreign Ship Engagement → Sign-On/Sign-Off.

vi. **Step 6:** Enter the INDoS number and click the button "Continue".
vii. **Step 7:** The system will populate the personal details based on the entered INDoS number, along with the list of sea service details entered earlier.
viii. **Step 8**: Click the link "Onboard Change" under Onboard Change column.
ix. **Step 9:** Enter the required details and click the button "Submit" to complete the updating of onboard change details process.

5. **Update Sign off Ship Details:**

i. **Step 1**: Go to the DGMA website.
ii. **Step 2**: Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4**: Navigate to Seafarer → Recruitment and Placement Services.
v. **Step 5:** Go to Foreign Ship Engagement → Sign-On/Sign-Off.
vi. **Step 6:** Enter the INDoS number and click the button "Continue".
vii. **Step 7:** The system will populate the personal details based on the entered INDoS number, along with the list of sea service details entered earlier.
viii. **Step 8**: Click the link "Click to Sign off" under Date of Sign Off Ship column.
ix. **Step 9**: Enter the Sign off details and click the button "Submit" to complete the updating of Sign off Ship details process.

7.4.10 Article of Agreement (AoA)

1. **Submission of Sign on Shore Details**

i. **Step 1:** Go to the DGMA website.\
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services.
v. **Step 5:** Click the submenu "Sign-On Shore Indian Ship" under the menu "Indian Ship Engagement (Articles of Agreement)".
vi. **Step 6:** Enter the required details and click the button "Continue" to proceed.
vii. **Step 7:** Fill in the required details in each tab and click "Continue" to proceed. In the Final tab click the "Submit" to complete the submission of Sign on Shore Details.
viii. **Step 8:** Upon submission, the system will generate an application number and display the confirmation message: 'Your application has been successfully submitted, and the eMigrate Reference Number will be generated soon.' At the same time, the system will share the required data with the eMigrate system and update the eMigrate Reference Number and Date of Submission in the system as provided by the eMigrate system.

2. **Cancel Sign on Shore Details**

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services.
v. **Step 5:** Click the submenu "Cancel Sign-on Shore" under the menu "Indian Ship Engagement (Articles of Agreement)".

vi. **Step 6:** The system will display the list of records submitted by the user. Click the link 'Click to Cancel' under the 'Cancel Sign On Shore' column to initiate the cancellation
vii. **Step 7:** Enter the reason for cancellation and click the 'Submit' button to complete the Cancel Sign On Shore process.

3. **Update Sign on Ship Details**

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services.
v. **Step 5:** Click the submenu 'Sign-On Ship' under the main menu 'Indian Ship Engagement (Articles of Agreement)'.
vi. **Step 6:** Enter the seafarer's CDC number and click the 'Continue' button to proceed.
vii. **Step 7:** Fill in the 'Sign On Ship' details and click the 'Submit' button to complete the Sign On Ship update process

4. **Update Sign off Ship Details**

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3**: Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services.
v. **Step 5:** Click the submenu Sign-Off Shore Indian Ship ' under the main menu 'Indian Ship Engagement (Articles of Agreement)'.
vi. **Step 6:** Enter the seafarer's CDC number and click the 'Continue' button to proceed.
vii. **Step 7:** Fill in the Sign-Off details and click the 'Continue' button to proceed. Then, enter the fee details and click the 'Submit' button to complete the Sign-Off Ship update process.

5. **Nil Declaration**

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services
v. **Step 5:** Click the menu "Nil Declaration".
vi. **Step 6:** Select the month and year from the dropdown, mark the declaration, and click the 'Submit' button to complete the process.

6. **Emigration for Repair Technician**

i. **Step 1:** Go to the DGMA website.
ii. **Step 2:** Click the sub-menu "e-Governance" under the "I.T AND E-GOVERNANCE" menu.
iii. **Step 3:** Login with the User ID and Password provided by DGMA.
iv. **Step 4:** Navigate to Seafarer -> Recruitment and Placement Services for Non RPSL and for Shipping Company Navigate to Seafarer -> SMO-Other Activities.
v. **Step 5:** Go to eMigrate for Repair Technician → Data Submit for eMigrate.

vi. **Step 6:** Enter the Passport No. and click the button "Continue" to proceed.

vii. **Step 7:** Fill required data in the form and click the button "Submit" to complete the process.

viii. **Step 8:** Upon submission, the system will display the confirmation message: "Data submitted successfully for Passport No.: XXXXXXX and eMigrate Reference No. will be generated soon.' Simultaneously, the system will share the data with the eMigrate system and update the eMigrate Reference Number and Date of Submission in the system as received from the eMigrate system.

7.5 Transition Plan to New Systems

1. Multiple new e-Governance platforms are under development for seafarer-related processes. While certain services would be available under the e-Samudra portal, four modules for the welfare of seafarers are being developed- the 24 X 7 Grievance Redressal System, Crisis Management System, Recruitment and Placement License and Maritime Training Institutes. Additionally, an ERP solution is being developed for the SPFO and SWFS.

2. An Integrated Command and Control Centre (ICCC) would be developed in the premises of the Director-General.

3. Data would be managed and stored in cloud-based DC and DR and external applications would be integrated through APIs.

8 Grievance Redressal and Crisis Management

8 Grievance Redressal and Crisis Management

8.1 Introduction and Objective

The Director-General under MoPSW operates a centralised Grievance Redressal – Support Unit (GR–SU) to handle welfare, operational, and compliance-related grievances of Indian seafarers, licensed RPS, and other maritime stakeholders.

The GR–SU is designed as a single-window platform through the e-Gov portal / e-Samudra Portal to ensure that all grievances are addressed promptly, fairly, and in compliance with national and international maritime laws, including the MS Act, 2025 and the MLC, 2006.

1. **Objectives**

   - **Centralised Handling –** Provide a unified, transparent, and accountable mechanism for receiving, registering, and resolving grievances from seafarers, their families, and maritime stakeholders.
   - **Timely Redressal –** Establish fixed timelines for acknowledgment, investigation, escalation, and closure of grievances, ensuring that no complaint remains pending beyond the prescribed resolution period.
   - **Transparency and Tracking –** Enable real-time grievance tracking via the e-Gov portal with unique grievance IDs and status updates communicated through SMS/email at each stage.
   - **Accountability –** Assign grievance-handling responsibilities to specific officers, ensuring structured escalation to higher authorities if the stipulated timelines are breached.

8.2 Types of Grievances Covered

The Director-General addresses a wide range of grievances concerning the welfare, certification, documentation, and employment of seafarers. These include but are not limited to:

1. **INDoS –** Issues relating to INDoS registration, data correction, duplication, or record retrieval.
2. **Seafarers Profile –** Correction or updating of personal details in the e-Gov portal/e-Samudra profile.
3. **CDC –** New applications, renewals, corrections, or replacement of lost/damaged CDC.
4. **SID –** Application, biometric capture, issuance, and replacement issues.
5. **Licensed RPS –** Complaints against licensed RPS regarding non-compliance, contractual violations, or fraudulent recruitment or authorised entities recruiting and placing seafarers.
6. **Fraudulent Cases (Certifications and Documents) –** Fake certificates, forged documents, and unauthorised issuances.
7. **Cheating Cases –** Monetary or employment-related cheating by agents or companies.
8. **CoP Engineering–** Application, assessment, or revalidation-related grievances for engineering CoP.
9. **CoP Nautical –** Application, assessment, or revalidation-related grievances for nautical CoP.

10. **CoC Engineering –** Application, issuance, renewal, or assessment-related issues for engineering CoC.
11. **CoC Nautical –** Application, issuance, renewal, or assessment-related issues for nautical CoC.
12. **CoC Cookery –** Application, issuance, renewal, or assessment-related issues for cookery CoC.
13. **Assessment, Exams, Certification (Engineering) –** Scheduling, conduct, results, or discrepancies in engineering examinations.
14. **Assessment, Exams, Certification (Nautical) –** Scheduling, conduct, results, or discrepancies in nautical examinations.
15. **Placement – Prior Joining –** Contract, documentation, and payment issues before signing on a vessel.
16. **Employment – After Joining –** Wages, onboard conditions, repatriation, or contractual disputes after joining.
17. **Training –** Issues with approved maritime training institutes, course quality, fees, and recognition.
18. **Sea Services (Sign on/Sign off) –** Discrepancies, delays, or disputes in sign-on/sign-off processes.
19. **Death –** Compensation, insurance, and repatriation arrangements in case of death of a seafarer.
20. **Missing Seafarer –** Reporting, investigation, and support processes for missing persons at sea.
21. **Desertion-** Leaving duty vessel without permission and neglecting or refusing to join the vessel or proc end to sea in this vessel or be absent without leave at any time within twenty-four hours of the vessel's sailing from a port either at the commencement or during the progress of a voyage, or be absent at any time without leave and without sufficient reason from his vessel or from his duty.
22. **Abandonment/Arrest/Detention –** Cases where seafarers are abandoned or detained without proper legal or contractual support.
23. **Piracy and Hijacking –** Incidents involving maritime security threats, including hijacking or piracy.
24. **Misconduct, Alcohol –** Disciplinary actions and support in cases involving misconduct or alcohol-related issues.
25. **SWFS (Seafarers' Welfare Fund Society) –** Disputes or delays in welfare scheme benefits, insurance, or grant claims.
26. **SPFO (Seafarers' Provident Fund Organisation) –** Issues related to provident fund contributions, withdrawals, or account details.
27. **Miscellaneous –** Any other grievance not specifically categorized above but related to seafarers' welfare and rights

8.2.1 Submission Process – Online and Offline

The Director-General ensures that seafarers can submit grievances through multiple channels to maximize accessibility. The process covers all incoming grievances, whether received digitally or through direct interaction.

8.2.1.1 Receiving the Grievance

1. **Via WhatsApp / Email**

- **Acknowledge Receipt**
  - Respond promptly to the sender confirming that their grievance has been received.
  - Use the standard acknowledgment template to maintain consistency.

- **Record in Grievance Master Excel Sheet**
  - Open the Grievance Master Excel Sheet maintained by the GR-SU.
  - Enter all mandatory details, including:
    - Date of receipt
    - Name of complainant
    - INDoS / CDC number
    - Contact number and email address
    - Mode of grievance submission (WhatsApp/Email)
    - Grievance type (as per categorisation list)
    - Detailed description of the issue
    - Department assigned for action
    - Current status of grievance
    - Any remarks or follow-up dates

- **Forward to Concerned Department**
  - Email the grievance details to the assigned department for necessary action.
  - CC the relevant supervisory officials to ensure oversight.
  - Attach any supporting documents received from the complainant.

2. **Via Phone Call**

- **Listen Politely & Understand the Issue**
  - Allow the caller to explain their concern without interruption.
  - Take note of the key facts.

- **Request Written Submission**
  - Politely inform the caller that a written record (WhatsApp or Email) is required for processing.
  - Share the standard WhatsApp message template for grievance submission, ensuring all mandatory fields are included.

- **If Caller Insists on Verbal Only**
  - Record the grievance details directly during the call.

- Enter all data into the Grievance Master Excel Sheet as per the WhatsApp/Email process.
- Forward details to the concerned department via email

3. **Missed Call**

- **Call Back Promptly**
  - Return the missed call at the earliest opportunity.
- **Guide on Submission Process**
  - Explain the WhatsApp/Email grievance process clearly.
  - Share the standard template for submission.

4. **Additional Notes**

- **Confidentiality:** All grievance details must be treated as confidential and shared only with authorized personnel.
- **Time-Bound Entry:** All grievances received must be entered into the system within 24 hours of receipt.
- **Reference Number:** Each grievance should be assigned a unique reference number for tracking.
- **Follow-Up Tracking:** The Excel sheet should be updated regularly to reflect changes in status (e.g., "Forwarded," "Under Review," "Resolved").

8.2.1.2 Lodging in e-Gov system (For Main Grievance Categories)

For grievances that fall under the main operational categories (INDoS, CDC, BSID, RPSL, Fraudulent Cases, Employment, Training, etc.), the process is as follows:

1. **Access the e-Gov Portal**

- Visit https://www.dgshipping.gov.in
- Navigate to: IT & e-Governance → e-Governance

2. **Login**

- Enter Support Unit credentials (authorised personnel only).

3. **Open the Grievance Submission Module**

- Path: Administration → Grievance Redressal → Submit Grievance

4. **Retrieve Seafarer Profile**

- Enter the INDoS number.
- The system will auto-populate the seafarer's profile details (name, DOB, CDC number, etc.).

5. **Select Grievance Type**

- Choose the relevant grievance category from the dropdown.
- If "Others" is selected, specify the subcategory clearly in the remarks field.

6. **Select Relevant Office**
   - Under "Office Applied To," choose the correct MMD or DGMA section responsible for the grievance type.
7. **Enter Grievance Details**
   - Paste the grievance description from the original submission.
   - Ensure details are concise, factual, and complete.
8. **Upload Supporting Documents**
   - Attach relevant PDFs (certificates, contracts, payment proofs, correspondence, etc.).
9. **Submit Grievance**
   - Click Submit to generate a ticket ID.
10. **Update Master Record**
    - Enter the submission date, grievance category, status, and ticket ID in the Grievance Master Excel Sheet.

8.2.1.3 CoC / COP Issues

For grievances specifically related to CoC or CoP, the following steps apply:

1. **Access Seafarer Profile**
   - From the DG Shipping homepage, open Seafarer Profile.
2. **Retrieve Details**
   - Enter the INDoS number to fetch all relevant seafarer records and certification details.
3. **Forward to Relevant Department**
   - Email the grievance along with profile details to the concerned CoC or CoP section.
   - Ensure all attachments (scanned certificates, correspondence, etc.) are included.
4. **Update Master Record**
   - Record the forwarding details, date, and department name in the Grievance Master Excel Sheet

8.3 Timeline and SOP for Redressal

1. **Acknowledgement**
   - Timeline: Within 1 hour of receipt during working hours.
   - Action:
     - Respond via the same channel as received (WhatsApp, email, phone).

- Confirm that the grievance has been received and is under processing.

2. **Excel Entry**

- Timeline: Within 1 hour of receipt.
- Action:
  - Enter all mandatory details in the Grievance Master Excel Sheet:
    - Date and time of receipt
    - Name of complainant
    - INDoS/CDC number
    - Contact details
    - Mode of receipt (WhatsApp/Email/Call)
    - Grievance type and description
    - Assigned department
    - Initial status

3. **Forwarding to Department**

- Timeline: Same day of receipt.
- Action:
  - Forward grievance details via official email to the concerned department, ensuring CC to relevant officials (DDG Crew, section heads).
  - Attach all supporting documents.

4. **First Follow-Up**

- Timeline: Day 2 after receipt.
- Action:
  - Contact the assigned department to check progress.
  - Record follow-up date and remarks in the Excel sheet.

5. **Weekly Review**

- Timeline: Every Monday.
- Action:
  - Conduct review of all open grievances in coordination with department heads.
  - Prioritize cases nearing escalation timelines.

6. **Closure Update**
   - Timeline: Within 24 hours of resolution confirmation from the department.
   - Action:
     - Update status in Excel as "Closed."
     - Inform the complainant via the original channel.
     - Archive case files for audit reference.
7. **Missed Call Return**
   - Timeline: Within 2 hours during working hours.
   - Action:
     - Call back the complainant.
     - Record interaction in the Excel sheet.
     - Guide them to submit grievance via WhatsApp or email if not yet done.
8. **Escalation Protocols**
   - Trigger: If unresolved beyond 7 days from receipt.
   - Action:
     - Escalate to DDG (Crew) with a complete follow-up history.
     - Mark status as "Escalated" in Excel.
     - Maintain daily follow-up until resolution.
9. **Shift-Wise Operational SOP (24x7 Unit)**
   - Morning Shift (07:00 – 15:00)
     - Data entry for new grievances.
     - Respond to emails and WhatsApp messages.
     - Coordinate with departments for pending case updates.
   - Evening Shift (15:00 – 22:00)
     - Follow-up calls with departments.
     - Record status updates.
     - Documentation and escalation preparation.
   - Night Shift (22:00 – 07:00)
     - Handle urgent/emergency grievances.
     - Return missed calls.
     - Escalate critical unresolved matters to higher authority via night duty officer.

8.4 Process of Related to handling of Grievances of seafarers

1. A grievance redressal mechanism for seafarers was initiated vide Circular No. 03 of 2011(F. No.CR/Misc/10/2011) dated 05.07.2011, Merchant Shipping Notice No. 03 of 2013 dated 30.01.2013 and further incorporated with online grievance redressal mechanism vide Merchant Shipping Notice No. 06 of 2019 dated 21.08.2019. Consolidated guidelines for addressing the seafarer grievances are as follows:

2. The MLC addresses the issues and concerns entailing the resolution the grievances of seafarers through onboard complaint procedure as well as onshore seafarer grievance handling procedure.

3. **Onboard Grievance Handling procedure:**

   - Reference to MS Notice No. 04 of 2013 dated 30.01.2013, following complaint/grievance redressal procedures are prescribed for an adoption on board Indian flag vessels, in compliance of the requirements under the MLC, 2006 (Regulation 5.1.5):

   - **Initial Complaint**

     - Any seafarer with any grievance must submit a written complaint to their Head of Department (HoD) that be immediately and formally acknowledged by the HoD.

   - **Escalation to Master**

     - If the HoD cannot resolve the complaint within **3 days** of receipt of such compliant, it must be referred to the Master of the ship.

     - The Master must personally handle and settle the issue within **7 days** of receiving it.

   - **Right to Representation**

     - A seafarer can always be accompanied and represented by another seafarer of their choice during the complaint process.

   - **Record Keeping**

     - All complaints and decisions must be recorded in the official record book.

     - A copy of the decision must be given to the seafarer.

     - Records must be kept on board for at least **3 years** and be available for inspection.

   - **Escalation to Shipowner**

     - If the Master cannot resolve the complaint, it must be referred to the shipowner, with immediate intimation to the seafarer.

     - The ship owner must resolve the matter within **1 month** of receiving the complaint.

     - The Master shall make the contact details of the shipowner available on board.

     - The ship owner may set up a committee comprising of seafarers' unions to resolve the complaint.

   - **Grievance Redressal Authority**

- If the complaint is not resolved by the recruitment service provider, shipowner, or Committee within one month, the seafarer can approach the competent authority through the Grievance Redressal Mechanism as set out vide this MS Notice No.03 of 2013 dated 30.01.2013 and MS Notice No. 06 of 2019 dated 21.08.2019.
- The complaint must include copies of all earlier complaints and replies from superiors, ship owner, or union.

- **Foreign Port Complaints**
  - While at a foreign port during a voyage, a seafarer can report complaints about breaches of the **MLC, 2006** (including seafarers' rights) to the authorised officer at that port.
- **Direct Complaints**
  - Seafarers also have the right to file complaints directly with the Master, recruitment service provider, ship owner, or any other legal entity they consider appropriate. (MS Notice No. 04 of 2013 dated 30.01.2013 may be referred from the LINK).
- Any grievances of a seafarer shall be brought within a period of three years from the date of such incident.

4. **Onshore Grievance Handling Procedure:**

Reference MS Notice No. 03 of 2013 dated 30.01.2013, following complaint/ grievance redressal procedures are prescribed for submission with the Director-General and allied offices, if not resolved by the Master/RPS/Shipping Co.:

- The following officers under the director-General are declared as `Designated Grievance Redressal Officer' (DGRO) under the 'Grievance Redressal Mechanism' for receiving complaints and resolving grievances of Indian seafarers:
  - Surveyor-IN-charge, MMD, Haldia/ Jamnagar /Mormugoa /Manglor /Paradip /Port Blair / Tuticorin / Visakhapatnam.
  - Officers in the offices of the Principal Officers, MMD, Chennai/ Kandla/ Kochi/ Kolkata/ Mumbai specially designated by the respective Principal Officers.
  - Shipping Masters, Chennai/ Kolkata/ Mumbai.
- Any aggrieved seafarer may submit his grievance application, in writing, to the jurisdictional DGRO, as indicated in para 3.4(a) above in the prescribed form (Annexure - I).
- A seafarer shall submit his grievance to the said DGRO only after taking up the same with his recruitment & placement service provider/employer/ship owner concerned and including the committee set up by the ship-owner comprising the seafarers' unions (if applicable), along-with copies of such complaint(s) & replies received thereto from such entities.
- Where appropriate, given the nature of the complaint, the initial investigation shall include consideration of whether the on-board complaint procedures have been explored, and the DGRO may also conduct a more detailed inspection in accordance with MLR, 2026.

- Such grievances shall be registered formally & recorded and an acknowledgement & a registration no. shall be assigned thereto & communicated to the seafarer concerned, under speed post acknowledgement due, within three working days of the receipt of the grievance by the said DGRO.
- The DGRO may transfer such a grievance which is not under his jurisdiction to the concerned DGRO within three days of its receipt, under a formal intimation to the seafarer concerned, by speed post acknowledgement due.
- The DGRO shall attend to the grievance(s) and dispose of the same with a speaking order within a period not exceeding thirty working days of receipt.
- In the event of purported grievance raised by seafarer, any complaint of performance, incompetence, negligence, or breach of the code of conduct against the seafarer, shall be considered when inquiring into the same.
- Any grievances of a seafarer shall be brought within a period of three years from the date of such incident.

5. **First Appeal**

- Any seafarer who is aggrieved by a decision of the DGRO may prefer an appeal to the jurisdictional principal officer within 30 days of receipt of such decision of DGRO.
- The principal officer shall dispose off the first appeal with reasoned order within 30 days of the date of receipt of an appeal or within such extended period not exceeding a total of sixty days from the date of filing/ receipt thereof.
- Late appeal may be considered if the principal officer is satisfied that the appellant was prevented by sufficient and reasonable cause, on record, from filing an appeal in time.

6. **Second appeal:**

- Any seafarer who is aggrieved by the order of the first appeals may prefer an appeal to Director-General within 30 days of receipt of such order.
- Late appeal may be considered if the Director-General is satisfied that the appellant was prevented by sufficient and reasonable cause, on record, from filing an appeal in time.
- The decision of the Director-General shall be final.

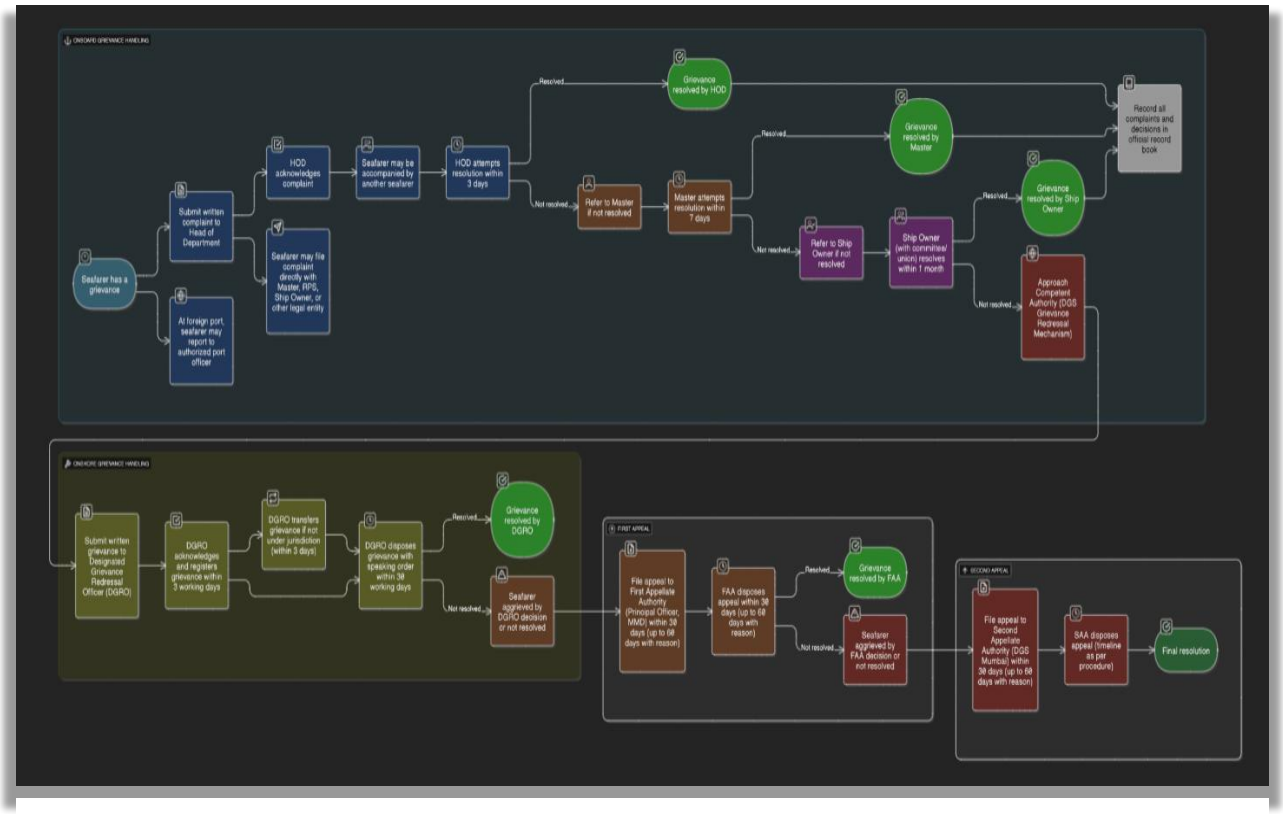


Figure 3- Flow Chart for onboard and onshore offline grievance redressal mechanism is illustrated below for reference

7. **Online Grievance redressal Mechanism:**

Reference DGMA MS Notice No. 06 of 2019 dated 21.08.2019 and Standard Operating Procedure for filing online grievances, following procedure may be adopted by the Indian seafarer for lodging their grievances online:

- Submission of grievances by seafarer online
    - Log in to the e-Gov portal.
    - Click the link "Grievance Redressal Mechanism".
    - Fill the required data and submit, upon submission, system generates a Reference No.
    - Status of the application can be viewed by clicking the link "Grievance redressal Mechanism".
    - If any Query raised by the department, seafarer could reply using the link "Grievance Redressal Mechanism".
    - Click "View" in the link to view the Query raised along with reply submitted.
    - Note: For detailed online lodging of seafarer grievances Standard Operating procedure available at DG Shipping website may be referred from the LINK

- Action taken by the jurisdictional grievance redressal official
    - Verify the data submitted by the seafarer.
    - May send query to applicant, if required.

- May send query to RPSL agency and Shipping company.
- On receipt of response to the query, the grievance may be disposed of.

- Action by the concerned licensed RPS

  - Log in to the e-Gov portal.
  - Go to the link Recruitment and Placement Services ->Grievance Redressal ->View List
  - Click "Reply" link to submit reply
  - Click "View" link to view the Query raised along with reply submitted.

- Action by the concerned shipping company

  - Log in to the e-Gov portal.
  - Go to the link SMO-Other Activities ->Grievance Redressal -> View List
  - Click "Reply" link to submit reply. (DGMA MS Notice No. 06 of 2019 dated 21.08.2019 may be referred from the LINK)

8. **Grievance Redressal Mechanism for women seafarers:**

- Sexual harassment Onboard Complaints and redressal procedure:

  - Every effort should be made by means of set procedures and guidelines, to resolve onboard complaints of sexual harassment on the ship itself in a fair, effective and expeditious manner, keeping the confidentiality of complainant and person against whom complaint is made.
  - An onboard complaint should be submitted to the Shipboard Enquiry Committee (SEC) in writing, who will in turn submit its report to shore Internal "Complaints Committee" within 7 days from the date of receipt of complaint in the format in Appendix I. Complaints can also be made online in the "Grievance report for female seafarers" on e-Gov portal. However, unresolved complaints should be referred to Internal "Complaints Committee" at the shore office and shall be resolved within defined time period.
  - Disembarkation of the complainant shall be avoided till the time her safety is not at stake. If signing off is decided by SEC, then this should be done in safe and secure manner.
  - Notwithstanding above paragraph, a complainant may report to shore complaints committee directly.

- Shore Complaints and redressal mechanism for Women Seafarers:

  - Once referred ashore, the ship-owners should be guided by The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, as amended, provided that internal "Complaints Committee" should include 2 senior women seafarers.
  - Rights of complainant should be protected including security of their existing job. At no point shall the complainant be penalised for making a complaint.

- Ship-owners should provide suitable contact person / counsellor ashore for grievance redressal of women seafarers.
- Ship-owners should take all adequate measures, by promulgating procedures/ recommendations/ guidelines for prevention of sexual harassment on board.
- Ship- owner should provide contact details of Internal "Complaints Committee" to all persons on board.
- Shore personnel who are part of the Internal "Complaints Committee" should be sensitive to gender related issues on board and periodically undergo training in this regard.
- In order to register complaints by women seafarers with regard to violations of MS Notice 7 of 2019 a separate facility "Grievance Report for Women Seafarers" has been added in the e-Gov portal.
- The women seafarers can register their grievance related to "Sexual Harassment at workplace" and "Infrastructure and Facilities" only with regard to violations of M. S. Notice 7 of 2019 on the "Grievance Report for Women Seafarer" facility. For other grievances Women/Male seafarer are to register their grievance on "Grievance Redressal Mechanism".
- Constitution of Complaint Committee regarding Sexual Harassment on Women seafarers at workplace:
- Following personnel has been nominated for complaint committee for women seafarers in accordance with DGMA Order No. 10 of 2024 dated 14.06.2024:

Sl. No.	Name of Person	Organization	Position	Contact Details
1	Ms. H. K. Joshi	Ex-CMD, SCI, Mumbai	Chairperson	Joshi.hkj@gmail.com
2	Capt. Radhika Menon	Founder, International Women Seafarer Foundation (IWSF)	Member	radhikamcmenon@yahoo.com trustee@iwsf.co.in
3	Ms. Sonali Banerjee	IRS	Member	sonali.banerjee@irclass.org
4	Ms. Sandhya Pillai	Maritime Lawyer & Director, M/s SSS Maritime Services	Member	vmtlegal@gmail.com sanndhya24@gmail.com
5	Mr. Mridu Murchhana Sharma	Psychologist	Member	sharmamridum@gmail.com

Sl. No.	Name of Person	Organization	Position	Contact Details
6	Ms. Sanjam Gupta	WISTA and Founder Member of SheEo	Member	sanjam@maritimesheeo.com sanjam@sitarashipping.co.in
7	Capt. Manish Kumar	Nautical Surveyor – cum – Deputy Director General of Shipping.	Member Convener	manish.kumar-dgs@gov.in
8	Mrs. Saleha Shaikh	Head Coordinator, MUI Women's Wing.	Member	muiww@maritimeunionofindia.com
9	Capt. Sankalp Shukla	MD, M/s BSM Ship Management Pvt. Ltd. Mumbai	Member	sankalp.shukla@bsm-shipmanagement.com

Table 19: Nominated personnel for complaint committee for women seafarers

- MS Notice 07 of 2019 dated 25.09.2019- LINK,
- MS Notice 03 of 2023 dated 03.01.2023- LINK
- DGMA Order 10 of 2024 dated 14.06.2024- LINK

9. **Contact Points for Seafarers - Crisis / Grievances Redressal Mechanism:**

Sl No.	Name of Office/ officers	Subject / Issues	Email ID	Phone Number
DGCOMM CENTRE, MUMBAI				
1	DGComm Centre First point of contact for seafarers' grievances		support.dgs@gov.in	(24 x 7) +91-22-22613668 (WhatsApp / Calls) +91-8657549760 +91-9004048406 +91-9004062624
DGMA, Kanjurmarg, Mumbai				

Sl No.	Name of Office/ officers	Subject / Issues	Email ID	Phone Number
2	Crew Branch	All matters related to seafarers, RPSL / Indian Companies	crews-dgs@nic.in	+91-9004453545
3	Capt. PC Meena	Dy Director General of Shipping	pcmeena-dgs@gov.in	+91-22-25752020 (WhatsApp / Calls) +91-7039363939
MUMBAI				
4	Seamen's Employment Office, Nau Bhavan, 1st Floor-10, Ramjibhai Kamani Marg, Ballard Estate, Mumbai - 400001	All matters related to RPSL Companies	dirseo-dgs@gov.in	+91-22-22692984 +91-22-22692985
5	Government Shipping Office, Nau Bhavan, 1st Floor-10, Ramjibhai Kamani Marg, Ballard Estate, Mumbai – 400001	All matters related to Shipping Companies / CDC / BSID	sm-mum-ship@gov.in	+91-22-22697971 +91-22-22697972
KOLKATA				
6	Government Shipping Office, Marine House, Hastings, Kolkata - 700022	All matters related to Shipping Companies / CDC / BSID	sm-kol-ship@gov.in	+91-33-22230169 +91-33-22230248
7	Director Seamen's Employment Office Marine House, Hastings, Kolkata - 700022	All matters related to RPSL Companies	seo.kol-ship@gov.in	+91-33-22230336
CHENNAI				

Sl No.	Name of Office/ officers	Subject / Issues	Email ID	Phone Number
8	Government Shipping Office, Anchor gate Building, 1st Floor, P.B.No.5004, Rajaji	All matters related to Shipping Companies / CDC / BSID	sm-chn-ship@gov.in	+91-44-25255552
9	Seamen's Employment Office, Anchor gate Building, 1st Floor, P.B.No.5004, Rajaji Salai, Chennai – 600001	All matters related to RPSL Companies	sm-chn-ship@gov.in	+91-44-25255552
Director General of Shipping, Mumbai				
10	Shri Shyam Jagannathan, IAS	All matters	dg-dgs@gov.in	+91-22-25752005 +91-22-

Table 21- Contact Points for Seafarers' Grievances

10. **Grievance Response Committee:**

- The Grievance Response Committee (GRC) shall comprise of the following:
    - Shri Ajith Kumar Sukumaran, Chief Surveyor - Chairperson
    - Capt S.I. Abul Kalam Azad, Nautical Advisor (I/c) - Member
    - Capt. (Dr.) Daniel J Joseph, Dy. Director General of Shipping - Member Secretary
    - Capt Nitin Mukesh, Dy. Nautical Advisor, DG Shipping - Member
    - Capt. Harinder Singh, Nautical Surveyor, DG Shipping - Member
    - Legal Consultant (Crew Branch) - Advocate Vivek Joy and support from legal consultant in Crew Branch

- The GRC shall take cognizance of the same and pass orders thereon, received before or after constitution of the Committee, with the prior sanction of the Director General of Shipping as the case may be.

- The GRC shall examine the factual circumstances, involved in the occurrence or likely hood of occurrence of the incidents under consideration of the GRC, including but not limited to the ship board environment, statement of other fellow seafarers and senior officers, any available written, audio, or video evidence and to investigate for the purpose of adopting proactive measures and recommend such measures to be issued by the officers / authorities concerned so as to mitigate, prevent and / or save any seafarer from ongoing victimization.

- In the event of incidents of the past being considered by the GRC, it shall monitor the adjudicatory process initiated by DSEO, if any; and in the event of no pending procedures before the DSEO the GRC may make such recommendations to the officers or authorities concerned who shall take such measures in accordance with the applicable law and procedures.
- The GRC may also recommend measures of general nature including, but not limited to: Advising the concerned seafarer or NOK regarding the possible measures to be adopted; Recommend measures to pre-empt circumstances, involving potential violations of seafarers' rights, breach of duty of care onboard vessels, and general neglect of mental health and wellbeing, whereby the Indian seafarers, including trainees, cadets and such other novices become prone to developing psychological vulnerability and such conditions;
- Implement methodology to ascertain possible psychiatric screening or evaluations at selections or entry level of career at sea.
- Closely examine methodology and accessibility of information to DG Comm centre for the purpose of ready reference and response thereof to pre-empt undesirable acts committed by the victims such as suicide.
- The GRC upon conclusion of its examination, inquiry and / or investigation shall submit the finalized report with recommendations to the Director-General. The report so finalised and submitted by GRC may be used for initiating appropriate measures by authorized officer or authority in accordance with the MS Act, 2025 and allied rules. The said report shall form part of internal consultation and reference of the maritime administration for the purpose of taking such measures as deemed fit, to avoid similar instances in future. (DGMA Order 04 of 2025 dated 21.04.2025 may be referred from the LINK)

8.5 Process related to crisis management of seafarer

Following guidelines may be followed in case of the following Marine crew Crisis situations:

1. **Crew on a merchant ship is abandoned in a foreign port**

Reference the DGMA advisory dated 03.06.2024, following familiar pattern of events as listed below often unfolds for crew abandonment, following are the warning signs:

- Ships are generally anchored for longer periods with no voyage orders
- Fuel for generators runs out and vessel black outs
- No spares, paints etc. on board to continue onboard maintenance
- Salaries stop being paid (more than 2 months' salary not paid)
- Shore leave is denied
- Food and freshwater stops being supplied
- Services provided to the ship go unpaid
- Often the ship owner cannot be traced or remains in the background, sometimes threatening the crew and making false promises
- On board, phone cards run out of credit and seafarers are unable call home

- Relationships suffer as boredom sets in and tempers flare
- Families of seafarers are left begging for help

2. **Be alert to the early signs of abandonment and take action as soon as appropriate. If abandoned, seek outside help immediately from following:**
   - Port State Control authority
   - Flag State of your ship
   - Indian embassy or consulate
   - DGMA (Indian Maritime Administration)
   - ITF / your own or local trade union
   - Welfare organizations and/or a local lawyer
3. If ship-owners / licensed RPS are RESPONDING and vessels P&I certificate is valid and seafarer is not paid for wages, food, accommodation, drinking water supplies, fuel for survival on board the ship & medical care then vessels Master should directly access financial security system under the MLC (for up to four months) for paid wages and repatriation at no cost to seafarer.
   - Vessels Master should approach the concerned P&I through the flag state to invoke financial security system under the MLC to affect the repatriation of the seafarer.
4. **If ship-owners are NOT RESPONDING and vessels P&I certificate is NOT valid**
   - Vessels Master CANNOT invoke financial security system under the MLC as P&I is invalid
   - Immediately approach seafarers trade union or Indian embassy or consulate or Welfare organizations to arrange for a local lawyer to enforce your maritime lien rights by arresting the ship to which the maritime lien attaches, or by arresting a sister ship or ship-owners other vessel if your own ship value is insufficient to pay for your wages and repatriation.
   - As the ship owner is evading your claim, you may be able to obtain a court order compelling him not to remove his assets (ship) from the country and pay your dues and repatriation based on your employment agreement you can execute the judgment against those assets.
   - Obtain assistance for survival, accommodation, food, water etc. from local port authority, ITF, your own local trade unions and welfare organizations till vessel is arrested and auctioned and your wages (4 months) and repatriation would be settled through auctioning of the vessel
   - Obtain assistance from lawyer if you are at risk of detention and deportation to manage these risks and ensure your repatriation.
5. **Seafarer found missing at sea:**
   - Vessels Master will inform all parties and initiate search and rescue (SAR) as per IAMSAR and applicable SOP.
   - On receipt of information from vessel, licensed RPS/ family (NoK) may inform DGCOMM and seek updates

- It is ship-owners / licensed RPS who are duty bound to provide updates about SAR.
- If missing seafarer is found at sea alive, will be rescued & all parties would be informed
- If missing seafarer is found at sea & found dead, body will be retrieved and all parties would be informed, vessel will be diverted to nearest port, flag inspectors, P&I & local law enforcing agencies will board for investigations and then body would be sent for postmortem, after local formalities are completed, mortal remains will be repatriated to back to hometown
- If missing seafarer is NOT found after extensive search, search will be called off, all parties would be informed, vessel will proceed to next port of call, flag inspectors, P&I & local law enforcing agencies will board for investigations and submit report to flag state & the Director-General.
- Basis the report (if missing and no suicide), then the Director-General will direct Shipping Master for cancellation of CDC and passport to MEA, and issuance of Presume Death Certificate (PDC).
- Basis issuance of PDC, P&I will issue compensations to NoK as per applicable CBA.

6. **Vessel is detained / arrested and crew kept arrested and confined onboard:**

Vessel may be arrested for carrying out illegal activities (which are forbidden by law) such as:

- Cargo theft or illegal smuggling
- Illegal cargo / fuel discharge
- Firearms or banned articles smuggling
- Geopolitical issues

In view of above, following actions are to be taken:

- Immediately contact ship-owners / RPS agents to inform Flag State of your ship, Indian embassy or consulate and DGMA about situation.
- DGMA will contact the MEA to provide consular access in respective country through Indian Embassy / Consulate and provide necessary support
- DGMA through Indian Embassy / Consulate would request to provide seafarers survival, accommodation, food, water etc. in ship and assist in repatriation through diplomatic channels
- All measures will be taken diplomatically for crew welfare, well-being & early repatriation

7. **Vessel is detained / arrested and crew taken in jail:**

Vessel may be arrested for carrying out illegal activities (which are forbidden by law) such as:

- Narcotics / contraband drugs smuggling
- Cargo theft or illegal smuggling
- Illegal cargo / fuel discharge
- Firearms or banned articles smuggling

- Rape or Murder charges
- Geopolitical issues

In view of above, following actions are to be taken:

- Immediately contact ship-owners / licensed RPS to inform Flag State, Indian embassy or consulate and DGMA about situation.
- DGMA will contact MEA to provide consular access in respective country through Indian Embassy / Consulate and provide necessary legal support.
- DGMA through Indian Embassy / Consulate would request ship-owners to provide best legal support to defend the case and assist as required.
- Closure of matter may take time depending upon the law of the land (court decision).

8. **In case of death of an Indian national due to sickness or other non – accidental causes**

- Send 'first information report' for marine casualty (attached as Annexure II) to owner/ manager/ agent/ master or other concerned, asking them to update all the required information in the 'online casualty module' and also to complete the details of the incident, and sent back the dully completed form to 'DG Comm Centre' by email. [email ID – dgcommcentre-dgs@nic.in]
- Inform DDG (Crew), about the incident by Phone.
- In case of a foreign flag vessel, confirm from the e-Gov portal the name of the licensed RPS.
- In case of occurrence happening on Indian Flag vessels, to confirm instructions from DDG (Crew), and issue notice to the concerned Shipping Master to conduct an inquiry as per Section 294 of MS Act, 2025.
- In case of occurrence happening on foreign flag vessel, to confirm instructions from DDG (Crew), and issue a letter to the concerned Flag State to conduct investigation into the incident.
- In case of the occurrence happening in Indian waters, inform the local Authorities as applicable for necessary assistance and for the required formalities.
- In case of occurrence happening in foreign waters, contact the Indian High Commission/ Indian Embassy/ Indian Consulate as applicable, informing regarding the incident and requesting to render assistance as required, and also request to conduct a fact- finding inquiry into the incident.
- Send all correspondence received to DDG (Crew) and copy same to Nautical Advisor and Nautical Surveyor (Casualty and Response).

9. **Making a claim for death or long-term disability: [Ensure you clearly have provided full details of your Next of Kin (NoK) prior joining ship]**

- Seafarer death and long-term disability are seafarers' rights and would be provided to seafarer/ NoK as per agreed terms & conditions as per applicable CBA.
- DGMA has adopted compensation due to seafarers and their family in the MS Act, 2025 and allied rules.
- Seafarer or NoK representative can directly request contractual compensation.

- If the nature of long-term disability makes it difficult to assess the full compensation, seafarer must be given an interim payment to avoid undue hardship.
- Seafarer of NoK must approach the company for compensation claims and if there are unusual delays, should approach Directorate for expediting the matter Death cases.

10. **Where NO compensation would be given by ship-owners to NoK**

- Seafarer commits suicide (witness / with proof such as CCTV recording etc.)
- Seafarer death due to non-occupational disease (suffering from cancer, TB etc. prior joining)
- Seafarer doesn't declare his health / medical issues (due diligence)

11. **Medical Emergency at Sea:**

- Immediate first aid by the Medical Practitioner/nominated Medical Practitioner/ trained personnel onboard.
- Contact Telemedical Assistance Service (TMAS) or company-appointed medical responder
- Inform DGCOMM Centre and DPA (Designated Person Ashore)
- Consider medical evacuation if situation is critical
- Maintain medical log and incident report
- Follow up with port health authorities and insurance claims post-disembarkation.

12. **Pirate Attack:**

- Vessel Readiness and Preventive Measures Against Piracy Threats

Vessels must remain in a constant state of operational readiness to respond to piracy threats, particularly when navigating through regions such as the Gulf of Guinea, the Strait of Bab al-Mandab, the Somalia Basin and the Gulf of Aden amongst others. The Master and crew are required to adopt a proactive approach by maintaining heightened vigilance, ensuring continuous monitoring of surrounding waters, and keeping all anti-piracy measures fully operational. This includes regular drills, clear allocation of duties, readiness of physical deterrents, and ensuring that all crew members are familiar with emergency procedures such as citadel access, alarm signals, and distress communication protocols. Preparedness in such areas is not situational but continuous, forming an integral part of safe vessel operations.

In this context, strict compliance must be ensured with all maritime security circulars, advisories, and notices issued by the Directorate General of Maritime Administration from time to time. Furthermore, vessels are required to adhere to the Best Management Practices for Maritime Security (BMP MS, 2025), which provide standardized measures for deterrence, prevention, and response to piracy incidents. These frameworks collectively establish a structured and uniform approach to maritime security, enabling effective coordination with international reporting centres and naval forces while ensuring that the safety and well-being of seafarers remain the foremost priority.

13. **For future reference to Standard Operating Procedures (SOPs), orders, circulars, notices, advisories, and related directives, seafarers are advised to refer to the website of DGMA.**

- Reporting a Piracy Attack:
    - In the event of a piracy or armed robbery incident, the Master shall promptly report the occurrence to the Flag State Administration. For Indian-flagged vessels, such reports shall be made to the Director-General.
    - Additionally, in cases involving hijacking or attempted hijacking within Indian waters, the incident shall be immediately reported to the Information Fusion Centre – Indian Ocean Region (IFC-IOR) Email: ifc-ior.gurugram@navy.gov.in Telephone: (+91) 124 – 2208385, Mobile/WhatsApp: (+91) 8527599898. and the Maritime Rescue Coordination Centre (MRCC) Email: mrcc-west@indiancoastguard.nic.in Telephone: (+91) 22 2438 8065, (+91) 22 2430 1455, Fax: (+91) 22 2431 6558 to facilitate coordinated response and assistance.
    - For coordination with the Indian Administration, communication shall be established with the MMDAC DGCOMM Centre, which functions as the designated 24/7 point of contact for maritime incident reporting and response, The International Maritime Organization (IMO) recommends in MSC Circular 623/Rev.3 dt. 29.05.02 that reports concerning attacks by pirates or armed robbers should be made to the relevant Rescue Coordination Centre (RCC) for the area. Information on RCCs may be found in the Search and Rescue Section of volume 5 of the Admiralty List of Radio Signals.
    - If suspicious movements are identified which may result in an imminent attack, the ship is advised to contact the relevant RCC. Where the master believes these movements could constitute a direct danger to navigation, consideration should be given to broadcasting an "All Stations (CQ)" "danger message" as a warning to other ships in the vicinity as well as advising the appropriate RCC. A danger message should be transmitted in plain language on a VHF working frequency following an announcement on VHF Channel 16, and/or transmission of a DSC call on VHF Channel 70 using the "safety" priority. All such messages shall be preceded by the safety signal (Securite).
    - When, in his opinion, there is conclusive evidence that the safety of his ship is threatened, the master should immediately contact the relevant RCC and, if considered appropriate, authorize broadcast of an "Urgency Message" on VHF Channel 16, 2182 kHz, or any other radio communications service he considers appropriate; e.g. 500 kHz, INMARSAT, etc. and/or a DSC call on VHF Channel 70 and/or 2187.5 kHz using the "all ships urgency" category. If the Urgency signal has been used and an attack does not, in fact, develop, the ship should cancel the message as soon as it knows that action is no longer necessary. This message of cancellation should likewise be addressed to "all stations".
    - Should an attack occur and, in the opinion of the master, the ship or crew are in grave and imminent danger requiring immediate assistance, he should immediately authorize the broadcast of a "Distress message", using the radio communication systems most appropriate for the area considering its GMDSS designation; i.e. A1, A2, A3 or A4. To minimize delay, if using a ship earth station, ships should ensure the coast earth station associated with the RCC is used.

14. **Crisis Management and Reaction group:**

Reference DGMA Order No. 10 of 23 dated 11.08.2023, for immediate response in the matter of incidents of casualties, loss of lives and missing of Indian seafarers; Abandonment/Stranding of vessel

having Indian Seafarers on board; Arrest of Indian Seafarers in foreign land etc. following officers has been nominated for forming Crisis Management and Reaction Group:

Sl. No.	Designation of Officer	Position
1	Director-General	Chairman
2	Additional Director-General	Dy. Chairman
3	Deputy Director-General (Crew Branch)	Member Secretary
4	Deputy Director-General (Training Branch)	Member Secretary
5	Principal Officer, Mercantile Marine Department	Member
6	Capt. Anish Joseph, Dy. NA	Member
7	Capt. Daniel Joseph, NS	Member
8	Capt. Harinder Singh, NS	Member
9	Director, Seamen's Employment Office (Mumbai/ Chennai/ Kolkata)	Member.
10	Shipping Master, Govt. Shipping Office (Mumbai/ Chennai/ Kolkata)	Member

Table 22- Position of Various Officers at Crisis Management and Reaction Group

The role of this group is it to synergize the collective expertise and efforts dedicate full to ensure the prompt and effective handling of these incidents.

(DGMA order 10 of 2023 dated 11.08.2023 may be referred from the LINK)

8.6 Receipt of information regarding Casualty

The Director-General has introduced online 'Marine Casualty Reporting System'. This system can be accessed through the portal https://dgma.gov.in/ - "DG Comm Centre Online Marine Casualty Reporting".

(Detailed guidelines regarding 'Marine Casualty Reporting System' vide MS Notice No. 12 of 2020 dated 30.09.2020 may be referred from the LINK)

'DGCOMM Centre' is manned 24x7 and is the first point of contact in case of any marine casualty involving 'Indian vessel' or 'any vessel in Indian waters' or 'any Indian national'. Casualty information may be received from different sources such as Ship owner, Ship Manager, licensed RPS, Master, Crew, Port Authorities, Foreign Flag Administration, Families of crew, and other Public Authorities such as Navy, Coast Guard, Customs.

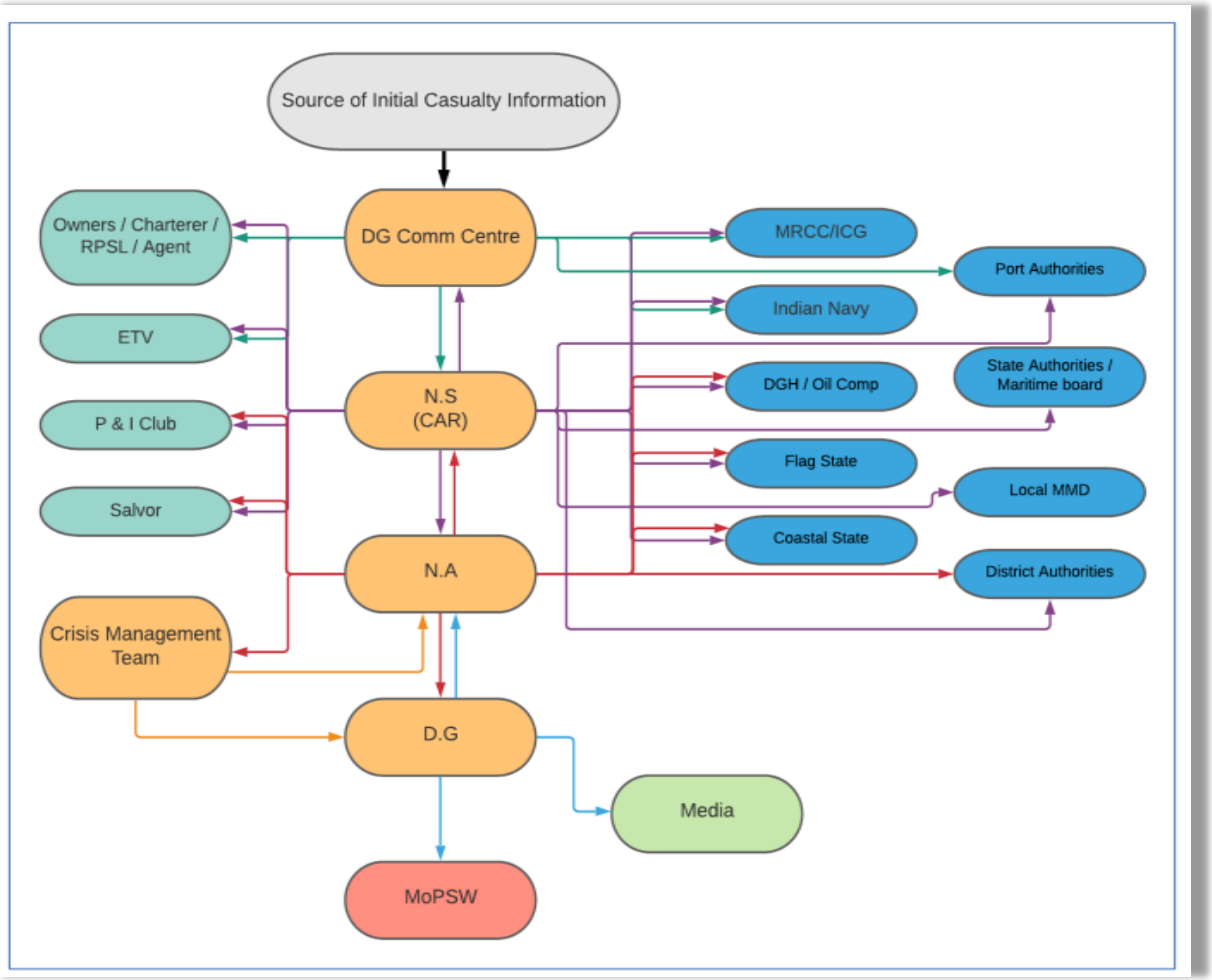


Figure 4- Flowchart Showing Communication Flow

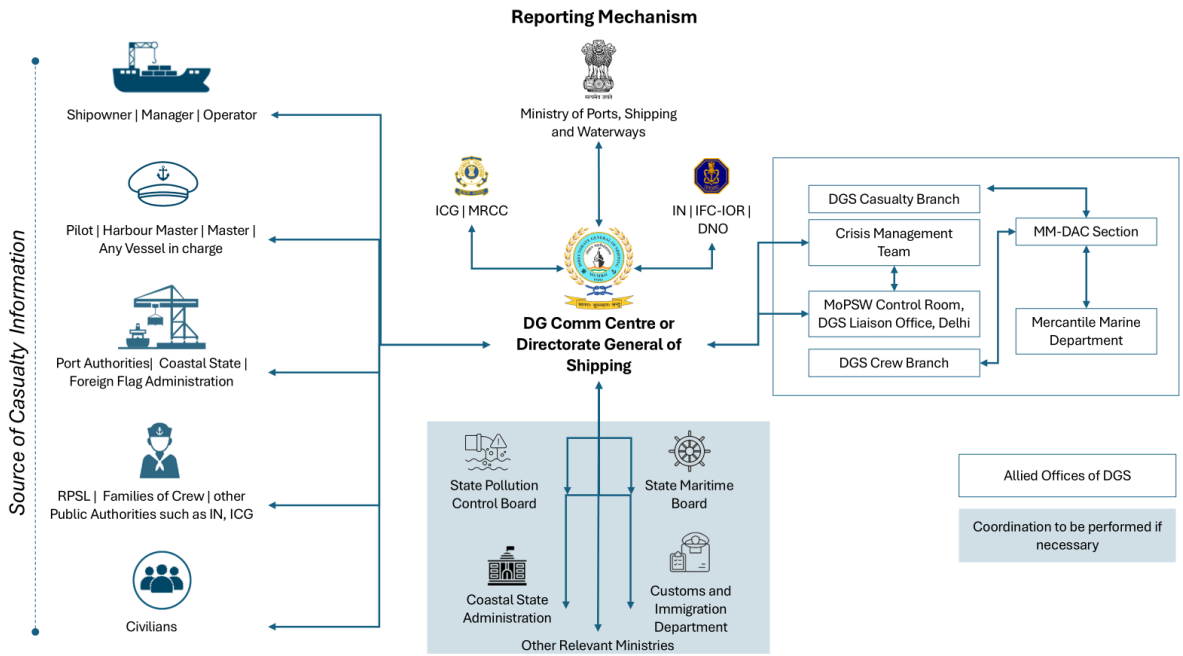


Figure 5: Flowchart showing reporting mechanism

Action of D.G Comm Centre and/or L.R.I.T

1. **In case of casualty involving 'Indian Flag vessel(s) in Indian waters'**

- Inform Nautical Advisor and Nautical Surveyor (Casualty & Response) by phone.
- Send 'first information report' for marine casualty (attached as Annexure II) to owner/ manager/ agent/ master or other concerned, asking them to update all the required information in the 'online casualty module' and also to complete the details of the incident, and sent back the dully completed form to 'DG Comm Centre' by email. [email ID – dgcommcentre-dgs@nic.in]
- Intimate the nearest MRCC.
- Under the directions of N.S (Casualty and Response), mobilise ETV and/or keep at strategic location as required by the circumstances.
- Port Authority (if nearby or within Port limits) to be informed to mobilise resources for rendering assistance if possible.
- Identify vessels nearby the casualty and forward to the MRCC, for requesting the vessels to render assistance as required.
- Owners and Charterers to be informed of the status and ask them to mobilise resources for rendering assistance.
- Inform maritime board/ state authorities regarding the incident and request then to provide assistance if possible.
- To confirm with MRCC as applicable, Navigation Warning through NHO or ISN (International Safety Net) through Coast Guard has been issued.
- Govt. Authorities (as applicable) to be notified of the developing situation as per Contact and Escalation matrix, which is attached as Annex 1.
- To coordinate with jurisdictional MMD's and all concerned sources to obtain regular updates and status of the casualty.
- To gather all relevant details from the Owners / Charterers / Agents etc.
- Draft SITREP and forward to N.S (Casualty and Response) for further processing
- In case of Oil/Chemical pollution coordinate with relevant Authorities including ICG, Port Authorities and all concerned to take immediate action to minimise pollution.
- Under directions of N.S (Casualty and Response), issue Notice under Sections 138 and/or 139 of the Merchant Shipping Act 2025 as amended, to all concerned (owner, charterers, agents, master, etc).
- In case of oil pollution incident, which is likely to impact neighbouring countries, under the directions of N.S (Casualty and Response) and with approval of Director General of Shipping, inform the authorities of the neighbouring countries regarding the incident.

- Under directions of Nautical Surveyor (Casualty and Response), as applicable issue instructions to P.O of the jurisdictional MMD to conduct 'Preliminary Inquiry' (P.I) into the incident as per Part XI of the MS Act, 2025.
- To contact Collectorate's office or the S.P's office in case any help is needed from local administration for performing required functions at the site.
- To keep log of all activities including transmission and receipt of messages in chronological order with time stamps, so as to be able to re-create incident using the data logged.
- To have the companies update the incident status / information on the 'online casualty reporting module' including the subsequent updates.
- Update and close the incident in 'online casualty reporting module'
- All message pertaining to incident to be forwarded to Nautical Surveyor (Casualty and Response) and Nautical Advisor.
- To report to and take instructions from Nautical Surveyor (Casualty and Response) at all times

2. **In case of casualty involving 'Foreign Flag vessel in Indian waters'**

- Inform Nautical Advisor and Nautical Surveyor (Casualty & Response) by phone.
- Send 'first information report' for marine casualty (attached as Annexure II) to owner/ manager/ agent/ master or other concerned, asking them to update all the required information in the 'online casualty module' and also to complete the details of the incident, and sent back the dully completed form to 'DG Comm Centre' by email. [email ID – dgcommcentre-dgs@nic.in]
- Intimate the nearest MRCC.
- Under the directions of Nautical Surveyor (Casualty and Response), mobilise ETV and/or keep at strategic location as required by the circumstances.
- Port Authority (if nearby or within Port limits) to be informed to mobilize resources for rendering assistance if possible.
- Using RPSL Module of e-Gov portal, ascertain if there are any Indian nationals on board vessel.
- Identify vessels nearby the casualty and forward to the MRCC, for requesting the vessels to render assistance as required.
- Owners, Charterers, licensed RPS to be informed of the status and ask them to mobilise resources for rendering assistance.
- Inform maritime board/ state authorities regarding the incident and request then to provide assistance if possible.
- To confirm with MRCC as applicable, Navigation Warning through NHO or ISN (International Safety Net) through Coast Guard has been issued.
- Govt. Authorities (as applicable) to be notified of the developing situation as per Contact and Escalation matrix.

- To coordinate with jurisdictional MMD's and all concerned sources to obtain regular updates and status of the casualty
- To gather all relevant details from the Owners / Charterers / Agents, RPSL, etc.
- Draft SITREP and forward to Nautical Surveyor (Casualty and Response) for further processing.
- In case of Oil/Chemical pollution coordinate with relevant Authorities including ICG, Port Authorities and all concerned to take immediate action to minimize pollution.
- Under directions of Nautical Surveyor (Casualty and Response), intimate Flag State of the vessel regarding the casualty.
- Under directions of Nautical Surveyor (Casualty and Response), issue Notice under Sections 138 and/or 139 of MS Act, 2025 to all concerned (owner, charterers, agents, master, etc).
- In case of oil pollution incident, which is likely to impact neighbouring countries, under the directions of Nautical Surveyor (Casualty and Response) and with approval of Director-General, inform the authorities of the neighbouring countries regarding the incident.
- Under directions of Nautical Surveyor (Casualty and Response), as applicable issue instructions to P.O of the jurisdictional MMD to conduct 'Preliminary Inquiry' (P.I) into the incident as per Part XI of MS Act, 2025.
- To contact Collectorate's office or the S.P's office in case any help is needed from local administration for performing required functions at the site.
- To keep log of all activities including transmission and receipt of messages in chronological order with time stamps, so as to be able to re-create incident using the data logged.
- To have the companies update the incident status / information on the 'online casualty reporting module' including the subsequent updates.
- Update and close the incident in 'online casualty reporting module'
- All message pertaining to incident to be forwarded to Nautical Surveyor (Casualty and Response) and Nautical Advisor.
- To report to and take instructions from Nautical Surveyor (Casualty and Response) at all times.

3. **In case of casualty of Indian Flag vessel outside Indian waters or Foreign Flag vessel with Indian national(s) outside Indian waters**

- Inform Nautical Advisor and Nautical Surveyor (Casualty & Response) by phone.
- Send 'first information report' for marine casualty (attached as Annexure II) to owner/ manager/ agent/ master or other concerned, asking them to update all the required information in the 'online casualty module' and also to complete the details of the incident, and sent back the dully completed form to 'DG Comm Centre' by email. [email ID – dgcommcentre-dgs@nic.in]
- Using RPSL Module of e-Gov portal, ascertain if there are any Indian nationals on board vessel.
- To gather all relevant details from the Owners / Charterers / Agents/ licensed RPS, etc.

- Under the directions of Nautical Surveyor (Casualty and Response), contact the Coastal State as applicable, informing regarding the incident and requesting to render assistance as required.
- Under the directions of Nautical Surveyor (Casualty and Response), contact the Indian High Commission/ Indian Embassy/ Indian Consulate as applicable, informing regarding the incident and requesting to render assistance as required.
- In case of Foreign Flag vessel with Indian nationals on board, under the directions of Nautical Surveyor (Casualty and Response), contact the Flag State, informing regarding the incident and requesting to mobilise resources for providing necessary assistance and coordinating with other stakeholders in this regard.
- Under the directions of Nautical Surveyor (Casualty and Response), as applicable contact the Flag State and/or Coastal State informing them that India being the substantially interested state, as per the IMO's Casualty Investigation Code, reserves its right to be part of the safety investigation, and also request for the final draft of the investigation report for comments.
- To keep log of all activities including transmission and receipt of messages in chronological order with time stamps, so as to be able to re-create incident using the logged data.
- To have the companies update the incident status / information on the 'online casualty reporting module' including the subsequent updates.
- Update and close the incident in 'online casualty reporting module'.
- All message pertaining to incident to be forwarded to Nautical Surveyor (Casualty and Response) and Nautical Advisor.
- To report to and take instructions from Nautical Surveyor (Casualty and Response) at all time.

8.7 Crisis Management Team

Crisis Management Team is headed by the Director-General and comprises of Nautical Advisor, Chief Surveyor, additional D.G, Chief Ship Surveyor, Nautical Surveyor (Casualty and Response), DDG (Crew) and Officer (I/C), MoPSW Control Room, DGMA Liaison Office, Delhi.

1. Additional resources as deemed necessary by the Director-General may be included in the 'crisis management team'. Such as a suitable member from the IRS and/or any other organization as deemed necessary.
2. To provide technical assistance
3. To provide advice in regard to the casualty for minimising the damage to life, property and environment.
4. Assist in coordinating with Authorities and External parties as required
5. To provide regular updated to MoPSW
6. To interact with Media

8.8 Contact Points and Escalation Levels:

8.8.1 Director-General of Maritime Administration

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	D.G Comm Center	022-22614646, 8657549760, 8657549752	dgcommcentre-dgs@nic.in
2	First Escalation	Capt. Harinder Singh	022-25752063	singh.harinder@gov.in
3	Second Escalation	Capt. S.I. Abul Kalam Azad	022-25752009	na-dgs@nic.in, abulkalam.azad@gov.in

Table 23- Contact Points in DGMA

8.8.2 Indian Navy – Headquarters

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	MoC Delhi	011-21411563	dno@navy.gov.in
2	First Escalation	Capt. M.B Dongre	9930640873	muralidhardongre@gmail.com
3	Second Escalation	Cmde Alok Ananda	8527088900, 011–23010100, 23010198, 23011253	dno@navy.gov.in

Table 24- Contact Points in Indian Navy HQ

8.8.3 Indian Coast Guard

1. **Headquarters**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	Ops Centre	011-23384934, 011-23383999	dteops@indiancoastguard.nic.in

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
2	First Escalation	Duty Staff Officer	011-23384934	dteops@indiancoastguard.nic.in
3	Second Escalation	Comdt Ashok K Bhama	9444409160	dteops@indiancoastguard.nic.in

Table 25- Contact Points in Indian Coast Guard HQ

2. **MRCC Mumbai**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	MRCC Mumbai	022-24383592	mrccwest@indiancoastguard.nic.in
2	First Escalation	Comdt S Samale	9497034845	mrccwest@indiancoastguard.nic.in
3	Second Escalation	DIG T Ashish	8900922220	opswest@indiancoastguard.nic.in

Table 26- Contact Points in MRCC Mumbai

3. **MRCC Chennai**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	MRCC Chennai	044-25395018	mrcceast@indiancoastguard.nic.in
2	First Escalation	Comdt BS Kothari, TM	9625557132	mrcceast@indiancoastguard.nic.in
3	Second Escalation	DIG CD Mohapatra	9650960285	opseast@indiancoastguard.nic.in

Table 27- Contact Points in MRCC Chennai

4. **MRCC Port Blair**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	MRCC Port Blair	03192-245530, 03192-235612	mrccptb@indiancoastguard.nic.in
2	First Escalation	Comdt Vivek Sharma	8500635385	mrccptb@indiancoastguard.nic.in
3	Second Escalation	DIG Ashish Sinha	9437007536	opsan@indiancoastguard.nic.in

Table 28- Contact Points in MRCC Port Blair

8.8.4 Directorate General of Hydrocarbons

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	DGH Control Room	0120-2472000, 9821233677	cto.dg@dghindia.gov.in
2	First Escalation	Mr. D D Roy	9711596835	deo.roy@dghindia.gov.in
3	Second Escalation	Mr. Anand Gupta	9428331098	adgdevelopment@dghindia.gov.in

Table 29- Contact Points in Directorate General of Hydrocarbons

8.8.5 ONGC

1. **West Coast**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	Vasudhara Control Room	022-26275900, 022-26562710	vasudhara_vcr@ongc.co.in
2	First Escalation	R Sundar Iyer (Head Offshore Safety)	8332996910	iyer_sundarr@ongc.co.in
3	Second Escalation	K S Pandey	9868282232, 9324398026	pandey_ks@ongc.co.in

Table 30- Contact Points in ONGC (West Coast)

2. **East Coast**

Sl. No.	Level	Name/Designation	Contact Number(s)	Email
1	Control Room	Radio Room, Kakinada	0884-2373004 / 2373006	radiokkd@ongc.co.in
2	First Escalation	P Suresh Babu	9490168104	babu_polisetty@ongc.co.in
3	Second Escalation	Arvind Morbale	9491069007	morbale_a@ongc.co.in

Table 31- Contact Points in ONGC (East Coast)

(DGMA SOP for casualty investigation may be referred from the LINK)

Note: Contact details of Indian Consulates/Embassies and High Commissions overseas may be accessed through the following link: https://www.mea.gov.in/indian-mission-abroad.htm

Annexure – I

Format for registration of grievances of seafarers

Date of filing grievance(s) :

Name of the seafarer :

Address for communication :

To the seafarer, in response

E-mail address of the seafarer :

CDC no. of the seafarer :

INDOS no. of the seafarer :

Passport no. of the seafarer :

COC details of the seafarer :

Nature of Grievance (s) :

[May please be indicated clearly.

Where necessary, copy (ies) of any

Allied / supporting document(s)

may please'be provided

Simultaneously]

(Signature)

F.NO.

For official use-

Acknowledged on :

Registration no. :

Grievance(s) replied to on :

ANNEXURE-1

FIRST REPORT OF MARINE CASUALTY/ INCIDENT

To be completed and faxed/ e-mailed to DG Commcentre at the earliest but within 24 hrs. positively

dgcommcentre-dgs@nic.in

Tel: +91 22 2261 0606, 2261 4646, Fax: +91 22 2261 3636.

SHIP/ OWNERS/CREW DATA	
Name of ship & call-sign	
IMO no.	
Flag	
Official no.	
Registration no. (MSV/ SV)	
Year built/rebuilt/conversion	
Classification Society, if applicable	
Type of ship	
GRT	
Summer deadweight	
Loaded/ light condition	
Draft F & A in metres	
Freeboard in metres	
Cargo type & quantity (serious/ very serious casualty)	
Bunkers: (HFO / DO / LO) in metric tonnes	
Name & full style of owners	
Name & full style of Hull & Machinery Underwriters	
Name & full style of P & I Club (IG or Non IG Group)	
Whether owned/ leased/ chartered	
Recruitment agents full style & RPS Licence no.	
Master's name & Nationality	
Total crew with nationality (Attach crew list)	
In service/last voyage/ laid up	
SHIPPING CASUALTY DATA	
Last port/ departure date, Next port/ ETA	
Place of casualty: Indian Coast/ EEZ/ Overseas	
Date & time of Casualty	
Location (Latitude Longitude), from nearest landmark	
Port/Sea/Ocean name	
Nature of casualty/ incident & brief details*	
If SAR / Salvage services required, if applicable	
Extent of oil pollution, if applicable	
Weather conditions prevailing (sea, swell, wind, temp, ice etc)	
Tidal current prevailing (LT,HT,pitch rate, +ve/-ve surges etc)	
DETAILS OF SEAFARERS/ PASSENGERS/ SUPERNUMERARIES/ INVOLVED	
No. of deaths/ injuries	
Name/ Nationality of persons involved**	
Date of birth and age	
Rank & date of joining	
P & I/ other insurance cover for persons applicable	
CDC/ Passport no.	
COC no. & date of issue (if applicable)	
Type of CBA/ Articles of agreement)	
Name & full style of next of kin**	
Name of appointed Investigation Officer (if applicable)	
Name & designation of person reporting casualty	
COC no. & date of issue (if applicable)	
Type of CBA/ Articles of agreement)	
Name & full style of next of kin**	
Name of appointed Investigation Officer (if applicable)	
Name & designation of person reporting casualty	
Note: * Additional sheet may be used for detailed information	
** If Indian persons involved, full details of persons & next of Kin to be furnished.	

APPENDIX I

Seafarer sexual harassment incident reporting Form

Employee Data: Date:

Complainant: _____ Rank: _____
Date joined: _____
Accused: _____ Rank: _____
Date joined: _____
Date and time of incident: _____ place of incident: _____

Incident:

Detailed narrative of how incident occurred (please cover all incident happened in past 90 days)
1.
_____
_____
_____
2.
_____
_____
_____
3. _____
_____

Use additional page if required

Nature of offence-

1. Physical contact or advances Yes ☐ No ☐
2. A demand or request for sexual favours Yes ☐ No ☐
3. Making sexually coloured remarks Yes ☐ No ☐
4. showing pornography Yes ☐ No ☐
5. any other unwelcome physical, verbal or non-verbal conduct of sexual nature Yes ☐ No ☐

Witness (Name, Rank and signed statements)

1. Name: _____ Rank: _____

Statement: _____
_____

2. Name: _____ Rank: _____

Statement: _____

_____

Add more if required.

Following evidences can be considered (enclose with report)

1. Photographs _____
2. Audio _____
3. Video _____
4. Any written Document _____
5. Others _____

Seriousness of Incident

1. Whether complainant is under trauma: Yes ☐ No ☐

2. Complainant wish to signoff Yes ☐ No ☐

9 Organogram of Crew Branch

9 Organogram of Crew Branch

9.1 DGMA and Crew Branch Hierarchy

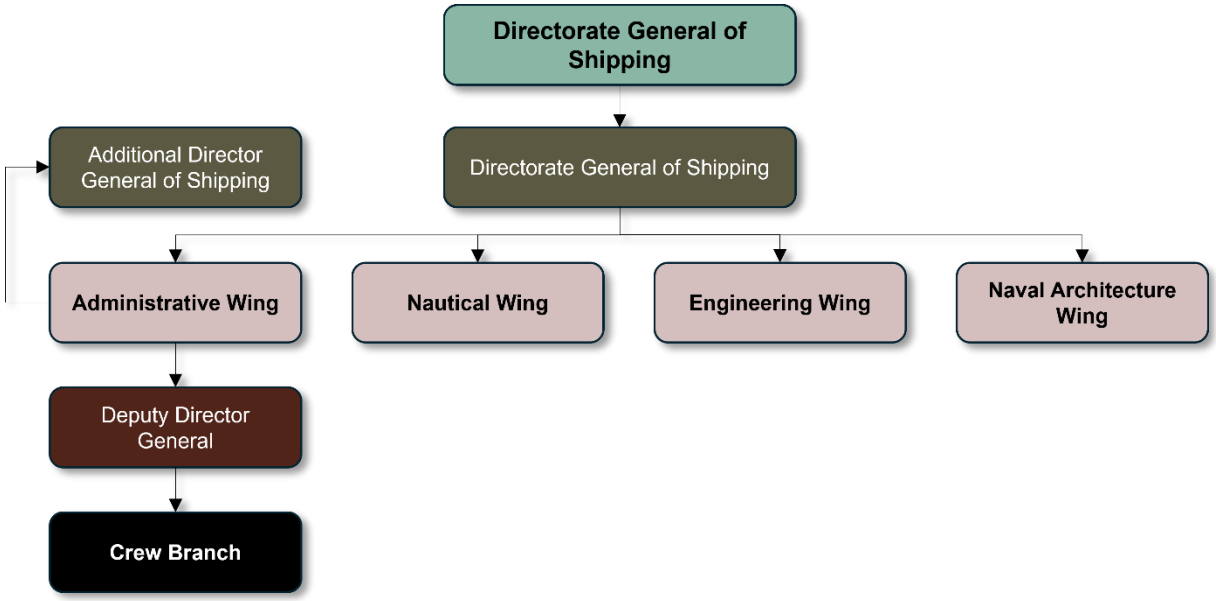


Figure 5- Organogram of DGMA

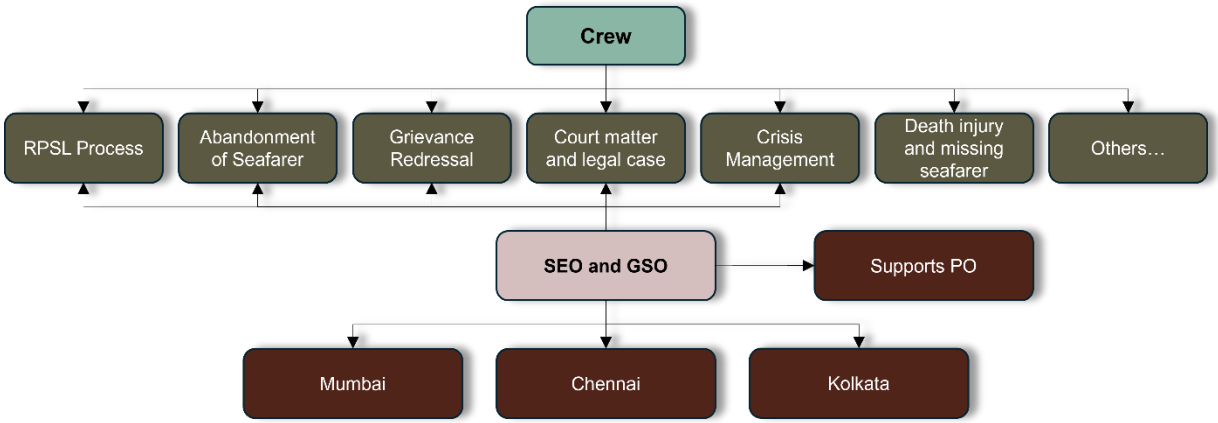


Figure 6- Roles, Duties and MLC Compliance

9.2 Roles of Additional Director-General, Deputy Director-General and Assistant Director-General

1. **Roles of the Additional DG include the following:**

   - Serves as the Head of Administration Wing
   - Administration of the MS Act, 2025 and the allied ruless..
   - Measures to ensure safety of life and ships at sea, coordination with various agencies.
   - Evolution of policies for development of Indian Shipping.

- Servicing International Conventions relating to Merchant Shipping.
- Provision of facilities for training of officers and ratings of the Merchant navy.
- Regulation of Employment of Seamen and Welfare of Seamen.
- Regulation of Ocean freight rates in overseas trade/coastal trades.
- Administration of DGMA Headquarters and Allied offices.

2. **Roles of Deputy DGs**

- **Capt. Nitin Mukesh, Deputy Nautical Advisor-cum-Sr. DDG (Tech.)**
    - Seafarer Welfare Fund Society and all matters including ERP and management oversight
    - Seafarer's Provident Fund Organisation and all matters including ERP and management oversight
    - Seafarer welfare infrastructure initiatives under SWBAT with the Ports and other authorities
    - Seafarer safety training aspects
    - Support for the increase in the percentage of seafarers to the global pool by India in consultation with the Maritime training Division/ Branch/ Wing
    - Matters related to CPGRAMS, and court cases related to Seafarer's welfare matters
    - Crew Milap program as annual event
    - MoUs with international and national entities like ISWAN, ITWF, GMU, Sailor's Society
    - Sagar Mey Yog and Sagar Mey Samman
- **Capt. P.C. Meena, Nautical Surveyor-cum-DDG (Tech.)**
    - Dealing with disputes of ship owners/ RPSLs and seafarer's
    - Seafarer's grievances
    - Cases of compensation for wage/ death/ injury etc
    - SID/ CDC/ INDoS aspects – technical administration related
    - RPS Matters
    - Supervision of the functions of the Seafarer's employment offices and shipping office
    - MLC, 2006 compliance
    - Coordination with DGCOMM and Crisis Response
    - Coordination with Seafarer's Unions and Associations
    - Liaison with MHA for shore leave matters

- Aspects related to coordination with MEA/ MoPSW on Seafarer's abandonment and repatriation and seafarer crisis / repatriation of mortal remains etc/ case to case follow up with MoPSW/ MEA and any other official authority necessitated
- Conduct of the weekly Crisis Response and Grievance Redressal system
- Matters relating to Seafarers' Manual and compilation and up-dation of all circulars except for Sea farer Welfare subdivision circulars and executive orders
- Conduct of MLC Compliance Board agenda aspects related to Seafarer's Processes
- VIP reference and Parliamentary questions and RTIs related to Seafarer's Processes
- Crisis response only in the Crisis Response and Grievance Redressal meeting held every Wednesday by the Crisis Management Group

10 Judicial reflections: ratios & shades of implementation

1. Keys to application of the ratios:

To summarise the binding nature of judicial decisions attention is invited to the matter of CIT v. Thana Electricity Supply Ltd. [1994] 206 ITR 727 (Bombay), wherein the Hon'ble High Court of Bombay had held as follows:

> *"From the foregoing discussion, the following propositions emerge:*
>
> *(a) The law declared by the Supreme Court being binding on all courts in India, the decisions of the Supreme Court are binding on all courts, except, however, the Supreme Court itself which is free to review the same and depart from its earlier opinion if the situation so warrants. What is binding is, of course, the ratio of the decision and not every expression found therein.*
>
> *(b)The decisions of the High Court are binding on the subordinate courts and authorities or Tribunals under its superintendence throughout the territories in relation to which it exercises jurisdiction. It does not extend beyond its territorial jurisdiction.*

2. Distinguishing seafarers:

1. In **Joseph T.J. and Ors. Vs. Director General, Coast Guard Headquarters and Ors. [MANU/KE/1913/2020] And K.D. Devarajan and Ors. Vs. The Director General, Coast Guard Headquarters and Ors. [MANU/KE/0301/2020], b**y the common judgment, the Hon'ble High Court of Kerala has held that crew deployed for temporary duty on board the non-commercial auxiliary vessel of the Coast Guard cannot be equated with seafarers defined under section 88 A (d) of the MS Act. Further, the Court clarified that the non-commercial auxiliary vessel of the Coast Guard engaged to meet fuelling requirements of FPVs/IBS and provisions' supplies to FPVs/IBS are bound to be registered under the MS Act. Court held that 'lagoon' in Lakshadweep would fall within the meaning of 'inland waters' and the vessel anchored inside the Lakshadweep lagoon at all times and used for re-fuelling cannot be considered as sea going vessel defined under section 3 (41) of MS Act. Seafarers who are assigned with the duty of only assisting the qualified and competent persons on board Indian Coast Guard vessels and who are not obligated to operate the Barge or to do functions for which they are neither qualified nor competent; need not meet the requirements of the STCW Convention.

2. In **Govind Narayan Sharma Vs. Threewin Maritime (India) Pvt. Ltd. [MANU/MH/2446/2010, 2011 (2) ECrN 520]**, the Court held that, although the Master is not recognised by the statute as a seamen, he has all the rights same as that of any other seaman, including liens and remedies, for the recovery of his wages and accordingly his application for such recovery of wages under Section 145 is maintainable before the Magistrate.

3. In **Al Ahli Bank of Kuwait (KSC) Vs. M.T. Arabian Victory [MANU/KE/0603/2005, AIR 2006 Ker 263, 2006 (2) KLT 775]**, the Honourable Court held that, the claim of Master and Crew for wages will prevail over the claims raised by the bank under the heads of mortgage. Court further clarified the ratio that even when a contract is made to contradict the rights of crew for wages by the banks right to claim mortgage; the rights of the crew and its dominance over other claims cannot be ousted. Hence, the amount towards wages' claim by the crew are entitled to be satisfied on priority from the sale proceeds.

4. **Antony D. Vincent Vs. The Union of India (UOI) and Ors. [MANU/TN/0423/2009]**, Court held that to invoke the powers of the Central Government or the statutory authority to constitute Tribunal under section 150 (1) of the MS Act, 1958, the person claiming such invocation shall prove himself to be falling within the ambit of the word "seamen" as defined under the Act. With regard to shore fitters, the Court clarified that they can never be considered as seamen or member of crew of a ship for the purpose of MS Act.

5. In **Joy Dev Majhi Vs. The Union of India (UOI) and Ors. [MANU/WB/0367/2005, (2006)1C ALLT120(HC)]**, the Hon'ble Court addressing the question raised by the seamen claiming discrimination of wages in comparison with other employees of other MS vessels registered under the MS Act, held that unless the agreement that governs the employment of seamen are challenged; the terms contained therein shall be binding on parties. Court also held that such claims being raised to the statutory authority requires no interference as the option to be bound by such terms was already exercised, under free will by the seamen/seafarer.

6. In **National Union of Seafarers of India (MDS) INTUC Vs. The Union of India (UOI) and Ors. [MANU/TN/0611/2005],** the Honourable Court had laid down the ratio that the Merchant Shipping (Continuous Discharge Certificate) Rules 1993 have been framed to with a view to

regulate the persons who would be eligible to receive the CDC as per the Rule and the MS Act, 1958. Canteen crew who cannot be qualified as per the CDC Rules, cannot claim right to receive CDC and accordingly without proper qualifications and certifications as stipulated under the Act, cannot be equated as crew on board the passenger vessels.

7. In **Central Govt. and Ors. Vs. Vizag Trawler Workers Union [MANU/AP/0448/1996, 1996(4)ALD605, 1997(1)ALT288]**, while deciding whether the employees are seamen under the MS Act and therefore also Tribunal could be constituted under section 150 (1) relying on sections 3 (42), 3 (39), 3 (55) and 3 (45) of the Act; the Honourable Court held that a fishing boat is not a sailing vessel, but is a vessel. Since a vessel includes a ship, a fishing boat is a 'ship' within the meaning of Section 3(45) and therefore, prima facie the respondents are employed as members of the crew in the ship.

8. In **Union Carbide India Ltd. Vs. Industrial Tribunal and Ors. [MANU/AP/0201/1977, 1979LabIC 35, (1978)ILLJ526AP]** Court held that the jurisdiction of a Tribunal constituted under section 150 of the MS Act is not limited to determine disputes between owners and seamen who have entered into agreement with owner under section 100 of the Act nor does it limit application of Act to seamen engaged in ships less than 200 tons; rather "they deal with employment and engaged of seamen of all ships whether they are home-trade ships of less than two hundred tons or of any other category." Accordingly, the Hon'ble Court has clarified that fishermen employed onboard fishing vessel are also to be considered as seamen for the purpose of invoking section 150 of the MS Act, 1958.

II. Right of seafarers to be compensated and wages & Liability of shipowner/ RPSL:

1. In **Joseph T.J. and Ors. Vs. Director General, Coast Guard Headquarters and Ors. [MANU/KE/1913/2020] And K.D. Devarajan and Ors. Vs. The Director General, Coast Guard Headquarters and Ors. [MANU/KE/0301/2020],** Court crystallised that the ship owners have duty to ensure that any seafarer or persons employed on sea going vessels have the entitlement to be compensated. This duty cannot be left to the option or discretion of the ship owner on grounds of freedom of privy to contract.

2. In **Mathivanan Vs. Owners and Parties interested in the vessel M.V. Sea Jal One [MANU/TN/6481/2020, 2021 (2) CTC 849],** Court held that the right of crew to claim salary has to be preserved. Crew recruitment agency who has paid salary on behalf of principal / shipowner does not gain the rights of the crew for wages / salary including entitlement of creating lien. The recruitment company's right is contractual in nature.

3. **In Shanmugam Rajasekar Vs. Owners and parties interested in the Vessel M.T. Pratibha Cauvelry and Seaworld Shipping & Logistics Pvt. Ltd. Vs. The Board of Trustees and Ors. [MANU/TN/2768/2023],** the court held that when wages are due, and when owner has come into the picture, the crewing or manning agent need not be compelled to make the payment. Further, it was clarified that irrespective of justifications raised by the owners or agents; the payment of wages can only be deemed to be complete only when the payment is actually made by the owner to the seafarers entitled or by depositing the amounts before the court and till such time the liability under the respective invoices will not be extinguished.

4. **In Bharat Kumar Vithaldas Ved Vs. Malaviya Thirty-Three [MANU/MH/0836/2017],** the court held that when wages are due, and when owner has come into the picture, the crewing or manning agent need not be compelled to make the payment. Further, it was clarified that irrespective of justifications raised by the owners or agents; the payment of wages can only be deemed to be complete only when the payment is actually made by the owner to the seafarers entitled or by depositing the amounts before the court and till such time the liability under the respective invoices will not be extinguished.

5. **In Govind Narayan Sharma Vs. Threewin Maritime (India) Pvt. Ltd. [MANU/MH/2446/2010, 2011 (2) ECrN 520],** the Court held that, the Master has all the rights same as that of any other seaman, including liens and remedies, for the recovery of his wages and accordingly his application for such recovery of wages under Section 145 is maintainable before the Magistrate.

6. **In Robin Chakalakal George and Ors. Vs. The Director General of Shipping and Ors. [MANU/KE/1382/2015, 2015/KER/32140],** the Court had to address the issue whether the recruiting agency by raising wages' claim could acquire the rights of seafarers, and to this the Hon'ble Court laid down that the said can only be exercised by seafarers and such seafarer's rights, including those for exercising lien cannot be exercised by the recruiting agency.

7. **In Sangitadas and Ors. Vs. M.V. Amber and Ors. [MANU/KE/2260/2017, 2018 (1) KLJ 836],** the Honourable Court reiterated the ratio laid down by the Honourable Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, [MANU/SC/0606/2009, 2009 (6) SCC 121 : 2009 ICO 585]*, and affirmed that merchant shipping activity in maritime waters is an activity falling under the tortious liability and parameters for measuring damages under the various heads of tortious liability are applicable and that the amount deposited should provide a 'just and fair compensation'.

8. In **Interaccess Marine Bunkering Ltd. and Ors. Vs. K.M. Allauddin and Ors.**

   [MANU/TN/4104/2009, 2009(3)C TC 611], the Hon'ble Court reiterating the ratio laid down in *O. Konavalov v. Commander, Coast Guard Region, MANU/SC/1550/2006 : 2006 (4) SCC 620*, has laid down that the right of the seamen to wages, is unfettered and that no limitations on the entitlement to and exercise of such entitlement are found in the Act. Thus, the Court declared seamen's right towards wages to be of top most priority and the same dominates over other hierarchy of claims including maritime, statutory and non-maritime claims.

9. In **Joy Dev Majhi Vs. The Union of India (UOI) and Ors. [MANU/WB/0367/2005, (2006)1C ALLT120(HC)]**, the Hon'ble Court addressing the question raised by the seamen claiming discrimination of wages in comparison with other employees of other MS vessels registered under the MS Act, held that unless the agreement that governs the employment of seamen are challenged; the terms contained therein shall be binding on parties. Court also held that such

claims being raised to the statutory authority requires no interference as the option to be bound by such terms was already exercised, under free will by the seamen/seafarer.

10. In **O. Konavalov Vs. Commander, Coast Guard Region and Ors. [MANU/SC/1550/2006]** the Honourable Court held that the power to confiscate and the consequent forfeiture of rights or interests are drastic, being penal in nature. Statutes conferring such powers must be read very strictly. There can be no exercise of power under such statutes by way of extension or implication. Clarifying on the status of wages and the crews' entitlement of their wages, the Court laid down the ratio that the crewmen definitely, by virtue of them being crewmen have a lien on the vessel and are entitled to claim such wages that are due to them, irrespective of categorisation of the cargo or offence committed by the ship that are confiscated / forfeited. The rationale being, the wage lien arises from service rendered to the ship.

11. In **Quraisha Bibi Vs. Shipping Corporation of India Ltd. [MANU/WB/0421/2002, 2003AC J1942, 2003(1)AnWR504, [2002(95)FLR1179], (2003)ILLJ963C al, 2004(3)TAC 599]**, the Honourable Court, while addressing the claims pertaining to cause of death of a seafarer; has held that the disease coupled with the employment, alone could establish that death arose out of the employment. Court held that the medical tests mentioned under Section 98 of the MS Act 1958, are those of normal diseases only and the presumption as to medical fitness, if the seafarer has suffered from other extraneous diseases, like cancer not falling in the normal routine check ups; will be unjustified. Thus, the diseases that lead to the death of seafarer, the causative reasons of which cannot be linked to the employment, cannot be claimed to be the ground for compensation.

12. **Syed Mohmmed Jamil Vs. Union of India (UOI) and Ors. [MANU/WB/0271/2009]**, the Court while dealing with the claim that the owners have acted illegally by discharging and terminating the service of the petitioner before completion of his voyage and withholding his salary and emoluments; has held that the dispute redressal mechanism established in the employer, shall be exhausted before approaching statutory authority or even the writ jurisdiction.

13. **The Board of Trustees for the Port of Calcutta Vs. Swadesh Kumar Khatua and Ors. [MANU/WB/0212/2000, (2000)3C ALLT558(HC)]**, the Court while dealing with the claim of

unpaid wages of crew, reiterated that it ranks first in priority based on a maritime lien. Priority of wages is secured under the MS Act and an agreement forfeiting lien on the ship for wages, an agreement abandoning his right to wages in case of loss of ship constitutes violation of MS Act. The claim for crew wages has first priority over claims of Port despite latter's priority recognised under separate statute.

14. In **the General Manager, Shipping Corporation of India Ltd. Vs. A. Maria John. [MANU/TN/8131/2007, III(2009)AC C 464(Mad.), 2009AC J418]**, Court held that when the accident is not one linked to the nature of the employment arising out of or in the course of employment, there is hardly any fact to link the deceased's employment which took him to the mid sea apart from the fact that there is nothing to show that the conduct of the deceased was incidental to his employment. When a claim is brought before the statutory authority or the judicial forum, the causal relationship between the accident and the employment, or as an incident of employment is a matter which must be proved by the claimants to sustain the claim for compensation. And, if the death did not occur in the course of or out of employment, the claim for accidental death or those arising out of employment will not hold good.

15. **In Marine Management Services (Private) Ltd. Vs. Anil Kumar Jaiswal and Ors. [MANU/MH/0569/1999, 2001)IIILLJ94Bom, 2000(1)LLN187(Bom.), 1999(3)MhLj925]**, the Honourable Court, addressing the primary claim by the Petitioner that its ship is not registered in India or under the MS Act and that the said ship never touched Indian port and because of which, the provisions of the MS Act cannot be applicable so as to enable the seafarers/crew to file an application for claiming wages under section 145 of MS Act. The Court further confirmed that it is to protect the Indian seamen that Section 114 have been made in the MS Act. Further, the fact that petitioner was acting as agent of the principal foreign company/vessel owner and that it was the petitioner who employed the seafarer for the foreign principal will show that this engagement was done as agent of foreign principal by following provisions of Section 114.

16. In **Leena Mathew and Ors. Vs. The Kerala Shipping Corporation Ltd. [MANU/KE/0432/1987, ILR1988(2)Kerala180]**, the Court, while dealing with the claims against the shipowner regarding compensation claim for death of seafarer; had laid down the

ratio that the standard of care, a shipowner should adopt in order to successfully thwart an action in damages is based on negligence. The ordinary standard of care that is relevant to decide the issue pertaining to negligence is the reasonable care, namely, that of a reasonable man. Thus, foreseeability of a reasonable man becomes the effective test. The standard of care expected of the individual depends upon the circumstances of a given case. Court also stressed that with respect to grievances of the seamen against the owners, the law must apply a standard which is not relaxed to cater for their actual ignorance of all activities outside crewing: having become owners of ships, they must behave as reasonable ship owners.

17. In **Steel Industrials Kerala Ltd. Vs. S.M. Rebello and Ors. [MANU/SC/0362/1985, AIR1985SC 760, 1985(1)Crimes 515(SC), [1985(50)FLR467], 1985 INSC 37, 1986LabIC 411, 1986LabIC 411, (1985)IILLJ14SC , 1986(1)LLN491(SC), 1986--LW(C rl)11, 1985(1)SC ALE289, (1985)2SC C 363, [1985]2SC R998]**, Court while dealing with claim of wages by Master held that, upon termination of contract prior to period of employment contract, no compensation or wages are payable for balance period when the ship has been scrapped. Court however, upheld Master's right under section 143 read with Section 148 of MS Act.

18. In **Sukharanjan Sarkar Vs. Mackinnon Mackenzie & Co. and Ors. [MANU/WB/0469/1974, 78C WN906]** Court held, while dealing with an application under section 145 (1) of the MS Act for wages due, that an Order shall be a speaking order assigning reasons. Court also clarified that the effect must be given to the words of a statute, if possible to all the words used, for the legislature is deemed not to waste its words or to say anything in vain; thus held that construction of words used u/s. 145(1) of the Merchant Shipping Act, 1958 lays down without any doubt that the competent Magistrate before whom an application is made must try the case himself.

19. In **Ibrahim Mohammed Issak Vs. Mackinnon Mackenzie & Co. (Private) Ltd. [MANU/MH/0038/1965, 1966AC J136, 1965(67)BLJR735, 1965()BOMLR735, [1966(12)FLR345], (1965)ILLJ554Bom, 1966MhLJ220]**, the Court held that if a seaman's employment puts him in a dangerous position, the ship on high seas or in deep waters being a place to which some risk is incidental. There are perils, surrounding the seaman's life and duty which are inherent in his employment. As the employment of a seamen by the very nature of it, exposes him to certain dangers, whether at work or not as for example, the danger of falling

overboard or being swept overboard there is a prima facie presumption if death by drowning be proved that the death was caused by an accident, which arose out of employment. Hence, to find that the seaman is dead in or during the course of employment, it is not necessary that there should be direct or positive evidence that he was seen falling overboard or being drowned. The presumption thus arising can be rebutted by the employer by leading evidence of facts and circumstances showing that the workman had at or about the time of his death departed from the controlling incidents. Further to the above, the Court laid down the ratio that the above is not applicable for concluding the possibility of homicidal death, or death by suicide, which requires direct and cogent evidence, among others.

20. In **Sabeeha Faikage and Ors. Vs. Union of India (UOI) and Ors [MANU/SC/0893/2012]**, the Court, while dealing with loss of life at sea, held that when amount of death compensation is paid in accordance with the laws of the Flag State administration as contemplated in the agreement, no further compensation is payable in the absence of any materials that there was any inaction with malicious intent or conscious abuse or intentional doing of some wrongful act or negligence on the part State and the Statutory authority, which was the proximate cause of the disappearance or death of the Indian seafarers on board the vessel involved (Jupiter-6), to show that compensation shall be paid in accordance with CBA.

III. Priority between crews right to wages & NoKs right to receive compensation:

1. In **Shanmugam Rajasekar Vs. Owners and parties interested in the Vessel M.T. Pratibha Cauvery and Seaworld Shipping & Logistics Pvt. Ltd. Vs. The Board of Trustees and Ors. [MANU/TN/2768/2023],** the Court held that the compensation claimable by the legal heirs of the dead seamen holds only the second order of priority in comparison to the wages and compensation of seafarers, who are alive.

2. In **Sangitadas and Ors. Vs. M.V. Amber and Ors. [MANU/KE/2260/2017, 2018 (1) KLJ 836]**, the Honourable Court held that the death compensation claimed shall have "proximity between the pleadings and the amount claimed as compensation" and shall be "just and fair".

3. In **Al Ahli Bank of Kuwait (KSC) Vs. M.T. Arabian Victory [MANU/KE/0603/2005, AIR 2006 Ker 263, 2006 (2) KLT 775]**, the Honourable Court held that, the claim of Master and Crew for wages will prevail over the claims raised by the bank under the heads of mortgage. Court further clarified the ratio that even when a contract is made to contradict the rights of crew for wages by the banks right to claim mortgage; the rights of the crew and its dominance over other claims cannot be ousted. Hence, the amount towards wages' claim by the crew are entitled to be satisfied on priority from the sale proceeds.

4. In **Interaccess Marine Bunkering Ltd. and Ors. Vs. K.M. Allauddin and Ors. [MANU/TN/4104/2009, 2009(3)C TC 611]**, the Hon'ble Court reiterating the ratio laid down in *O. Konavalov v. Commander, Coast Guard Region, MANU/SC/1550/2006 : 2006 (4) SCC 620*, has laid down that the right of the seamen to wages, is unfettered and that no limitations on the entitlement to and exercise of such entitlement are found in the Act. Thus, the Court declared seamen's right towards wages to be of top most priority and the same dominates over other hierarchy of claims including maritime, statutory and non-maritime claims.

5. **The Board of Trustees for the Port of Calcutta Vs. Swadesh Kumar Khatua and Ors. [MANU/WB/0212/2000, (2000)3C ALLT558(HC)],** the Court while dealing with the claim of unpaid wages of crew, reiterated that it ranks first in priority based on a maritime

lien. Priority of wages is secured under the MS Act and an agreement forfeiting lien on the ship for wages, an agreement abandoning his right to wages in case of loss of ship constitutes violation of MS Act. The claim for crew wages has first priority over claims of Port despite latter's priority recognised under separate statute.

6. **The Board of Trustees for the Port of Calcutta Vs. Swadesh Kumar Khatua and Ors. [MANU/WB/0212/2000, (2000)3C ALLT558(HC)],** the Court while dealing with the claim of unpaid wages of crew, reiterated that it ranks first in priority based on a maritime lien. Priority of wages is secured under the MS Act and an agreement forfeiting lien on the ship for wages, an agreement abandoning his right to wages in case of loss of ship constitutes violation of MS Act. The claim for crew wages has first priority over claims of Port despite latter's priority recognised under separate statute.

7. In **Leena Mathew and Ors. Vs. The Kerala Shipping Corporation Ltd. [MANU/KE/0432/1987, ILR1988(2)Kerala180],** the Court, down that unless the presumption of death under section 157 (2) of the MS Act, 1958 is disproved and the date of death pleaded is objected and dis-proved or unless an appeal or cross objection is filed against the evidence reporting the date of death, the suit will not be barred by limitation. Moreover, on questions of operation of MS Act and the Fatal Accidents Act, the Court also had clarified that two enactments being special statutes that operate in different fields; the special provisions of the MS Act do not abrogate the rights arising under the Fatal Accidents Act.

IV. Statutory body's duty to monitor compliance regarding employment, wages, compensation, the RPSL & to exercise powers on other matters:

1. In **Joseph T.J. and Ors. Vs. Director General, Coast Guard Headquarters and Ors. [MANU/KE/1913/2020] And K.D. Devarajan and Ors. Vs. The Director General, Coast Guard Headquarters and Ors. [MANU/KE/0301/2020].** and with respect to persons employed on sea going vessels, the DG Shipping, being the administrative body has the responsibility to ensure that; such persons are covered with valid insurance policy.

2. In **The Union of India and Ors. Vs. Sankar Arumugam [MANU/TN/1783/2024]**, the Honourable High Court held that the MS Notice 7 of 2017 issued by DGMA, prohibiting employment of seafarer by foreign ship owners is in violation of the MS Act 1958 and allied Rules and hence invalid. The court clarified that the administrative instructions or orders cannot override the parent statutes or the Rules. . The Court also clarified and limited the power for issuance of government order prohibiting foreign owners from engaging seafarers in foreign ships and can be exercised against 'a particular ship or an employer', if it is necessary to protect the national interest and that it cannot be exercised as a general rule'.

3. In **Balaraman Ariparambil Thriveni Vs. The Directorate General of Shipping and Ors [MANU/KE/0839/2016, 2016/KER/29314]**, the Court while dealing with the claim for non-payment / arrears of cash on board and wages before signing off from the foreign vessel; filed by seafarer against the vessel agent had laid down that in the interest of justice the competent authority by affording opportunity of fair hearing to the seafarer shall take appropriate action against the RPSL, including consequential steps provided under the MS (RPS) Rules, 2016.

4. In **Bharat Kumar Vithaldas Ved Vs. Malaviya Thirty-Three [MANU/MH/0836/2017]**Court clarified that the Shipping Master can only exercise its powers to such limits as provided under Section 132 (2) of the MS Act and not beyond.

5. In **The Andaman and Nicobar Seamen Union and Ors. Vs. The Union of India and Ors. [MANU/WB/1156/2012, 2013 (136) FLR 646]**,

6. In **Naresh Kumar and Ors. Vs. Union of India (UOI) and Ors. [MANU/SC/0304/2004, AIR2004SC 2026, 2004(106(2))BOMLR767, 2004 INSC 237, JT2004(5)SC 394, 2004LabIC 1717, 2004(2)LLN781(SC), 2004(4)SC ALE214, (2004)4SC C 540, [2004]3SC R777, 2004(2)SC T383(SC), 2004(3)SLJ1(SC)],** the Honourable Court held that with the entry into force of STCW 1995, the Director General of Shipping and officers appointed are required to determine the need for requiring the holders of certificates to undergo either refresher course or completing training or assessment before he can certify as required under the 1995 Convention.

7. In **National Union of Seafarers of India (MDS) INTUC Vs. The Union of India (UOI) and Ors. [MANU/TN/0611/2005]**, the Honourable Court had laid down the ratio that the Merchant Shipping (Continuous Discharge Certificate) Rules 1993 have been framed to with a view to regulate the persons who would be eligible to receive the CDC as per the Rule and the MS Act, 1958. Canteen crew who cannot be qualified as per the CDC Rules, cannot claim right to receive CDC and accordingly without proper qualifications and certifications as stipulated under the Act, cannot be equated as crew on board the passenger vessels.

8. In **Ibrahim and Ors**. Vs. **State of West Bengal and Ors.[MANU/SC/0061/1967, AIR1968SC731, 1968CriLJ874, 1967 INSC 265, [1968]2SCR306]**, the Court held that the gist of desertion therefore is the existence of an animus not to return to the ship or, in other words, to go against the agreements under which the employment of seaman for sea voyages generally takes place. Court emphasised that if the seafarers commit breach of the employment agreement and causes the vessel to lose the compliance with the minimum manning requirements the same amount to desertion and a serious offence. Court had laid down that the policy of the law is that the crew must perform their duties under such agreements as they execute with the shipping company on pain of being found guilty and punished if they cannot make out that they had sufficient and reasonable cause for what may otherwise be regarded as dereliction of duty. Further, the Court had also laid down the ratio that the Shipping Master has jurisdiction to decide on the disputes and efforts shall be to make the parties involved to reach

a consensus. And the conclusions made by the Shipping Master / jurisdictional Shipping Master is binding and enforceable.

9. In **K.K. Pushkaran and Ors. Vs. State of Kerala and Ors. [MANU/KE/0508/1994, 1994(2)KLJ1075]** held that crew engaged onboard fishing vessels intending to ply in high seas shall possess necessary competency certificate issued by the Mercantile Marine Department/Port Department.

10. In **Parija Francis vs. Union of India (Neutral Citation Number: 2025: KER: 60105) WP(C) No. 25272 of 2025,** the Court addressed the claimsofimmediate medical disembarkation and repatriation of an Indian seafarer serving onboard an Indian-flagged vessel due to serious health complications and alleged violation of mandatory medical safety norms and seafarer welfare obligations under national and international maritime law and held that where the seafarer was suffering from serious health complications, and despite this, he continued to be retained onboard the vessel in clear violation of statutory medical safety requirements, including the absence of essential medicines. Court laid down that the aforesaid acts are contravention to the provisions of the Merchant Shipping Act, 1958, the Maritime Labour Convention, 2006, and violative of the constitutional protections under Articles 14 and 21, guaranteeing equality and the right to life.

V. Remedies to secure wages and other monetary emoluments and Limits & Powers of judicial & quasi-judicial authorities for other matters:

1. In **Fithaly Fernando Vs. Principal Officer and Ors. [MANU/KE/1035/2010, 2010 (3) KHC 279, 2010 (3) KLT 741] &in Kinship Services (P) Ltd. Vs. Fithaly Fernando [MANU/KE/1536/2012, 2012 (118) AIC 784, 2012 (3) KHC 394, 2012 (3) KLJ 585, 2012 (3) KLT 579]**, the Honourable Courtheld that the Magistrate exercising powers under Section 145 of the MS Act 1958 has a presupposed power that is implied, by virtue of which he can secure the claim by attaching the vessel, in the same way that a Civil Court is exercising jurisdictional powers under the Civil Procedure Code, 1908.

2. In **Jagdish Singh Bhadauria Vs. Bharati and Ors. [MANU/MH/1773/2019, 2019 (5) BomCR 332]**, the Court was faced with a question whether a claim that could be adjudicated by the Shipping Master under Section 129 of MS Act 1958, can be entertained by the Honourable Court. The Court clarified that since the claims for wages under Section 129 can only be adjudicated by a Judicial Magistrate of First Class under Section 145 or by the Shipping Master under Section 132; the High Court can only reject the claim for want of exhaustion of alternate remedies available. It was also laid down that the said powers include adjudication of claim for interest, compensation dues with respect to unpaid wages.

3. In **Sam K. Julius Vs. Anoop Kumar Sharma and Ors. [MANU/KE/4412/2019, 2019/KER/63493]**, with respect to the claims of calculation and payment of back wages upon reinstatement of seafarers despite existence of a valid and governing court order, the Hon'ble Court held that it cannot challenge the correctness of calculation of back wages under the writ jurisdiction. The Court laid down that it is the Shipping Master who is capable of exercising powers conferred under section 132 and 133 of the MS Act. Court further clarified that the seafarer's claim that they lack faith in Shipping Master, shall not be a reason to curtail exercise of statutory power by the Shipping Master.

4. In **Sangitadas and Ors. Vs. M.V. Amber and Ors. [MANU/KE/2260/2017, 2018 (1) KLJ 836]**, the Honourable Court reiterated the ratio laid down by the Honourable Supreme Court in *Sarla Verma and others v. Delhi Transport Corporation and another, [MANU/SC/0606/2009, 2009 (6) SCC 121 : 2009 ICO 585]*, and affirmed that merchant shipping activity in maritime waters is an activity falling under the tortious liability and parameters for measuring damages under the various heads of tortious liability are applicable and that the amount deposited should provide a 'just and fair compensation'. Further, it was also held that the death compensation claimed shall have "proximity between the pleadings and the amount claimed as compensation" and shall be "just and fair".

5. In **The Andaman and Nicobar Seamen Union and Ors. Vs. The Union of India and Ors. [MANU/WB/1156/2012, 2013 (136) FLR 646]**, the Honourble Court while dealing with the disputes and regarding the procedure to be followed by the Tribunal constituted under Section 150 (1) of the MS Act 1958; held that the Tribunal constituted under Section 150 shall dispose

of the disputes expeditiously and submit the final award to the Central Government. Further, on receipt of the award, the Central Government is required to publish it and accordingly, the said award becomes enforceable on expiry of 30 days from the date of its publication. It was also laid down that the Central Government has the power to amend or vary the award on grounds of public interest and once enforceable the said award becomes binding on the legal heirs of the owners, successors or assigns.

6. In **Antonio R. Borges and Ors. Vs. Union of India (UOI) and Ors. [MANU/MH/1092/2003, 2003 (4) BomCR 529, 2003 (105(2)) BOMLR 412]**, the Court while addressing the issues regarding challenge against forceful disembarkment of seafarers by Master and those against the Shipping Master discharging the seafarers; had laid down that the discharge of seafarers shall be in accordance with the procedure laid down in the statute, if procedure is laid down under the statute.

7. In **Antony D. Vincent Vs. The Union of India (UOI) and Ors. [MANU/TN/0423/2009]**, Court held that to invoke the powers of the Central Government or the statutory authority to constitute Tribunal under section 150 (1) of the MS Act, 1958, the person claiming such invocation shall prove himself to be falling within the ambit of the word "seamen" as defined under the Act. With regard to shore fitters, the Court clarified that they can never be considered as seamen or member of crew of a ship for the purpose of MS Act.

8. In **Charan Bala Biswas Vs. Shipping Corporation of India Ltd. and Ors. [MANU/WB/0633/2008, 2009 AC J2345, 2008 (2) TAC 896]**, Court had laid down that by virtue of application of section 98 of the MS Act 1958, only those persons who are found to be medically fit can only be employed for sea service. Court declared this as a legal presumption, and hence, any person declared to be medically unfit for sea service from a particular date is also equally presumed to be medically fit till that date.

9. In **Lieutenant Governor and Ors. Vs. Joy Dev Majhi and Ors. [MANU/WB/0080/2007, 2007 (3) CHN 203]**, Court held that when an application is received seeking exemption by virtue of powers under Section 458 of MS Act, the statutory authorities shall observe strict compliance with statutory provisions by disallowing dispensation from the requirements affecting safety of vessels.

10. In **Naresh Kumar and Ors. Vs. Union of India (UOI) and Ors. [MANU/SC/0304/2004, AIR2004SC 2026, 2004(106(2))BOMLR767, 2004 INSC 237, JT2004(5)SC 394, 2004LabIC 1717, 2004(2)LLN781(SC), 2004(4)SC ALE214, (2004)4SC C 540, [2004]3SC R777, 2004(2)SC T383(SC), 2004(3)SLJ1(SC)],** the Court laid down the ratio that the distinction between Certificate of Service and Certificate of Competency is clearly based on intelligible differentia. Although Article 14 of the Constitution of India forbids discrimination, reasonable classification based on intelligible differentia is allowed. The reasonable classification is aimed to achieve the uniformity of competence, internationally. By no stretch of imagination can such classification be termed as discriminatory or violative of Articles 14 and 19 of the Constitution. Thus, the Court concluded that by virtue of powers under the MS Act 1958, DG Shipping can classify and categorise certificates, issued under the Act.

11. In **O. Konavalov Vs. Commander, Coast Guard Region and Ors. [MANU/SC/1550/2006]** the Honourable Court crystallised and declared that, the right to wages of seamen as wages of any employee is integral to Article 21 of the Constitution, which talks about the right to life and liberty of every individual. Also, Section 144 of the Merchant Shipping Act states that the right of the seaman to wages is unfettered and no limitation on the entitlement is under the Merchant Shipping Act. Therefore, it can be safely concluded that Section 144 of the Merchant Shipping Act and Article 21 of the Constitution is tantamount. Thus, **the DGMA / authorised personnel (DSEO or Shipping Master receiving claims for settlement of wages shall be adjudicated devoid of the grounds and reasons putforth by the persons responsible for the payment; for the denial of the wages.**

12. In **Syed Mohmmed Jamil Vs. Union of India (UOI) and Ors. [MANU/WB/0271/2009]**, the Court while dealing with the claim that the owners have acted illegally by discharging and terminating the service of the petitioner before completion of his voyage and withholding his salary and emoluments; has held that the dispute redressal mechanism established in the employer, shall be exhausted before approaching statutory authority or even the writ jurisdiction.

13. In **The Board of Trustees for the Port of Calcutta Vs. Swadesh Kumar Khatua and Ors. [MANU/WB/0212/2000, (2000)3C ALLT558(HC)],** the Court while dealing with the claim of unpaid wages of crew, reiterated that it ranks first in priority based on a maritime lien. Priority

of wages is secured under the MS Act and an agreement forfeiting lien on the ship for wages, an agreement abandoning his right to wages in case of loss of ship constitutes violation of MS Act. The claim for crew wages has first priority over claims of Port despite latter's priority recognised under separate statute.

14. In **The Director General of Shipping and Ors. Vs. A.M. George. [MANU/KE/0614/2004],** while considering the eligibility and entitlement to receive CDC, the Court held that the CDC shall be issued if conditions mentioned in the applicable laws, are satisfied. Seaman requires C.D.C. for employment as Seaman on board foreign-going ships of all categories and home trade ships of not less than 200 tons gross. Court held that irrespective of nature or GRT of vessels, if the seaman has enough experience as reflected in the certificate, he is entitled to receive CDC.

15. In **the General Manager, Shipping Corporation of India Ltd. Vs. A. Maria John. [MANU/TN/8131/2007, III(2009)AC C 464(Mad.), 2009AC J418]**, Court held that when the accident is not one linked to the nature of the employment arising out of or in the course of employment, there is hardly any fact to link the deceased's employment which took him to the mid sea apart from the fact that there is nothing to show that the conduct of the deceased was incidental to his employment. When a claim is brought before the statutory authority or the judicial forum, the causal relationship between the accident and the employment, or as an incident of employment is a matter which must be proved by the claimants to sustain the claim for compensation. And, if the death did not occur in the course of or out of employment, the claim for accidental death or those arising out of employment will not hold good.

16. In **Central Govt. and Ors. Vs. Vizag Trawler Workers Union [MANU/AP/0448/1996, 1996(4)ALD605, 1997(1)ALT288]**, it was laid down that the absence of notification applying the provisions of the Act to fishing boats is not key to determine application of those provisions, rather "it depends on the language used in the other provisions of the Act." That is – if there is express exclusion excluding the applicability of the provisions to the fishing boats the actual exclusion of application can be claimed. Otherwise, if there is no express language excluding the applicability of those provisions to fishing boats, the said provisions outside Part XV-A clearly apply to fishing boats.

17. In **Hinterland Seamen Union Vs. Union of India (UOI) and Ors. [MANU/WB/0194/1993, (1993)2C ALLT49(HC), 1994(69)FLR113]**, the Director of Shipping Services may have dual capacity. He can discharge the function of a quasi-judicial authority as per the duties of the Harbour Master as envisaged under Section 89 of the Merchant Shipping Act.

18. In **Steel Industrials Kerala Ltd. Vs. S.M. Rebello and Ors. [MANU/SC/0362/1985, AIR1985SC 760, 1985(1)Crimes 515(SC), [1985(50)FLR467], 1985 INSC 37, 1986LabIC 411, 1986LabIC 411, (1985)IILLJ14SC , 1986(1)LLN491(SC), 1986--LW(C rl)11, 1985(1)SC ALE289, (1985)2SC C 363, [1985]2SC R998],** Court while dealing with claim of wages by Master held that, upon termination of contract prior to period of employment contract, no compensation or wages are payable for balance period when the ship has been scrapped. Court however, upheld Master's right under section 143 read with Section 148 of MS Act.

19. In **Sukharanjan Sarkar Vs. Mackinnon Mackenzie & Co. and Ors. [MANU/WB/0469/1974, 78C WN906]** Court held, while dealing with an application under section 145 (1) of the MS Act for wages due, that an Order shall be a speaking order assigning reasons. Court also clarified that the effect must be given to the words of a statute, if possible to all the words used, for the legislature is deemed not to waste its words or to say anything in vain; thus held that construction of words used u/s. 145(1) of the Merchant Shipping Act, 1958 lays down without any doubt that the competent Magistrate before whom an application is made must try the case himself.

20. In **Union Carbide India Ltd. Vs. Industrial Tribunal and Ors. [MANU/AP/0201/1977, 1979LabIC 35, (1978)ILLJ526AP]** Court held that the jurisdiction of a Tribunal constituted under section 150 of the MS Act is not limited to determine disputes between owners and seamen who have entered into agreement with owner under section 100 of the Act nor does it limit application of Act to seamen engaged in ships less than 200 tons; rather "they deal with employment and engaged of seamen of all ships whether they are home-trade ships of less than two hundred tons or of any other category." Accordingly, the Hon'ble Court has clarified that fishermen employed onboard fishing vessel are also to be considered as seamen for the purpose of invoking section 150 of the MS Act, 1958.

21. In **Ibrahim Mohammed Issak Vs. Mackinnon Mackenzie & Co. (Private) Ltd. [MANU/MH/0038/1965, 1966AC J136, 1965(67)BLJR735, 1965()BOMLR735,**

[1966(12)FLR345], (1965)ILLJ554Bom, 1966MhLJ220], the Court held that if a seaman's employment puts him in a dangerous position, the ship on high seas or in deep waters being a place to which some risk is incidental. There are perils, surrounding the seaman's life and duty which are inherent in his employment. As the employment of a seamen by the very nature of it, exposes him to certain dangers, whether at work or not as for example, the danger of falling overboard or being swept overboard there is a prima facie presumption if death by drowning be proved that the death was caused by an accident, which arose out of employment. Hence, to find that the seaman is dead in or during the course of employment, it is not necessary that there should be direct or positive evidence that he was seen falling overboard or being drowned. The presumption thus arising can be rebutted by the employer by leading evidence of facts and circumstances showing that the workman had at or about the time of his death departed from the controlling incidents. Further to the above, the Court laid down the ratio that the above is not applicable for concluding the possibility of homicidal death, or death by suicide, which requires direct and cogent evidence, among others.

22. In **Forward Seamers Union of India vs. Union of India; WP(C) NO. 28407 OF 2020 (Neutral Citation Number: 2022: KER:68293)** regarding the entitlement of trade union to apply to the statutory authority for constitution of tribunal under Section 150 so as to adjudicate class action, Court had laid down that Section 132 deals exclusively with individual grievances of crew members relating to matters covered in agreements executed under Section 100 MS Act 1958, whereas Section 150 contemplates "class action" concerning disputes raised by seamen or their NoK / legal heirs.

23. In **Parija Francis vs. Union of India (Neutral Citation Number: 2025: KER: 60105) WP(C) No. 25272 of 2025, the Court addressed the claims of** immediate medical disembarkation and repatriation of an Indian seafarer serving onboard an Indian-flagged vessel due to serious health complications and alleged violation of mandatory medical safety norms and seafarer welfare obligations under national and international maritime law and held that where the seafarer was suffering from serious health complications, and despite this, he continued to be retained onboard the vessel in clear violation of statutory medical safety requirements, including the absence of essential medicines. Court laid down that the aforesaid acts are contravention to the provisions of the Merchant Shipping Act, 1958, the Maritime Labour Convention, 2006, and

violative of the constitutional protections under Articles 14 and 21, guaranteeing equality and the right to life.

24. In **Sabeeha Faikage and Ors. Vs. Union of India (UOI) and Ors** [MANU/SC/0893/2012], the Court, while dealing with loss of life at sea, held that when amount of death compensation paid in accordance with the laws of the Flag State administration as contemplated in the agreement, no further compensation is payable in the absence of any materials that there was any inaction with malicious intent or conscious abuse or intentional doing of some wrongful act or negligence on the part of State and the Statutory authority, which was the proximate cause of the disappearance or death of the Indian seafarers on board the vessel involved (Jupiter-6), to show that compensation shall be paid in accordance with CBA.

VI. Discretion of statutory authority to tackle extraneous circumstances – permissibility thereof:

1. **In Vizhinjam Steamer Agents Association and Ors. Vs. Union of India and Ors. [MANU/KE/1675/2025, 2025/KER/34274],** the Honourable High Court of Kerala was faced with the question challenging the order of the DGMA whereby the controlled crew change services permitted to be rendered from the inner and outer anchorage of Vizhinjam Port was withdrawn by DGMA. The Court held that the DGMA's permission that was withdrawn was originally rendered as a measure adopted during the Covid-19 pandemic. The same was necessary to curb the spread of the pandemic. Therefore, the said withdrawal of the temporary measure cannot be claimed to cause any infringement of rights, as the original order that was withdrawn never conferred any fixed rights. The Court further held that 'the withdrawal by DGMA of the exemption granted during pandemic period will not give rise to any cause of action to an Association of Steamer Agents or its member. Their business interests cannot override the security of the nation, which is one among the concerns expressed by the Central Government'.

2. In **Antonio R. Borges and Ors. Vs. Union of India (UOI) and Ors. [MANU/MH/1092/2003, 2003 (4) BomCR 529, 2003 (105(2)) BOMLR 412]**, the Court while addressing the issues, had clarified that removing the seafarers from ship to the police station to avoid serious consequences to the vessel's safety and human life cannot be interpreted as any act of giving them discharge under section 121 of the MS Act, 1958. The Court also laid down that when the punishment awarded to the seafarer was considering the serious allegations and acts committed by the said seafarers, Court cannot interfere with the conclusions made, even when the said punishments appear to be harsh.

3. In **Antony D. Vincent Vs. The Union of India (UOI) and Ors. [MANU/TN/0423/2009]**, Court held that to invoke the powers of the Central Government or the statutory authority to constitute Tribunal under section 150 (1) of the MS Act, 1958, the person claiming such invocation shall prove himself to be falling within the ambit of the word "seamen" as defined under the Act. With regard to shore fitters, the Court clarified that they can never be considered as seamen or member of crew of a ship for the purpose of MS Act.

4. In **Subash Kumar Vs. Principal Officer, Mercantile Marine Department, Madras. [MANU/SC/0570/1991, AIR1991SC 1632, 1991C riLJ2000, 1991(1)Crimes830(SC), 1991 INSC 68, JT1991(1)SC 658, 1991(1)SC ALE262, (1991)2SC C 449, [1991]1SC R743],** while

interpreting application of the provisions of the MS Act on foreign vessels with respect to a shipping casualty, especially when the said application is challenged by the said foreign vessel /owners, the Court had laid down the ratio that the principle to be adopted for the purpose of interpretation is that of verba secundum materiam subjected intelligent nemo est qui nesciat, which means there is no one who does not know that words are to be understood according to their subject matter, and accordingly the Court laid down that the application of the Act shall be in accordance with the MS Act.

VII. Right to the certification including certificate of competency:

1. In **Alok Verma Vs. The Shipping Corporation of India Ltd. [MANU/MH/0003/2012, 2012 (4) ALLMR 331, 2012 (114) BOMLR 635]**, while addressing the question regarding the aspects of promotion sought by Indian Navy Officer to the post of Master of foreign going ships, the Honourable Court upheld the decision rendered by the Honourable Supreme Court in **Naresh Kumar & Anr. vs. Union of India & Ors. [MANU/SC/0304/2004, (2004) 4 SCC 540],** andreiterated that the continuance of Certificate of Service is temporary and subjective. Article VII of STCW Convention mandates that the Certificates under the said Convention shall only be issued to those who meet the requirements.

2. In **Allan S.F. Falerio Vs. State of Goa [MANU/MH/1408/2009, 2010 (2) ALLMR 738, 2010 (112) BOMLR 7]**, Court had dealt with a question whether or not the Certificate of Competency issued to an Indian seafarer, prior to entry into force of the STCW Convention needs to be validated afresh subsequent to the implementation of the Convention. To this, the Honourable Court laid down the ratio that the Certificate of Competency issued by the Director General of Shipping before the entry into force of the STCW Convention, is valid even after the effectuation of the said Convention. Court held that the entry into force of the STCW Convention, by itself does not invalidate any Certificate of Competency granted earlier in accordance with the law. However, necessary training and updation of Certificate of Competency are envisaged with respect to seafarers who desires to return to sea.

3. In **Lieutenant Governor and Ors. Vs. Joy Dev Majhi and Ors. [MANU/WB/0080/2007, 2007 (3) CHN 203]**, Court while dealing with necessity of mandatory certification to seamen, held that the statutory requirements under section 458 of the MS Act 1958, cannot be violated. The Court held that no waiver of passenger ship familiarization certificate and watch keeping certificate shall be granted by compromising safety of passenger and ship.

4. In **National Union of Seafarers of India (MDS) INTUC Vs. The Union of India (UOI) and Ors. [MANU/TN/0611/2005],** Court held that the Canteen crew who cannot be qualified as per the CDC Rules, cannot claim right to receive CDC and accordingly without proper

qualifications and certifications as stipulated under the Act, cannot be equated as crew on board the passenger vessels.

5. In **The Director General of Shipping and Ors. Vs. A.M. George. [MANU/KE/0614/2004]**, while considering the eligibility and entitlement to receive CDC, the Court held that the CDC shall be issued if conditions mentioned in the applicable laws, are satisfied. Seaman requires C.D.C. for employment as Seaman on board foreign-going ships of all categories and home trade ships of not less than 200 tons gross. Court held that irrespective of nature or GRT of vessels, if the seaman has enough experience as reflected in the certificate, he is entitled to receive CDC.

6. In **K.K. Pushkaran and Ors. Vs. State of Kerala and Ors. [MANU/KE/0508/1994, 1994(2)KLJ1075]** held that crew engaged onboard fishing vessels intending to ply in high seas shall possess necessary competency certificate issued by the Mercantile Marine Department/Port Department.

7. In **P.B. Abdul Rehman and Ors. Vs. Director General of Shipping and Ors. [MANU/MH/0570/1993, 1994(1)BomC R134, 1993(95)BOMLR239]**, with regard to claims of Indian seamen that they have been denied grant of CDC, despite possessing valid discharge certificates and experience certificates, along with certificates of training and survival at sea, the Court held that the exclusion of category of seamen who have worked as seamen and who possess discharge certificate from vessels on which they have worked, showing their satisfactory work on such vessels, without any reasonable cause is wholly arbitrary and unreasonable and violates the rights of such seamen under Article 14.

8. In **Pratap Krishan Rew Vs. Director General of Shipping and Ors. [MANU/MH/0495/1992, 1992(3) BomC R367, 1993LabIC 776]**, the Court had laid down the ratio that the claims of the seamen have to be viewed from a wider angle of their constitutional rights. The prayer is in one essence a facet of the fundamental right to carry on business. In the case of an ordinary employee, even if his former employer does not issue a Certificate of Discharge, the said employee can try his chance elsewhere. There could be employers who would detect the potential smartness in the applicant standing before him. Such, however, is not the case of the seaman. Without the Certificate of CDC, the seaman has no prospect

whatsoever of future employment; and hence if he is compliant with the criteria laid down, the authorities have no other choice/option than to issue the said certificate.

9. In **Uday Date and Ors. Vs. Union of India (UOI) and Ors. [MANU/MH/0517/1996, 1997(3)ALLMR620, 1997(4)BomC R10, 1997(99(3))BOMLR379, 1997(2)MhLj328**], the Court laid down the ratio that although Section 80 of the MS Act 1958 has been repealed, the Right to issuance of Certificate of Service, if crystallised under a statute; continues even after the repeal of the provision of the statute. The aforementioned is envisaged by virtue of application of Section 6(c) of General Clauses Act 1897, which is a savings clause and hence unless the repeal expressly takes away or extinguishes the right; the repeal will not take away such right that is otherwise preserved. The Court also stressed the ratio that the origin of the aforementioned right shall be determined based on the time at which the right was crystallised.

VIII. Remedies for missing on board:

1. **In Gangadharan C.V. and Ors. Vs. Union of India and Ors [MANU/KE/2795/2010, 2011 (1) ECrN 1492, 2010 (2) KHC 843],** the Court held that the preliminary enquiry under Section 358 and the formal investigation under Section 360 of the MS Act 1958 into the missing case of a seafarer will not be efficacious and sufficient and accordingly a higher and more efficient authority's (CBI) was necessitated.

IX. Entitlement of basic necessities, medical aid provisions, water, food and the like and rights against abandonment:

1. In **GMS Marine Company Limited Vs. The Owners and Parties Interested in The Vessel M.V. Vinashin Sky [MANU/WB/0165/2010, (2010) 2 CALLT 626 (HC), 2011 (2) CHN 580, 114 CWN 897],** the Court held that when a vessel belonging to a foreign owner is arrested; the crew on board have the right to receive essential provisions and water that are the basic necessities to maintain their life on board. Court also directed the claimant who has arrested the vessel to provide water and essential supplies to the crew, the cost of which shall be realised at the appropriate stage.

2. **In Parija Francis vs. Union of India (Neutral Citation Number: 2025: KER: 60105) WP(C) No. 25272 of 2025, the Court addressed the claims** immediate medical disembarkation and repatriation of an Indian seafarer serving onboard an Indian-flagged vessel due to serious health complications and alleged violation of mandatory medical safety norms and seafarer welfare obligations under national and international maritime law and held that where the seafarer was suffering from serious health complications, and despite this, he continued to be retained onboard the vessel in clear violation of statutory medical safety requirements, including the absence of essential medicines. Court laid down that the aforesaid acts are contravention to the provisions of the Merchant Shipping Act, 1958, the Maritime Labour Convention, 2006, and violative of the constitutional protections under Articles 14 and 21, guaranteeing equality and the right to life.

3. In **T.S. Sreekumar Vs. Union of India and Ors. [MANU/KE/1817/2016, 2016/KER/46645, 2016 (5) KHC 546]**, the Honourable Court was faced with a question whether the crew can be allowed to be signed off when the owner has abandoned the vessel. Court while addressing the checkmate situation that, if crew is allowed to be signed off without permission of the owner, will it amount to desertion of ship; has held that when the statutory provision comes into conflict with the fundamental rights of citizens, the latter shall prevail over the former. Thereby, the Court held that in events where the owners have abandoned the vessel and her crew unreasonably and arbitrarily; that too without providing even the basic amenities such as provisions; the statutory authority can allow sign off of the crew subject to a bond executed by

the said crew. Further, in such events, the State Government is given the responsibility to remove the vessel from the port to a safe place, after complying with procedures established under applicable laws.

4. In **Shanmugam Rajasekar Vs. Owners and parties interested in the Vessel M.T. Pratibha Cauvelry and Seaworld Shipping & Logistics Pvt. Ltd. Vs. The Board of Trustees and Ors. [MANU/TN/2768/2023]**, the Honourable High Court has laid down that the right to wages is more than any other contractual claim and abandonment of 27 vessel by the owners does not deprive the crew/seafarers from making their claim for wages. The compensation along with pending wages as provided under Section 143 along with the interest was directed to be paid on priority basis.

X. Powers in instances of shipping casualty

1. In **M.T. Enrica Lexie and Ors. Vs. Doramma and Ors. [MANU/SC/0409/2012, AIR 2012 SC 2134, 2012 INSC 197, 2012 (5) SCALE 134, (2012) 6 SCC 760]**, the Court was given the question to apply the provision of IPC along with Section 358 and Section 359 of the MS Act 1958 and those of the Criminal Procedure Code. The Hon'ble Court held that the police officer conducting investigation can seize such property from vessel including a vessel **and personnel on board**, by virtue of powers conferred under Section 102 of CrPC. "Police officer is empowered to issue letter to Master directing that vessel shall not sail without prior sanction. Jurisdictional Magistrate acting under section 457 of the Criminal Procedure Code is the authority empowered to decide and direct release of the vessel involved in a crime and not the writ court.

2. In **The State Vs. Mariya Anton Vijay and Ors. [MANU/SC/0697/2015, 2015 INSC 463, 2015 (7) SCALE 481, (2015) 9 SCC 294]**, the Honourable Court while dealing with the connivance of crew in illegally possessing arms and ammunition, without proper license or order of statutory authority; has laid down that, if the foreign flag vessel is located within territorial waters of India the investigating authority, be it Coast Guard or Police has power to register the case or FIR and can also seize the arms and ammunitions that are illegally possessed. The foreign nationals/crew will be subject to the criminal jurisdiction of India and accordingly, the said crew can be arrested and produced before the jurisdictional Magistrate. If so, the vessel along with the personal property of the crew shall be detained under the custody of the port authorities. Further, Court also held that purchase of bulk quantity of fuel by crew members of any vessel while within the Indian waters is considered as an offence. Court also laid down that with respect to charges imposed on crew members under multiple statutes; quashing of charge under any of the statutes will not absolve the said crew from the prosecution of offences committed under other laws in force.

3. In **Subash Kumar Vs. Principal Officer, Mercantile Marine Department, Madras.**

   [MANU/SC/0570/1991, AIR1991SC 1632, 1991C riLJ2000, 1991(1)C rimes830(SC), 1991 INSC 68, JT1991(1)SC 658, 1991(1)SC ALE262, (1991)2SC C 449, [1991]1SC R743], while interpreting application of the provisions of the MS Act on foreign vessels with respect to a shipping casualty, especially when the said application is challenged by the said foreign

vessel /owners, the Court had laid down the ratio that the principle to be adopted for the purpose of interpretation is that of *verba secundum materiam* subjected *intelligent nemo est qui nesciat*, which means there is no one who does not know that words are to be understood according to their subject matter, and accordingly the Court laid down that the application of the Act shall be in accordance with the MS Act.

4. In **Sabeeha Faikage and Ors. Vs. Union of India (UOI) and Ors [MANU/SC/0893/2012],** the Court, while dealing with loss of life at sea, held that when amount of death compensation paid in accordance with the laws of the Flag State administration as contemplated in the agreement, no further compensation is payable in the absence of any materials that there was any inaction with malicious intent or conscious abuse or intentional doing of some wrongful act or negligence on the part of State and the Statutory authority, which was the proximate cause of the disappearance or death of the Indian seafarers on board the vessel involved (Jupiter-6), to show that compensation shall be paid in accordance with CBA.

XI. Seafarers' right to reliefs including signing off, repatriation, employment and the like & liability for tortious, civil and Criminal acts:

1. In **T.S. Sreekumar Vs. Union of India and Ors. [MANU/KE/1817/2016, 2016/KER/46645, 2016 (5) KHC 546]**, the Honourable Court was faced with a question whether the crew can be allowed to be signed off when the owner has abandoned the vessel. Court while addressing the checkmate situation that, if crew is allowed to be signed off without permission of the owner, will it amount to desertion of ship; has held that when the statutory provision comes into conflict with the fundamental rights of citizens, the latter shall prevail over the former. Thereby, the Court held that in events where the owners have abandoned the vessel and her crew unreasonably and arbitrarily; that too without providing even the basic amenities such as provisions; the statutory authority can allow sign off of the crew subject to a bond executed by the said crew. Further, in such events, the State Government is given the responsibility to remove the vessel from the port to a safe place, after complying with procedures established under applicable laws.

2. In **Charan Bala Biswas Vs. Shipping Corporation of India Ltd. and Ors. [MANU/WB/0633/2008, 2009 AC J2345, 2008 (2) TAC 896]**, Court had laid down that by virtue of application of section 98 of the MS Act 1958, only those persons who are found to be medically fit can only be employed for sea service. Court declared this as a legal presumption, and hence, any person declared to be medically unfit for sea service from a particular date is also equally presumed to be medically fit till that date.

3. In **Unnikrishnan Vs. Divisional Inspector of Police [MANU/KE/0272/2001, 2001 CriLJ4558]** Court held that proceedings under the criminal law cannot be ousted by those provided under the MS Act. Thus, the seafarers or personnel who commit criminal acts cannot claim that the application of penalties under the MS Act 1958 will limit application of penalties prescribed under the other laws in force in India, especially the criminal laws.

4. **In Marine Management Services (Private) Ltd. Vs. Anil Kumar Jaiswal and Ors. [MANU/MH/0569/1999, (2001)IIILLJ94Bom, 2000(1)LLN187(Bom.), 1999(3)MhLj925],** the Honourable Court, addressing the primary claim by the Petitioner that its ship is not registered in India or under the MS Act and that the said ship never touched

Indian port and because of which, the provisions of the MS Act cannot be applicable so as to enable the seafarers/crew to file an application for claiming wages under section 145 of MS Act. Analysing the laws the Court had laid down the ratio that as provisions of Section 114 provides that Indian seaman cannot be engaged on ship other than Indian Ship unless provisions of Section 114 are strictly complied with. The Court further confirmed that it is to protect the Indian seamen that Section 114 have been made in the MS Act. Further, the fact that petitioner was acting as agent of the principal foreign company/vessel owner and that it was the petitioner who employed the seafarer for the foreign principal will show that this engagement was done as agent of foreign principal by following provisions of Section 114.

5. **Pratap Krishan Rew Vs. Director General of Shipping and Ors. [MANU/MH/0495/1992, 1992(3) BomC R367, 1993LabIC 776],** and **Raj Harsh Sud and Ors. Vs. Union of India (UOI) and Ors. [MANU/MH/0498/1995, 1996(2)BomC R293],** the Court had laid down the ratio that the claims of the seamen have to be viewed from a wider angle of their constitutional rights. The prayer is in one essence a facet of the fundamental right to carry on business. In the case of an ordinary employee, even if his former employer does not issue a Certificate of Discharge, the said employee can try his chance elsewhere. There could be employers who would detect the potential smartness in the applicant standing before him. Such, however, is not the case of the seaman. Without the Certificate of CDC, the seaman has no prospect whatsoever of future employment; and hence if he is compliant with the criteria laid down, the authorities have no other choice/option than to issue the said certificate.

6. **In Kamal Kumar Puri Vs. Bombay Marine Engineering Works (P) Limited [MANU/SC/0281/1982, AIR1982SC 1173, (1982)IILLJ182SC , (1982)1SC C 500, 1982(2)SLJ398(SC)],** the Honourable Court laid down the ratio that upon upholding the mandates under Section 119 of the MS Act, a seaman is entitled to receive the Certificate of Discharge from the Master, when discharged from the ship or on payment of his wages and is also entitled to receive other certificates, if any, from the Master. The Court had also laid down the ratio that if the certificate of discharge was withheld without any lawful excuse, such act amounts to deprival of the chance of employment of the said seaman and such unlawful deprival entitles the said seaman to receive damages from the Master/Shipowner. Thus, the quasi-judicial authority under the MS Act needs to look into these aspects, while adjudicating claims of the similar nature above.

7. **In Ibrahim and Ors**. Vs. **State of West Bengal and Ors.[MANU/SC/0061/1967, AIR1968SC731, 1968CriLJ874, 1967 INSC 265, [1968]2SCR306],** the Court held that the

gist of desertion therefore is the existence of an animus not to return to the ship or, in other words, to go against the agreements under which the employment of seaman for sea voyages generally takes place. Court emphasised that if the seafarers commit breach of the employment agreement and causes the vessel to lose the compliance with the minimum manning requirements the same amount to desertion and a serious offence. Court had laid down that the policy of the law is that the crew must perform their duties under such agreements as they execute with the shipping company on pain of being found guilty and punished if they cannot make out that they had sufficient and reasonable cause for what may otherwise be regarded as dereliction of duty. Further, the Court had also laid down the ratio that the Shipping Master has jurisdiction to decide on the disputes and efforts shall be to make the parties involved to reach a consensus. And the conclusions made by the Shipping Master / jurisdictional Shipping Master is binding and enforceable.

XII. General interpretation:

1. **Subash Kumar Vs. Principal Officer, Mercantile Marine Department, Madras.**

   [MANU/SC/0570/1991, AIR1991SC 1632, 1991C riLJ2000, 1991(1)C rimes830(SC), 1991 INSC 68, JT1991(1)SC 658, 1991(1)SC ALE262, (1991)2SC C 449, [1991]1SC R743], while interpreting application of the provisions of the Act on foreign vessels regarding a shipping casualty, especially when the said application is challenged by the said foreign vessel /owners, the Court had laid down the ratio that the principle to be adopted for the purpose of interpretation is that of *verba secundum materiam* subjected *intelligent nemo est qui nesciat*, which means there is no one who does not know that words are to be understood according to their subject matter.

2. **Uday Date and Ors. Vs. Union of India (UOI) and Ors. [MANU/MH/0517/1996, 1997(3)ALLMR620, 1997(4)BomC R10, 1997(99(3))BOMLR379, 1997(2)MhLj328],** the Court laid down the ratio that although Section 80 of the MS Act 1958 has been repealed, the Right to issuance of Certificate of Service, if crystallised under a statute; continues even after the repeal of the provision of the statute. The aforementioned is envisaged by virtue of application of Section 6(c) of General Clauses Act 1897, which is a savings clause and hence unless the repeal expressly takes away or extinguishes the right; the repeal will not take away such right that is otherwise preserved. The Court also stressed the ratio that the origin of the aforementioned right shall be determined based on the time at which the right was crystallised.

3. **In Ibrahim Mohammed Issak Vs. Mackinnon Mackenzie & Co. (Private) Ltd.**

   [MANU/MH/0038/1965, 1966AC J136, 1965(67)BLJR735, 1965()BOMLR735, [1966(12)FLR345], (1965)ILLJ554Bom, 1966MhLJ220], the Court held that if a seaman's employment puts him in a dangerous position, the ship on high seas or in deep waters being a place to which some risk is incidental. There are perils, surrounding the seaman's life and duty which are inherent in his employment. As the employment of a seamen by the very nature of it, exposes him to certain dangers, whether at work or not as for example, the danger of falling overboard or being swept overboard there is a prima facie presumption if death by drowning be proved that the death was caused by an accident, which arose out of employment. Hence, to find that the seaman is dead in or during the course of employment, it is not necessary that there should be direct or positive evidence that he was seen falling overboard or being drowned. The

presumption thus arising can be rebutted by the employer by leading evidence of facts and circumstances showing that the workman had at or about the time of his death departed from the controlling incidents. Further to the above, the Court laid down the ratio that the above is not applicable for concluding the possibility of homicidal death, or death by suicide, which requires direct and cogent evidence, among others.

INTERNATIONAL REFLECTIONS

1.In **The ITLOS in THE M/V "NORSTAR" CASE (PANAMA v. ITALY)** [Case No. 25 – Judgment dated 10.04.2019], the Hon'ble International Tribunal on the Law of the Seas –

- had discussed the applicability of ILC's Draft Articles on Diplomatic Protection, 2006 [Adopted in the General Assembly, Sixty-first Session, Supplement No. 10 (A/61/10)]. In the said instrument, Article 18 that deals with Protection of ships' crews, provide for the right of the State of nationality of the members of the crew of a ship to exercise diplomatic protection for the crew. Further it clarifies that the said right of the State is not affected by the right of the State of nationality of a ship to seek redress on behalf of such crew members, irrespective of their nationality, when they have been injured in connection with an injury to the vessel resulting from an internationally wrongful act.
- And laid down that a State exercises sovereignty in its internal waters. Foreign ships have no right of navigation therein unless conferred by the Convention or other rules of international law. To interpret the freedom of navigation as encompassing a right to leave port and gain access to the high seas would be inconsistent with the legal regime of internal waters. The Tribunal, therefore, held that it cannot accept the claim that the freedom of navigation under article 87 of the Convention includes a right to 'sail towards the high seas' and that a vessel enjoys such freedom even in a port of the coastal State.

2. In **M/V 'SAIGA' (No. 2) Case ICGJ 336 (ITLOS 1999),** the ITLOS noted that reparation may take various forms under international law: Reparation may be in the form of 'restitution in kind, compensation, satisfaction and assurances and guarantees of non-repetition, either singly or in combination' … Reparation may take the form of monetary compensation for economically quantifiable damage as well as for non-material damage, depending on the

circumstances of the case. The circumstances include such factors as the conduct of the State which committed the wrongful act and the manner in which the violation occurred.

3. In **M/V "Virginia G" (Panama v. Guinea-Bis-sau)** Case judgment dated 14.04.2014 **ICGJ 452 (ITLOS 2014),** the ITLOS held that it is a well-established principle of customary international law that the exhaustion of local remedies is a prerequisite for the exercise of diplomatic protection.

4. **In "Monte Confurco" Case (Seychelles v. France)** Case, Judgment of 18 December 2000, **ICGJ 339 (ITLOS 2000)],** the ITLOS has held that the object of article 292 of the UNCLOS, is to reconcile the interest of the flag state to have its vessel and its crew released promptly with the interest of the detaining state to secure appearance in its court of the Master and the payment of penalties.

5. In **Öcalan v. Turkey ([GC], no. 46221/99, §§ 97-99, ECHR 2005-IV**), the European Court of Human Rights laid down that, recognising the need to curb drug trafficking; all civilised nations clearly agree that drug trafficking is a scourge, that States must work together to combat it, and that offenders must be arrested and punished, at least where the applicable domestic law so provides, which is evidently the case here. This decision has been relied upon by the ECHR in Medvedyev & Ors. Vs. France (Application no. 3394/03) and had passed a detailed judgment dated 29.03.2010.

6. In **Medvedyev & Ors. Vs. France(Application no. 3394/03) [2010] ECHR 384, IHRL 3715 (ECHR 2010),** wherein it was laid down that, when there is sufficient concurring evidence to suspect that a ship on the high seas which is thousands of miles away from the Flag State is involved in international trafficking of narcotic drugs and that all countries want to put a stop to the said ship and its activities; it is without a doubt that any State seizing the said ship will only be considered as a legitimate and proportionate exercise of power. The argument that only Flag State has jurisdiction to take action against the said ship is a narrow interpretation, and the same cannot be acceptable. And accordingly, despite Cambodia being not a party to United Nations Convention on the Law of the Sea ("the Montego Bay Convention") and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic

Substances ("the Vienna Convention") at the time of impugned dispute; the legal process to punish the infiltrators were directed to be adopted, and the detention of seafarers were justified.

7. In **M/T "San Padre Pio" (Switzerland v. Nigeria)**, Provisional Measures, Order of 6 July 2019, **ITLOS Reports 2018–2019, p. 375**, the Tribunal laid down due regard to the obligations of the Coastal States in the Exclusive Economic Zone (EEZ). The aspects such as protection of crew rights under international law, humanitarian concerns regarding detention and safety of crew members and prescription of provisional measures to prevent irreparable prejudice by initiating unwarranted legal proceedings were also dealt with. In the case Tribunal noted that the detention of the vessel shall not in any way expose the seafarers / crew to danger of safety and security, including armed attack. It was also laid down that the restrictions on liberty and freedom of seafarers / crew for a lengthy period, raise humanitarian concerns and that the same shall not encouraged.

11 Vision & Strategic Objectives

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11.1 Vision 2047 for Seafarer Welfare

The Maritime Amrit Kaal Vision 2047 addresses seafarers' welfare through a multifaceted and future-oriented approach integrated into the broader vision of sustainable, inclusive, and globally competitive maritime development. The primary focus of the Vision 2047 is on logistics, infrastructure, and shipping to support India's Blue Economy, however, there are several other initiatives aimed at enhancing seafarers' welfare. These include "Sagar Mein Yog" a pioneering programme that supports the physical, mental, emotional, and spiritual wellness of seafarers, pre-sea, at sea, and post-sea and Sagar Mey Samman, aimed at enhancing the number of women seafarers in the Indian Maritime Sector, continuous and relentless work for the safety of seafarers abroad etc.

11.2 Targets for Onboarding and Employment Generation

The MIV 2030 aims to promote domestic ship repair facilities, which would potentially generate 30,000 to 35,000 employment opportunities. In addition, steps are being taken to enhance the employment opportunities for Indian seafarers through improvement of global maritime stature and leveraging Ministry of External Affairs (MEA).

Further, Indian seafarers are not able to get e-visa at many countries creating logistics issues and impacts costs for a shipping company during crew exchange. Long duration to obtain visa through consulate also proves to be hindrance for joining onboard vessel at a short duration. Hence, a recommendation to ILO member states was being planned for granting e-visas. E-visa facility is likely to increase the ease of crew exchange thereby increasing employment opportunities and save cost and time.

Further, it is planned to develop the best-in-class seafarers through strengthening of maritime institutes which ensure dissemination of up-to-date knowledge and employment opportunities.

11.3 Gender Inclusion Roadmap

The MIV 2030 states that there is a disparity between male and female Indian seafarers, with only 0.5% being women. The lack of participation is mainly due to limited knowledge of this career opportunity, lack of incentivisation from shipping lines and cultural bias. To address this issue a program called the Sagar Mey Samman has been launched on 30th January 2025.

The Program seeks to create a future ready and equitable Maritime Ecosystem by enhancing Women's participation in the Maritime Sector through Structured Programs and Targeted Interventions and enhance women's share in the seafaring workforce to > 5% and ultimately enhance India's Maritime representation Globally.

11.4 Skilling and Reskilling Goals

The MIV 2030 focuses on multiple aspects of skilling and reskilling of seafarers. Some of the initiatives include:

1. Maritime Education and Training (MET) Expansion and Modernization: Focusing on the enhancement of quality and maritime training, through new age courses, standardised entrance tests, faculty development programs etc, improving on-board training opportunities and

placements, promoting careers about Merchant Navy, scholarships/ benefits to women, providing seafarer welfare activities career counselling etc.

2. Development of Maritime Knowledge Cluster (MKC): To drive collaboration across National Technology Centre for Ports, Waterways and Coasts (NTCPWC), Centre for Inland and Coastal Maritime Technology (CICMT), National Institute of Oceanography (N IO), and Indian Maritime Universities (IMUs) for strategic maritime research to focus on Enhancing research and development (R&D) capacities at IMUs/MTIs, have focused research across strategic topics, Onboarding 10+ industry players across 5 research thrusts of ports, ship-building, dredging and logistics industries, creating a taskforce under Indian Maritime Center to drive collaboration across domestic/international network. Additionally, steps to be taken to promote and partner with all public/ private shipyards, ports and logistics service providers (LSPs) to offer customized skill development courses for becoming the best high-end training / upskilling partner for marine / Port sector workers.

Further institutionalize short-term Professional Development/ Certifications for upskilling faculty through higher education institutes (IIM, IITs)

11.5 National Maritime Strategy Alignment

India's National Maritime Strategy aims at multiple aspects such as implementing shipping policies and legislation to ensure the safety of life and vessels at sea, prevent marine pollution, promote maritime education and training in coordination with the International Maritime Organization, regulate the employment and welfare of seamen, develop coastal shipping, increase shipping tonnage, and oversee the examination and certification of Merchant Navy Officers.

The strategy outlines India's plan to meet its International Maritime Organization (IMO) treaty obligations as a Flag, Port, and Coastal State. It focuses on timely adoption of IMO conventions, robust enforcement, and alignment of national laws with international standards. Key priorities include regulatory strengthening, capacity building, seafarer training, environmental protection, and active participation in global maritime forums. The Director-General of Maritime Administration will coordinate with multiple agencies to ensure compliance, monitor performance via KPIs, and conduct regular reviews. The strategy emphasizes innovation, sustainability, and continuous improvement to make India a globally recognized, efficient, and responsible maritime administration.