



भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F. No. CR/MLC/CBA/2017

Dated:24.04.2020

Merchant Shipping Notice No. 7 of 2020

Sub.: Terms & Conditions for employment of Seafarers engaged on Indian flag ships-reg.

The Directorate General of Shipping, Govt. in order to satisfy itself of the provisions of Merchant Shipping Act, 1958 and Rules & Regulations made thereunder, undertaken a review in the context of Maritime Labour Convention (MLC), 2006 as amended to ensure complete effect of its provisions for employment of Indian seafarers engaged on Indian flag ships. The Terms & Conditions were deliberated in consultations with the stakeholders and were placed on the official website of D G Shipping from 20.12.2019 to 20.01.2020 for valuable comments/suggestions of the stakeholders. The comments/suggestions so received were further examined and finalized. Accordingly, the said Terms & Conditions, annexed to this notice as Annexure-I are promulgated with immediate effect.

2. This issues with the approval of Director General of Shipping & Additional Secretary to the Govt. of India.

Encl.: Annexure-I

(Subhash Barguzer)

Deputy Director General of Shipping (Crew)

Copy to:

1. All stakeholders through DGS website
2. Assistant Director (OL) for Hindi version
3. Computer Cell for placing this Notice in the DGS website

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"Terms & Conditions" for employment of Seafarers engaged on Indian flag ships

1. Whereas Merchant Shipping Act, 1958 provides for engagement & placement of Indian seafarers on Indian flag ships.
2. And whereas Section 100 and 101 of Merchant Shipping Act, 1958 require a contract to be entered into between the seafarer and master of every Indian ship.
3. And whereas in addition to the contract as mentioned above, it has also been the established practice, between the ship-owners associations and seafarers' representative unions in India, to negotiate and agree to more detailed terms and conditions of employment for seafarers on Indian flag ships, generally referred to as "Collective Bargaining Agreement" (CBA) as defined in Rule 3 (b) of Merchant Shipping (Maritime Labour) Rules, 2016.
4. And whereas Rule 8 of Merchant Shipping (Maritime Labour) Rules, 2016 also envisage that seafarers working on Indian flag ships shall have a seafarers' employment agreement (SEA) as defined in Rule 2 (h) of the said rules, signed by both the seafarer and the shipowner or a representative of the shipowner.
5. And whereas Maritime Labour Convention (MLC) 2006, as amended, lays down the "terms and conditions" of employment of seafarers. India has ratified MLC and made necessary provisions in the Merchant Shipping Act, 1958 and accordingly promulgated Merchant Shipping (Maritime Labour) Rules, 2016 and issued Merchant Shipping Notices and Circulars providing guidelines for compliance with MLC 2006.
6. And whereas Rule 9 (5) of Merchant Shipping (Maritime Labour) Rules, 2016 lays down that wages included in the CBA or SEA shall be in accordance with the guidelines as laid down in the Maritime Labour Convention, 2006.
7. And whereas minimum "notice period" for premature termination in accordance with Rule 8 (5) (g) and in the manner prescribed in Rule 8 (6) and Rule 8 (7) of the Merchant Shipping (Maritime Labour) Rules, 2016 which should be specified in CBA entered between shipowners

