



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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Dated: 02.06.2017

M. S. Notice No. 04 of 2017

Sub: Exemption of Cadets/ Trainees from purview of MLC,2006-reg.

Following the Notification of Merchant Shipping (Maritime Labour) Rules of 2016, on 29.2.16, the Directorate General of Shipping has issued M.S. Notice No.16 of 2016 dated 08.12.16 setting out guidelines for implementing the provisions of the Maritime Labour Convention on its flag ships.

2. As per the provisions of Maritime Labour Convention as enshrined in the Merchant Shipping (Maritime Labour) Rules of 2016, Seafarer means

“any person employed or engaged or works in any capacity on board a sea going ship but does not include

i) the employment or engagement or work on board in any capacity of any person in a ship of war or

ii) any Government ship used for military or non –commercial purposes.”

3. Representations were received from Indian ship owners requesting for exemption of the provisions of Maritime Labour Convention 2006 in respect trainees/cadets on board their ships. The Directorate General of Shipping, Govt of India has held extensive discussion within the organisation and with the stakeholders on the subject matter. After such deliberation/discussions and also after referring to the provisions in related Acts of Maritime Nations, it is hereby clarified that with respect to the trainees and cadets employed/working on the vessels, the provisions of Maritime Labour Convention, 2006 as enshrined in the Merchant Shipping (Maritime Labour) Rules 2016 shall be applicable as for other seafarers.

4. However, considering the representation made by Indian ship owners, relaxation with respect to following provisions is granted with respect to trainees/ cadets employed/ working on board Indian ships-

a) The Rule 12(3) (b) of the Merchant Shipping Rules, 2016 stipulates that maximum duration of service on board to which the seafarers shall be entitled for repatriation shall be less than twelve months. The trainee may prefer to continue on board a vessel for a longer period to complete the sea time required for appearing in the Examinations for Certificate of Competency. Therefore partial relaxation from this Rule is granted for such trainees, provided the trainee and the ship owner, both agree for such extended stay on board. Rest of the provisions related to the Rule 12 of the MS (Maritime Labour) Rules including the provisions related to placement of financial security shall apply in respect of trainees.

b) The social security measures as given in Rule 22 of the MS (Maritime Labour) Rules 2016 may not cover the trainees/cadets on board. In this context, the Notification no G.S.R. 232(E) issued on 10.3.2017 with respect to contribution to Seafarers Welfare Fund Society already provides for exemption the contribution with respect to trainees.

5. Barring the above two relaxations, all other provisions of Maritime Labour Convention 2006 as enshrined in the Merchant Shipping (Maritime Labour) Rules, 2016 shall apply with respect to trainees/cadets on board Indian flag ships, to which such Rules apply.

6. This issues with the approval of the Director General of Shipping & ex-officio Additional Secretary to the Government of India.



(Rajesh Mendhe)
Assistant Director General of Shipping (Crew)

To,

1. All Shipping Companies.

2. All Shipping Master's

3. Principal Officer, Mercantile Marine Department Officer, Mumbai, Chennai, Kolkata, Kandla, Kochi.

4. Surveyor-in-charge, Mercantile marine Department Office Jamnagar, Murmagoa, Manglore, Tuticorin, Vishakapatnam, Paradip, Haldia, Port Blair, Noida.

Copy to :

1. INSA/FOSMA/MASSA.

2. Nautical/Engineering/Naval Arch. /Training/SD Branch of the Dte.

3. Hindi Section for translation in Hindi.

4. The Secretary to Govt. of India, Ministry of Shipping, Transport Bhavan, 1, Parliament Street, New Delhi - 110001.