



भारत सरकार / GOVERNMENT OF INDIA

पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय / DIRECTORATE GENERAL OF SHIPPING

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F. No. CR/SID- Ratification/ 2013

Dated: 23.07.14

Notice inviting comments from the stakeholders concerned

The Directorate is in the process of formulating the Merchant Shipping (Seafarer's Biometric Identity Documents) Rules, 2014 so as to incorporate the provisions based on ILO Convention C. 185 on Seafarers' Identity Document.

2. Accordingly, an Explanatory Note along with a proposed draft Merchant Shipping (Seafarer's Biometric Identity Documents) Rules, 2014, based on the above mentioned Convention is placed on the official website of the Directorate [www.dgshipping.gov.in] for valuable comments/ suggestion of all stake - holders including INSA/CCSA/FOSMA/MASSA/NUSI/MUI.

3. The comments may kindly be sent to the Directorate at the earliest or latest by 25.08.14 to the following e-mail ids;

mahasarkar-dgs@nic.in, amohd-dgs@nic.in & msl-dgs@nic.in

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Yours faithfully,

(A.K. Singh)
Assistant Director General of Shipping (Crew)

To,

✓ All the stake holders concerned through DGS Website

Copy to: MSL Branch.

Explanatory Notes on ILO Convention C. 185 on Seafarers Identity Document

1. India is a member of International Labour Organization (ILO) Geneva, which is one of the specialized agencies of the United Nations Organization [UNO]. India has acceded to various ILO Conventions. Now, India intends to accede to the International Labour Organization's instrument C- 185, on Seafarers Identity Document. This Convention provides for a uniform seafarers identity document to be issued, by the said Convention ratifying countries, to their respective national seafarers; which can be verified world over.

2. The main purposes of the said Convention are;

2.1. To issue an identification document to the seafarers which should cover, among other things, for professional purposes, a verifiable security document, and a certification information document.

2.2. To address the human element, need to afford special protection to seafarers and critical importance of shore leave, when implementing the relevant provisions of the IMO Safety of Life at Sea Convention (SOLAS) and International Ship and Port Facility Security (ISPS) Code.

3. The salient features of the Convention are as follows:

3.1. The significance of the said Convention lay in the balance that it achieves between the current concerns for enhancing security, facilitation of international commerce and facilitation of seafarers professional movements, as well as their basic rights. The following are the salient features of the said Convention:

3.1.1. Convention No. 185 contains 18 Articles and 3 Annexes. Unlike its predecessor Convention No. 108, the former creates a "Internationally Uniform Seafarers Identity Document" and lays down specification for the same.

3.1.2. One of the primary security objectives of the new document is to enable the immigration and other competent officials of the Member - States to easily verify, with maximum certainty, that the holder of a Seafarers' Identity Document is the person identified by that document and that he/she is a seafarer.

3.1.3. The Convention contains carefully balanced provisions committing ratifying countries to allow seafarers the essential facility of shore leave, as well as facilities necessary for them to perform their professional tasks, while giving countries the security they need in order to accept and meet these commitments.

4. The ratification of the ILO Convention 185 on SID by India is in progress. Consequently, Merchant Shipping (Seafarer's Biometric Identity Documents) Rule is being formulated to comply with the provision of the said convention and the M.S. Act, 1958 to provide enabling provision on implementation & enforcement of the said SID Convention.

5. The proposed draft M.S. (Seafarer's Biometric Identity Documents) Rules, 2014, under considerations is placed below for comments/suggestion:

THE GAZETTE OF INDIA
EXTRAORDINARY
PART-II SECTION 3- Sub-section (i)
PUBLISHED BY AUTHORITY
MINISTRY OF SHIPPING
New Delhi.

Dated

NOTIFICATION

G.S.R. _____ In exercise of the powers conferred by sub section (2) of section 99A and Section 457 of the Merchant Shipping Act, 1958, the Central Government hereby makes the following rules, namely:-

1. **Short title, commencement and application** -
 - (1) These rules may be called the **Merchant Shipping (Seafarer's Biometric Identity Document) Rules, 2014**.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
 - (3) They shall apply to Indian citizens, who fulfill the eligibility conditions as specified under rule 4, as a seafarer defined in rule 2(1), (f) on board any ship ordinarily engaged in Maritime Navigation.
2. **Definitions:**
 - (1) In these rules, unless the context otherwise requires -
 - (a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958);
 - (b) "Competent Authority" means Director General of Shipping
 - (c) "Continuous Discharge Certificate" (CDC) means a certificate of discharge or a continuous certificate of discharge issued under section 99 of Act or rules prescribed there under.
 - (d) Convention means ILO document no 185 on Seafarer's identify documents convention (2003) as amended from time to time.
 - (e) "Employer" means the owner of a ship and includes his agent or representative, manager or bareboat charter who has assumed the responsibility for operation of the ship from the ship owner and

who on assuming such responsibilities had agreed to take over the duties and responsibilities as imposed on ships owners in accordance with MS Act.

- (f) "Form" means a form appended to these rules;
- (g) "Seafarers" means any person who is employed or engaged or works in any capacity on board a sea going ship ordinarily engaged in maritime navigation, other than a ship of war.
- (h) "SID" means a Seafarer's Identity Document issued under this rule.
- (i) "Shipping Master" means a Shipping Master of a port appointed Under sub-section (1) of Section 11 of the Act, or such other officer as may be authorized by DG Shipping from time to time.
- (j) "S.T.C.W. (Rules)" means the rules made in pursuance of section 78 (a) clause B of Merchant Shipping Act as amended from time to time.

(2) Words and phrases used in these rules and not defined but defined in the Act shall have the meanings respectively assigned to them.

3. Application for SID –

- (1) A citizen of India who fulfils the eligibility conditions as specified in rules 4, for the issue of a SID, shall apply to the Shipping Master or such other officers as prescribed by the competent authority from time to time.
- (2) Every such application and accompanying documents shall be in the form & manner as prescribed by the competent authority from time to time.

4. Eligibility for Seafarer Identity Document

An Indian national who is in possession of a valid Indian CDC is eligible to apply for SID.

5. Issue of SID's. –

- (i) The application and accompanying documents, submitted along with the prescribed fees shall be checked, the photograph and biometric thumb impression of the applicant shall be taken by the authority at the collection centre

and then the application shall be transmitted to the concerned Shipping Master for the issuance of SID.

(ii) The Shipping Master shall, after verification issue the SID, to the applicant in the prescribed format.

6. Period of Validity –

(i) The maximum validity of a seafarers' identity document shall be for ten years, subject to renewal after the first five years.

7. Renewal –

(i) SID may be renewed on expiry or within 6 months prior to date of expiry, on a request from the holder along with the fee prescribed by the competent authority for a further period up to ten years at a time, if the holder is a serving Seafarer and his SID has not been cancelled, withdrawn or suspended under these rules.

(ii) If the period of validity of SID of a Seaman expires during the voyage, it shall continue to be valid till the end of the voyage.

8. Issuance of Duplicate SID (i) Where a SID of a person, if he is a serving seaman, issued under these rules, is destroyed defaced or mutilated such seaman may apply to the Shipping Master along with such documents and fee as may be prescribed by the competent authority for the issuance of duplicate SID.