

MERCHANT SHIPPING (CONTINUOUS DISCHARGE CERTIFICATES) RULES, 1960

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MERCHANT SHIPPING (CONTINUOUS DISCHARGE CERTIFICATES) RULES, 1960

G.S.R. 1557 dated 17th December, 1960.1 In exercise of the powers conferred by Sec. 457 of the Merchant Shipping Act, 1958 (44 of 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 (Continuous Discharge Certificates) Rules, 1960.
- (2) They shall apply to seamen engaged on ships other than home trade ships of less than 200 tons gross.
- (3) They shall come into force on the 1st January, 1961.

2. Definitions :-

In these rules

(a)"Act" means the Merchant Shipping Act, 1958 (44 of 1958);

(b)"C.D.C." means a continuous discharge certificate, also called

continuous certificate of discharge:

(c)"Form" means a form appended to these rules;

(d)"Shipping Master" means a shipping master of a port appointed under sub-section (1) of Section 11 of the Act and includes the officer in charge of the office at any other port where the business of shipping office is conducted.

3. Application for C.D.C. :-

(1) Any person desiring to be employed as a seaman from a port in India at which a shipping office has been established or a port where the business of shipping office is conducted may apply to the shipping master of the port for the issue of a C.D.C.

(2) Every such application shall contain a declaration that a C.D.C. has not previously been issued to the applicant and shall also be accompanied by two copies of the applicant's photograph. **1

Published in the Gazette of India, 1960, Pt. II, Sec. 3(i), p. 2087.

4. Issue of C.D.C. :-

(1) The Shipping Master in cases where he decides to issue a C.D.C. shall, after the descriptive particulars of the applicant have been entered in and the photograph affixed to the C.D.C., affix his signature and official seal on the photograph and issue the same to the applicant.

(2) A C.D.C. issued under these rules shall be in Form I and shall be serially numbered. It shall also bear the name of the port of issue and the distinguishing code letters of the port as specified in the Annexure to these rules.

5. Register of C.D.C.s :-

(1) Shipping Master shall maintain a register of C.D.Cs. issued to seamen from his port in Form 2, which shall contain all the particulars recorded in the C.D.C.

(2) All subsequent entries in the C.D.Cs. issued from the port shall also be recorded in the register.

6. Entry on Discharge :-

(1) At the time of discharge, the seaman shall, if he so desires, be granted by the Master of the ship on which he has been serving an

entry in the C.D.C. specifying the particulars referred to in sub-section (2) of Section 120 of the Act.

(2) The entries made in the C.D.C. shall be attested by the Shipping Master of the port of discharge, and thereafter the C.D.C. shall be returned to the seaman concerned.

7. Period of validity :-

A C.D.C. granted under these rules shall be valid till it is withdrawn, cancelled or suspended under these rules.

8. Report of desertion etc. :-

For the purposes of Sec. 192 of the Act, the proper officer shall be the Shipping Master.

9. Cancellation or suspension of a C.D.C :-

(1) Where on a report received by him the Director-General is satisfied that a seaman has deserted his ship in the circumstances specified in Section 192 , or that he has been convicted of an offence of the nature referred to in Section 195 , sub-section (2), the Director-General may direct the Shipping Master who issued the C.D.C. to withhold or suspend it for a specified period or cancel it.

(2) Where a C.D.C. is withheld, suspended or cancelled under sub-rule (1), the Shipping Master shall intimate the fact to the seaman concerned to his last known address and the Shipping Master of other ports in India and shall also endorse the fact in the original C.D.C. if and when available.

10. Register of C.D.Cs. cancelled, etc. :-

The Shipping Master shall maintain a register of C.D.Cs. which have been withheld, cancelled or suspended under rule 9.

11. C.D.C. not to be issued in certain cases :-

No. C.D.C. shall be issued to a seaman under these rules to whom a C.D.C. has previously been issued from any port.

12. Duplicate C.D.C :-

¹ (**) Where a C.D.C. issued under these rules is mislaid, lost, destroyed, defaced or mutilated, the seaman concerned may apply to the Shipping Master of the port concerned to issue a duplicate copy of the C.D.C. with all the entries of previous voyages or a summary of them recorded therein.

Omitted by G.S.R. 312, dated 8th May, 1990.

13. Return of C.D.Cs :-

Every Shipping Master shall, at the beginning of each quarter, furnish to the Director-General a return in form 3 of the number of C.D.Cs. issued to seamen from his port during the previous quarter.

14. Certificates of Discharge :-

(1) A seaman may apply to the shipping Master of a port for the issue to him of a certificate of discharge applicable for any specified voyage instead of a C.D.C.

(2) The certificate of discharge referred to in sub-rule (1) shall be in form 4.

(3) The provisions of rules 8 and 9 shall apply to certificates of discharge issued under this rule.