

MERCHANT SHIPPING (EXAMINATION FOR SKIPPER AND SECOND HAND OF A FISHING VESSEL) RULES, 1964

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MERCHANT SHIPPING (EXAMINATION FOR SKIPPER AND SECOND HAND OF A FISHING VESSEL) RULES, 1964

¹1. Published in the Gazette of India. 1964, Pt. II. Sec. 3(i), p. 1041. In exercise of the powers conferred by Cls. (b), (c) and (d) of Sec. 87 read with Sec. 83 of the Merchant Shipping Act, 1958 (44 of 1958) and in supersession of the rules relating to the examination of Skippers and Second Hands of Fishing Boats, the Central Government hereby makes the following rules, namely

CHAPTER 1 PRELIMINARY

1. Short title and commencement :-

- (1) These rules may be called the Merchant Shipping (Examination for Skipper and Second Hand of a Fishing Vessel) Rules, 1964.
- (2) They shall come into force at once.

2. Definitions :-

- (1) In these rules, unless the context otherwise requires,
 - (a) "Act" means the Merchant Shipping Act, 1958 (44 of 1958).
 - (b) "Appendix" means an Appendix to the rules, and " Annexure" means an Annexure to an Appendix.
 - (c) "examination" means the examination for the grant of certificates of competency as skipper or as second hand of a fishing

vessel.

(d) "examiner" means a person appointed as such under sub-section (1) of Sec.79 of the Act.

(e) "second hand" and "skipper" means second hand and skipper respectively of a fishing vessel.

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

CHAPTER 2

QUALIFICATIONS/SYLLABUS AND FEES FOR EXAMINATIONS AND ISSUE OF CERTIFICATES

3. Grades of examinations :-

Examinations shall be held in accordance with the provisions of these rules, for the grant of certificates of competency in two grades, namely, as skipper and as second hand of a fishing vessel.

4. Place of examinations :-

The examinations shall be held at such places and on such dates as may be specified under Appendix A.

5. Parts of examinations :-

(1) The examination shall comprise of three parts, (i) the written test, (ii) the oral test, and (iii) the signalling test. The written and the oral test shall, unless specially permitted, be taken together in the first instance.

(2) The signalling test may also be taken at the same time as the written and the oral tests. A candidate who fails in the signalling test or who does not take the said test but who has passed in either or both the written and oral tests may within six months of such passing, be re-examined in signalling during any week in which examinations for masters and mates are held.

(3) A candidate may be allowed to take the signalling test at any port where an examination for masters mates or fishermen is held.

6. Syllabus :-

The syllabus for each of the examinations shall be such as is indicated in Appendix B. Note Specimen sets of examination papers are given in Appendix C.

7. Eligibility for examination :-

(1) A candidate desiring to obtain a certificate of competency as second hand shall

(a) not be less than 19 years of age; and

(b) either have served at least three years on deck on board a sea-going fishing vessel of not less than 25 tons gross; or have served at least three years and a half at sea on deck of which one year must have been on board a sea-going fishing vessel of not less than 25 tons gross.

(2) A candidate desiring to obtain a certificate of competency as skipper shall

(a) not be less than 21 years of age; and

(b) have served at least five years at sea of which at least one year must have been as a certificated second hand on board sea-going fishing vessel of not less than 25 tons gross;

Provided that a candidate who holds a certificate of competency as master or mate shall not be required to prove any sea-service other than the prescribed service on board a fishing vessel.

8. Aliens :-

No alien shall, except with the prior approval of the Director-General, be allowed to sit for an examination.

9. Proof of nationality :-

Every candidate for examination shall produce satisfactory proof of his nationality consisting of a certificate of birth or of naturalisation or such other documentary evidence of nationality or of the birth or nationality of his parents as may be available. If any doubt arises as to the nationality of a candidate, the case shall be referred to the Director-General for orders and the decision of the Director-General shall be final.

10. Application for examination :-

(1) Every candidate for an examination shall, at least one week before the commencement of the examination, apply to the principal officer, Mercantile Marine Department, at the port at which he desires to be examined. Every such application shall be in the appropriate form set out in Appendix D and be accompanied by the following documents, namely:

(a) a certificate of birth;

(b) testimonials as to character including sobriety and experience and ability on board ships for the last twelve months of sea-service preceding the date of application;

(c) certificate of discharge; and

(d) a valid first-aid certificate.

(2) No candidate shall be examined unless the documents referred to in sub-rule (1) shall have been duly verified by or on behalf of the Director-General.

11. First-aid certificates :-

(1) The first-aid certificate shall be an adult certificate, that is, a certificate obtained by the candidate after he became sixteen years of age at an examination held not more than three years before the date of examination for the certificate of competency.

(2) A candidate who does possess the first-aid certificate shall, before he intends to sit for an examination for a certificate as skipper or second hand apply to the Port Health Officer of the port at which he intends to sit for the examination, and the Port Health Officer shall intimate to him the available facilities for the instructions and examination of candidates in first-aid.

12. Sight test :-

(1) Every candidate for a certificate of competency as skipper or second hand shall undergo the prescribed sight test successfully before a certificate is issued to him; a pass certificate in the sight test shall be valid for three months from the date of issue thereof.

(2) The standards required for a pass in the sight test and other details shall be such as are given in Appendix E.

13. Service qualifications :-

Service in the Indian Navy on deck on a sea going ship up to a maximum period of two years and a half shall be taken into account for the grant of a certificate as second hand, if the record of such service is accompanied by a good report. A candidate with such service shall be required to show one year's service at sea on deck on board a sea-going fishing vessel of not less than 25 tons gross.

14. Deficiency in service :-

A candidate who has passed the examination but whose service is discovered to be insufficient shall not be entitled to the certificate

until he passes the examination again after he has completed the necessary qualifying service. The examination fee paid by such a candidate shall not be refunded unless the Director-General is satisfied that the error in calculation of the service was not due to the candidate's own fault or wilful misrepresentation, in which case, the fee may either be refunded to him or placed to his credit for a subsequent examination.

15. Failure in parts of the examination :-

(1) Every candidate for an examination shall proceed to the oral test, irrespective of whether he has passed or failed in the written test. A candidate who fails to take up the oral test at the appointed time shall, unless he produces a medical certificate or other satisfactory evidence of his inability to attend the oral test be regarded as having failed both in the oral and the written tests.

(2) A candidate who fails in the oral test through serious weakness in practical knowledge of the subject may, at the discretion of the examiner, be required to perform further sea service before being re-examined. Such further sea-service shall not be for a period of more than three months and may be performed in any capacity on deck in any sea-going ship.

(3) If more than six months have elapsed since a candidate passed any of the tests, he shall be required to take the whole examination.

(4) In the case of a third or subsequent failure in the written or oral parts of the examination, or in both such parts, two months must elapse after the date of the last failure before the candidate can be re-examined.

16. Deafness and other disabilities :-

(1) A candidate who is afflicted with deafness or an impediment in his speech or any other physical or mental infirmity to a degree which in the opinion of the examiner, is such as to render the candidate incompetent to discharge the ordinary sea-going duties of a skipper or second hand shall not be allowed to complete the examination, and the fee, if any paid by such candidate shall be refunded to him. The examiner shall report every such case to the Director-General.

(2) The Director-General, may, if the candidate subsequently

produces a medical certificate to the effect that his hearing, speech or physical or mental condition has improved or is normal, allow him to sit for the examination.

17. Marking of papers :-

(1) All questions must be answered correctly if a pass is to be obtained.

(2) If, when a candidate hands in his papers, the errors are not too numerous and the time allowed for working the papers has not expired the incorrectly worked problems will be returned by the examiner to the candidate for correction. The incorrectly worked problems will not be returned to the candidate a second time.

18. Issue of certificate :-

(1) A candidate who has passed the whole examination shall receive intimation in the form as in Appendix F authorising the principal officer to issue the certificate in the appropriate form.

(2) If the candidate is unsuccessful or only partially successful he shall receive from the examiner an intimation in the form in Appendix G. The candidate shall retain this intimation and produce it to the examiner when he next presents himself for the examination.

(3) The testimonials and other documents submitted by the candidate shall be returned to him on the completion of the examination.

18A. Issue of certificates to candidates governed by the rules relating to the examination of skippers and second hands of Fishing Boats in force immediately before the commencement of these rules :-

¹ Notwithstanding anything in rule 18, a candidate who has passed the whole examination for any grade help under the provisions of the rules relating to the examination of skippers and second hands of Fishing Boats in force immediately before the commencement of these rules shall be deemed to have passed the whole examination for that grade under these rules and shall be granted the appropriate certificate.]

1. Ins. by G.S.R. 1929, dated 31st July, 1969.

19. Duplicate certificate :-

A person who has lost a certificate of competency granted to him may apply in the form in Appendix H to the principal officer, Mercantile Marine Department for a duplicate copy of the certificate on payment of a fee of Rs. 5. A declaration regarding the circumstances in which the certificate was lost shall also be made by the applicant before the principal officer. The principal officer shall then forward the application to the Director-General who may issue a duplicate certificate: Provided that if the principal officer is satisfied that the loss of the certificate was not due to the negligence or any fault on the part of the applicant a fee of Rs. 1 only shall be charged for the duplicate copy of the certificate and the balance shall be refunded to the applicant.

20. Examination fees :-

(1) Fees for the examination shall be as follows : For certificate of competency as second handRs. 10 For certificate of competency as skipperRs. 20 For sight test only Rs. 4

(2) The fees specified in sub-rule (1) shall include the fee for the signalling test if it is taken along with the written and oral tests; a candidate who takes the signalling test separately shall pay an additional fee of Rs. 5/- for the said test.

(3) The fees for the examination shall be paid into the Mercantile Marine Department at the time of making the application.

(4) Where a candidate is re-examined in the written or the oral test, fees at one- half the rates specified in sub-rule (1) shall be charged for the re-examination.

21. Refund of fees :-

(1) The fees paid by a candidate who is subsequently found to be disqualified for taking the examination shall be refunded to him or be placed to his credit for a subsequent examination for which he may become eligible.

(2) A candidate who has failed in sight test shall be entitled to the refund of fees paid by him for the examination less Rs. 4/- being the fee for the sight test.

CHAPTER 3

CONDUCT OF EXAMINATION

22. Examinations :-

The examinations shall be practical and not theoretical. Candidates may use four figure logarithms and any short method tables which are correct in principle.

23. Time :-

The examination shall begin at 10A.M. As far as possible candidates shall be given ample notice of the day and time of their oral examination. The time allotted for each written part of the examination for each grade of certificate shall be as follows:

24. Language used in oral test :-

Questions in oral test may at the option of the candidate, be answered in Hindi or English.

25. Candidates to be punctual :-

Candidates shall be required to appear at the examination room punctually at the time appointed.

26. No strangers admitted :-

(1) No persons other than those whose duties require them to be present shall be allowed in the room during the examination.

(2) No instructors shall be allowed on the premises in which the examinations are held.

27. Loose papers and books :-

Before the examination begins, the tables or desks shall be cleared of all scraps of paper or books that are not to be used in the examination.

28. Use of books and tables at the examination :-

The following tables and books shall be supplied at the examination room:

(a) Nautical Tables (including logarithm tables) Norie (full edition).

(b) Burton's Tables (when available).

(c) Alt-Azimuth Tables Burdwood, Davis.

(d) Nautical Almanac A bridged Edition.

Candidates who intend to use tables other than the above may bring such tables into the examination room on condition that they submit them to the examiner before the commencement of the examination for scrutiny and approval. The tables must not contain any manuscript notes. Subject to the examiner's approval, no restriction shall be placed on the use of any tables.

29. Use of instruments :-

All instruments necessary for use in the examinations shall be supplied at the examination centre, but candidates may be allowed to use their own dividers, compasses and parallel rulers, if they desire to do so.

30. Unauthorised books and papers strictly forbidden :-

(1) Candidates shall be prohibited from bringing into the examination room books or papers of any kind whatsoever other than mathematical tables.

(2) A candidate who infringes the provisions of sub-rule (1) shall be regarded as having failed to pass the examination and he shall not be allowed to present himself for re-examination for a period of three months.

(3) A candidate who uses his own mathematical tables or instruments without first obtaining the permission of the examiner shall be subjected to a like penalty.

31. Injury to books, instruments, etc. :-

If a candidate defences, blots, writes in or otherwise injures any book or form or damages any instrument belonging to the Central Government his service papers (i.e., certificates, testimonials, etc.) shall be retained until he has replaced the damaged book, document or instrument. He shall not be allowed to remove the damaged book or document or instrument and may be regarded as having failed to pass the examination.

32. Leaving room or building :-

No candidate shall leave the examination room without the permission of the examiner and without giving up the paper on which he is engaged to the examiner. Under no circumstances shall a candidate be allowed to leave the building while the examination is proceeding. A candidate who breaks this rule shall be regarded as having failed in the examination.

33. Silence :-

Silence is to be preserved in the examination room.

34. All work to be shown :-

(1) No candidate shall be allowed to work out his problems on waste paper or to write on the blotting paper supplied for his use in the examination. A candidate who breaks this rule shall be

regarded as having failed in the examination.

(2) A sheet of blotting paper shall be issued to the candidate with the first examination paper and it shall be returned to the examiner when the last paper is completed each day.

35. Penalty for unfair means :-

(1) Any candidate who is found referring to any unauthorised book or paper, or copying from another candidate or affording any assistance or giving any information to any other candidate or accepting assistance or information from another candidate or communicating in any way with another candidate during the time of examination or copying any part of the problems for the purpose of taking them out of the examination room shall be regarded as having failed to pass the examination and shall not be allowed to be examined for a period of six months.

(2) A candidate who is guilty of a second offence of the nature referred to in sub- rule (1) shall not be allowed to present himself for re-examination until the expiry of 12 months from the date of the previous examination.

36. Candidate may use own methods :-

Candidates may be allowed to work out the various problems according to any method to which they have been accustomed provided such method is correct in principle.

37. Degree of precision required :-

(1) When making calculations for obtaining a ship's position, candidates shall be expected to work correct to one minute of arc.

(2) In calculations of compass errors, bearings and courses, the answers shall be worked correct to within 0.5 of a degree.

38. Sextant :-

Particular attention shall be paid to the sextant, the examination in which shall be conducted both orally and practically. Every candidate shall be required to measure both vertical and horizontal angles, and shall be examined as to his practical knowledge of the adjustment and the use of the various screws; he shall be able to read correctly on and off the arc, and shall also be able to find the index error by the horizon.

39. Rule of the Road :-

In the examination of the Rule of the Road, the candidate's knowledge of the sense and intention of the Rules for the Prevention of Collisions at Sea shall be tested. Mere ability to repeat the Rules word for word shall not suffice to ensure the candidate's passing nor the lack of it necessarily may entail failure, provided the examiner is satisfied that the candidate has been able to grasp the full significance, content and practical application of the Rules. Candidates shall be asked for the contents of the Rules not by their number but by the subject with which they deal; the use by candidates of verses as aids to memorising the Rules shall be discouraged.

CHAPTER 4
MISCELLANEOUS

40. Fraud and misrepresentation Prosecution :-

Any person who makes, or causes to be made, or aids in making, any false representation for the purpose of obtaining for himself or for any other person any certificate of competency under these rules shall be liable to be proceeded against in a criminal court.

41. Bribery :-

Any candidate who offers or attempts to offer any gratification to any officer of the Directorate-General or the Mercantile Marine Department for the purpose of being shown any favour in the examination shall not be allowed to take the examination; nor shall he be allowed to be examined again until a period of at least twelve months has elapsed from the date of the rejection of his candidature.

42. Punishment for misconduct :-

A candidate who has been found guilty by the examiner of any misconduct in relation to an examination (including insolence to any examiner or disorderly or improper conduct in or about the room where the examination is held) or of a breach of any of these rules, may be punished in one or more of the following ways:

(a) where the examination has not commenced or is not completed, the candidate may not be permitted to appear in the examination or, as the case may be, to take further part therein;

(b) where the result of the examination has been declared, the result of the candidate may be amended;

(c) where the candidate has been declared successful in the

examination but has not been granted the necessary certificate, the certificate may be withheld, for such period as the Director-General may direct;

(d) the candidate may be debarred from appearing in any examination under these rules for such period as the Director-General may direct.