

MERCHANT SHIPPING (EXAMINATION OF ENGINEERS AND ENGINE DRIVERS OF FISHING VESSELS) RULES, 1973

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MERCHANT SHIPPING (EXAMINATION OF ENGINEERS AND ENGINE DRIVERS OF FISHING VESSELS) RULES, 1973

In exercise of the powers conferred by Sec. 87 read with Secs. 78 and 83 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely

PART 1
PRELIMINARY

1. Short title and commencement :-

(1) These rules may be called the Merchant Shipping (Examination of Engineers and Engine Drivers of a Fishing Vessels) Rules, 1973.

(2) They shall come into force on the date of its publication in the Official Gazette.

2. Definitions :-

(1) In these rules, unless the context otherwise requires

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

(b) "Examiner" and "Chief Examiner" means the persons specified as such in Appendix A of these rules;

(c) "Examination" means the examination for the grant of certificates of competency as engineer or as engine driver of a fishing vessel;

(d) "Service in engine room" means service in a rank not lower than a greaser in full charge of a watch;

(e) "Sea service" means time actually spent at sea on sea going motor ships or fishing vessels excluding the time spent such as on lay offs for repairs, leave, survey.

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

3. Grade 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:

(i) engineer of a fishing vessel (motor); and

(ii) engineer driver of a fishing vessel (motor).

PART 2

QUALIFICATIONS FOR CERTIFICATES OF COMPETENCY AS ENGINE DRIVER OF A FISHING VESSEL

4. Age :-

A candidate for a certificate of competency as engine driver of a fishing vessel shall not be less than 18 years of age.

5. Qualifications :-

A candidate for a Certificate of Competency as engine driver of a fishing vessel shall possess one of the following qualifications, namely :

(i) satisfactory service performed after he attains the age of 14 years for a period of not less than 18 months as apprentice or fitter on work suitable for the training of an engine driver "or other suitable machinery or

(ii) sea service for a period of not less than 2 years 3 months in the engine room of a fishing vessel having "internal combustion" engines of not less than 85 brake horse-power; or

(iii) sea service for a period of not less than three years, in the engine room of a fishing vessel having "internal combustion" engines of not less than 40 brake horse-power; or

(iv) sea service for a period of not less than four years, in the engine room of a fishing vessel having "internal combustion" engines less than 40 brake horse-power; or

(v) sea service for a period of not less than nine months in the engine room of a fishing vessel "propelled by internal combustion engines" of not less than 40 brake horse-power after having obtained the second class engine driver's certificate of competency granted under the Inland Steam-vessels Act, 1917 (1 of 1917) or an equivalent certificate granted under the Indian Ports Act, 1908 (15 of 1908), when the examination is conducted by an engineer and ship surveyor of the Mercantile Marine Department; or

(vi) sea service for a period of not less than six months in the engine room of a fishing vessel having "internal combustion" engines of not less than 40 brake horse-power after having obtained a diploma in Mechanical Engineering of a Board of Technical Education of any State; or

(vii) a first class engine driver's certificate of competency granted under the Inland Steam-vessels Act, 1917 (1 of 1917) or an equivalent certificate granted under the Indian Ports Act, 1908 (15 of 1908) when the examination is conducted by an engineer and ship surveyor of the Mercantile Marine Department.

PART 3

QUALIFICATIONS FOR CERTIFICATE OF COMPETENCY AS ENGINEER OF A FISHING VESSEL

6. Age :-

A candidate for a certificate of competency as engineer of a fishing vessel must have attained the age of 20 years.

7. Qualifications :-

A candidate for a certificate of competency as engineer of a fishing vessel shall possess any one of the following qualifications, namely:

(i) satisfactory service performed after he attained the age of fifteen years for a period of not less than two years as an apprentice engineer or three years as an apprentice fitter on work suitable for the training of an engineer in the manufacture or maintenance of internal combustion engines of a fishing vessel or other suitable machinery or both and sea service for a period not less than twelve months as an engineer or fitter on regular watch on the main engine of a sea-going ship or a fishing vessel "propelled by internal combustion engines" of not less than 170 brake horse-power:

Provided that where any candidate has not performed satisfactory service or performed for a period less than the required satisfactory service as an apprentice engineer or as an apprentice fitter, sea service rendered by him in the engine room of a sea-going ship or a fishing vessel "propelled by internal combustion engine" calculated in the following ratio shall be taken into consideration as satisfactory service as an apprentice engineer or as an apprentice fitter, namely :

(a) if the brake horse-power of the main engine is not less than 170. then three months' sea service is equal to two months' satisfactory service as an apprentice engineer or as an apprentice fitter

(b) if the brake horse-power of the main engine is less than 170, but not less than 85, then two months' sea service is equal to one months satisfactory service as an apprentice engineer or as an apprentice fitter; or

(ii) sea service for a period of not less than 3 months in the engine room of a fishing vessel "propelled by internal combustion engine" of not less than 170 brake horse-power after having obtained a certificate of competency as engine driver of a sea-going motor ship; or

(iii) sea service for a period not less than 9 months in the engine

room of a fishing vessel "propelled by internal combustion engines" of not less than 170 brake horse-power after having obtained the first class engine driver's certificate of competency under the Inland Steam-vessels Act, 1917 (1 of 1917) or an equivalent certificate granted under the Indian Ports Act, 1908 (15 of 1908), where the examination is conducted by the Mercantile Marine Department; or

(iv) sea service for a period not less than 12 months in the engine room of a fishing vessel "propelled by internal combustion engine" of not less than 170 brake horse-power after having obtained the certificate of competency as engine driver of a fishing vessel under these rules and a diploma in mechanical engineering of a Board of Technical Education of any State Government; or

(v) sea service for a period of not less than 21 months in the engine room of a fishing vessel of not less than 170 brake horse-power after having obtained the certificate of competency as engine driver of a fishing vessel under these rules.

PART

4

PART 5

MISCELLANEOUS

17. Service period to be insufficient :-

If, after a candidate has passed the examination, it is discovered that his service is insufficient to entitle him to receive a certificate, the certificate shall not be granted until the candidate has performed the requisite period of service by which he was found deficient2 * * *.

18. Copy of lost certificate :-

An applicant for a certified copy of a lost certificate of competency shall make an application giving the necessary particulars, and deliver it to the Principal Officer of the Mercantile Marine Department who issued the certificate and every such application shall be accompanied with a fee of Rs. 10 and a declaration as to the circumstances in which the certificate was lost, shall be made by the applicant before the Principal Officer:

Provided that if the applicant proves that the certificate was lost through shipwreck or fire a fee of Re. 1 shall be chargeable for granting such certified copy.

19. Penalty for misconduct at sea :-

Candidates who have neglected to join their ships after having signed Article of Agreement, or who have deserted their ships after having joined, or who have been found guilty of gross misconduct, shall be required to produce satisfactory proof of two years' subsequent service and good conduct at sea in specimen form of testimonials set out in Appendices D and E of these rules, unless the Chief Examiner after having investigated the matter considers it fit to reduce the time.

20. Re-examination :-

Ordinarily a candidate may present himself for re- examination at any time after 2 months have elapsed since his previous attempt and where a candidate for the engineers examination fails 3 times in Part A or 3 times in Part B within the period of 6 months, he shall be debarred from re-examination for a period of 3 months. ¹

1. Omitted by G.S.R. 744, dated 4-6-1975.

21. Physical and mental defects :-

(1) When a candidate suffers from a physical or mental defect of such a nature as might interfere with the proper performance of his duties as an engineer or engine driver of a fishing vessel, the signatories of his testimonials shall be required to state whether such defect did not in fact interfere in any way with the efficient discharge of the candidate's duties.

¹ [(2) In the case of a candidate suspected to be mentally unsound, the Director-General of Shipping may debar him from appearing in the examination or withdraw the certificate issued to him unless he produces a fitness certificate from a Government Mental Health Institution.]

1. Subs. *ibid*.

22. Penalty for copying :-

In the event of any candidate caught in the act of referring to any unauthorised book or paper or copying from another candidate's paper or communicating in any way with any one during the time of examination or copying any part of the problems for the purpose of taking them out of the examination hall, he shall be regarded as having failed and shall not be allowed to present himself for re-examination for a period of twelve months.

23. Punishment for misconduct :-

(1) Where in the opinion of the Chief Examiner a candidate has been guilty 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 a breach of any of these rules, the candidate may be punished in one or more of the following ways namely :

(a) where the examination has not commenced or is not completed, the candidate may 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;

¹ [(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 Chief Examiner may direct but in no case this period shall exceed 6 months;

(d) the candidate may be debarred from appearing in any of the examinations under these rules for such period as the Chief Examiner may direct but in no case this period shall exceed 6 months.]

(2) Pending investigation under rule 19, no candidate shall be allowed to appear for the examination.

1. Subs, by G.S.R. 744, dated 4-6-1975.

24. Penalty for offering gratuity :-

If a candidate offers or attempts to offer a gratuity to any officer or member of the staff of the Central Government he shall not be allowed to take any examination for twelve months.

Explanation. This penalty shall be in addition to any penalty to which the candidate may be liable under the criminal law.

25. Aliens :-

No alien shall be allowed without the prior approval of the Chief Examiner, to sit for an examination.

26. Service performed in ships of the Indian Navy :-

In the case of candidates who have performed sea service in ships of the Indian Navy, the Chief Examiner may assess such service at such rates as he may deem fit having regard to the type of machinery, duration of sea service and capacity in which served,

but in no case a candidate shall be allowed to appear for the examination with sea service less than that prescribed for the service in fishing vessels.

27. Approval of training scheme :-

The Chief Examiner may approve any organised Training Scheme or other educational attainments and grant such exemptions or remissions in the satisfactory service as an apprentice engineer or as an apprentice fitter or sea service or both, as he may deem fit having regard to the nature of the training imparted.