

MERCHANT SHIPPING (MEDICAL EXAMINATION) RULES, 2000

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MERCHANT SHIPPING (MEDICAL EXAMINATION) RULES, 2000

New Delhi, the 19th January, 2000 G.S.R. S7(E).-In exercise of the powers conferred by sub-section (3) of section 98 of the Merchant Shipping Act, 1958 (44 of 1958) the Central Government hereby makes the following rules, namely :-

1. Short title and commencement :-

(1) These rules may be called the Merchant Shipping (Medical Examination) Rules, 2000.

(2) They shall come into force on the date of their 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) "Annexure" means Annexure appended to these rules.

(c) "Medical examiner" for the purpose of medical examination prior to first engagement of a seaman means a medical examiner approved under rules 4 and for the purpose of pre-sea training or any subsequent medical examination of a seaman means a medical officer having a recognised medical qualification as defined in clause (h) of section 2 of the Indian Medical Council Act, 1956 (102 of 1956) and designated as a medical officer of the training institute or the owner or agent of the Shipping Company, as the case may be. and approved by the Central Government for that purpose.

(d) "Prescribed Standards" means the standards of physical fitness as set out in Annexure "B":

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

3. Application :-

These rules shall apply to-

(a) Masters, officers and ratings: and

(b) Seafarers employed or engaged in any capacity on board ship on the business of that ship as part of the ship's complement

4. Approval of Medical Examiner :-

The Central Government shall appoint such numbers of medical examiners at such ports or places, as it thinks fit for the purpose of sub-section (2) of section 98 of the Act.

5. Medical Examination :-

(1) Every seaman, prior to his registration in the Seamen's Employment Office shall appear before the medical examiner approved under rule 4 and obtain a certificate of physical fitness.

(2) At the time of engagement on board the ship the master or seaman, as the case may be. shall be examined by the medical examiner approved by the Central Government to be the medical examiner for the purpose of these rules.

6. Arrangements for medical examination :-

(1) On being selected for pre-sea training for medical examination, the Director or the officer in-charge of the pre-sea training institute, after satisfying himself that the applicant is eligible, shall

cause the particulars of the seaman namely full name, age, category, Continuous Discharge Certificate and passport number to be entered in a register kept for that purpose and shall fix a date, time and place for his medical examination and inform the medical examiner designated by the training institute and the applicant accordingly.

(2) On selection of a master or seaman, as the case may be for engagement on board the ship, the owner or agent of the ship shall cause the particulars of the seaman namely, full name, age, category continuous discharge certificate number, passport number and mark of identification to be furnished to the medical examiner and fix date, time and place for medical examination of the seaman in accordance with these rules.

7. Appearance for medical examination :-

Every master or seaman, as the case may be referred to in rule 6 shall present himself before the medical examiner and produce his registration book and continuous discharge certificate, if held, at the appointed time and place for medical examination and at such subsequent dates and times as he may be required by the medical examiner.

8. Conduct of medical examination :-

Every master or seaman appearing for medical examination shall complete the declaration in the examination report as set out in Annexure 'E' and be subjected by the medical examiner to such tests as may be considered necessary for determining his physical fitness in accordance with the prescribed standards as laid down in Annexure 'B'. The medical examiner while conducting the medical examination shall be guided by the guidelines set out in Annexure 'A'.

9. Records of medical examination :-

The medical examiner shall maintain a full record of the medical examinations conducted with copies of certificates of physical fitness issued and shall also send weekly returns to the Director, Seamen's Employment Office showing the result of the medical examination in respect of every master or seaman, as the case may be examined during the week as applicable. The date and result of the examination shall also be endorsed in the record under the heading additional endorsements.

10. Certificate of physical fitness :-

(1) On completion of initial medical examination, the medical examiner shall issue to every seaman satisfying the prescribed standards, a certificate of physical fitness as set out in Annexures 'E' and 'F'.

(2) In the event of a master or seaman as the case may be failing to satisfy the prescribed standards due to any temporary defect, which in the opinion of the medical examiner is likely to be cured after treatment, the medical examiner shall issue to the master or seaman, as the case may be a certificate with the remarks "temporarily unfit" indicating the reasons for such unfitness and with the remarks that the seaman should come for re-examination after the cause of his temporary unfitness is cured.

(3) A master or seamen, as the case may be, not satisfying the prescribed standards of physical fitness and found suffering from a disease or physical defect which, in the opinion of the medical examiner examining him, renders him permanently unfit for sea service, shall be given a certificate of permanent unfitness.

11. Records of results :-

The Director of officer incharge of pre-sea training institute shall maintain a record of the results of Medical examinations in respect of seaman referred by him for medical examination.

12. Validity of certificate of physical fitness :-

Subject to the provisions of sub-rule (2) of rule 5, a certificate of the physical fitness issued by the medical examiner shall remain valid till such time the master or seaman is found permanently unfit in any subsequent medical examination.

13. Appointment of the Appellate Authority :-

(1) The Central Government may by order in writing, constitute an Appellate Authority comprising of not less than three specialists in any branch of Medical Science.

(2) The panel of specialists constituting the appellate authority shall be drawn by the Central Government in consultation with the representative organisations of shipowners and seafarers. No person in the employment of any owner or agent of a ship or of representative organisations of shipowners or of seafarers shall be empanelled in constituting such appellate authority.

14. Appeal against the decision of the medical examiner :-

(1) A master or seaman may, within a period of sixty days from the date on which he is declared unfit by the medical examiner, appeal against such decision to the appellate authority through the Director, Seamen's Employment Office. Provided that an appeal may be admitted after the expiry of the period of sixty days if the appellant satisfies the appellate authority that he had sufficient cause for not making such appeal within the prescribed period.

(2) Every appeal made under this rule shall be accompanied by a copy of the order appealed against.

(3) On receipt of the appeal the Director, Seamen's Employment Office shall refer it to the appellate authority immediately and if ordered inform the seaman of the date, time and place of his examination by the appellate authority.

(4) The appellate authority, before disposing of an appeal, shall give a reasonable opportunity of being heard to the appellant.

(5) An appeal shall be disposed of as expeditiously as possible but within a period of sixty days from the date of filing of the appeal.

(6) The appellate authority may confirm, modify or reverse the order, appealed against.

(7) The decision of the appellate authority shall be binding on the seaman as well as owner or agent of the ship.

(8) A seaman who has put in active service on ships for not less than five years, may apply to the Director, Seaman's Employment Office within a period of one year from the date on which the appellate authority had declared him permanently unfit for reviewing his case if he has obtained a certificate of fitness from a medical specialist in that branch of medical science to which his ailment relates. Provided that the Director, Seamen's Employment Office may admit any such review application made after the said period of one year if he is satisfied that the seaman had sufficient cause for not making the application within the said period.

15. Fees :-

(1) Every application to the appellate authority under rule 14, shall be accompanied by a fee of one hundred rupees only.

(2) A fee of one hundred rupees shall be charged from the master or seamen as the case may be for issue of a duplicate certificate of

fitness.

16. Repeal and savings :-

(1) The Indian merchant Shipping (Medical Examination) Rules, 1986 are hereby repealed.

(2) All medical reports and certificates issued under the repealed rules shall be deemed to have been issued under the corresponding provisions of these rules.