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## **NATIONAL WELFARE BOARD FOR SEAFARERS RULES, 1963**

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## **NATIONAL WELFARE BOARD FOR SEAFARERS RULES, 1963**

In exercise of the powers conferred by subsection (2) of Sec. 218 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 National Welfare Board for Seafarers Rules, 1963.

(2) They shall come into force at once.

### **2. Short title and commencement :-**

**3. Board to be constituted every two years :-**

The Board shall be constituted for a period of two years at a time.

**4. The Board shall consist of :-**

- (a) the Minister incharge of Shipping, Chairman, Ex-officio;
- (b) the Minister of State or the Deputy Minister in the Ministry of Shipping and Transport, Vice-Chairman, Ex-officio;
- (c) the Director General of Shipping, Bombay. Ex-officio;
- (d) two representatives of the Central Government to be nominated by that Government;
- (e) two representatives, one each to be nominated by the Government of the four groups of States mentioned below each group of States being taken in rotation in the following order namely:
  - (i) Gujarat and Kerala.
  - (ii) Tamil Nadu and Orissa
  - (iii) Maharashtra and Mysore
  - (iv) West Bengal and Andhra Pradesh
- (f) two representatives of the port authorities in the four groups of ports mentioned below, each group of ports being taken in rotation in the following order namely:
  - (i) Calcutta and Cochin,
  - (ii) Mormugao and Paradip,
  - (iii) Madras and Bombay,,
  - (iv) Visakhapatnam and Kandla.
- (g) two representatives of ship owners to be appointed by the Central Government after consultation with the shipowners;
- (h) two representatives of seafarers to be appointed by the Central Government after consultation with the associations of seafarers if any;
- (i) two Members of parliament of whom one shall be elected by the Lok Sabha and one by the Rajya Sabha;

(j) One member to be appointed by the Central Government representing society interested in the welfare of seamen;

(k) one non-official to be nominated by the Central Government from amongst the persons prominent in the field of seamen's welfare or public welfare;

(l) the Deputy Director General of Shipping, incharge of seamen's welfare Member Secretary.

**4A. Vacancies etc., not to invalidate acts and proceedings :-**

**1** . No act or proceeding of the Board shall be deemed to be invalid on the ground merely of

(a) the existence of any vacancy in, or defect in the constitution of the Board; or

(b) any omission, defect or irregularity not affecting the merits of the case.]

1. Ins. by G.S.R. 1920 dated 13th December, 1963.

**5. Term of offices :-**

Subject to the other provisions of these rules, every member of the Board other than an ex-officio member shall hold office for a period of two years; Provided that a Member of Parliament shall hold office for a period of two years or for so long as he continues to be a member of the House which he represents whichever is less.

**6. Casual vacancies :-**

A casual vacancy in the office of member shall be filled by nomination or appointment, as the case may be, and a member so nominated or appointed to fill the vacancy shall hold office for so long only as the member whose place he fills would have continued to hold office if the vacancy had not occurred.

**7. Resignation by members of the Board :-**

A member may resign his office by letter under his hand addressed to the Chairman but he shall continue in office until his resignation is accepted by the Chairman.

**8. Removal of members from office :-**

The Central Government may at any time remove from office any member of the Board

(a) if he is continuously absent from India for a period of more than twelve months and has not obtained the permission of the

Chairman for such absence;

(b) if he absents himself from three consecutive meetings of the Board without the permission of the Chairman;

(c) if he is an undischarged insolvent;

(d) if he is convicted of an offence which in the opinion of the Central Government, involves moral turpitude;

(e) if, in the opinion of the Central Government he has ceased to represent the interest on whose behalf he was appointed;

(f) if, in the opinion of the Central Government, it is for any other reason to be recorded in writing, not desirable that he should continue to be a member.

**9. Suspension of representation on the Board of Bodies or Associations :-**

If, after such enquiry as it may deem necessary the Central Government is of the opinion that any body or association which is represented on the Board has acted or is acting in a manner prejudicial to the interest of seafarers generally, it may, by order, suspend the representation of that body or association for such period as may be specified in that order.

**10. Register of member :-**

There shall be maintained a Register in which the names and addresses of all members shall be entered; any change of address of a member shall also be entered in the register.

**11. Secretary of the Board :-**

(1) <sup>1</sup> [The Deputy Director-General of Shipping] in charge of Seamen's Welfare, who is an ex-officio member of the Board under rule 4 shall also function as Secretary to the board.

(2) The duties of the Secretary shall be:

(a) to convene, under the directions of the Chairman, meetings of the Board or of any Committee of the Board;

(b) to maintain the Minute Books and the register of members;

(c) to assist the Chairman in the discharge of his functions; and

(d) to undertake such other duties as may from time to time be entrusted to him by the Board.

1. Subs, by G.S.R. 561, dated 18th March, 1970.

## **12. Meetings :-**

(1) The Board shall meet ordinarily once in six months and may, if necessary meet at shorter intervals.

(2) An extraordinary meeting of the Board shall be convened if not less than five members send a written requisition to the Chairman stating the object for which the meeting is proposed.

(3) Every meeting shall be held on such date and at such time and place as the Chairman may fix.

(4) Every meeting shall be presided over by the Chairman or in his absence by the Vice-Chairman or<sup>1</sup> \*\*\* if he is also absent, the members present shall elect one from amongst themselves to preside over the meeting.

1. Omitted, by G.S.R. 1920, dated 13th December, 1963.

## **13. Notice of meetings :-**

(1) Notice of the place and the date and time of each meeting shall be sent by the members at least fifteen days before the date of the meeting:

Provided that a shorter notice may be given in cases where, in the opinion of the Chairman, the meeting has to take place urgently.

(2) A notice under sub-rule (1) may be delivered either by hand or sent by registered post to the last known address of the member.

## **14. Agenda :-**

Along with the notice of meeting referred to in rule 13, a list of the business proposed to be transacted at the meeting shall be sent to every member and no business which is not on the list, shall be transacted at the meeting except with the permission of the Chairman.

## **15. Quorum :-**

<sup>1</sup> [(1) The quorum for a meeting shall be twenty-five percent of the total membership of the Board."]

(2) If at any meeting there is no quorum, the meeting shall be adjourned to a later date, such date being not earlier than fourteen days from the date of the original meeting; and business may be

transacted at the adjourned meeting or not there is quorum.

1. Subs, by G.S.R. 462 (E), dated 8th May, 1987.

**16. Procedure at meeting :-**

(1) A member desiring discussion of any proposal shall give written notice thereof to the Secretary at least seven days before the date fixed for the meeting.

(2) The member presiding at a meeting shall regulate the conduct of the meeting and shall have powers to fix the time limit for speeches.

**17. Voting :-**

(1) Any question arising for decision by the Board shall be decided at a meeting of the Board by a majority of the votes of the members present and voting and in case of an equality of votes, the presiding member shall have and exercise a second or casting vote.

(2) All votes shall be by show of hands.

**18. Minutes of meetings :-**

(1) The minutes of the proceedings of the meeting of the Board shall be drawn up by the Secretary and circulated to all the members of the Board present in India and the minutes along with any amendments suggested shall be placed for confirmation at the next meeting of the Board.

(2) After the minutes are confirmed and signed by the Chairman or the Member who presided at the meeting, they shall be recorded in a Minutes' Book which shall be kept open for inspection of the members at all times during office hours of the Board.

**19. Recommendations :-**

Decisions arrived at by the Board requiring any further action shall be recorded in the form of recommendations to be forwarded to the <sup>1</sup> [Ministry or Department of the Government of India in charge of Shipping], New Delhi.

1. Subs, by G.S.R. 1091, dated 15th May, 1967.

**20. Non-member attending meetings :-**

The Chairman may invite any person to be present at any meeting to participate in the discussions but such persons shall not be

entitled to vote.

**21. Sub-Committees :-**

The Board may appoint one or more Sub-Committees, standing or otherwise, to examine and report of any specific problem or problems referred to such Committees.

**22. Travelling and daily allowances, etc., of members :-**

The Members of the Board and of any Sub-Committee thereof shall be entitled to travelling and daily allowances in accordance with the terms and conditions contained in the Government of India, Ministry of Finance Office Memorandum No. F. 6(26)-E.IV/59, dated the 5th September, 1960, as amended from time to time.

**23. Controlling Officer for the purpose of sanctioning travelling and daily allowances :-**

The Director-General shall be the Controlling Officer in respect of travelling allowance and daily allowance for the non-official members of the Board.