

Approval of Medical Examiners under the provisions of Merchant Shipping Act, 1958.

M.S. Notice 23 of 2010

No:70-NT(1)/2008-pt

Dated: 04.11.2010

Subject: Approval of Medical Examiners under the provisions of Merchant Shipping Act, 1958.

Introduction

The Government of India is signatory to Standard of Training, Watch keeping and Certification Convention 1978 (STCW) as amended. This convention came into force internationally on 28th April, 1984 and for India on 16th February, 1985. The STCW 1978 was further amended in 1995 and the provisions of this convention entered into force internationally on 1st August, 1998. Under Regulation I/9.3.3 of this amended Convention, India has an obligation to ensure that Indian seafarers meet the standards of medical fitness particularly regarding eye sight and hearing and hold valid document attesting his medical fitness issued by a duly qualified medical examiners recognized by the Party. The provisions with regard to approval of medical examiners have been enacted in section 98 (3) (c) of Merchant Shipping Act, 1958 and Rule 4 of Merchant Shipping (Medical Examination) Rules, 2000. To fulfill this obligation, the Directorate issued guidelines to approve medical examiners vide Merchant Shipping Notice No. 17 of 2002 dated 5th August, 2002.

The aforesaid procedures have been reviewed. In view of adoption of STCW Convention 2010 in June, 2010, and newly adopted Maritime Labour Convention (MLC) 2006 in respect of medical examination of seafarers, further changes if required shall be incorporated in the Medical Examination Rules which are under revision. Meanwhile, certain modifications to the existing procedures on approval of medical examiners are considered necessary to keep abreast with the changes in the intervening period including the feed back received in the Directorate from the ship owner and seafarers associations. Hence, the revised procedures as stated below are issued in supersession of the Merchant Shipping Notice No. 17 of 2002 which is vogue till date.

Procedure for approval:

Henceforth, the following procedure shall be complied with for approval of a medical examiner under rule 4 of Merchant Shipping (Medical Examination) Rules, 2000. The applicant seeking approval shall:-

- a. send an application duly completed in the prescribed format as per Annex I along with Check list as per Annex II to the Directorate General of Shipping, Mumbai;
- b. hold at least MBBS degree recognized by the Medical Council of the Central/State Government, be a licensed physician and his/her age not exceed 65 years from the date of submission of application;
- c. possess experience in general and occupational medicine or maritime occupational medicine. A documentary proof in this regard shall be attached;
- d. be familiar with the publication 'The International Medical Guide for ships and International Health Regulations as amended from time to time;
- e. possess adequate knowledge of living and working conditions on board a merchant ships (that may include ship type cargo ship, passenger ship, tanker ship and specialized service vessels as OSV, Dredgers, Tugs and Drill ships etc). This knowledge shall be gained either through special instructions by undergoing specific training programme approved by the Directorate General of Shipping or through serving on sea going ships for at least 6 months in the capacity of medical doctor or supernumerary on board ships or by working under DGS empanelled medical examiners for a period of at least 6 months. A documentary proof to this effect shall be attached with the application;
- f. be well conversant with the procedures to conduct medical examination for specific purpose, issue proper valid medical certificate as the case may be in accordance with the provisions of M.S.(Medical Examination) Rules, 2000.
- g. state that he/she enjoys absolute professional independence from employers, seafarers, their representatives etc., in exercising their medical judgment in terms of the medical examination procedure.

The medical examiner shall be personally interviewed by the authorized official of the Directorate General of Shipping. The authorized official may carry out the inspection of his / her premises to verify the facilities at the Diagnostic Laboratory or other premises. Upon receipt of satisfactory compliance report, if applicable, and fulfillment of administrative procedures, the Directorate General of Shipping shall approve the medical examiner. The approved medical examiner shall be issued with letter of approval by the Directorate General of Shipping. This

approval shall be valid for empanelled medical examiners (including existing on DGS panel) of up to age of 65 years. The empanelled medical examiners (including existing on DGS panel) who are above 65 years of age, the approval to them may be extended for maximum period of 10 years and restricted up to the age of 75 years. Such medical examiners may renew their empanelment within 6 months of date of issuance of this notice. Such medical examiners who attains age of 65 years, may apply for the extension to the Directorate General of Shipping in the prescribed format as specified in Annex I. Based on the fulfillment of the requirements stated above in para (i), other applicable provisions in respect of furnishing periodical returns, absence of any adverse report or complaint from any quarter and self declaration made on maintenance of good health. The Directorate General of Shipping may in such cases extend the letter of approval for a period of maximum 10 years up to a maximum age of 75 years. No approval shall be considered for medical examiners above 75 years of age. (iii) The approved medical examiner shall not conduct medical examination at places other than the declared one to the Directorate General of Shipping at the time of making application. In the event of conducting medical examination at other place than the declared one in the application/checklist, prior approval of the Directorate General of Shipping shall be obtained. In such cases the medical examiner desirous of conducting medical examination at other places in the same city, may apply afresh as per procedure specified above.

The approved medical examiner shall not issue medical certificate to the seafarers without conducting medical examination as per the M.S. (Medical Examination) Rules, 2000.

The approved medical examiner shall issue medical certificate to the Seafarers in the prescribed format as per Annex IV. Such examiner shall not make any alteration to the medical certificate format.

The approved medical examiner shall not authorize any sub-ordinate medical examiner or any medical staff or other person to conduct medical examination and issue medical certificate signed by such employee.

All approved medical examiners shall be placed on the panel of the Directorate General of Shipping. Their name along with contact details shall be disseminated through the DGS website as soon as possible. The panel of medical examiners shall be reviewed by the Directorate General of Shipping periodically and updated, if considered necessary.

All approved medical examiners, who are on the panel of the Directorate General of Shipping shall submit six monthly returns in the prescribed format as specified in Annex III.

Any change in the status of the approved medical examiners in terms of his/her medical fitness, place of business and sub contracting of related services if undertaken or any other reasons shall be communicated by the medical examiners to the Directorate General of Shipping within 30 days of such change.

Validity of Medical Examination Certificate Unless a shorter period is required by reason of the specific duties to be performed by the seafarers concerned or are required under STCW:-

he medical certificate shall be valid for a maximum period of 2 years unless the seafarer is under age of 18, in which case the maximum period of validity shall be 1 year; and

a certificate of colour vision shall be valid for a maximum period of 6 years.

A ship owner, the examinee, medical examiners or any other person including the approved Maritime Training Institute of the Directorate affected by the decision of the approved medical examiners or of the Directorate has the right to appeal against such decision(s). The appeal shall be made to the Director General of Shipping within 90 days. Such persons shall be given a reasonable opportunity of being heard by the Director General of Shipping. The Director General of Shipping's decision shall be final.

For the purpose of verification of compliance with the provision of Merchant Shipping (Medical Examination) Rules, 2000 and this notice, the Directorate General of Shipping shall carry out inspection of the premises of the approved medical examiners or their diagnostic laboratory, if considered necessary. The Directorate General of Shipping upon receipt of complaint in writing from any Ship Owner, Ship Manager, Ship Agent, Approved Maritime Training Institute, Seafarers or other shall investigate into such matter and take appropriate measures after completion of such investigation.

The Director General of Shipping notes that the health of seafarers contributes to the safety of the ships, cargo, property and protection of marine environment. Against this background, DGS now issues the above procedures under the provision of Section 98 of the Merchant Shipping Act, 1958.

This comes into force w.e.f. 15th November, 2010.

This issues with the approval of Director General of Shipping.

Sd/-

Capt. Deepak Kapoor)

Nautical Surveyor cum

Dy. Director General of Shipping (Tech)