



# Technical Circular

No.: 041/2022

Date: 16<sup>th</sup> May 2022

## **Subject: GOI – DGS Order No. 14 of 2022 Reg. Violation of minimum safe manning requirements.**

1. All vessels are required to be manned as per the manning scale specified for each vessels provided in the Minimum Safe Manning Document (MDMD) issued to the vessel.
2. Vessels may be issued with single MSMD or multiple MSMD. Vessels having multiple MSMDs are required to use the applicable MSMD for the trade in which the vessel is deployed. While switching between trades having different MSMD requirements, the master of the vessel is required to make a suitable entry in the Official Logbook of the vessel which will be evidence of the MSMD in use.
3. A vessel waiting for employment, or solely trading within the limits of the port or adjacent ports within overlapping port limits, may change over to harbour MSMD while the vessel is within the notified port limits. However, if a vessel during the course of its employment enters or waits within harbour limits, such vessels **are not permitted** to change its manning requirements to harbour MSMD.
4. Noting that some vessels operate without the requisite manning in violation of the MSMD issued to the vessels, as a deterrence towards WILFUL violation of MSMD requirements, Indian Administration, vide DGS Order No. 14 of 2022, has informed that the following provisions will apply to such vessels:
  - a. Any Indian flag vessel found willfully violating the MSMD requirements in Indian waters will be **DETAINED** for the period of up to one month.
  - b. Any violation of statutory requirement should not result in the company benefiting from the violation. Accordingly, the wages saved during the period of violation of MSMD requirement will required to be paid to the Central Government, through Bharat Kosh payment system.
  - c. As the gross wages includes basic wages and various allowances which could be variable, the amount to be paid to the Government is to be determined on the basis of the highest **BASIC WAGES** specified as per the latest INSA-MUI agreement in respect of officers and NMB agreement in respect of crew members in the particular grade which was short manned. Accordingly, three times the highest **BASIC WAGES** for the period vessel was short manned will required to be paid to Central Government through Bharat kosh payment system.

- d. Furthermore, the vessel will need to pay the fee of INR 8,00,000/- as per principles provided at section 25 of the Annexure to D. G. Shipping Circular No. 13 of 2010 pertaining to Fees for miscellaneous survey and inspections carried out by Government Surveyors as operation of such ships in violation of MSMD requirements make the ship unseaworthy.
  - e. The master/owner/operator/charterer may also be prosecuted under the relevant provisions of statute.
5. Vessels granted dispensation with respect to MSMD requirements by the Directorate General of Shipping will NOT be considered as violation of MSMD requirements.
  6. The provisions as per above paragraph 5 will only be implemented on the decision of the Principal Officer of the jurisdictional Mercantile Marine Department. A party aggrieved by the decision of the Principal Officer may appeal against the same to the Director General of Shipping.
  7. Ship Owners/ operators and masters of Indian flagged ships are advised to be guided by above.

**Enclosure:**

1. DGS Order No. 14 of 2022.

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MINISTRY OF PORTS, SHIPPING AND WATERWAYS

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DIRECTORATE GENERAL OF SHIPPING, MUMBAI

**F. No. 25-105011/27/2021-NT-DGS**

**Date: 06.05.2022**

**DGS Order No. 14 of 2022**

**Sub.: Violation of minimum safe manning requirement -reg.**

1. Safe manning is the number of qualified and experienced seafarers necessary for the safety and security of the ship, crew, passengers, cargo and property and for the protection of the marine environment. Accordingly, ships are issued with a Minimum Safe Manning Document (MSMD) under the provisions of regulations Ch V/14 (2) of the International Convention for the Safety of Life at Sea, 1974, as amended. All vessels are therefore required to be manned as per the manning scale specified for each ships provided in the MDMD issued to the vessel.
2. Vessels may be issued with single MSMD or multiple MSMD. Vessels having multiple MSMDs are required to use the applicable MSMD for the trade in which the vessel is deployed. While switching between trades having different MSMD requirements, the master of the vessel shall make a suitable entry in the Official Logbook of the vessel which will be evidence of the MSMD in use.
3. A vessel waiting for employment, or solely trading within the limits of the port or adjacent ports within overlapping port limits, may change over to harbour MSMD while the vessel is within the notified port limits. However, if a vessel during the course of its employment enters or waits within harbour limits, it does not permit such vessel to change its manning requirements to harbour MSMD.
4. It has been observed that some vessels operate without the requisite manning in violation of the MSMD issued to the vessels. It needs to be noted that a ship which is not manned as per the applicable MSMD issued to the vessel adversely affects the safety, security, safe navigation, operations at sea/port, prevention of human injury or loss of life, the avoidance of damage to the marine environment and to property, and the welfare and health of seafarers through the avoidance of fatigue.

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5. As a deterrence towards WILFUL violation of MSMD requirements, the following provisions shall apply to a vessel violating the provisions applicable in respect of MSMD for the vessel:

5.1 Any Indian flag vessel found willfully violating the MSMD requirements in Indian waters shall be DETAINED for the period of up to one month.

5.2 Any violation of statutory requirement should not result in the company benefiting from the violation. Accordingly, the wages saved during the period of violation of MSMD requirement shall be paid to the Central Government, through Bharat Kosh payment system.

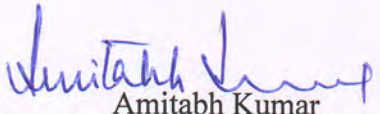
5.3 As the gross wages includes basic wages and various allowances which could be variable, the amount to be paid to the Government shall be determined on the basis of the highest BASIC WAGES specified as per the latest INSA-MUI agreement in respect of officers and NMB agreement in respect of crew members in the particular grade which was short manned. Accordingly, three times the highest BASIC WAGES for the period vessel was short manned shall be paid to Central Government through Bharatkosh payment system.

5.4 Furthermore, the vessel will need to pay the fee of INR 8,00,000/- as per principles provided at section 25 of the Annexure to D. G. Shipping Circular No. 13 of 2010 pertaining to Fees for miscellaneous survey and inspections carried out by Government Surveyors as operation of such ships in violation of MSMD requirements make the ship unseaworthy.

5.5 The master/owner/operator/charterer may also be prosecuted under the relevant provisions of statute.

6. A vessel granted dispensation with respect to MSMD requirements by the Directorate General of Shipping shall NOT be considered as violation of MSMD requirements.

7. The provisions of para. 5 of this order shall only be implemented on the decision of the Principal Officer of the jurisdictional Mercantile Marine Department. A party aggrieved by the decision of the Principal Officer may appeal against the same to the Director General of Shipping.

  
Amitabh Kumar  
Director General of Shipping