



भारत सरकार / GOVERNMENT OF INDIA
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F. No. TR/CIR/6(4)/2019

Dated: 30.01.2020

DGS Order No. 01 of 2020

Sub.: One-time Amnesty Scheme for Candidates who acquired false or forged certificates from Maritime Training Institutes without attending classes – reg.

Whereas, investigations conducted by the Directorate General of Shipping revealed involvement of at least five Maritime Training Institutes in issuance of course certificates for short term courses to seafarers without imparting proper training to them.

2. Whereas the process of withdrawal of approvals in respect of these institutes, blacklisting of their promoters, withdrawal of CDC and CoCs of the Principals and Course In-Charge have been initiated and orders for closure of three such institutes have already been issued, while proceedings in the remaining cases are at final stages of completion.

3. Whereas, show-cause notices have also been issued to 3762 persons (or trainees/candidates) who have allegedly obtained certificates from these institutes without undergoing proper training. The Directorate General has so far received replies from 1932 candidates in response to the show-cause notices, of which 1068 candidates have confessed about obtaining these certificates without attending classes and apologised for their conduct; and another 459 candidates have tendered their unconditional apology and resolved to repeat these courses from an approved training institute. 1830 candidates have not replied to the show-cause and have offered no defence.

4. Whereas, 254 candidates have claimed that they had attended classes but are unable to provide any evidence to support their claims, except for the attendance sheets obtained from the Institutes. These attendance sheets are not credible evidence as these have been prepared in the same handwriting and many candidates whose names appear in the attendance sheet have confessed in writing that they did not attend the class for which they have been shown present by the Institute.

5. Whereas, in accordance with sub-rules (4), (5) and (8) of Rule 9 of MS (CDC-cum-SID) Rules as amended, the candidates who obtained fake or false certificates to apply for CDC or CDC holders who obtained fake or false certificates under the Merchant Shipping Act, 1958 and Rules made thereunder are liable for cancellation of their CDC along with debarment for a period of up to five years.

6. Whereas, considering that many of the candidates who obtained these certificates were misguided by some unscrupulous unauthorised agents or the training institutes and their faculty, this Directorate as a purely one-time humanitarian gesture issued Training Circulars 11 of 2019 dated 02.07.2019 and 16 of 2019 dated 18.10.2019 to reduce the proposed penalty to a) six months for those who suo-moto admitted to obtaining fake or false certificate without attending classes without being detected by the Directorate, b) one year for those who admitted after their INDOS was blocked by the Directorate pending inquiry, and c) five years for the rest.

7. Whereas, penalty order in 1068 candidates for a period of 6 months or one year has already been issued and 459 more cases are in process. Analysis of the responses has shown that an overwhelming majority of the candidates have either admitted to their wrong doing directly or apologised or have not responded or made any effort to defend their action (i.e. 3357 out of 3762 cases).

8. Whereas, the replies received further indicate that majority of these candidates are poor and are victims of machination of unscrupulous agents, are genuinely remorseful of their conduct, and are willing to undergo the training again. However, in view of their financial position they have requested to be forgiven and given another chance.

9. Whereas, the plight of these candidates was discussed with the Ministry of Shipping in which it was decided that as a responsible maritime administration the Directorate needs to continue to follow its zero-tolerance policy towards any transgression in matters of training as it is crucial for safety of life and ships. The disciplinary action initiated against the institutes, promoters, faculty and the students were also fully endorsed so that these serve as sufficient deterrence against any such transgression in future.

10. Whereas, it was also noted that the candidates involved in this fake certificate racket have not been allowed to take up any job since July 2019 and have already served punishment of nearly seven months which has caused them great financial hardship. It was also noted that most of the candidates involved were misguided by the agents, are remorseful of their conduct and are willing to redeem themselves by undergoing the training again. As such, some more leniency could be shown towards these candidates without compromising on the quality of training and discipline expected from a merchant navy employee.

11. Now therefore, given the financial condition of these candidates, their ignorance which made them victims of manipulations of unscrupulous agents, their genuine remorse and willing to undergo the training again, the undersigned in accordance with the powers vested under the MS Act and Rules made therein, decide the following as a purely one-time measure;

a) The certificates indicated in the show cause notices issued to all the 3762 candidates shall stand cancelled and the candidates will have to repeat these courses again from approved Training Institutes.

b) The period of debarment of these candidates will be reduced further and the debarment shall be removed from 31.01.2020.

c) The candidates who have repeated the training and who have been issued fresh certificates from approved training institutes will apply for restoration of their e-migrant facility and the same shall be restored within 10 working days.

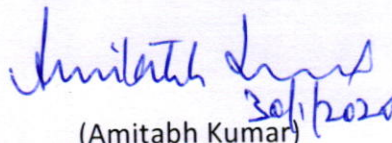
d) Candidates who have not repeated the training courses can do so within six months from 1st of February 2020 and apply for restoration of their e-migrant facility and the same shall be restored within 10 days.

e) Any other seafarer who wishes to surrender his certificate obtained wrongly to the Directorate, can do so and repeat the course(s) till 31st July 2020 without facing any debarment. This facility will not be available after 31st of July 2020 and surrender after this date will attract debarment in accordance with MS (CDC-cum-SID) Rules.

12. It is further clarified that this scheme being issued on humanitarian considerations, is strictly a one-time amnesty scheme and detection of similar transgressions in future will attract penalty of cancellation of CDC and debarment of up to 5 years.

13. If any candidate, who has been granted amnesty under this scheme is found involved in another misconduct or obtaining of false documents/certificates under MS Act, then he will be banned for life.

14. The Training Circulars 11 of 2019 dated 02.07.2019 and 16 of 2019 dated 18.10.2019, stand superseded.


(Amitabh Kumar)

Director General of Shipping &
Additional Secretary to the Govt. of India

To
All concerned through DGS website