



भारत सरकार / GOVERNMENT OF INDIA
पत्तन, पोत परिवहन और जलमार्ग मंत्रालय
MINISTRY OF PORTS, SHIPPING AND WATERWAYS
नौवहन महानिदेशालय, मुंबई

DIRECTORATE GENERAL OF SHIPPING, MUMBAI



File No.20-12/1/2020-TRG-DGS

Dated: 22.11.2023

DGS ORDER NO. 15 of 2023

Subject: Appeal for justice (IV)/MTI 402017, Application no: 100490-reg.

1. Whereas, Sri Chakra Maritime College (SCMC) (MTI No.402017) located at R.R. Green Field, No:10, Tower Road, Moratandi, Pattanur-Vill, Vanur-Taluk, Auroville, District:Villupuram, Tamil Nadu-605101 is Directorate General of Shipping (hereinafter referred as DGS)- approved Maritime Training Institute (hereinafter referred as 'MTI') for conducting the DGS approved Maritime Courses. SCMC is run by Sri Chakra Charitable Trust, represented by its Director Shri K.V.R. Srinivas.

2. Whereas, the Petitioner, represented by its Director Shri K.V.R. Srinivas, GF-02, No.2, Nagalingam Street, Sivagami Nagar, Gowrivakkam, Chennai-600073 filed a W.P. No. 17657 of 2023 in the Hon'ble High Court of Judicature at Madras against the Secretary, Ministry of Ports, Shipping and Waterways, New Delhi as 1st Respondent and the Director General of Shipping, Mumbai as the 2nd Respondent. The Hon'ble High Court in its judgement Order dated 15.06.2023 in W.P. No. 17657 of 2023 directed to the first respondent at Para 6 as below;

"6. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the first respondent to consider the petitioner's representation dated 14.04.2023 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order".

3. Whereas, the Director General of Shipping is an attached office of the Ministry of Ports, Shipping and Waterways, New Delhi and deals with all matters concerning the Maritime Administration, Maritime Education and Training, development of Shipping Industry and other related subjects. It has the responsibility and authority to ensure that training, examination, assessment and certification of seafarers are conducted in accordance with the STCW Convention and the M.S. (STCW) Rules, 2014. The DGS in order to ensure that all training and assessment of seafarers for certification is administered, supervised and monitored in accordance with the STCW Convention and its Code, and STCW rules framed under Merchant Shipping Act, 1958, approves the Maritime Training Institutes, training programmes & issues various guidelines, training circulars, orders, Merchant Shipping Notices from time to time, so as to monitor & regulate such Institute as per the above legislations. Accordingly, the Respondent (2) i.e. the Director General of Shipping, Mumbai has examined the representation made

[Signature]
22/11/23

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9वीं मंज़िल, बीटा बिल्डिंग, आई थिंक टेक्नो कैम्पस, कांजुर गाँव रोड, कांजुरमार्ग (पूर्व) मुंबई- 400042

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by petitioner dated 14.04.2023 under the light of the order of the Hon'ble High Court of Madras in W.P. No. 17657 of 2023 dated 15.06.2023.

4. Whereas, the SCMC in their representation dated 14.04.2023 interalia submitted as below:-

4.1. *"We request your good office the conduct a probe on the entire affairs of additional intake inspections and other related matters with a competent investigating Agency and take necessary action against the people who are involved.*

Sir, please go through all the facts attached and consider our application for additional intake of Students and take necessary action against those responsible for tarnishing the good name for the Shipping Industry".

5. Whereas, DGS issued approval letter vide F. No. 3-TR(23)/2002-GP/600 dated 13.07.2017 to SCMC for Training for General Purpose Ratings (GP Rating), from 40 candidates to 80 candidates per batch with two batches in a year (Annual intake should not exceed 160 students per year).

6. Whereas, the approval was given subject to following conditions

(1) The institute will submit sponsorship letter for individual trainees within 30 days of the commencement of the batch.

(2) The institute will make a presentation within 30 days outlining its vision, strategy to improve quality of training.

(3) Approval is initially for a period of 12 months and will be subject to the fulfilment of the above two conditions.

Whereas the approval was also subject to the terms and conditions mentioned in the above referred approval order.

7. Whereas, a consolidated Approval No.:TR/A/83/2019 vide File No. 3-TR(23)/2002-STSDSD/64 dated 04.09.2019 was issued to SCMC covering the 06 courses including "Pre-sea Training for General Purpose Ratings course" for 40 candidates in a batch with 04 batches in a year (two batches in January and two batches in July i.e. total 160 candidate in a year). Special instruction was given in the consolidated Approval letter to SCMC mentioning as **"The validity of approval shall be subject to validity of the land lease agreement"**. Whereas the approval was also subject to the terms and conditions mentioned in the above referred approval order.

8. Whereas, the SCMC has applied online application no. 100490 for additional batch of Training for General Purpose Ratings course (GPR) on 16.05.2022. After initial scrutiny at the Directorate and on submission of the deficient documents by the SCMC, the online application was forwarded to Principal Officer [PO], Mercantile Marine Department [MMD], Chennai on 08.06.2022 for inspection and their recommendations.

9. Whereas, SCMC inspection towards GPR enhancement was carried out on 26-27th July, 2022 by Shri Satish Kamath, Engineer & Ship Surveyor and Capt. Tapesh

Ghosh, Nautical Surveyor. Their observations during inspection were communicated to the SCMC with direction to submit compliance report in that regard at the earliest. Further, MMD, Chennai sent query back to the SCMC to submit compliance report and video recording of all the practicals conducted within 15 days. The details of Comprehensive Inspection Programme (CIP) were asked from DNV-GL (Recognized Organization) considering the low placement percentage.

10. Whereas, the PO, MMD, Chennai in his recommendations mentioned that;
1. *"though inspection reports that the institute has necessary infrastructure for conduct of additional batch, the CIP grading of the institute is C-2 due to poor placement record. For the year 2018 the placement was 63%, for the year 2019 the placement was 68% and for the year 2020 the placement was 51%. So the average placement for the past three years is around 60 percentage only.*

2. In view of poor placement record, approval for any additional capacity for the GP rating course, is not recommended at this stage.

3. Further, whether to retain existing batch strength may be decided by the DGS subject to compliance with DGS Circular No. 18 of 2020.

Accordingly, it is recommended that DGS may reject the request for additional batch and direct the institute to comply with DGS circular 18 of 2020 and adjust the intake capacity of forthcoming batches based on the placement record of preceding 12 months".

11. Whereas, the Directorate further examined the matter and found that the PO, MMD, Chennai carried out inspection and asked DNV-GL to review the CIP grading w.r.t. Ship Board Training. DNV-GL accordingly revised the grading of SCMC from A-1 to B-2 for overall grading and placement records have been graded as C-2. This particular aspect is not found mentioned in the letter sent by SCMC. It is to mention that as per Training Circular No. 01 of 2017 dated 13.01.2017 "institute falling under the category B-2, C-1 & C-2 shall not be entitled to apply for new pre-sea courses or enhancement of seats till they improve their grading to B-1 / A-2 or A-1".

12. Whereas, the PO, MMD, Chennai recommended for rejection of the online application of this SCMC and the same has been accepted by the DGS in view of the Training Circular No. 01 of 2017 dated 13.01.2017. Accordingly, the online application of the SCMC for additional batch of training for General Purpose Ratings course (GPR) was rejected on 09.01.2023 by the DG Shipping.

13. Whereas, further, the data on Ship Board Placement of Sri Chakra Maritime College [SCMC] for GP Rating for last 5 years has been taken from E-Gov. branch of DG Shipping and the same is as below;



| Year | Session | Admission | Placement |
|------|----------|-----------|-----------|
| 2018 | Jan-Jun | 78 | 54 |
| | Jul- Dec | 79 | 47 |
| 2019 | Jan-Jun | 66 | 54 |
| | Jul- Dec | 76 | 52 |
| 2020 | Jan-Jun | 57 | 36 |
| | Jul- Dec | NIL | NIL |
| 2021 | Jan-Jun | 75 | 32 |
| | Jul- Dec | 77 | 44 |
| 2022 | Jan-Jun | 44 | 12 |
| | Jul- Dec | 80 | 2 |

14. Whereas, the SCMC has claimed that their Trust has their own RPS company named KSM Navigation Private Limited RPSL/CHN/048 for providing Ship Board Training to the candidates. However, it is found that this RPS could provide recruitment to **only 45 seafarers from January 2019 to 15th March, 2023.**

15. Whereas, the SCMC has alleged that the Directorate has approved additional batch of GP Rating course to Behara Institute of Maritime Training [MTI No. 414038], which is having Grade B-1. The DG(S) has approved additional batch of GP Rating for Behara with a condition that *"We may approve only provisionally for six months subject to the institute improving placement of earlier passed out batches during this period"*. It is found that Behara Institute of Maritime Training has again undergone Comprehensive Inspection Programme (CIP) inspection on 13th - 14th October, 2022 and has been graded as A-2.

16. Whereas, the Directorate had received complaint filed by Shri Chakra Maritime College in the office Central Vigilance Commission, New Delhi vide email 27.03.2023. The same forwarded to PO, MMD, Chennai to examine the complaint vide DGS letter dated 17.04.2023.

17. Whereas on examining the matter MMD, Chennai vide letter dated 04.05.2023 submitted that

(1) The main grievance emanates from the said complaint is the rejection of online application No. 100490 made by the SCMC towards enhancement of intake for GP rating course.

(2) The issues mentioned in the complaint were examined to verify its authenticity from

the records. Also, comments of the officers named in the complaint were sought, the officers named in the complaint totally deny such false allegations. None of the allegations are supported by the direct or indirect evidences. The records available in e-Governance portal and the reply given by the officers confirm that the complainant has made baseless allegations against the officers of the department with ulterior motives. Hence the said complaint should be rejected in absence of any supporting evidences.

(3) The institute has not raised any objections about the inspections by MMD or made complaints about the officers of MMD Chennai before the PO, MMD, Chennai till date.

(4) A Selective comparison with the approvals granted to the other institutes by the complainant is totally misplaced since the nature of request made by the institute, existing intake capacity, CIP grading, performance of the institute and placement records vary substantially. The complainant has not denied the fact about its poor placement record for the past three years which is directly related to the approval of any additional batches.

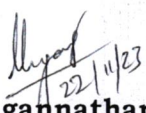
(5) It is submitted that the process of approval of training institute follows the structure guidelines framed by the DGS. The online system ensures transparency of actions taken at each level and visible to other parties. In the particular case, it is evident that the complainant Sri Chakra Maritime was not meeting the requirements of shipboard training for the passed out candidates and the minimum grading required for grant of approval for additional batches. Hence, the application was rejected. It is an attempt to avoid compliance with DGS Training Circular No. 18 of 2020 and to continue with the existing approved intake despite poor placement record.

18. Whereas, it is stated that the Petitioner has obtained the approval for conducting maritime courses from the Director General of Shipping based on an undertaking that all the requirements stipulated by the DGS will be complied with for conducting these courses and Sri Chakra Maritime College has failed to provide Ship Board Training, accordingly placement records have been graded as C-2 and not complied with the applicable and governing laws and DGS guidelines, orders and circulars.

19. Whereas, the SCMC has filed a W.P. No. 17657 of 2023 in the Hon'ble High Court of Judicature at Madras against the Secretary, Ministry of PSW, New Delhi and the Director General of Shipping, Mumbai wherein the Hon'ble High Court in its judgement Order dated 15.06.2023 directed the first respondent *to consider the petitioner's representation dated 14.04.2023 and pass appropriate orders, on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.*

20. In view of the facts and circumstances explained herein above, the Directorate General of Shipping taking cognizance of the fact that Sri Chakra Maritime College, Pattanur Village has been approved to conduct the DGS approved Maritime Courses as per the guidelines issued by the DGS from time to time under Merchant Shipping Act 1958. While giving the consolidated approval to the SCMC, special instruction, terms and conditions were mentioned from time to time. The allegations made by SCMC are

baseless and false, with distorted facts and does not have any substance. The online application of the SCMC was processed properly and after getting the details verified and corrected by the Recognized Organization [RO], the PO, MMD, Chennai proposed for the rejection of the online application. It was clearly evident that the SCMC was not meeting the requirements of shipboard training for the passed out candidates and the minimum grading required for grant of approval for additional batches. Hence, the online application of SCMC was rejected by DG Shipping as per the recommendation of PO, MMD, Chennai. It is expected that the Sri Chakra Maritime College has to improve grading by providing appropriate ship board training to the passed out candidates as per DGS Circular No. 18 of 2020 dated 24.04.2020. Therefore, the representation dated 14.04.2023 of M/s. Sri Chakra Maritime College received through email from the Ministry of PSW, GoI, New Delhi cannot be entertained at this stage.


(Shyam Jagannathan)
Director General of Shipping

To,
Shri K.V.R. Srinivas, Director,
Sri Chakra Maritime College,
R.R. Green Field, No:10,
Tower Road, Moratandi,
Pattanur-Vill, Vanur-Taluk,
Auroville, District:Villupuram,
Tamil Nadu-605 101.

Copy to:

- 1) The Secretary to the Govt. of India, the Ministry of Ports, Shipping and Waterways, GoI, New Delhi.
- 2) Principal Officer, Mercantile Marine Department, Chennai.
- 3) DDG, E-Governance to display on DGS website.