

भारत सरकार
समुद्री वाणिज्य विभाग
नौवहन मंत्रालय
नोर्थ एण्ड पी.ओ.
डाक बाक्स सं 3701
विल्लिंगडन द्वीप
कोच्चि - 682009



Government of India
MERCANTILE MARINE DEPARTMENT
Ministry of Shipping
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दिनांक / Date: 25.04.2016

26 APR 2016

The Director-General of Shipping
Mumbai - 42.

(Kind attn: Shri Mahesh Yadav, Asstt. Director General of Shipping)

Subject: Issue of opening article of agreement and entry of CDC for Catering crew working on passenger ships in Lakshadweep sector-reg.

Sir,

Reference Directorate letter No. CR/CDC/1/2016 dated 12.01.2016 on the subject. As desired therein, a meeting had been convened in the Conference Room of MMD, Kochi on 18th April 2016 and the minutes of the meeting is forwarded herewith for your information and record.

Yours faithfully,


(AJITHKUMAR SUKUMARAN)
PRINCIPAL OFFICER (I/C)

Copy for information to:

1. The Managing Director, M/s. Lakshadweep Development Corporation Ltd., Kochi;
2. The Managing Director, SPORTS (UTL Administration), Kavaratti;
3. The Director, Ports, Shipping & Aviation (UTL Administration), Kavaratti.
4. The Vice President, Forward Seamen's Union of India, Kavaratti Branch - 682555, UT of Lakshadweep;

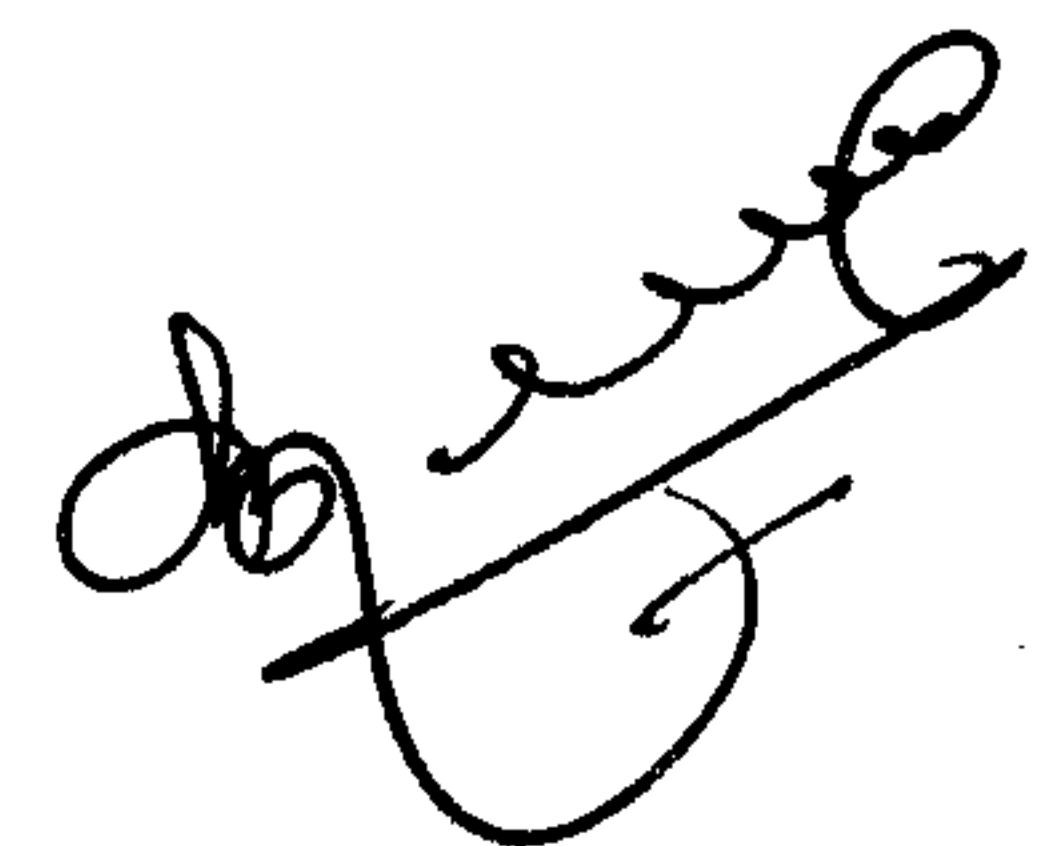
Minutes of the Meeting

(Convened by the Principal Officer, Mercantile Marine Department, Kochi on 18.04.2016 to resolve the issues raised by the FUSI regarding the canteen crew on Passenger vessels in the Lakshadweep sector.)

1. As per the direction contained in the Directorate General of Shipping, Mumbai letter No. CR/CDC/1/2016 dated 12.01.2016 and 03.02.2016, the Principal Officer, Mercantile Marine Department Kochi had convened a meeting with the officials of the Lakshadweep Development Corporation Ltd., Kochi, SPORTS Department, UTL Administration, the Director of Ports, Shipping & Aviation, UTL Administration and the representatives from the Forward Seamen's Union of India on 18th April 2016. As was specifically advised by the DGS, intimation was sent in advance to all the concerned, ie. the Director of Ports, UTL Administration (Owners of the vessels), the Managing Director, SPORTS, UTL (Employer of canteen crew) and the Managing Director, LDCL (Mangers of the vessels), in addition to the Union representatives, with a request to attend the meeting. However, no representative from the SPORTS Department or from the Ports, Shipping & Aviation Department of the UTL Administration attended the meeting. While the Managing Director (SPORTS), UTL Administration had conveyed his inability to attend the meeting on that day, there was no response from the Director of Ports (Owners).
2. The meeting was held, as scheduled, on 18.04.2016 in the Conference hall of the Mercantile Marine Department, Kochi at 1100 Hours. Following officials were present in the meeting:
 - 1) Shri Raji Ranjan, General Manager, LDCL;
 - 2) Shri Noushad T.H., Marine Supdt.,(DPA) LDCL
 - 3) Shri Muhammed Sali, Marine Superintendent, LDCL
 - 4) Shri Mohammed Dilshad, LDCL
 - 5) Shri Shahul Hameed C.P., Representing FSUI
 - 6) Shri L.F.Mohammed, Representing FSUI
 - 7) Shri Manoj Yadav, Representing FSUI
 - 8) Shri C.D.Nandakumar, Representing FSUI.
3. The Principal Officer welcomed the members present and explained the background of the meeting. The members present introduced themselves.




4. The Principal Officer then requested the Union representatives to explain the issues raised by them. Shri L.F. Mohammed circulated copies of the Union's representation and the Principal Officer requested him to explain the matter in brief.
5. Shri L.F.Mohammed stated that the Managers of the UTL vessels, M/s. Lakshadweep Development Corporation (LDCL) is not a member of INSA and they are not implementing the NMB agreement. He informed that the crew working as Cooks / General Stewards (Canteen Crew) onboard passenger vessels owned and operated by the Union Territory of Lakshadweep Administration are not signing in Articles of Agreement as required under Merchant shipping Act, 1958 and as such are being denied of the benefits of the seafarers.
6. Shri Manoj Yadav, representing FSUI, quoting the similar case regarding the canteen crew employed through M/s Radhakrishna Caterers on Shipping Corporation of India (SCI) vessels, stated that the Kumud Bansal Tribunal award in the above matter is relevant here also and the Union Territory of Lakshadweep Administration as the owners of the vessel and the Department of SPORTS of UTL, as the employer of the canteen crew on these vessels are bound to be guided by the said award.
7. After discussing the issue in detail, the GM, LDCL, informed that the UTL Administration has advised M/s LDCL, as the Managers of the vessel to take over the responsibility from SPORTS Department for engaging the canteen crew (Cooks & General Stewards) on all passenger ships under their management. Shri Mohammed Dilshad, of M/s LDCL stated that the process of recruiting crew has already been commenced and will be completed in a phased manner, expectedly by 15th of May 2016. The selection will be done in a transparent manner, based on the Recruitment Rule (RR) of M/s LDCL and the eligible canteen crew currently employed on these vessels through SPORTS will be given due preference, provided they meet the requirements of the applicable Recruitment Rules in place. As per the existing RR, the minimum qualifications for the General Stewards include possession of valid Indian CDC, successful completion of the Pre-sea Training Course and minimum two years of onboard experience. For the experience, no CDC entries



will be insisted, but, a confirmatory letter from the current employer, ie. the SPORTS department will be required. However, with regard to the staff who do not meet these requirements, it will be the responsibility of their current employer, ie. the SPORTS department of M/s UTL to find alternate arrangements and any disputes in that regard are to be dealt with by the Department of SPORTS who had employed them.

8. However, the Union representatives expressed their reservations in this regard and insisted that all the crew members presently employed by SPORTS as canteen crew and in possession of valid Indian CDCs should be selected/employed even if they are not meeting the qualifications prescribed in the RR, as they hold CDCs issued under the Merchant Shipping Act. However, the Principal Officer clarified that the CDC is only the minimum requirement as per the Act and the Companies may prescribe additional qualification and experience as per their employment requirements. It may not be appropriate for the DGS / MMDs to advise the Companies to disregard their Recruitment Rules. It is the prerogative of the Company to find a balanced solution to the issue, without compromising on the safety standards of the vessel.
9. Shri. C.D. Nandakumar, representing FUSI pointed out that the basic issue is that M/s LDCL currently does not have the details of the number of employees who will be affected by this new recruitment requirements. The Principal Officer and the GM, LDCL agreed to this and requested both Union and the LDCL officials to collate the details of the employees affected, to understand the gravity of the situation. The GM, LDCL assured that all possible options will be explored in consultation with the SPORTS, to avoid any hardship to the existing employees.
10. With regarding to the issues raised by FUSI representatives related with NMB agreement, the Principal Officer suggested to address the issue by the Union and the Owners/Operators mutually.
11. The Union representatives appreciated the efforts being taken by M/s LDCL in resolving the issues in an amicable manner and the meeting ended at 12 PM.


प्रधान अधिकारी
PRINCIPAL OFFICER
समुद्री वाणिज्य विभाग
THE MARINE DEPARTMENT