

Merchant Shipping (Amendment) Act, 2002

Section 4 - Amendment of Section 95

In section 95 of the principal Act,-

(i) in sub-section (1), for clauses (a) and (b), the following clause shall be substituted, namely:-

"(a) to issue licence, to regulate and control the recruitment and placement service, and to-

(i) ensure that no fees or other charges for recruitment or placement of seafarers are borne directly or indirectly or in whole or in part, by the seafarers;

(ii) ensure that adequate machinery and procedures exist for the investigation, if necessary, of complaints concerning the activities of recruitment and placement services; and

(iii) to maintain registers of seamen in respect of the categories of seamen;

(ii) sub-section (2) shall be omitted;

(iii) in sub-section (3), for clauses (b) and (c), the following clauses shall be substituted, namely:-

"(b) the levy and collection of such fees as may be specified for the issue of licences to recruitment and placement services, renewal of such licences and services to be rendered by the seamen's employment office;

(c) the issue of directions by the Central Government to any seamen's employment office or any recruitment and placement service with reference to the exercise of any of its powers;

(ca) the conditions under which the recruitment and placement service to recruit and place seafarers abroad;

(cb) the circumstances and conditions under which licence to be suspended or withdrawn;

(cc) the conditions under which seafarers' personal data to be processed by the recruitment and placement services including the collection, storage, combination and communication of such data to third parties;"

(iv) after sub-section (3), the following Explanation shall be inserted, namely:

'Explanation.-For the purposes of this section,-

(a) "recruitment and placement service" means any person, company, institution, agency or other organisation, in the public or private sector which is engaged in recruiting seafarers on behalf of employers or placing seafarers with employers;

(b) "seafarer" means any person who fulfils the conditions to be employed or engaged in any capacity on board a sea-going ship other than a government ship used for military or non-commercial purposes.'.
