



A CRITICAL STUDY RELATED TO THE MARINE LABOUR ISSUES IN THE MARINE INDUSTRY

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ABSTRACT

In the course of marine field, those who working in ship, harbour, port, rigs, jetty, yards, docks, and other marine related jobs that everyone carries different nature of works. In India there is no fixed time for mariners especially those who working in harbour, ports, docks, yards etc... they recruitment labours through marine consultancy, agents, brokers etc... for their benefit and profit they employing labours for less remuneration with unskilled and un trained persons without any competent certificate but at the end they causing endangered situation for labours, owners and government. Even though the Marine Mercantile Department (MMD) is strict without the consent of MMD some agencies applying unskilled person for less remuneration. So the MMD should check the labours and their certificate periodically and punish the unskilled person and agency who have appoint them for work. And the same time, due to increasing in number of marine college and institution, huge number of fresh candidates passing out every year meanwhile the agents and brokers also increasing accordingly. Due to this, fresh candidates are suffering very bad situation even completing their marine studies. Placements also reduced, so the candidates without any option they choosing agents this would be the great advantage for the agents and brokers, from the agents and brokers many of them are doing fraud and forgery without holding a proper license approved by the government. Even some agents holding proper licence but getting more money from the candidates nearly 4 to 5 lacks and sending them to the old ships without RPSL like scrap, barges, tug boat etc... this puts the candidates in frustration so the government itself arrange placement for the candidate and take severe action on the agent and brokers.

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INTRODUCTION

For the efficient Maritime industry the labours should get proper needs and requirements, and the labours should follow the rules and regulation which is given in the Maritime Labour Convention (MLC) 2006. And every labours should carry a valid certificate issued by a Director-General of shipping or by any officer, authority or organisation authorised by him in this behalf in accordance with the provisions of the Maritime Labour Convention. Maritime Labour Convention means the International Convention of Maritime Labour Organisation on Maritime Labour standards signed on Geneva on the 23rd February 2006.

Contents of MLC, 2006

- Minimum Requirement for Seafarers to Work on ship
- Conditions of employment
- Accommodation, Recreation, Food, catering
- Health protection, Medical care, Welfare and Social Security Protection
- Compliance and Enforcement

This all should be satisfied for every mariners, but at present due to recession of jobs for Mariners they facing many problem in the industry. Even sometimes they struggling to get food at right time, on foreign ships the government should keep an eye on the every institution in India, if the training institution found they not placing their candidate which they promise on the time of admission.

While admission they promising and advertised through the television and newspaper with attractive images of ship and persons with uniform in the attractive way, hundred percent placement , this would raise desire between their children and parents at last they not even giving proper placement in small ships on the good companies, so they searching job on their own this puts the candidates in frustration due to not getting proper food and nourishment and spending more money even they spent much for their pre-sea training.

Qualification of Mariners

To ensure that no under-age persons work on a ship No person below the minimum age shall be employed or engaged or work on a ship. The minimum age at the time of the initial entry into force of this Convention is 16 years. A higher minimum age shall be required in the circumstances set out in the Code. The

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employment, engagement or work on board a ship of any person under the age of 16 shall be prohibited.

Aspiring mariners should choose careers before submitting applications for colleges and institution, since the requirements depend on the chosen career paths. Members of the merchant marine work in either the engineering, deck or steward's department. Mariners in the deck department, such as captain and Mates assist in navigation and operating the ship. Engineers, mechanics, oilers and electricians in the engineering department maintain a the ship's machinery. The steward's department is responsible for providing food on board the ship.

Trainees should have completed a period of approved education and training and meet the standard of competence specified in STCW section A-II/2 of the STCW Code for masters on ships of 3,000 gross tonnage or more. Certificate should be renewed periodically as per the code.

But some agents providing belize, sierra leone, free town, liberia cdc and certificate for money without any pre sea training, this kind of seaman strugglin in many countries with low wages in ships like without rpsl and coastal ships sailing in inland water etc... this should be stop by the government and strictly punish the agents, And the young mariners are also advised to be in caution from the unauthorised agents.

Education and training

Colleges and institution for marine should be given in regulation by DG shipping. Government should check periodically about their safety measure and equipments using for training. All marine institution should take their trainees to the simulator hall and conduct all mock trails like fire fighting, life boat, rescue boat, engine and bridge for the advanced training. This all should be properly maintained by institution and take their trainees periodically for their advanced knowledge. If any

Students

A credible grading of courses would significantly aid students in their decision of choosing an institute for a particular course. This is because the grading would seek to assess the relative quality of similar course offered across various institutes. Moreover, to the extent that the course offered would be benchmarked against international best practices as well, students would get a fair idea about the course quality against global standards too. This would be useful for both pre-sea students, who might have inadequate knowledge of the industry, as well as seafarers preparing for post-sea certifications.

Institutes: The grading would be a potent symbol of differentiation for institutes that conduct particular courses better than others. This would help these institutes in attracting more students from both within and outside India. The grading exercise would also involve extensive interaction of the grading agencies with the institutes and sharing of an assessment report with the institute which would provide a rationale for the grade assigned and feedback regarding areas of improvement.

Employers: The grading of course offered would provide employers with a means of assessing relative quality of education imparted and refine expectations with regard to on-the-job performance of recruits. This would be particularly

useful in courses which do not involve any external examinations.

DGS: The grading would be an additional input for DGS in regulating maritime education in the country. Moreover, it has the potential to serve as an effective tool for non-intrusive regulation of more than 100 institutes and encouraging a permeation of best practices across institutes. Further, if a system of quality education can be put in place, India could emerge as a global centre for excellence and cost-effective maritime education& training.

Placements and recruitments

Every year, maritime institutes around the world churn out thousands of fresh deck cadets and marine engineers. Each of these young graduate has high hopes of making it big in the maritime field by becoming a first-rate seafarer someday. With their newly attained knowledge and training, these officers embark on-board ships with reputed shipping companies, work for few years, and attempt to upgrade their ranks. However, in spite of highly lucrative job offers, adventurous working environment, and a "globetrotting" lifestyle, most of these seafarers suddenly decide to quit their ship jobs by accepting opportunities onshore. This trend is on the rise and is now being seen in several countries around the world.

When the admission for the pre-sea training many institution promising that the 100 percent placement, more salary in future, soon became captain in merchant ship due this kind of an advertisements for institution benefits more cadets due to their family situation, and want grow soon in the future they easily getting into the field. After the completion of course the institution itself not giving much importance to their placement. This DG shipping should strictly take this in mind and stop this kind of provoking desire and ads prevent poor cadets from the big loss. Because of poor placement cadets spending more money to the unauthorized shipping agents in Mumbai.

Note: Kindly note that by no means I'm trying to say that a career in maritime industry is not worth the efforts. In fact, we feel that a career in merchant navy is the best career opportunity one can get.

Agents and Brokers

The merchant navy, which is a great and attractive profession, has become a idle haunting grounds for fraudulent agents and making huge money from exploiting the poor and the one most needing the job. This entire impression in the entire society is emerging that the merchant navy means the Scam, money launderer and agents' fraud. All those who want to join the merchant navy from countries like srilanka, India, Philippines and Bangladesh get stuck in the affair of these agents, not only lose their time but also a lot of money. Today agents have made such an environment that it seems impossible to get their jobs without it specially in this time of global recession where there is a lot of people competing for the small no of job opportunities. These Fraudulent agency and institution sometimes also include the officers of several companies. Recently, Captain of a Kolkata-based company was found involved in this work, when the complaint came to DG Shipping, then Captain had to go to jail, but soon he came out on bail. There is no news on him whether he stopped those practice or still doing under different names.

The mortgage of agents working in the Merchant Navy has reached an estimated 10 to 12 thousand crores annually. Most people do not know about merchant navy careers, and because of this agents get golden opportunity to catch the boys coming from small towns and remote villages to get them trapped in the affair of these agents. This agent charges 4-5 lakh for job, And once trapped, this agent messes up badly with both their career and future.

After taking so much money, the candidate has to wait for months to get a job. The poor man gets into a lodge in some coastal cities, after which he is given a fake CDC, the new fake / inappropriate visa that is mostly the tourist visa and is sent for work on these papers. Most of them are sent illegally in countries like Iran, Saudi Arabia, Dubai, Indonesia and Malaysia. Sometimes these boys are caught at the airport because they have gone to work on a tourist visa, which is illegal, and are put in prison.

In one such case, three boys of Gurgaon were put in jail in Iran. Later the Indian government redeemed them. In a case three boys were promised a job on offshore vessel in Singapore and the tickets were given to them was for Iran. In another case, a boy was caught in Iran only because his CDC was stamped in two countries and there was no stamp in passport. The ships on which these agents send boys to work are not up-to the class, as boys are very poor they even work on these vessels just to complete their contact. The treatment is so bad that the boys do not take the name of the merchant navy when they return home and tell all the details about how bad the merchant navy is.

Because of all this, the name of the merchant navy is not only spoiled but the whole maritime society, Due to which good students and good families are making the distance from it. It is necessary that people be told about the merits of Merchant Navy and the ways of joining a merchant navy on the right path and what are the benefits of it, along with a caution of these fraud agents. If the people are to know it then the situation can change. It is very important for the merchant navy to emerge from the clutches of the agent, for the future of the merchant navy.

Merchant mercantile department (MMD)

MMD having power to detain the ship if anything found illegal this having right to inspect the ship and port at anytime, and the person who is struggling in the ship having right to claim the officer of mmd or port state control while in inspection, this can give you a immediate remedy to relive the ship and country. An ITF plays a big role in the marine industry.

This can made a blacklist contains shipping companies and agencies/ recruitment placement of the seafarers licence RPSL and ship who have violated the provision of merchant shipping act 1958,merchant shipping (maritime labour)rules2016 and merchant shipping (RPSL) rule 2016. Thereon with regard to non settlement of seafarers wages , taking remuneration for employment of seafarers, abandonment by owners etc... the list published in order to prevent Indian sea farer; sea farer from being employed on such ship. By such defaulting shipping companies company, RPSL, ships have been blocked.

Punishment

If any shipping companies found violating any rules and regulation should be strictly punish by the government. Agents

and brokers should be punish strictly and stop giving licence to the agencies, if the fresh cadets heard struggling in foreign ships, government should take immediate action to bring back them safely. Stop giving provoking desire to the young candidates, should be clearly explain about the current status of the industry, colleges and institution should give proper placement as they promise during the admission of the institution, if not, stop advertising through television and daily papers, if that fake advertisement continuous, government should cancel the licence of the institution. In Mumbai there are thousands fake agencies located, that everything should be shut off by the government, increasing of institution should be reduced.

ITF (International Transport Workers Federation) inspector can;

- Inspect a ship for problems relating to employment and living conditions.
- Meet with crewmembers ashore.
- Provide advice and assistance to seafarers.
- Liaise with the Port State Control on safety matters.
- Provide advice and support to seafarers on strike.
- Advise what the legal possibilities are for resolving a particular problem in that port/country.
- Act as a representative for the crew (power of attorney) in contractual disputes.
- Recommend a lawyer, in cases where the crew wish to take legal action.
- Put a seafarer in touch with an ITF affiliated union in their home country.
- Raise shipboard problems with the shipowner.
- Put pressure on a shipowner to resolve shipboard problems.
- Legally board a vessel with an ITF agreement to carry out an inspection.
- Contact ITF Inspectors, unions and contacts in other countries.
- Calculate owed wages and handle backpay claims.
- Put a seafarer in touch with someone who speaks their native language.
- Put a seafarer in touch with a minister of their own faith.
- Deal with matters confidentially, as far as possible.
- Provide copies of ITF publications.
- Be contacted by phone, mobile, email, fax or mail.
- Facilitate the signing of ITF approved collective bargaining agreements.
- Liaise with third parties, such as embassies, flag state authorities or welfare agencies, in handling seafarers' disputes.
- Can provide emotional support to seafarers who find themselves hospitalised.

Suggestions

I would give my perspective on marine industry, that young mariners and marine labours getting into trouble due to unfair practice in marineindustry by the agents and improper institution for mariners. Actually the industry having well and fantastic jobs, and there are big opportunity to became an officer in future for more salary. Increasing of institution and colleges there are lakhs of fresh cadets passing out every year. This brings an advantage between brokers and agents situated

in Mumbai. Even you may see that thousands of young cadets loitering here and there with holding such amount for job, even not having good food while searching job due to frustration so that easily they get struck into the criminal and fraudulent agent. By the provoking of the agent, that he is going to join in big ship with more salary. They blindly giving such amount to the agent, few of the agent getting vanished after getting money in lakhs. Even police officer saying, that is your fault and no idea about the person, and few agencies sending the cadets to the poor countries for less wages. Due to poor recruitment of cadets falling in this kind of traps, so the DG shipping should arrange placement for every cadets which were passing out from the college or institution which is approved by the government. So the government should stop this by an effective step otherwise this will continue in future. So, many dropped the field, to increase the quality of the industry DGS should keep his eye on the whole industry and strictly react on the unparliamentary dispute in the industry.

CONCLUSION

Marine industry one of the fantastic and adventurous field in the world. That every once dream to became a captain of the ship, apart from the industry like agencies and other brokers damaged the complete reputation of the industry. And the marine labours sending through an agent facing many problem in foreign ships and foreign countries, this brings bad opinion in front of young mariners. DGS should arrange proper placement for the young mariners and marine labours should give immediate remedy for dispute facing in the industry. And immediately cancel the licence of the fraudulent agent and brokers profiting by the marine industry. ILO and IMO together and organise the marine and maritime industry all over the world, sometime Indian Government should aware on the institution and colleges and must conduct periodical inspection on maritime institutions, and stop giving approval for unauthorised agents, shipping companies and institution. This article clearly says about the current status of mariner and marine labours. And we hope government took this his concern and give remedy for the mariners and labours engaged in marine industry.

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