CHAPTER-III

MANNING, EXAMINATION AND CERTIFICATION

34. In this Chapter, “Director-General” means the Director-General of the Department of Shipping established under the Bangladesh Merchant Shipping Ordinance, 1983 (XXVI of 1983).

35. The Director-General may, by notification in the official Gazette, classify the Inland ships into such categories as he may deem fit.

36. (1) The Director-General shall grant certificate of competency for [inland engineers, various grades of masters and engine-drivers] in an inland ship after conducting such examinations or tests as may be prescribed.

(2) No [inland engineer, master or engine-driver] shall be employed or engaged for service on board an inland ship unless he has the requisite certificate of competency granted under sub-section (1).

37. (1) No inland ship shall proceed on any voyage or be used for any service on inland water unless it is manned in accordance with the provisions of sub-section (2).

(2) The Director-General may, by order notified in the official Gazette, require an inland ship to have such number of [inland engineers, masters, engine-drivers and ratings] of such grades as may be specified in the order.

1 Chapter III (sections 34-42) was substituted for the former Chapter III (sections 34-43) by section 4 of the Inland Shipping (Amendment) Act, 1990 (I of 1990).

2 The words and comma “inland engineers, various grades of masters and engine-drivers” were substituted for the words “various grades of masters and drivers” by section 6 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

3 The words and comma “inland engineer, master or engine-driver” were substituted for the words “master or driver” by section 6 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).

4 The words and commas “inland engineers, masters, engine-drivers and ratings ” were substituted for the words “masters and drivers” by section 7 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).
(3) The Director-General may exempt an inland ship or any category of inland ship from any requirement of an order made under sub-section (2).

(4) An exemption granted under sub-section (3) may be in respect of a particular period or of one or more particular voyages.

(5) Notwithstanding anything contained in this section Director-General may relax the requirement of this section in respect of a person if-

(a) such person satisfies the Director-General that he is reasonably capable of discharging the duties and responsibilities of the trade for which he is sought to be employed or engaged;

(b) the owner of the ship satisfies the Director-General that despite due efforts persons with requisite certificate could not be available for employment or engagement.

1[37A. (1) The Director-General may by order-

(a) in writing require the owner of an inland ship to provide standard uniform for the crews on board as may be specified in that order;

(b) provide for the issue to every crew an identity card, in this section referred to as crew’s identity card, in such form and containing such particulars with respect to the holder thereof and such other particulars, if any, as may be specified in that order, and for requiring every crew to apply for such card;

(c) require the holder of a crew identity card to produce it to such person in such circumstances as may be specified in the order;

(d) require to surrender the crew’s identity card in such circumstances as may be specified in the order.

(2) If any person who is required to wear the standard uniform or display identity card, does not do so, he shall be punishable with fine which may extend to Taka two thousand

1 Sections 37A and 37B were inserted by section 8 of the Inland Shipping (Amendment) Act, 2005 (Act No. XIII of 2005).
or his certificate of competency, if any, may be suspended for a maximum period of three months.

(3) If a person makes a statement which the Director-General thinks to be false or recklessly makes a statement which is false in a material particular for the purpose of obtaining for himself or for any other person a crew’s identity card, he shall be liable to a fine not exceeding Taka five thousand and in that event the crew’s identity card shall be cancelled.

37B. (1) Director-General shall cause to conduct training programs from time to time on crowd management, fire fighting, personal survival technique, tanker safety and other kind of similar training for inland engineers, masters, engine-drivers, seacunny, greaser, ratings and the persons primarily responsible for passenger safety or other safety measures of an inland ship.

(2) If-

(a) any training programme is conducted under sub-section (1) and any person is selected for the training, he shall be bound to undertake the training as required; and

(b) any person refuses to undertake the training without any reasonable cause, his competency certificate or identity card may be suspended till the training is obtained.

38. For the purpose of examining the qualifications of persons desirous of obtaining certificates of competency under this Ordinance, the Government may appoint such examiners or Board of examiners as it may deem fit and allow them such remuneration as may be prescribed.

39. Where an applicant for certificate of competency is reported by the examiners or the Board of examiners to have passed the examination prescribed for the certificate and given satisfactory evidence of his sobriety, ability and general good conduct on board inland ship, the Director-General or such officer as he may appoint in this behalf shall grant the applicant the certificate of competency applied for:
Provided that before granting a certificate of competency, the Director-General or, as the case may be, the officer may, if he finds report of the examiners or the Board of examiners in respect of any applicant to be defective or has reason to believe that the report has been unduly made require a further examination or a re-examination of the applicant.

40. A certificate of competency granted under this Ordinance shall be made in the prescribed form in duplicate, one copy of which shall be delivered to the person entitled thereto and the other shall be kept and recorded in the prescribed manner.

41. Where a certificate of competency granted under this Ordinance is, during the period of its validity, lost or destroyed or so defaced or mutilated as to be useless and the person to whom it was granted, being entitled thereto, proves to the satisfaction of the authority granting or authorised to grant the same that such loss, destruction, defacement or mutilation is not due to his fault, such person shall be granted a copy of the certificate to which, according to the record kept under section 40 he appears to be entitled, and the copy so granted shall have the same effect as the original.

42. (1) A certificate of competency granted under this Ordinance may be suspended or cancelled by the Director-General if the person holding the certificate-

(a) has been convicted of an offence under this Ordinance or of any other non-bailable offence; or

(b) has been on duty on board an inland ship which proceeded on any voyage or was used for any service in contravention of the provisions of this Ordinance; or

(c) has been certified by a medical officer appointed by the Director-General to be physically unfit for the performance of his duties; or

(d) has become, in the opinion of the Director-General, unfit to act in the capacity in which he is authorised to act in terms of the certificate; or
(e) has been reported by any court, authority or officer conducting any trial, inquiry or investigation under this Ordinance-

(i) that any shipping casualty, or wreck or abandonment of any inland ship or the loss or damage to any such ship or any loss of life, or any injury or damage to person or property, has been caused by or due to any wrongful act or default of such person; or

(ii) that such person has been incompetent or guilty of gross act of negligence, drunkenness or other misconduct:

Provided that no certificate of a person shall be suspended or cancelled except after giving him an opportunity of showing cause against it and, in a case referred to in clause (e), also after furnishing him a copy of the report of the court, authority or officer.

(2) A certificate of competency suspended or cancelled under sub-section (1) shall be delivered to such person and within such time as the order of suspension or cancellation may specify.

(3) The Government or any officer authorised by the Government in this behalf may, at any time on consideration of the prayer, if any, made by the aggrieved person, revoke the order of suspension or cancellation under sub-section (1) of a certificate of competency of any person, and grant him, without examination, a new certificate and the new certificate shall, unless otherwise provided therein, have the same effect as the one suspended or cancelled.

CHAPTER IV

SHIPPING CASUALTIES

44. (1) A shipping casualty shall be deemed to occur when-

(a) any inland ship is lost, wrecked, abandoned or materially damaged;

(b) any loss of life or property ensues by reason of any casualty happening to or on board any such ship; or