

## **Minutes of the Working Group Meeting “Human Rights of Indian Seafarers”**

The first Working Group meeting on “Human Rights of Indian Seafarers” was held on **22 November 2019** from **11:30 AM** onwards in NHRC (Room No. 508) under the chairmanship of **Shri Surajit Dey, Registrar (Law), NHRC**. The meeting was further attended by Shri Shrinivasa Kammath, *Deputy Registrar (Law)*, Dr. Sanjay Dubey, *Director*, Shri Sudesh Kumar, *SRO*, representatives from the concerned Union Ministries and others. A complete list of the participants is annexed.

2. **Shri Surajit Dey, Registrar (Law), NHRC** welcomed everybody and initiated the meeting by presenting points to be discussed and additional tangible goals.
3. Thereafter, **Shri Subhash Barguzer, Deputy Director General, Ministry of Shipping**, informed the recent issues regarding Human Rights of Seafarers including non-payment of wages, being stranded/jailed on foreign lands, being abandoned, etc. He pointed out in detail various predicament, shortfall in existing rules and laws, lack of co-ordination within the concerned ministries and departments concerned, among others. He requested NHRC for building up proper co-ordination and leadership for making Standard Operating Procedure (SOP). He explained new e-governance module and the Recruitment and Placement of Seafarers (RPS) rules which govern the placement of Indian Seafarers on merchant Ships. He also mentioned that new Merchant Shipping Bill will be put up for discussion with all stakeholders and thus there will be good opportunity for all stakeholders to put forward their suggestions.
4. **Capt. Sanjay Prashar, Chairman, International Maritime Foundation (IMF)**, made a presentation on the recent case studies of Seafarers’ Human Rights violations, where poor response from Government Authorities resulted in further suffering for affected Seafarers. The Presentation also included the positive impact of new initiative by DG Shipping “Online Grievance Redressal Mechanism” for Indian Seafarers, those who have been employed on Merchant Ships through government approved Recruitment and Placement Agencies. Capt. Prashar opined that this new mechanism helped the Seafarers a lot as opposed to the earlier system which proved to be ineffective, where one had to report his/her grievance to DGCOM or send e-mail to DGCOM. He further presented 8 case studies and analysed the following as outcomes:

- 4.1. No data analysis or case studies have been done by DG Shipping in any of the cases pertaining to stranded, jailed or abandoned Seafarers. Also, there is a lack of a system for analysing the gaps and reviewing said cases.
- 4.2. No research or analytical study has been conducted by DG Shipping or Shipping Industry on the Human Rights of Indian Seafarers for last few years.
- 4.3. Given the trading pattern, 90% of 3.5 Lakh Indian Seafarers employed on Foreign Flag ships, Flag state and Protection and Indemnity Insurance (P&I) Club<sup>1</sup>, plays very important role when RPSL Company signs a contract with a ship owner. E-governance module for RPSL companies needs to be verified for the irregular data or lack thereof, especially where there are grievances lodged by the Seafarers.
- 4.4. Ministry of External Affairs (MEA) sometimes provides huge support, but there are times when Embassy/Consulate becomes very unresponsive. As on date, no formal SOP is place.
- 4.5. A review of the articles of Seafarers' Welfare Fund Society, a Central Organisation for welfare of Indian seafarers and their families, should be done as well as more information should be made public regarding the welfare measures executed by this society. Further, the funds allocation pattern and inward funds pattern can be reviewed so as to handle the welfare of Indian Seafarers which meets today's requirements.
- 4.6. Regarding research conducted in this field, there are very few Research Papers presented by India on the Seafarer's rights and a feeble team is sent during human element group meetings of the International Maritime Organisation (IMO) which is a specialised agency of the United Nations, as compared to delegates from other countries. This calls for the need to allocate a permanent representative from Ministry of Shipping at IMO. A bigger delegation which includes Industry representatives may also be encouraged by the Government of India.
- 4.7. National Human Rights Institutions of other countries should also be contacted on the issues related to Indian Seafarers, as and when needed. Recent successful involvement of Oman Human Rights Commission helped 24 Indian Seafarers repression from Oman.

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<sup>1</sup> P&I Clubs are not recognised by IRDAI and hence not applicable for Indian seafarers

- 4.8. Obtaining data through MEA regarding the Indian Seafarers in foreign prisons is very difficult. Only once in May 2017, did late Smt. Sushma Swaraj, *Former Minister of External Affairs of India*, state that there are 261 Indian Seafarers in foreign jails.
5. **Shri Atul Kulkarni**, *National Convener, Maritime Study Group, Forum for Integrated National Security (FINS)* and **Capt. L. K. Panda**, *Research Scholar, Maritime Security Study Group, FINS*, spoke about the need for coordination with other stakeholders and formulation of a new SOP for Indian Ports where Indian Owners could be seen abandoning their ships due to sluggish market conditions. As per FINS, with the current slowdown in shipping coupled with focus on Sagarmala, Ministry of Shipping, it is estimated that such cases will happen more since several new ports and anchorage areas are coming up which will take ships which are under litigation or owners are abandoning them.
6. **Shri Bal Desai**, *Secretary General, FINS*, stated that more light needs to be shed on this issue. He mentioned that in February 2019, FINS had conducted the first seminar in India on human Rights at Sea. He also proposed that a Global Seminar should be held in Delhi to discuss the issues and challenges with respect to Seafarers' Human Rights where other countries may also be invited and asked NHRC to take the lead. He further added that this issue of criminalisation of the Seafarers and unfair treatment thereafter has global dimensions. It stated that it should be studied why 80% of Seafarers are declared innocent after an average trial of 2 years. He also opined that if India considers taking relevant cases of detained Indian Seafarer to International Court of Justice (ICJ), it would invite worldwide attention of the legal luminaries, Human Right activists, academicians, etc. towards this issue.
7. **Dr. Rewa Singh**, *Researcher and Assistant Professor (Social Anthropologist), Maharishi University*, spoke about the harsh conditions faced by Seafarers during the period of their human rights abuses and presented some facts about her study on Human Rights at Sea.

8. **Shri Vijay Khanduja**, *Director, United Nations Economic & Social (UNES) Division, Ministry of External Affairs (MEA)*, acknowledged the importance of the topic and suggested that these issues may be raised with the CPV (Consular Passport, Visa) Division of MEA who deals with the subject and a formal SOP from MEA can be great help to take this forward. He also suggested including representatives from The Global Alliance for National Human Rights Institutions (GANHRI) in that meeting so that they can take cognizance and subsequent actions thereof.
9. **Shri Mohammed Hussain K. S.**, *Legal Officer, MEA*, stated that there is an urgent need to do a gap analysis of proposed The Merchant Shipping Bill, 2016 before its reintroduction in the parliament.
10. **Shri Surajit Dey**, *Registrar (Law), NHRC*, led the discussions throughout and said that the issues raised were very pertinent and NHRC would like to take this forward. He also recognised the importance of the communication between NHRIs globally and mentioned about an instance where The Human Rights Commission of Malaysia had contacted NHRC India regarding a case of a Merchant Ship with Indians onboard off Malaysia coast, which was abandoned by the ship owners.
11. **Dr. Sanjay Dubey**, *Director, NHRC*, concluded the meeting saying, the Human Rights at Sea is a very new aspect for NHRC. He stated that delay in responses by concerned government agencies will be looked into by NHRC. Action driven agenda will be pursued and the Commission shall go beyond the myopic view as seen from the case studies presented by Thinktank FINS.
12. The meeting ended with a vote of thanks.

**Participants**

**1. Ministry of Shipping**

1.1. Shri Subhash Barguzer, *Deputy Director General*

**2. Ministry of External Affairs**

2.1. Shri Vijay Khanduja, *Director, United Nations Economic & Social Division*

2.2. Shri Mohammed Hussain K. S., *Legal Officer*

**3. IMF**

3.1. Captain Sanjay Prashar, *Chairman*

**4. FINS**

4.1. Adv. Bal Desai, *Secretary General*

4.2. Captain L. K. Panda, *Research Scholar, Maritime Security Study Group*

4.3. Shri Atul Kulkarni, *National Convener, Maritime Security Study Group*

4.4. Ms. Suhasini Shekhawat, *Member*

**5. Academician**

5.1. Dr. Rewa Singh, *Researcher and Assistant Professor (Social Anthropologist), Maharishi University*

**6. NHRC**

6.1. Shri Surajit Dey, *Registrar (Law)*

6.2. Shri Shrinivasa Kammath, *Deputy Registrar (Law)*

6.3. Dr. Sanjay Dubey, *Director*

6.4. Shri Sudesh Kumar, *SRO*

6.5. Shri Arun Kumar Tewari, *SO*

6.6. Shri Debaprasad Bhattacharya, *Sr. RA*

6.7. Shri Md. Alam Ansari, *RO(BL)*

6.8. Ms. Devosmita Bhattacharya, *JRC*

6.9. Ms. Tania Chatterjee, *JRC*

6.10. Ms. Chandrali Sarkar, *JRC*