New Delhi, the 11th August, 2004

5.SRO. 130.-In exercise of the powers conferred by Sub-section (1) of Section 123 of the Coast Guard Act, 1978 (30 of 1978), the Central Government hereby makes the following rules, further, to amend the Coast Guard (General) Rules, 1986, namely :-

1. (1) These Rules shall be called the Coast Guard (General) Amendment Rules, 2004.

(2) They shall come into force on the date of publication in the Official Gazette.

2. In the Coast Guard (General) Rules, 1986 (hereinafter refer to as the said rules), in rule 7-

(1) In clause (a)- (i) after item (iv), following item shall be inserted namely :-
"(v) Commandant (Junior Grade)"

(ii) after item (v) so inserted, the remaining items shall be renumbered as "(vi)" and "(vii) respectively

(2) In clause (b), for item (iii) the following item shall be inserted namely:-

(iii) Adhikari/Sahayak Engineer/Pradhan Yantrik,"

(3) In clause (c), for item (i) the following item shall be substituted, namely
"(i) Pradhan Navik,"

3. In rule 9 of the said rules, in the Table against clause (b) in column 2 relating to "Specialisation"—

(1) in item (i) between the words "Seaman" and "Mechanics", words "Supply Assistants", shall be inserted.

(2) in item (iii) words "Supply Assistants" shall be omitted.

4. In rule 21 of the said rules, in the Table, column 1 relating to "Competent Authority", for the words "Inspector General" the words, "Deputy Director General" shall be substituted.

5. In rule 23 of the said rules ;-

(1) for the words "Inspector General in the Cant Gourd Headquarters occurring in sub-rules (1), (3),(4) and (5) the words,"Deputy Director General in the Coast Guard Headquarters" shall be substituted.
(2) in sub-rule (5), for the word "on" occurring before the word "gratuity" the word "or" shall be substituted

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6. In rule 24 of the said rules, in sub-rules (1) and (3), for the words, “the Inspector General in the Coast Guard Headquarters”, the words, "the Deputy Director General in the Coast Guard Headquarters” shall be substituted.

7. In rule 25 of the said rules, for the words, "the Inspector General in the Coast Guard Headquarters”, the words “the Deputy Director General in the Coast Guard Headquarters shall be substituted.

8. In rule 26 of the said rules in sub-rules (4) and (5), for the words “the Inspector General in the Coast Guard Headquarters” the words, “the Deputy Director General in the Coast Guard Headquarters” shall be substituted.

9. In rule 27 of the said rules,-

(1) in sub-rule (2)-

(i) after the words "The Central Government", the words “or the Deputy Director General” shall be added.

(ii) after the words, “discretion of the Central Government, the words “or the Deputy Director General as the case may be, “stall be added.

(2) in sub-rule (3) the words, "Inspector General in the Coast Guard Headquarters” the words “Deputy Director General in the Coast Guard Headquarters” shall be substituted:

(3) for sub-rule (4), following sub-rule shall be substituted namely:

“(4) Application for discharge, release or retirement on compassionate grounds shall be forwarded by the Commanding Officer, through the Regional Commander, to Coast Guard Headquarters for further necessary action".

10. After rule 27 of the said rules, the following new rules shall be inserted, namely:-

“27A **Resignation** - (1) No person subject to the Act shall have a right to resign his appointment or withdraw himself from the duties of his appointment. But in this regard, he may submit an application through proper channel to the Deputy Director General or the Director General at Coast Guard Headquarters or to the Central Government, as the case may be. He shall not be relieved of his duties until the Central Government or the authority empowered by the Central Government has accepted his resignation.

(2) A member of the Coast Guard before his application to resign being accepted by the prescribed authority may apply for withdrawal of his application. The Central Government or the authority empowered by Central Government may at its discretion, grant withdrawal of such application.

27B. **Discharge Certificate**-(1) A certificate required to be famished under provisions of Section 12 of the Act is hereinafter called a Discharge Certificate.

(2) A Discharge Certificate may be furnished either by personal delivery thereof by, or on behalf of the Commanding Officer to the enrolled person who retires, or is discharged released, removed or dismissed from the Coast Guard, or is permitted to resign, or by the transmission of the same to such person by registered post".

11. In the said rules, for rule 28 the following rule shall be substituted, namely -

"28. Date from which retirement, dismissal, removal, resignation, discharge or release otherwise than by sentence of a Coast Guard Court or under Section 57 of the Act takes effect-(1) The retirement dismissal, removal, resignation, discharge or release of a person subject to the Act shall take effect from the date specified in the order for such retirement, dismissal, removal, resignation, discharge or release.

(2) The date mentioned in sub rule (1) above shall not be retrospective"

12. IN rule 29 of the said rules, in the Table in column 4 relating to "Prescribed authority" –

(1) against Section 9, for items 1 and 2 the following items shall be substituted, namely:-

"1. The Central Government for officers above the rank of Deputy Inspector General.

2. The Director General in case of officers up to the rank of Deputy Inspector General in accordance with laid down policy of Central Government.

3. The Deputy Director General in the Coast Guard Headquarters for enrolled persons"

(2) against section 13(1), for item 2 the following item shall be substituted namely:-

“2. The Deputy Director General in the Coast Guard Headquarters for enrolled persons."

13. In rule 30 of the said rules, for the Table, the following Table shall be substituted, namely-

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TABLE

Authority	Ranks	Extent to which punishment could be awarded
1. The Commanding Officer	All ranks	All Punishments
2. Executive Officer	(1) Commandant	(i)Mulcts of pay and allowances for first offence of leave breaking up to 72 hours, and one day's mulcts of pay and allowances for an offence of drunkenness to all enrolled persons in both the cases. (ii) Extra work and drill for a period not exceeding 14 days to Naviks. (iii) Stoppage of leave for a period not exceeding 30 days to all enrolled persons. (iv) Admonition to all enrolled persons
	(2) Commandant (Junior Grade)	(i) Mulcts of pay and allowances for first offence of leave breaking up to 48 hours, and one day's mulcts of pay and allowances for an offence of drunkenness to all enrolled persons in both the cases. (ii) Extra work and drill for a period not exceeding 14 days to Naviks. (iii) Stoppage of leave for a period not exceeding 21 days to all enrolled persons. (iv) Admonition to all enrolled persons.
	(3)Deputy Commandant	(i) Mulets of pay and allowances for first offence of leave breaking upto 36 hours to all enrolled persons. (ii) Extra work and drill for a period not exceeding 7 days to Naviks. (iii) Stoppage of leave for a period not exceeding 15 days to all enrolled persons. (iv) Admonition to all enrolled persons.
	(4)Assistant Commandant	(i) Extra work and drill for a period not exceeding 7 days to Naviks.

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(ii) Stoppage of leave for a period not exceeding 15 days to all enrolled persons other than subordinate officers.
(iii) Admonition to all enrolled persons other than subordinate officers"

14. In rule 31 of the said rules under the heading, "FORM OF OATH/AFFIRMATION for the letters comma and full stop "I, A.B." the letter and blank space "I..." shall be substituted.

15. In rule 34 of the said rules,-

(1) for sub-rule (3), the following sub-rule shall be substituted, namely :-

"(3) It shall be an offence against good order and the Coast Guard discipline to make a complaint, either oral or written, which includes a statement of fact which is untrue to the knowledge of the complainant ."

(2) after sub-rule (3), the following sub-rule shall be inserted, namely

"(4) It shall be an offence against good order and the Coast Guard discipline to make a complaint in terms which comprise language or comments that are disrespectful or insubordinate or subversive of discipline except in so far as such language or comments are necessary for an adequate statement of the facts.

16. In rule 39 of the said rules, after sub-rule (6), the following sub-rules shall be inserted, namely :-

"(7) No counsel, or legal practitioner shall be permitted to appear before a Board of Inquiry.
(8) The Board may put such questions to a witness as it thinks desirable for testing the truth or accuracy of any evidence he has given and otherwise for eliciting the truth.

(9) A Board shall, unless otherwise ordered by the convening authority, sit within closed doors"

17. In the said rules, for rule 42, the following rule shall be substituted, namely:-

"42. Right of certain persons to copies of statements and documents-(1) Any person who is tried by a Coast Guard Court shall be entitled to copies of such statements and documents contained in the proceedings of a Board of Inquiry, as are relevant to his prosecution or defence at his trial.

(2) Any person whose character or reputation is affected by the evidence before a Board of Inquiry shall be entitled to copies of such statements and documents as

have a bearing on his character or reputation as aforesaid unless the Director General for reasons recorded by him in writing, orders otherwise

18. In the Annexure to the said rules, for para 6, the following para shall be substituted, namely :-

"6. You are to be guided by provisions of Chapter VII of the Coast Guard (General) Rules, 1986 and the Coast Guard Order issued on the subject."

[F No. LW/D156/1042/US(P)/D(N-II)]

G.S. AUDHKHASI, Under Secy (pers)

Note: The principal rules were published in the Gazette of India vide SRO 4(E) dated 2nd May, 1986 and subsequently amended vide S.RO.4 (E), dated 13th February, 1992, S.R.O, 201, dated 19th November, 1996 and S.RO. 76, dated 19th April 1999.

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