The Coast Guard (General) Rules, 1986

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NOTIFICATION

Dated the 2nd May 1986

S.R.O. 4(E) : In exercise of the powers conferred by sub-section (1) read with clauses (a), (d),(e), (f), (k) and (l) of sub-section (2) of section 123 of the Coast Guard Act, 1978 (30 of 1978) , the Central Government hereby makes the following Rules, namely:-

The Coast Guard (General) Rules, 1986

CHAPTER – I

PRELIMINARY

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1. Short Title and Commencement. - (1) These Rules may be called the Coast Guard (General) Rules ,1986*.

(2) They shall come into force on the date of their publication in the official gazette.

2. Definitions. - In these Rules, unless the context otherwise requires, -

(a) "Act" means the Coast Guard Act, 1978 (30 of 1978);

(b) "Annexure" means Annexure appended to these Rules;

(c) "Board" means the Board of Inquiry convened under Rule 36;

(d) "Coast Guard Order" means the order issued by the Director General of the Coast Guard;

(e) "Coast Guard Region" means a Coast Guard Region specified in sub-rule (3) of Rule 4;

(f) "Executive Officer" means an officer who carries out executive duties of the ship;

(g) "Regional Commander" means the Commander, Coast Guard Region specified in sub-rule (2) of Rule 4;

(h) Words and expressions used but not defined in these rules, but defined in the Act, shall have the meanings respectively assigned to them in the Act.

3. Reports and Application. - Any report or application directed by these rules to be made to a Coast Guard authority, shall be made in writing through the proper channel, unless the said authority on account of exigencies of service or otherwise dispenses with the writing.

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* Notified vide SRO 4(E) dated 02 May 1986 in Gazette of India

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CHAPTER – II

ORGANISATION

4. Constitution of the Coast Guard. - (1) The Coast Guard shall consist of officers, subordinate officers, sailors and other enrolled persons, appointed to, or enrolled into, the Coast Guard Service.

(2) The Director General shall exercise command through the following authorities:-

(a) The Commander, Coast Guard Region, West;

(b) The Commander, Coast Guard Region, East;

(c) The Commander, Coast Guard Region, Andaman and Nicobar Islands; and

(d) The Commander, Coast Guard , North West

(e) The Commander, Coast Guard region , North East

Note The authorities mentioned at clauses (a) to (e) , shall be designated as operational and Administrative Authorities.

(3)(a) The Coast Guard Region, West, shall comprise of the Coastal areas and the maritime zones of India along the coastal areas of the States of Maharashtra, Karnataka, Kerala, Goa and the Union Territories , Daman and Lakshadweep.

(b) The Coast Guard Region, East, shall comprise of the coastal areas and the maritime zones of India along the coastal areas of the States of Tamil Nadu, Andhra Pradesh, and the Union Territory of Pondicherry.

(c) The Coast Guard Region, Andaman and Nicobar Islands, shall comprise of coastal areas and the maritime zones along the coastal areas of the Union Territory of Andaman and Nicobar Islands.

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(d) The Coast Guard Region, North West, shall comprise of the coastal areas and the maritime zones of India along the coastal areas of the State of Gujarat and the Union Territory of Diu**.**

(e) The Coast Guard Region, North East, shall comprise of the coastal areas and the maritime zones of India along the coastal areas of the States of Odisha and West Bengal.

5. Each Coast Guard Region shall be further divided into districts and each district shall be under the supervision of the District Commander to be appointed by the Director General.

6. The Director General shall establish such number of stations and shall assign such number of ships to each Coast Guard Region/district/station as he may think fit depending upon the exigencies of the service from time to time.

CHAPTER – III
RANK AND COMMAND

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7. Classifications and Ranks. - The officers and other members of the Coast Guard shall be classified in accordance with their ranks in the following categories, namely :-

(a) Officers-

(i) Director General ;

(ia) Additional Director General

(ii) Inspector General ;

(iii) Deputy Inspector General ;

(iv) Commandant ;

(v) Commandant (Junior Grade**)**

(vi) Deputy Commandant;

(vii) Assistant Commandant.

(b) Subordinate Officers -

(i) Pradhan Adhikari/Pradhan Sahayak Engineer;

(ii) Uttam Adhikari/Uttam Sahayak Engineer;

(iii) Adhikari/Sahayak Engineer/Pradhan Yantrik**.**

(c) Sailors -

i. Pradhan Navik
ii. Uttam Yantrik;
iii. Yantrik.
iv. Uttam Navik
v. Navik

8. Branches. - (1) The branches into which officers are classified shall be, -

(a) General Duties;
(b) Technical

(2) The branches into which enrolled persons are classified shall be,-

(a) General Duties;

(b) Technical;

(c)Domestic;

(d) Enrolled Followers

9. Specialisations. - The Officers and enrolled persons shall be eligible for specialisation as follows, namely:-

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Categories of personnel		**Specialisation**	**Sub-Specialisation**
(1)		**(2)**	**(3)**
(a)	(i) Officers (General Duty)	Pilot Navigator Law Pollution Control Salvage Diving	Not applicable
	(ii) Officers (Technical)	Aviation Engineering. Electrical Engineering. Electronic Engineering. Pollution Control. Salvage. Naval Architecture. Marine Engineering.	Not Applicable
(b)	(i) Subordinate officers and sailors	Seaman.	Gunners Mats. Quarter Master.

	(General Duties)	Supply Assistants Mechanics	Radio Operator. Airman. Diver. Engineering. Air Engineering. Electrical. Air Electrical. Air Radio.
	(ii.) Subordinate officers and sailors (Technical) (iii.) Subordinate officers and sailors (Domestic)	Marine Engineering. Air Engineering. Electrical Engineering. Air Electrical Engineering. Electronic Engineering. Air Electronic Engineering. Hull Engineering. Cooks. Stewards	Not Applicable Not applicable

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10. Command of Coast Guard Ships. - (1) Command of Coast Guard Ships, vessels, aircrafts or such establishments as may be promulgated by the Director General will be considered as operational command.

(2) Generally officers and enrolled persons of the General Duties Branch shall exercise operational command, or direct any work or undertaking which requires the cooperation of different branches of the Coast Guard Service. It may be conferred on other officers and enrolled persons by appointment or by direction by the Director General.

(3) Command of ships / vessels/aircrafts shall be limited to qualified officers of the General Duties branch and enrolled persons of seaman specialisation, except when conferred by superior authority on other persons qualified by ability and experience.

(4) Command of Coast Guard ships/vessels, establishments and aircrafts may also be exercised by the officers and sailors of the Indian Navy while on deputation to the Coast Guard, when specifically appointed by the Director General.

(5) Technical Officers appointed in command of shore establishments may

exercise such functions of command as may be necessary for the proper performance of their duties.

(6) Officers holding appointments under civil departments of the Government shall not, without the express orders of the Director General, assume any command over, or issue any orders to, the personnel of the Coast Guard, other than to those officers and enrolled persons who are serving under them in their respective departments.

11. Officer in Command - Rank and precedence. - Officers in command of Coast Guard ships shall take rank and precedence over the officers placed under their command on all occasions, whether on shore or afloat.

12. Command in Temporary Absence of Commanding Officer. - Except in a shore establishment, the senior general duties officer on board (other than an officer appointed additional for staff or special duties, or an officer not qualified to command ships/ vessels) shall, in the temporary absence of the Commanding Officer, assume the powers and duties of the Commanding Officer. In a shore establishment, command shall descend in the branch of the Commanding Officer. If no officer of the Commanding Officer's branch is present, then command shall devolve on the senior most officer present; but command shall not devolve on any officer appointed additional for staff or special duties or for courses.

13. Authority of officer of the Watch. - Every officer below the rank of the Deputy Inspector General (not being either the Executive Officer or the Commanding Officer of the ship for the time being) and enrolled person shall be subordinate to the officer of the watch, whatever may be his rank, in regard to the performance of the duties with which he is charged.

14. How Officers and Enrolled Persons are to be borne. - (1) Officers and enrolled persons serving afloat or ashore shall be borne on the books of the ship or establishment or station in which they are serving or to which they are attached.

(2) When it is desired that an officer borne additional for staff or special duties should practice or gain experience in ship handling and the like, authority for him to take charge of a watch at sea or in harbour may be given by the Commanding Officer:

Provided that nothing in this rule shall put him in the line of succession to command.

15. Officer promoted. - An officer, who is promoted shall continue to perform the duties he has been assigned, and shall take rank and command of the new rank only if he is reappointed to his ship in the higher rank.

16. Officers on Deputation. - Officers deputed by the competent authority to do duty on board any other ship, although borne as supernumeraries, shall take the same rank and command, and be considered in every respect for the time they are so employed, as if they actually belonged to the complement.

17. Officer taking passage. - Any officer taking passage in one of the Coast Guard ships, may, though borne as supernumerary, be ordered to do duty if inferior or junior in rank to the Executive Officer of the ship in which he is embarked. While so employed he shall take the same rank and command, and shall be considered in every respect as if he actually belonged to the complement. In the event of the death of the Commanding Officer of the ship, the acting command thereof shall vest in the officers mentioned in rule 12 and in no case shall be assumed by a supernumerary officer except on the express authority from the Director General.

18. Authority of Army, Navy and Air Force Officers. - An officer of the Army, Navy and Air Force appointed to the Coast Guard shall have and exercise all such powers as are vested in or may be exercised by an officer of the Coast Guard of the corresponding rank or holding a corresponding appointment.

19. Power of Command.-Subject to the provisions of sections 57 and 58 of the Act, when a person subject to the Act is attached to any body, or serving in a unit, or admitted as a patient in a hospital of the regular Army, Navy or Air Force, the Commanding Officer of such body, unit or hospital shall exercise all powers of Command over officers junior to him in rank and all powers of command and punishment over enrolled personnel.

CHAPTER – IV

RETIREMENT, DISMISSAL, REMOVAL, DISCHARGE OR RELEASE

20. Retirement- (1) Retirement age for officers holding a rank higher than that of a Commandant shall be sixty years and for officers of other ranks it shall be fifty-seven years.

(2) Retirement age of enrolled persons shall be fifty seven years.

Note: The retrospective effect of this rule shall not adversely affect any of the serving Coast Guard Officers/ enrolled persons**.**

21. Dismissal, removal, discharge or release. - (1) Authorities specified in column 1 shall be competent to authorise dismissal, removal, discharge or release of the members of the Coast Guard specified in column 2, on the grounds stated in the corresponding entries in column 3, in accordance with the procedure specified in column 4 of the Table annexed hereto. Any power conferred by this rule on any of the aforesaid authorities may also be exercised by any other authority superior to it.

TABLE

Competent Authority	Member of the Coast Guard	Grounds on which service can be terminated	Procedure for termination of service
1	2	3	4
Central Government	Officers	(i). Misconduct	As per procedure prescribed under Rule 22.
		(ii). Unsuitability	As per procedure prescribed under Rule 22.
		(iii)Unsatisfactory progress in training	As per procedure prescribed under Rule 24.
		(iv). Furnishing false/wrong information at the time of recruitment	As per procedure prescribed under Rule 25.
		(v). Unfitness on medical grounds	As per procedure prescribed under Rule 26.
		(vi). On own request	As per procedure prescribed under Rule 27.

1	2	3	4
Additional Director General	Subordinate Officers and sailors	(i). Misconduct	As per procedure prescribed under Rule 23.
		(ii) Unsuitability	As per procedure prescribed under Rule 23.

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		(iii) Unsatisfactory progress during training	As per procedure prescribed under Rule 24.
		(iv). Furnishing false/wrong information at the time of recruitment	As per procedure prescribed under Rule 25.
		(v) Unfitness on medical grounds	As per procedure prescribed under Rule 26.
		(vi). On own request	As per procedure prescribed under Rule 27.

22. Procedure for dismissal/removal of officers. - (1) When it is proposed to dismiss/remove an officer under section 11, he shall be given an opportunity to show cause in the manner specified in sub-rule (2):

Provided that this sub-rule shall not apply -

(a) Where the officer is dismissed / removed from the service on the grounds of misconduct which has led to his conviction by the criminal court.

(b) Where the Central Government is satisfied that, for reasons to be recorded, it is not expedient or reasonably practicable to give the officer an opportunity of showing cause.

(2) When after considering the reports of the officer's misconduct, the Director General is satisfied that the trial of the officer by a Coast Guard Court is not expedient or not practicable and is of the opinion that the further retention of the officer in the service is not desirable, the Director General shall so inform the officer together with all the reports adverse to him, and he shall be called upon to submit in writing his explanation and defence;

Provided that the Director General may, with the prior approval of the Central Government, withhold from disclosure any such reports, or portion thereof, if its disclosure is not in the interest of the security of the State.

(3) In the event of the explanation of the officer being considered unsatisfactory by the Director General, or when so directed by the Central Government, the case shall be submitted to the Government with the officer's defence and the recommendations of the Director General as to the termination of officer's service in the manner specified in sub-rule (5).

(4) Where, upon the conviction of an officer by a criminal court, the Central Government or the Director General considers that the conduct of the officer which has led to his conviction renders his further retention in the service undesirable, a

certified copy of the judgement of the criminal court convicting him shall be submitted to the Central Government with the recommendations of the Director General as to termination of the officer's service in the manner specified in sub-rule (5).

(5) When submitting a case to the Central Government under sub-rule (3) or (4), the Director General shall make his recommendation whether the officer's service should be terminated and if so, whether the officer should be

(a) dismissed from the service; or

(b) removed from the service; or
(c) Compulsorily retired from the service

(6) The Central Government, after considering the reports and the officer's defence, if any, or the judgement of the criminal court, as the case may be, and the recommendation of the Director General, may dismiss or remove the officer from the service or compulsorily retire him from the service with pension and gratuity, if any, admissible to him.

(7) When the Director General is satisfied that an officer is unfit to be retained in the service on the grounds of unsuitability, he may, after giving the officer an opportunity to explain his case, recommend to the Central Government that the officer's service be terminated. The Director General shall also forward to the Central Government the reasons for his recommendations and the record of service of the officer:

Provided that where in the interest of security of the State it would be inexpedient to give the officer an opportunity to explain his case, it shall be lawful for the Central Government to pass an order terminating the service of the officer without giving the officer an opportunity to explain his case.

(8) The Central Government on receipt of the report under sub-rule (7) may pass an {order as it may deem fit for the dismissal or removal of the officer or compulsorily retire him from the service with pension and gratuity, if any, admissible to him}[15d].

(9) The Central Government may in suitable cases retire or remove, the officer with or without pension or gratuity.

23. Procedure for dismissal/removal of enrolled persons. - (1) Where the Commanding Officer is satisfied that an enrolled person is considered unsuitable to be retained in the service on the grounds of misconduct or unsuitability, he may make a recommendation to the Additional Director General in the Coast Guard Headquarters for the dismissal/removal of such person from the Coast Guard.

(2) In all cases of recommendation for dismissal/removal of a person, the Commanding Officer shall establish clearly the fact that the person has been given a

suitable warning and sufficient time to improve. Documentary evidence to this effect shall accompany the recommendation.

(3) Where, upon the conviction of an enrolled person by a criminal court, the Deputy Inspector General under whom the person is serving considers that the conduct of the person which has led to his conviction renders his further retention in the service undesirable, a certified copy of the judgement of the criminal court convicting him shall be submitted to the Additional Director General in the Coast Guard Headquarters with the recommendations of the Deputy Inspector General under whom the person is serving as to the termination of the person's service in the manner specified in sub-rule (4).

(4) The Additional Director General in the Coast Guard Headquarters on receipt of a recommendation under sub-rule (1) or (3) may pass an order dismissing or removing the person concerned from the service.

(5) The Additional Director General in the Coast Guard Headquarters may in suitable cases retire or remove the person with or without pension or gratuity.

24. Procedure for discharge/release on grounds of unsatisfactory progress in training. - (1) When it is proposed to discharge/release a member of the Coast Guard from the service on account of unsatisfactory progress in training, the Commanding Officer of training establishment, where the person is undergoing training, shall make a recommendation to the Central Government, or the Additional Director General in the Coast Guard Headquarters as the case may be for the discharge or release of the person.

(2) In all cases of recommendations for discharge or release of a person, the Commanding Officer of the training establishment shall establish clearly the fact that the person has been given suitable warning and sufficient time to show progress, documentary evidence to this effect shall accompany the recommendation.

(3) The Central Government or as the case may be Inspector General in the Coast Guard Headquarters the Additional Director General in the Coast Guard Headquarters on receipt of recommendation under sub-rule (1), may discharge or release the person concerned from the service.

25. Procedure for discharge/release on grounds of furnishing false/incorrect information at the time of recruitment. - The Central Government or as the case may be, the Additional Director General in the Coast Guard Headquarters may discharge or release a person subject to the Act on grounds of furnishing false/wrong information at the time of the recruitment of that person in the service. A show cause notice shall be issued to the individual before the person is discharged /released from the service.

25-A. Dismissal of deserter. - A person subject to the Act who being a deserter from service is not apprehended or does not surrender, shall be dismissed from service under section11 of the Act, as under: -

a. after five years from the date of desertion in case where desertion is -

(i) with arms or lethal weapons,

(ii) due to subversive or espionage activities,

(iii) committed in addition to any other offence,

b. after three years from date of desertion in cases other than in (a) above

26. Retirement/release/discharge on grounds of physical unfitness. - (1) When a person subject to the Act is found to be permanently unfit for the Coast Guard service by a Medical Board constituted under the Regulations for the Medical Services of the Armed Forces, he may be retired, released, or discharged from the service in accordance with the procedure laid down in this rule.

(2) The President of the Medical Board, shall immediately after the Medical Board has come to the conclusion that the person is permanently unfit for any form of Coast Guard service, issue a notice specifying the nature of the disease or disability he is suffering from and the finding of the Medical Board and also inform him that in view of the finding he may be retired, released or discharged from the service:

Provided that where in the opinion of the Medical Board the person is suffering from a mental disease and it is unsafe to communicate the nature of the disease or disability to the person, or the person is unfit to look after his interest, the nature of the disease or disability shall be communicated to the person's next of kin who shall have the right to petition under sub-rule (3).

(3) Such notice shall also specify that the person may within fifteen days of the date of receipt of the notice prefer a petition against the findings of the Medical Board to the President of the Medical Board.

(4) If no petition is preferred within the time specified in sub-rule (3), the person may be retired, released or discharged from the service, by an order to that effect made by the Central Government, in the case of the officers, and by the Additional Director General in the Coast Guard Headquarters in the case of enrolled persons.

(5) If a petition is preferred within the time specified in sub-rule (3), the President, Medical Board shall refer it to an Appeal Medical Board, constituted under the Regulations for the Medical Services of the Armed Forces, for its decision on the petition. The findings of the Appeal Medical Board shall be final**.** The findings of the Medical Board together with the records concerning the case shall be forwarded to the Director General in the Coast Guard Headquarters. Depending on the findings of the Appeal Medical Board the person may be retired, released or discharged from the service by an order to that effect made by the Central Government, in the case of officers and by the Additional Director General in the Coast Guard Headquarters in the case of enrolled persons.

27. Procedure for discharge/release or retirement on own request. - (1) A member of the Coast Guard may, in exceptional cases, obtain his discharge, release or retirement from the service on extreme compassionate grounds, i.e. in cases where it is clear that undoubted material hardship will be caused to the member of the Coast Guard or his family members by his retention in the service.

(2) The Central Government or the Additional Director General may, having regard to the circumstances of any case, permit discharge, release or retirement of an officer from the service before attaining the age of retirement. The question of discharge, release or retirement shall be a matter within the discretion of the Central Government or Deputy Director General as the case may be**.**

(3) The Additional Director General in the Coast Guard Headquarters may discharge, release or retire a member of the Coast Guard other than on officer on compassionate grounds.

(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.

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 furnished 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**.**

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.

CHAPTER – V

PRESCRIBED OFFICERS AND AUTHORITIES

29. Prescribed Officers and Authorities. - The officers and authorities mentioned in column (3) and (4) of the Table below shall be the prescribed officers and prescribed authorities under section mentioned in column (1) for the purposes mentioned in column (2) of the said Table.

Section of the Act	Purpose	Prescribed Officer	Prescribed authority
(1)	(2)	(3)	(4)
Section 8	To administer oath or affirmation	Any officer	-
Section 9	For resignation and withdrawal from the post	-	1. The Central Govt. 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 Additional Director General in the Coast Guard Headquarters for enrolled persons**.**
Section 13(1)	For granting previous sanction to form association, etc., under clauses (a), (b) and (c) and of sub-section (1)	-	1. The Director General for officers. 2. The Additional Director General in the Coast Guard HQs for enrolled persons.
Section 63(1)	Appointment of Coast Guard Police officers	Commanders, Regional Headquarters.	-
Section 71	To decide the choice of criminal court or Coast Guard Court for initiation of proceedings under	The Commanding officers under whose Command the accused is serving.	-

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	the Act.		
Section 86(1)	To sign letters, returns or other documents.	The Director (Personnel) Coast Guard Headquarters and officer-in-Charge, Bureau of Naviks.	-
Section 89	1. For taking steps for trial of a person of unsound mind. 2. Certificate of fitness to attend trial.	The officers who ordered original trial by the Coast Guard court. -	- Medical Officer of the lunatic asylum or other place of safe custody where the person is kept.
Section 97	To order interim custody of a person sentenced to death.	The Commanding officer under whose command the accused person was serving.	-
Section 98	To give directions for execution of sentence to death.	The Commanding Officer under whose command the accused was serving.	-
Section 100(1)	To give directions for confinement in a Civil prison.	The officer who ordered trial by the Coast Guard Court.	-
Section 100(2)	To issue, warrant for confinement of a person to a Civil prison.	The Executive Officer of the person under sentence.	-
Section 103	To issue warrant containing an order setting or varying any sentence to the officer in charge of a Civil prison.	The Commanding Officer of the person under sentence.	-

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30. For the purpose of section 57, the authorities mentioned in column (1) and holding ranks mentioned in column (2) shall have the power to award punishment to the extent mentioned in column (3) of the Table below : -

TABLE

Authority	Ranks	Extent to which punishment could be awarded.
(1)	**(2)**	**(3)**
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.
	(2)Deputy Commandant	(i) Mulcts of pay and allowances for the first offence of leave breaking upto 36 hours to all enrolled persons. (ii) Extra work and drill for a period not

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		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.
	(3)Assistant Commandant	Extra work and drill for a period not exceeding 7 days to Naviks. Stoppage of leave for a period not exceeding 15 days to other than subordinate officers. Admonition to persons other than subordinate officers.

31. Oath or affirmation. - Every member of the Coast Guard shall make and subscribed an oath or affirmation in the following form : -

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FORM OF OATH/AFFIRMATION

	I,…… do swear in the name of God solemnly affirm that I will bear true faith and allegiance to the Constitution of India as by law established and that I will as in duty bound, honestly and faithfully serve with Coast Guard and go wherever ordered, by air, land or sea and that I will observe all commands of the President of the Union of India and Commands of any officer set over me even to the peril of my life.	
		Signature---------- Counter - signature---------- (Name and Designation of person administering oath)

CHAPTER – VI

COMPLAINTS AND REPRESENTATIONS

32. Complaints to higher authorities. - (1) If an officer or an enrolled person thinks that he has suffered any personal oppression, injustice, or other ill treatment or that he has been treated unjustly in any way or wishes to make a representation

affecting his welfare or has any suggestion to make in connection with service, he shall bring it to the notice of his superior officer.

(2) It shall be the duty of the superior officer to whom a representation has been given, to forward the same to the higher authorities for appropriate action.

(3) Any other method of seeking redressal from the superior officer/authority save those mentioned in these rules is forbidden.

33. To whom complaint shall be made. - (1) If the complainant is a Commanding Officer of the Coast Guard Ship, his complaint shall be in writing and shall be addressed to his immediate superior officer.

(2) If the complainant is an officer serving in one of the Coast Guard Ships his complaint shall be made orally to the Commanding Officer whereby a complainant is to make an oral request to see the Commanding Officer for that purpose. If the complainant is an officer, such request shall be made through the Executive Officer and if the complainant is a head of the department, a request shall be made direct to the Commanding Officer. If the complainant is an officer working in a particular department, the request shall be made in the first place to the head of the department.

(3) When the officer complained against is the officer to whom any complaint should under sub rule (1) and (2) be preferred, the aggrieved person may complain to such officer's immediate superior officer.

(4) If the complainant is an enrolled person, his complaint shall be made orally to the Commanding Officer. A request to see the Commanding Officer shall be made to the Executive Officer through the complainant's Divisional or Departmental Officer. An enrolled person detached from his ship or his establishment shall make his complaint to the officer in whose command he may be at that time.

34. Rules to be observed by the complainant. - (1) The complaint shall be confined to statement of facts on which the complaint is based and to the alleged consequences to the complainant himself.

(2) Joint complaints by two or more persons are not allowed. Each individual shall make his own complaint.

(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 complaint**.**

(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**.**

35. How the complaint shall be dealt with.— (1) On receipt of any complaint the Commanding Officer, or other officer, receiving the same shall satisfy himself that

the complaint is made in accordance with these rules. He shall then deal with it in the exercise of his discretion as may seem to him right and cause the complainant to be informed of his decision.

(2) If the Commanding Officer or the other officer receiving complaint refuses or is unable to remedy the complaint so made, the complainant may respectfully ask that he may be allowed to make his complaint in writing. On receiving such request, the Commanding Officer, or the other officer, shall give the complainant 24 hours to reconsider the matter. The complainant may then address his complaint in writing to the Commanding Officer, or the other officer, who shall then forward the complaint to the next superior officer together with his remarks thereon.

(3) If the complainant is not satisfied with the decision on his complaint or if he does not get the redress asked for within a period of one month from the date of submission of his complaint or the date of its despatch to the next superior authority, as the case may be, he may request that his complaint be forwarded to the next superior authority and so on to the Director General or the Central Government, as the case may be, and all such requests shall be complied with. The complaint shall be justified in appealing direct to the next superior authority if he does not receive a final reply within a period of six months from the date of submission of his complaint.

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CHAPTER - VII

BOARD OF INQUIRY

36. Convening of Board of Inquiry. — A Board of Inquiry may be convened by the Director General or by Commanders of Regional Headquarters whenever any matter arises upon which the said authority requires to be thoroughly informed.

37. Constitution of Board of Inquiry. —A Board shall consist of an officer as Presiding Officer and at least two members who shall be either officers or subordinate officers or both. Persons not subject to the Act may be also appointed as member when the Board is to investigate matters of a specialised nature and officers subject to the Act with the requisite qualifications are not available.

Provided that when character or reputation of an officer is likely to be a material issue, the Presiding Officer of such inquiry where ever possible, will be senior in rank and other members at least equivalent in rank to that officer**.**

38. Duties of the Board. - (1) Board shall perform such duties as may be directed by the authority convening the Board.

(2) Such directions shall always be made in writing and may in case of urgency be conveyed by signal. However, the order convening the Board shall be made in the format given in the Annexure.

39. Procedure for Board of Inquiry. - (1) The Board shall be guided by the provisions of these rules and also by the Coast Guard Orders, for the time being in force, and the written instructions of the convening authority; provided that the Coast Guard Orders and the written instructions are not inconsistent with the provisions of these rules.

(2) The proceedings of the Board of Inquiry shall not be open to the public. Only such persons may attend the proceedings as are permitted by the Board to do so.

(3) Every witness examined by the Board shall be informed in the following terms which shall be recorded in the minutes : —

"You are privileged to refuse to answer any question, the answer to which may tend to expose you to any penalty or forfeiture. It will be for you to raise the objection and for the Board to decide whether you must answer the question or not."

(4) Whenever an enquiry affects the character or reputation of a person serving in the Coast Guard or may result in the imputation of liability or responsibility for any loss or damage, or is made for the contravention of any rules or general or local orders, full opportunity shall be afforded to such person for being present throughout the enquiry and of making any statement and of giving any evidence he may wish to make or give, and of cross-examining any witness whose evidence in his opinion affects him, and producing any witness in his defence. The Presiding Officer of the Board shall take such steps as may be necessary to ensure that any such person so affected and not previously notified receives notice of, and fully understands, his rights under these rules.

(5) The proceedings of the Board shall be recorded in accordance with any directions contained in the Coast Guard Orders for the time being in force and any instructions given by the convening authority. The minutes of such proceedings shall contain a verbatim report of all evidence given, and all questions and answers shall be numbered in one series throughout the minutes.

(6) The proceedings of the Board or any confession, statement, or answer to a question made or given before the Board, shall not be admissible in evidence against a person subject to the laws relating to any Armed Forces of the Union nor shall any evidence respecting the proceedings of the Board be given against any such person. Provided that nothing in these rules shall prevent proceedings from being used for the purpose of cross-examining any witness.

(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.

40. Board of Inquiry when to be held. - (1) A Board of Inquiry shall be convened to investigate into any matter of importance such as,-

(a) loss, stranding or hazarding of Coast Guard Ships, Vessels, or Air Craft;

(b) accidental death of, or serious bodily injury to, any person on board a ship/ Establishment/Aircraft;

(c) loss of classified books or publication involving breach of security;

(d) damage to or loss of Government property or stores, or loss of public money;

(e) damage to private persons or property, in respect of which there is likely to be a claim against the Central Government or the Coast Guard.

41. Action on the proceedings of Board of Inquiry. - The proceedings of the Board of Inquiry shall be submitted by the Presiding Officer of the Board to the convening authority. On receipt of the proceedings the convening authority shall-

(i) take such action as is within its jurisdiction and as it may deem fit to take;

(ii) submit the same together with its comments thereon to the higher authority, if required to do so under the orders of such authority.

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.

CHAPTER - VIII

APPLICATIONS AND PETITIONS

43. Application and Petitions against findings and sentence of a Coast Guard Court. - (1) A person subject to the Act, who has been tried by a Coast Guard Court, may make an application to the Chief Law Officer for review of the proceedings of

the Coast Guard Court under section 117 of the Act.

(2) A petition shall also be allowed to be made to any authority mentioned in section 119 of the Act.

44. Period of Limitation. - An application for judicial review shall be submitted within 21 days of the date on which the sentence was passed by the Coast Guard Court. A petition under section 119 shall be submitted within three months of the date of the order of the Director General on the Judicial Review by the Chief Law Officer of the proceedings of the trial by the Coast Guard Court

Provided that the time taken by such person to obtain a copy of the proceedings or the orders of the Director General on the Judicial Review of the proceedings by the Chief Law Officer shall be excluded in calculating the period of 21 days or 3 months as the case may be :

Provided further that an application received after the expiration of the aforesaid period may be entertained by the Director General or the Central Government as the case may be if he or it is satisfied that the delay was due to reasons beyond the control of the applicant.

45. Mode of submitting application and petition. - (1) An application or a petition may be presented in person or sent by a registered post. It shall be in duplicate and shall be signed by the applicant. It shall state succinctly and clearly all grounds on which the conviction or sentence is sought to be impugned. The applicant should also state whether he desires to be heard in person or through a legal practitioner or an officer of the Coast Guard if the application is under Section 117 of the Act. No personal hearing is required to be given if the petition is under Section 119 of the Act.

(2) An application under Section 117 is to be submitted directly to the Chief Law Officer. A petition under section 119 is to be submitted through the Commander Coast Guard Region in whose command the trial was held. The Commander Coast Guard Region shall forward it to the Director General with his remarks within a period of one month.

(3) A petition against summary award of punishment shall not be entertained. If there are exceptional circumstances warranting interference with the finding or sentence awarded summarily, the case is to be forwarded to the Coast Guard Headquarters through proper channel with full details necessitating the exercise of plenary powers of the Director General or the Central Government as the case may be. As in the case of a petition under section 119 of the Act, the period of limitation shall be 3 months from the date on which the summary punishment was awarded.

Annexure

Rule (38)

FROM

AT

DATE

TO

ORDER FOR BOARD OF INQUIRY

You are hereby required to assemble in……at …… on …….., the ……day of ……..19 as a board of inquiry whereon…….. is to be Presiding Officer, and to hold a full and careful investigation into the circumstance of ……

2. Your report is to be accompanied by the minutes of the evidence taken verbatim and is to contain an expression of your opinion on the merits of the case as disclosed by the evidence; it is also to state fully to whom, if to any person, blame is attributable and to what extent.

3. The questions in the minutes are to be numbered in one series throughout, and the minutes as well as the report, are to be signed by the Presiding Officer and Members of the Board. The name of the witness under examination is to be noted at the head of each page of the report and minutes are to be furnished.

4. Before submitting the minutes and report, you are to see that all papers (or copies of them ,if originals are not available) referred to in the proceedings of the Board accompany the original and all copies of the minutes, and that the rules regarding the preparation and submission of the minutes have been fully complied with.

5. Any other matter which arises from the proceedings and which the Board considers shall be brought to the notice of convening officer is to be made the subject of a separate report.

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**.**

7. ……..is to arrange for the attendance of such witnesses as may be required to be examined by the board.

8. ……. is to arrange for the presence during the inquiry of a confidential stenographer and for provisions of the necessary stationery.

9. All relevant papers are herewith handed to the Presiding Officer of the Board who is to return them with the minutes in due courses.

Signature of the convening Officer.