

सत्यमेव जयते

The Coast Guard Act, 1978

(ACT NO. 30 OF 1978)

[*As on the* 08*th September*, 2026]

LIST OF AMENDING ACTS

1. The Repealing and Amending Act, 1988 (19 of 1988).
2. The Coast Guard (Amendment) Act, 2002 (44 of 2002).

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LIST OF ABBREVIATIONS USED

Cl., cls.	*for*	Clause, clauses.
Ins.	„	Inserted.
Notifn.	„	Notification.
S., ss.	„	Section, sections.
Sch.	„	Schedule.
Subs.	„	Substituted.
w.e.f.	„	with effect from.

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THE COAST GUARD ACT, 1978

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THE COAST GUARD ACT, 1978

ACT NO. 30 OF 1978

[18*th August,* 1978.]

An Act to provide for the constitution and regulation of an Armed Force of the Union for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones and for matters connected therewith.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Coast Guard Act, 1978.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Chief Law Officer" and "Law Officer" mean, respectively, the Chief Law Officer and a Law Officer of the Coast Guard appointed under section 115;

(*b*) "civil offence" means an offence which is triable by a criminal court;

(*c*) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (9 of 1894), or under any other law for the time being in force;

(*d*) "Coast Guard" means the Coast Guard constituted under this Act;

(*e*) "Coast Guard Court" means a court convened under section 64;

(*f*) "Coast Guard custody" means the arrest or confinement of a member of the Coast Guard according to rules;

(*g*) "Commanding Officer", when used in any provision of this Act with reference to any unit or ship of the Coast Guard, means the officer whose duty it is under the rules to discharge with respect to that unit or ship, the functions of a Commanding Officer in regard to matters of the description referred to in that provision;

(*h*) "criminal court" means a court of ordinary criminal justice in any part of India;

(*i*) "Deputy Inspector-General" means a Deputy Inspector-General of the Coast Guard appointed under section 5;

(*j*) "Director-General" means the Director-General of the Coast Guard appointed under section 5;

(*k*) "enrolled person" means a subordinate officer, sailor or other person enrolled under this Act;

(*l*) "Inspector-General" means an Inspector-General of the Coast Guard appointed under section 5;

(*m*) "maritime zones of India" means the territorial waters, the contiguous zone, the continental shelf, the exclusive economic zone or any other maritime zone of India;

(*n*) "member of the Coast Guard" means an officer, a subordinate officer, a sailor or other enrolled person;

(*o*) "notification" means a notification published in the Official Gazette;

(*p*) "offence" means any act or omission punishable under this Act and includes a civil offence;

1. 19th August, 1978, *vide* notification No. S.R.O. 10(E), dated 18th August, 1978, *see* Gazette of India, Extraordinary, Part II, sec. 4.

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(*q*) "officer" means a person appointed or in pay as an officer of the Coast Guard, but does not include a subordinate officer, sailor or other enrolled person;

(*r*) "prescribed" means prescribed by rules made under this Act;

(*s*) "rule" means a rule made under this Act;

(*t*) "sailor" means a member of the Coast Guard other than an officer, a subordinate officer or other enrolled person;

(*u*) "ship", except in the expression "on board a ship", means a Coast Guard vessel, and includes any establishment or station belonging to, or under the control of, the Coast Guard whether within or without India;

(*v*) "skipper" means a subordinate officer in command of a ship;

(*w*) "subordinate officer" means a person appointed or in pay as a *Pradhan Adhikari*, a *Pradhan Sahayak* Engineer, an *Uttam Adhikari*, an *Uttam Sahayak* Engineer, an *Adhikari* [1][, a *Sahayak* Engineer or a *Pradhan Yantrik*] of the Coast Guard;

(*x*) "superior officer", when used in relation to a person subject to this Act, means any officer or subordinate officer—

(*i*) who is senior to that person under the rules; or

(*ii*) who is entitled under this Act or the rules to give a command to that person;

(*y*) "territorial waters", "contiguous zone", "continental shelf" and "exclusive economic zone", shall have the meanings respectively assigned to them in the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976);

(*z*) all words and expressions used and not defined in this Act but defined in the Indian Penal Code (45 of 1860) shall have the meanings assigned to them in that Code.

3. Persons subject to this Act.—(*1*) The following persons shall be subject to this Act, wherever they may be, namely:—

(*a*) officers;

(*b*) subordinate officers and other persons enrolled under this Act;

(*c*) persons who have, by a general or special order of the Central Government, been required to serve in a ship, to such extent and subject to such conditions as may be prescribed; and

(*d*) persons ordered to be received, or being passengers, on board any ship or aircraft of the Coast Guard, to such extent and subject to such conditions as may be prescribed.

(*2*) Every person referred to in clauses (*a*) and (*b*) of sub-section (*1*) shall remain so subject until he retires, or he is discharged, released, removed or dismissed from the Coast Guard in accordance with the provisions of this Act and the rules.

CHAPTER II

CONSTITUTION OF THE COAST GUARD AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE COAST GUARD

4. Constitution of the Coast Guard.—(*1*) There shall be an armed force of the Union called the Coast Guard for ensuring the security of the maritime zones of India with a view to the protection of maritime and other national interests in such zones.

(*2*) Subject to the provisions of this Act, the Coast Guard shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Coast Guard shall be such as may be prescribed.

1. Subs. by Act 44 of 2002, s. 2, for "or a *Sahayak* Engineer" (w.e.f. 12-8-2002).

5. Control, direction, etc.—(*1*) The general superintendence, direction and control of the Coast Guard shall vest in, and be exercised by, the Central Government and subject thereto, and to the provisions of this Act and the rules, the command and supervision of the Coast Guard shall vest in an officer to be appointed by the Central Government as the Director-General of the Coast Guard.

(*2*) The Director-General shall, in the discharge of his duties under this Act, be assisted by such number of Inspectors-General, Deputy Inspectors-General, Commandant and such other officers as may be appointed by the Central Government.

6. Enrolment.—(*1*) The persons to be enrolled to the Coast Guard, the mode of enrolment and the procedure for enrolment shall be such as may be prescribed.

(*2*) Notwithstanding anything contained in this Act and the rules, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Coast Guard shall be deemed to have been duly enrolled.

7. Liability for service outside India.—Every member of the Coast Guard shall be liable to serve in any part of India as well as outside India.

8. Oath of allegiance.—Every member of the Coast Guard shall, as soon as may be, after appointment or enrolment to the Coast Guard, make and subscribe before his Commanding Officer or other prescribed officer, an oath or affirmation in the prescribed form.

9. Resignation and withdrawal from the post.—No member of the Coast Guard shall be at liberty—

(*a*) to resign his appointment during the term of his engagement; or

(*b*) to withdraw himself from all or any of the duties of his appointment, except with the previous permission in writing of the prescribed authority.

10. Tenure of service under the Act.—Every member of the Coast Guard shall hold office during the pleasure of the President.

11. Dismissal or removal by Central Government and by other officers.—Subject to the provisions of this Act and the rules—

(*a*) the Central Government may dismiss or remove from service any member of the Coast Guard;

(*b*) the Director-General or any Inspector-General may dismiss or remove from the Coast Guard any person other than an officer;

(*c*) any prescribed officer not below the rank of a Deputy Inspector-General may dismiss or remove from the Coast Guard any person under his command other than an officer or a subordinate officer.

12. Certificate of termination of service.—An enrolled person who retires, or is discharged, released, removed or dismissed from the Coast Guard or permitted to resign therefrom, shall be furnished by the officer, to whose command he is subject, with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—

(*a*) the authority terminating his service;

(*b*) the reasons for such termination; and

(*c*) the full period of his service in the Coast Guard.

13. Restrictions respecting right to form association, freedom of speech, etc.—(*1*) No member of the Coast Guard shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—

(*a*) be a member of, or be associated in any way with, any trade union, labour union, or political association; or

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(*b*) be a member of, or be associated in any way with, any society, institution, association or organisation that is not recognised as part of the Coast Guard or is not of a purely social, recreational or religious nature; or

(*c*) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the *bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation.—If any question arises whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (*b*) of this sub-section, the decision of the Central Government thereon shall be final.

(*2*) No member of the Coast Guard shall participate in, or address, any meeting or take part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be specified in this behalf by the Central Government.

CHAPTER III

DUTIES AND FUNCTIONS OF THE COAST GUARD

14. Duties and functions of Coast Guard.—(*1*) It shall be the duty of the Coast Guard to protect by such measures, as it thinks fit, the maritime and other national interests of India in the maritime zones of India.

(*2*) Without prejudice to the generality of the provisions of sub-section (*1*), the measures referred to therein may provide for—

(*a*) ensuring the safety and protection of artificial islands, offshore terminals, installations and other structures and devices in any maritime zone;

(*b*) providing protection to fishermen including assistance to them at sea while in distress;

(c) taking such measures as are necessary to preserve and protect the maritime environment and to prevent and control marine pollution;

(*d*) assisting the customs and other authorities in anti-smuggling operations;

(*e*) enforcing the provisions of such enactments as are for the time being in force in the maritime zones; and

(*f*) such other matters, including measures for the safety of life and property at sea and collection of scientific data, as may be prescribed.

(*3*) The Coast Guard shall perform its functions under this section in accordance with, and subject to such rules as may be prescribed and such rules may, in particular, make provisions for ensuring that the Coast Guard functions in close liaison with Union agencies, institutions and authorities so as to avoid duplication of effort.

CHAPTER IV

OFFENCES

15. Correspondence, etc., with offenders.—Any person subject to this Act, who,—

(*a*) treacherously holds correspondence with, or communicates intelligence to, an offender; or

(*b*) wilfully fails to make known to the proper authorities any information he may have received from an offender; or

(*c*) assists the offender in any manner; or

(*d*) having been captured by an offender, voluntarily serves with or aids him,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

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Explanation.—For the purposes of this section, "offender" includes—

(*a*) all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action; and

(*b*) any person or persons engaged in smuggling, unlawful exploration or exploitation or any other unlawful activity in the maritime zones of India.

16. Deserting post and neglect of duty.—Any person subject to this Act, who,—

(*a*) deserts his post; or

(a) sleeps upon his watch; or

(b) fails to perform, or negligently performs, the duty imposed on him; or

(c) wilfully conceals any words, practice or design tending to the hindrance of the Coast Guard,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

17. Mutiny.—Any person subject to this Act who commits any of the following offences, that is to say,—

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Coast Guard or in the military, naval or air forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his Commanding Officer or other superior officer; or

(e) endeavours to seduce any person in the Coast Guard or in the military, naval or air forces of India or any forces co-operating therewith from his duty or allegiance to the Union,

shall, on conviction by a Coast Guard Court, be liable to suffer death or such less punishment as is in this Act mentioned:

Provided that a sentence of death awarded under this section shall not be carried out unless it is confirmed by the Central Government.

18. Persons on board ship or aircraft seducing Coast Guard personnel from allegiance.—Any person not otherwise subject to this Act who, being on board any ship or aircraft belonging to or in the service of the Coast Guard endeavours to seduce any person subject to this Act from his allegiance to the Constitution or loyalty to the State or duty to his superior officers shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

19. Striking or threatening superior officers.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) uses criminal force to or assaults his superior officer; or

(*b*) uses threatening language to such officer; or

(*c*) uses insubordinate language to such officer; or

(*d*) behaves with contempt to such officer,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

Provided that in the case of offences specified in clauses (*c*) and (*d*), the imprisonment shall not exceed five years.

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20. Disobedience to superior officer.—(*1*) Any person subject to this Act who disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

(*2*) Any person subject to this Act who disobeys any lawful command given by his superior officer, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

21. Ill-treating subordinates.—Any person subject to this Act who uses criminal force to or otherwise ill-treats any other person subject to this Act, being his subordinate in rank or position, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

22. Quarrelling, fighting and disorderly behaviour.—Any person subject to this Act, who,—

(*a*) quarrels, fights with or strikes any other person, whether such person is or is not subject to this Act; or

(*b*) uses reproachful or provoking speeches or gestures tending to make a quarrel or disturbance; or

(*c*) behaves in a disorderly manner,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

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23. Certain forms of disgraceful conduct.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(*b*) malingers, or feigns, or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or

(*c*) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

24. Drunkenness.—(*1*) Any person subject to this Act, who is guilty of drunkenness shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned.

(2) For the purposes of sub-section (*1*), a person shall be deemed to be guilty of drunkenness if, owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit to the Coast Guard.

25. Desertion and aiding desertion.—(*1*) Any person subject to this Act, who absents himself from his ship or from the place where his duty requires him to be, with an intention of not returning to such ship or place, or who, at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place is said to desert.

[1][(*2*) Every person who deserts or attempts to desert the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned and in every such case he shall forfeit,—

(*a*) all pay, salvage, prize money and allowances that have been earned by him;

(*b*) pension and gratuity, medals and decorations that have been granted to him; and

(*c*) all clothes and effects which he may have left on board the ship or the place from which he deserted,

unless the Tribunal by which he is tried or the Central Government or the Director-General otherwise directs.

Explanation.—For the purposes of this sub-section, all pay, salvage, prize money and allowances shall be deemed to have been earned by a person when such pay, salvage, prize money and allowances have become due but have not been paid to him.]

(*3*) Any person subject to this Act, who knowingly harbours any such deserter, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

26. Breaking out of ship and absence without leave.—Any person subject to this Act, who without being guilty of desertion improperly leaves his ship or place of duty or is absent without leave shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned, and shall also be punished by such mulcts of pay and allowances as may be prescribed.

27. Losing ship or aircraft.—(*1*) Any person subject to this Act who wilfully loses, strands or hazards or suffers to be lost stranded or hazarded any ship belonging to or in the service of the Coast Guard, or loses or suffers to be lost any aircraft belonging to or in the service of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

(*2*) Any person subject to this Act, who negligently or by any default loses, strands or hazards or suffers to be lost, stranded or hazarded any ship belonging to or in the service of the Coast Guard, or loses or suffers to be lost any aircraft belonging to or in the service of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

28. Dangerous unauthorised flying.—Any person subject to this Act who is guilty of any act or neglect in flying or in the use of any aircraft belonging to or in the service of the Coast Guard, or in relation to any such aircraft or aircraft material, which causes or is likely to cause loss of life or bodily injury to any person shall, on conviction by a Coast Guard Court,—

(*a*) if he acts wilfully or with wilful neglect, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned; and

(*b*) in any other case, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

29. Inaccurate certificate.—Any person subject to this Act who signs any certificate in relation to an aircraft belonging to or in the service of the Coast Guard or to any material thereof without ensuring its accuracy shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

30. Low flying and annoyance by flying.—Any person subject to this Act, being the pilot of an aircraft belonging to or in the service of the Coast Guard, who—

(*a*) flies it at a height lower than the minimum height authorised by his Commanding Officer except while taking off or landing; or

1. Subs. by Act 44 of 2002, s. 3, for sub-section (*2*) (w.e.f. 12-8-2002).

(*b*) flies it so as to cause or likely to cause unnecessary annoyance to any person,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

31. Disobedience of lawful command of captain of an aircraft.—Any person subject to this Act, who while he is in an aircraft belonging to or in the service of the Coast Guard, disobeys any lawful command given by the captain of the aircraft whether such captain is subject to this Act or not, in relation to all matters relating to flying or handling of the aircraft or affecting the safety thereof, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

32. False accusations.—Any person subject to this Act, who commits any of the following offences, that is to say,—

(*a*) makes a false accusation against any person subject to this Act, knowing or having reason to believe such accusation to be false; or

(*b*) in making a complaint against any person subject to this Act makes any statement affecting the character of such person, knowing or having reason to believe such statement to be false or knowingly or wilfully suppresses any material facts,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

33. Falsifying official documents and false declarations.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) in any report, return, list, certificate, book or other document made or signed by him, or of the contents of which it is his duty to ascertain the accuracy, knowingly makes, or is privy to the making of, any false or fraudulent statement; or

(*b*) in any document of the description mentioned in clause (*a*) knowingly makes, or is privy to the making of, any omission, with intent to defraud; or

(*c*) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

(*d*) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(*e*) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false, or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

34. Offences in respect of property.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) commits theft of any property belonging to the Government or to any Coast Guard mess, or institution, or to any person subject to this Act; or

(*b*) dishonestly misappropriates or converts to his own use any such property; or

(*c*) commits criminal breach of trust in respect of any such property; or

(*d*) dishonestly receives or retains any such property in respect of which any of the offences under clauses (*a*), (*b*) and (*c*) has been committed, knowing or having reason to believe the commission of such offence; or

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(*e*) wilfully destroys or damages any property of the Government entrusted to him; or

(*f*) does any other thing with intent to defraud or to cause wrongful gain to one person or wrongful loss to another person,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

35. Damage to property.—Any person subject to this Act, who commits any act which causes damage to, or destruction of, any property of the Government shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

36. Taking unauthorised goods on board.—Every officer or subordinate officer in command of any ship belonging to or in the service of the Coast Guard who receives on board or permits to be received on board such ship, any goods or merchandise whatsoever other than for the sole use of the ship or persons belonging to the ship, except goods and merchandise on board any ship which may be ship-wrecked or in imminent danger either on the high seas or in some port, creek or harbour for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may, at any time be ordered to take or receive on board by order of the Central Government or his superior officer, shall, on conviction by a Coast Guard Court, be liable to suffer dismissal from the Coast Guard or such less punishment as is in this Act mentioned.

37. Offences in respect of papers relating to vessel, craft or aircraft taken into custody.—(*1*) All the papers, charter parties, bills of lading, passports and other documents that shall be taken, seized or found on board any vessel, craft or aircraft taken into custody by the Coast Guard shall be duly preserved and the Commanding Officer or skipper shall send the same to his immediate superior.

(*2*) Every Commanding Officer or skipper who fails to send the documents as required under sub-section (*1*) shall, on conviction by a Coast Guard Court, be liable to suffer dismissal from the Coast Guard or such less punishment as is in this Act mentioned.

38. Offences in respect of vessel, craft or aircraft taken into custody.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) takes out without proper authority from any vessel, craft or aircraft taken into custody, any money or goods; or

(*b*) pillages, beats or ill-treats persons on board the said vessel, craft or aircraft; or

(*c*) breaks bulk on board any such vessel, craft or aircraft with intent dishonestly to misappropriate anything therein or belonging thereto,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

39. Unlawful taking of ransom.—Every Commanding Officer or skipper of a ship who,—

(*a*) unlawfully agrees with any person for the ransoming of any vessel, craft, aircraft, goods or things taken into custody by the Coast Guard; or

(*b*) in pursuance of any unlawful agreement for ransoming or otherwise by collusion actually quits or restores any vessel, craft, aircraft, goods or things taken into custody by the Coast Guard,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

40. Offences relating to Coast Guard Courts.—Any person subject to this Act who commits any of the following offences, that is to say,—

(*a*) being duly summoned or ordered to attend as a witness before a Coast Guard Court, wilfully or without reasonable excuse, makes default in attending; or

(*b*) refuses to take an oath or make an affirmation legally required by a Coast Guard Court to be taken or made; or

(*c*) refuses to produce or deliver any document in his power or control legally required by a Coast Guard Court to be produced or delivered by him; or

(*d*) refuses, when a witness, to answer any question which he is by law bound to answer; or

(*e*) is guilty of contempt of a Coast Guard Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such Court,

shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

41. Escape from custody.—Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

42. Violation of the Act, rules and orders.—Any person subject to this Act who neglects to obey, or contravenes any provision of this Act or any rule or any order issued by any lawful authority under this Act, shall, if no other punishment is provided in this Act for such neglect or contravention, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

43. False answers on enrolment.—Any person having become subject to this Act who is discovered to have made at the time of enrolment, a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

44. Offences against good order and discipline.—Any person subject to this Act who is guilty of any act or omission or disorder or neglect, which, though not specified in this Act, is prejudicial to good order and discipline of the Coast Guard shall, on conviction by a Coast Guard Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

45. Attempt.—Any person subject to this Act who attempts to commit any of the offences specified in sections 15 to 44 (both inclusive) and in such attempt does any act towards the commission of the offence shall, on conviction by a Coast Guard Court, where no express provision is made by this Act for the punishment of such attempt, be liable,—

(*a*) if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(*c*) if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

46. Abetment of offences that have been committed.—Any person subject to this Act who abets the commission of any of the offences specified in sections 15 to 44 (both inclusive), shall, on conviction by a Coast Guard Court, if the act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment provided for that offence or such less punishment as is in this Act mentioned.

47. Abetment of offence punishable with death and not committed.—Any person subject to this Act, who abets the commission of an offence punishable with death under section 17 shall, on conviction by a Coast Guard Court, if that offence be not committed in consequence of that abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

48. Abetment of offences punishable with imprisonment and not committed.—Any person subject to this Act who abets the commission of any of the offences specified in sections 15 to 44 (both inclusive) and punishable with imprisonment shall, on conviction by a Coast Guard Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned.

49. Civil offences.—Subject to the provisions of section 50, any person subject to this Act who at any place in, or beyond, India commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section shall be liable to be tried by a Coast Guard Court, and, on conviction, be punishable as follows, that is to say,—

(*a*) if the offence is one which would be punishable under any law in force in India with death, he shall be liable to suffer any punishment, assigned for the offence, by the aforesaid law or such less punishment as is in this Act mentioned; and

(*b*) in any other case, he shall be liable to suffer any punishment, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

50. Civil offences not triable by a Coast Guard Court.—A person subject to this Act who commits an offence of murder or of culpable homicide not amounting to murder against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence against this Act and shall not be tried by a Coast Guard Court, unless he commits any of the said offences,—

(*a*) at any place outside India; or

(*b*) at any place specified by the Central Government by notification in this behalf.

51. Period of limitation for trial of offences under the Act.—(*1*) No person unless he is an offender who has avoided apprehension or escaped arrest or committed the offence of desertion or of giving false entry on enrolment or the offence of mutiny shall be tried or punished in pursuance of this Act for any offence committed by him unless such trial commences [1][within a period of three years from the commission of such offence and such period shall commence,—

(*a*) on the date of the offence; or

(*b*) where the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority; or

(*c*) where it is not known by whom the offence was committed, on the first day on which the identity of the offender becomes known to the person aggrieved by the offence or to the authority competent to initiate action,

whichever is earlier.

Explanation.—For the purposes of this sub-section, in the computation of the period of time mentioned in this sub-section, any time spent by such person, as a prisoner of war in the enemy territory, or in evading arrest, after the commission of the offence, shall be excluded].

[2][(*1A*) Where a proceeding in respect of an offence has been stayed by an injunction or an order of a court, then, in computing the period of limitation under this section, the period of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn shall be excluded.]

(*2*) No trial for an offence of desertion or of giving false entry on enrolment shall be commenced if the person in question, not being an officer, has subsequent to the commission of the offence served continuously in an exemplary manner for not less than three years in the Coast Guard.

1. Subs. by Act 44 of 2002, s. 4, for "within three years from the commission of such offence" (w.e.f. 12-8-2002).
2. Ins. by s. 4, *ibid*. (w.e.f. 12-8-2002).

52. Trial, etc., of a person who ceases to be subject to the Act.—(*1*) Where an offence under this Act had been committed by any person while subject to this Act, and such person has since the commission of the offence ceased to be subject to this Act, he may be taken into and kept in the Coast Guard custody, and tried and punished for such offence as if he had continued to be so subject.

(*2*) No such person shall be tried for an offence, unless his trial commences [1][within a period of two years after he has ceased to be subject to this Act; and in computing such period, the time during which such person has avoided arrest by absconding or concealing himself or where a proceeding in respect of an offence has been stayed by an injunction or order, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn, shall be excluded]:

Provided that nothing contained in this sub-section shall apply to the trial of any such person for an offence of mutiny or desertion.

CHAPTER V

PUNISHMENTS

53. Punishments awardable by Coast Guard Courts.—(*1*) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Coast Guard Courts according to the scale following, that is to say,—

(*a*) death;

(*b*) imprisonment which may be for the term of life or any other lesser term;

(*c*) dismissal from the Coast Guard;

(*d*) detention in Coast Guard custody for a period not exceeding two years;

(*e*) reduction to the ranks or to a lower rank in the case of sailors;

(*f*) forfeiture of seniority of rank, forfeiture of all or any part of the service for the purpose of promotion;

(*g*) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(*h*) fine, in respect of civil offences;

(*i*) mulcts of pay and allowances;

(*j*) severe reprimand or reprimand except in the case of persons below the rank of an *Uttam Navik* or *Uttam Yantrik*.

(*2*) Each of the punishments specified in sub-section (*1*) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

54. Alternative punishments awardable by Coast Guard Courts.—Subject to the provisions of this Act, a Coast Guard Court may, on convicting a person subject to this Act of any of the offences specified in sections 15 to 48 (both inclusive) award either the particular punishment with which the offence is stated in the said sections to be punishable, or in lieu thereof, any one of the punishments lower in the scale set out in section 53 regard being had to the nature and degree of the offence.

55. Combination of punishments.—Subject to the provisions of section 58, a sentence of a Coast Guard Court may award in addition to, or without any one other punishment, the punishment specified in clause (*c*) of sub-section (*1*) of section 53 and any one or more of the punishments specified in clauses (*e*) to (*j*) (both inclusive) of that sub-section.

56. Punishments otherwise than by Coast Guard Courts.—Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a Coast Guard

1. Subs. by Act 44 of 2002, s. 5, for "within six months after he has ceased to be subject of this Act" (w.e.f. 12-8-2002).

Court in the manner stated in section 57 [1][or section 57A].

57. Minor punishments.—Subject to the provisions of section 58, a Commanding Officer or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer, who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

(*a*) imprisonment for a period not exceeding three months;

(*b*) dismissal from the Coast Guard;

(*c*) detention in Coast Guard custody for a period not exceeding three months;

(*d*) reduction to the ranks or to a lower rank in the case of sailors;

(*e*) fine, in respect of civil offences;

(*f*) mulcts of pay and allowances;

(*g*) deprivation of good conduct badges;

(*h*) reprimand;

(*i*) extra work and drill for a period not exceeding fourteen days in the case of persons below the rank of an *Uttam Navik* or *Uttam Yantrik;*

(*j*) stoppage of leave for a period not exceeding sixty days;

(*k*) admonition:

Provided that no punishment specified in clauses (*a*) to (*d*) (both inclusive) shall be inflicted,—

(*a*) in the case of a subordinate officer, unless it is approved by an officer not below the rank of an Inspector-General; and

(*b*) in the case of others, unless it is approved by an officer not below the rank of a Deputy Inspector-General.

[1][**57A. Punishment for officers below the rank of Commandant.**—The Director-General or an officer not below the rank of Deputy Inspector-General who is appointed as Commander of a region or such other officer as is, with the consent of the Central Government, specified by the Director-General, may in the prescribed manner proceed against an officer below the rank of Commandant, who is charged with an offence under this Act and award such person one or more of the following punishments, that is to say,—

(*a*) forfeiture of seniority of rank or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion, for a period not exceeding twelve months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;

(*b*) forfeiture of seniority of rank, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding six months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;

(*c*) mulcts of pay and allowances;

(*d*) severe reprimand:

Provided that no punishment specified in clause (*a*) shall be inflicted by an officer other that the Director-General:

Provided further that no punishment specified in clause (*b*) shall be inflicted by an officer below the rank of Deputy Inspector-General who is appointed as the Commander of a region.]

1. Ins. by Act 44 of 2002, s. 6 (w.e.f. 12-8-2002).

58. Provisions as to award of punishments.—(*1*) The punishments that may be inflicted under this Act shall be awarded in accordance with the provisions of this section.

(*2*) A sentence of imprisonment under this Act shall in all cases be accompanied by a sentence of dismissal.

(*3*) A sentence of imprisonment may be rigorous or simple or partly rigorous and partly simple.

(*4*) No officer shall be subject to detention for any offence under this Act.

(*5*) No subordinate officer shall be sentenced to detention except for desertion.

(*6*) A sentence of detention shall not be accompanied by a sentence of dismissal from the Coast Guard.

(*7*) A sentence of detention for a period exceeding fourteen days shall in all cases be accompanied by stoppage of pay and allowances during the period of detention.

[1][(*8*) Where mulcts of pay and allowances are awarded for absence without leave, the absence shall be treated as regularised for all purposes.]

CHAPTER VI

ARREST AND PROCEEDINGS BEFORE TRIAL

59. Custody of offenders.—(*1*) Any person subject to this Act who is charged with an offence may be taken into Coast Guard custody, under the order of any superior officer.

(*2*) Notwithstanding anything contained in sub-section (*1*), an officer may order into Coast Guard custody any other officer engaged in a quarrel, affray or disorder, though such other officer may be of a higher rank.

60. Duty of Commanding Officer in regard to detention.—(*1*) It shall be the duty of every Commanding Officer to take care that a person under his command when charged with an offence is not detained in custody for more than forty-eight hours after the committal of such person into custody is reported to him, without the charge being investigated, unless investigation within that period seems to him to be impracticable having regard to the public service.

(*2*) The case of every person being detained in custody beyond a period of forty-eight hours, and the reasons therefor, shall be reported by the Commanding Officer to the Deputy Inspector-General under whom he is serving or such other officer to whom an application may be made to convene a Coast Guard Court for the trial of the person charged.

(*3*) In reckoning the period of forty-eight hours specified in sub-section (*1*), Sundays and other public holidays shall be excluded.

(*4*) Subject to the provisions of this Act, the Central Government may make rules providing for the manner in which and the period for which any person subject to this Act may be taken into and detained in Coast Guard custody, pending the trial by any competent authority for any offence committed by him.

61. Arrest by civil authorities.—Whenever any person subject to this Act, who is accused of an offence under this Act, is within the jurisdiction of any Magistrate or police officer, such Magistrate or police officer shall aid in the apprehension and delivery to Coast Guard custody of such person upon receipt of a written application to that effect signed by his Commanding Officer or an officer authorised by the Commanding Officer in that behalf.

62. Capture of deserters.—(*1*) Whenever any person subject to this Act deserts, the Commanding Officer of the unit or ship to which he belongs, shall give information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he was a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, into Coast Guard custody.

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(*2*) Any police officer may arrest without warrant any person reasonably believed to be subject to this Act, and to be a deserter or to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

63. Coast Guard police officers.—(*1*) The Director-General or any prescribed officer may appoint persons for discharging the functions specified in sub-sections (*2*) and (*3*).

(*2*) The duties of a person appointed under sub-section (*1*), are to take charge of persons confined for any offence, to preserve good order and discipline and to prevent breaches of the same by persons serving in, or attached to, the Coast Guard.

(*3*) Notwithstanding anything contained in section 59, a person appointed under sub-section (*1*) may, at any time, arrest and detain for trial any person subject to this Act who commits, or is charged with, an offence, and may also carry into effect any punishment to be inflicted in pursuance of a sentence awarded by a Coast Guard Court or by an officer exercising authority under section 57 but shall not inflict any punishment on his own authority:

Provided that no officer shall be so arrested or detained otherwise than on the order of another officer.

CHAPTER VII

COAST GUARD COURTS

64. Power to convene a Coast Guard Court.—(*1*) A Coast Guard Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General (hereafter in this Act referred to as the convening authority).

(*2*) A warrant issued under sub-section (*1*) may contain such restrictions, reservations or conditions as the Director-General may think fit.

65. Composition of Coast Guard Courts.—(*1*) A Coast Guard Court shall consist of not less than five officers each of whom has held the post of Assistant Commandant for not less than three years.

Explanation.—For the purposes of this sub-section "Assistant Commandant" includes any post of a higher rank and any post declared by the Central Government by notification to be an equivalent post as also any post higher in rank than the post so declared.

(*2*) At every Coast Guard Court, the senior member shall be the presiding officer.

(*3*) A Coast Guard Court shall not be duly constituted unless the members thereof are drawn from at least two ships.

(*4*) No Coast Guard Court for the trial of an officer shall be duly constituted unless the presiding officer and at least two members of the court are of the same rank as the accused or of a higher rank.

66. Dissolution of a Coast Guard Court.—(*1*) If a Coast Guard Court after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(*2*) If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, a Coast Guard Court shall be dissolved.

(*3*) The convening authority of a Coast Guard Court may dissolve the same if it considers that the exigencies of the service or necessities of discipline render it impossible or inexpedient to continue the said Coast Guard Court.

(*4*) Where a Coast Guard Court is dissolved under this section, the accused may be tried again.

67. Powers of a Coast Guard Court.—Every Coast Guard Court shall have the power to try any person subject to this Act for any offence punishable thereunder and to pass any sentence authorised thereby.

68. Prohibition of second trial.—(*1*) When any person subject to this Act has been acquitted or convicted of an offence by a Coast Guard Court or by a criminal court or has been dealt with under section 57, he shall not be liable to be tried again for the same offence by a Coast Guard Court or dealt with under the said section.

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(*2*) When any person, subject to this Act, has been acquitted or convicted of an offence by a Coast Guard Court or has been dealt with under section 57, he shall not be liable to be tried again by a criminal court for the same offence or on the same facts.

69. Application of Act during term of sentence.—(*1*) When a person subject to this Act is sentenced by a Coast Guard Court to imprisonment, this Act shall apply to him during the term of his sentence, though he is dismissed from the Coast Guard, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(*2*) When a person subject to this Act is sentenced by a Coast Guard Court to death, this Act shall apply to him till the sentence is carried out.

70. Place of trial.—A Coast Guard Court may be held on shore or afloat.

71. Choice between criminal court and Coast Guard Court.—When a criminal court and a Coast Guard Court have each jurisdiction in respect of an offence, it shall be in the discretion of the Director-General or the Inspector-General or the Deputy Inspector-General within whose command the accused person is serving or such other officer as may be prescribed, to decide before which court the proceedings shall be instituted, and, if that officer decides that they shall be instituted before a Coast Guard Court, to direct that the accused person shall be detained in Coast Guard custody.

72. Power of criminal court to require delivery of an offender.—(*1*) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 71 at his option either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings, pending a reference to the Central Government.

(*2*) In every such case, the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted, for the determination of the Central Government whose order upon such reference shall be final.

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CHAPTER VIII

PROCEDURE OF COAST GUARD COURTS

73. Law Officer.—Every Coast Guard Court shall be attended by a Law Officer, or if no such officer is available, an officer approved by the Chief Law Officer or a Law Officer.

74. Challenges.—(*1*) At all trials by a Coast Guard Court, as soon as the court is assembled, the names of the presiding officer and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(*2*) If the accused objects to such officer, his objection and also the reply thereto of the officer objected to shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(*3*) If the objection is allowed by one-half or more of the votes of the members entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner, by another officer subject to the same right of the accused to object.

(*4*) Where no challenge is made, or when a challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

75. Oaths of member, Law Officer and witness.—(*1*) An oath or affirmation in the prescribed manner shall be administered to every member of a Coast Guard Court and to the Law Officer or, as the case may be, the bofficer approved under section 73, before the commencement of the trial.

(*2*) [1][Every person] giving evidence before a Coast Guard Court shall be examined after being duly sworn or affirmed in the prescribed form.

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1. Subs. by Act 19 of 1988, s. 3 and Sch. II, for "Every officer" (w.e.f. 31-3-1988).

(*3*) The provisions of sub-section (*2*) shall not apply where the witness is a child under twelve years of age and the Coast Guard Court is of opinion that though the witness understands the duty of speaking the truth, he does not understand the nature of an oath or affirmation.

76. Voting by members.—(*1*) Subject to the provisions of sub-sections (*2*) and (*3*), every decision of a Coast Guard Court shall be passed by an absolute majority of votes; and where there is an equality of votes on either the finding or the sentence, the decision shall be in favour of the accused.

(*2*) No sentence of death shall be passed by a Coast Guard Court without the concurrence of at least two-thirds of the members of the court.

(*3*) In matters, other than a challenge or the finding or sentence, the presiding officer shall have a casting vote.

77. General rule as to evidence.—The Indian Evidence Act, 1872 (1 of 1872), shall, subject to the provisions of this Act, apply to all proceedings before a Coast Guard Court.

78. Judicial notice.—A Coast Guard Court may take judicial notice of any matter within the general knowledge of the members as officers of the Coast Guard.

79. Summoning of witnesses.—(*1*) The convening authority, the presiding officer of a Coast Guard Court, the Law Officer or, as the case may be, the officer approved under section 73 or the Commanding Officer of the accused person may, by summons under his hand, require the attendance, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

(*2*) In the case of a witness who is subject to this Act, the summons shall be sent to his Commanding Officer and such officer shall serve it upon him accordingly.

(*3*) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be, or resides, and such Magistrate shall give effect to the summons as if the witness were required in the court of such a Magistrate.

(*4*) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

80. Documents exempted from production.—(*1*) Nothing in section 79 shall be deemed to affect the operation of sections 123 and 124 of the Indian Evidence Act, 1872 (1 of 1872), or to apply to any letter, post card, telegram or other document in the custody of the postal or telegraph authorities.

(*2*) If any document in such custody is, in the opinion of any Chief Judicial Magistrate, Chief Metropolitan Magistrate, Court of Session or High Court, wanted for the purpose of any Coast Guard Court, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(*3*) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police wanted for any such purpose, he may require the postal or telegraph authorities, as the case may be, to cause such search to be made for, and to detain such document pending the orders of any such Chief Judicial Magistrate, Chief Metropolitan Magistrate, Court of Session or High Court.

81. Commissions for examination of witnesses.—(*1*) Whenever, in the course of a trial by a Coast Guard Court, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Chief Law Officer in order that a commission to take the evidence of such witness may be issued.

(*2*) The Chief Law Officer may then, if he thinks necessary, issue a commission to any Metropolitan Magistrate or Judicial Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(*3*) The Magistrate to whom the commission is issued, or, if he is the Chief Metropolitan Magistrate or Chief Judicial Magistrate, he or such Metropolitan Magistrate or Judicial Magistrate of the first class as he appoints in this behalf shall proceed to the place where the witness is, or shall summon the witness before him and shall take down his evidence in the same manner, and may, for this purpose, exercise the same powers, as in the trials of warrant-cases under the Code of Criminal Procedure, 1973 (2 of 1974).

(*4*) When the witness resides in any place outside India, the commission may be issued in the form and manner specified in sub section (*3*) of section 285 of the Code of Criminal Procedure, 1973 (2 of 1974).

82. Examination of a witness on commission.—(*1*) The prosecutor and the accused person in any case in which a commission is issued under section 81 may respectively forward any interrogatories in writing which the court may think relevant to the issue, and the Magistrate executing the commission shall examine the witness upon such interrogatories.

(*2*) The prosecutor and the accused person may appear before such Magistrate by counsel, or except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine, as the case may be, the said witness.

(*3*) After a commission issued under section 81 has been duly executed, it shall be returned together with the deposition of the witness examined thereunder to the Chief Law Officer.

(*4*) On receipt of a commission, and deposition returned under sub-section (*3*), the Chief Law Officer shall forward the same to the Coast Guard Court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to inspection by the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(*5*) In every case in which a commission is issued under section 81, the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

83. Alternative findings.—If an accused is charged before a Coast Guard Court with one offence and it appears in evidence that he committed a different offence, he may be convicted of the offence which he is shown to have committed although he was not charged with it.

84. Presumption as to signatures.—In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the service of the Government shall, on production, be presumed to have been duly signed by the person by whom and in the character in which it purports to have been signed, until the contrary is shown.

85. Enrolment paper.—(*1*) Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given.

(*2*) The enrolment of such person may be proved by the production of the original or a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

86. Presumption as to certain documents.—(*1*) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any unit or ship of the Coast Guard, or respecting the circumstances of any person not having served in, or belonged to, any unit or ship, if purporting to be signed by or on behalf of the Central Government or the Director-General, or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

(*2*) A Coast Guard List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers therein mentioned, and of any appointment held by them and of the unit or ship of the Coast Guard to which they belong.

(*3*) Where a record is made in the books of a ship in pursuance of this Act or any rule or otherwise in the discharge of official duties, and purports to be signed by the Commanding Officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts therein stated.

(*4*) A copy of any record in the books of a ship purporting to be certified to be a true copy by the officer having custody of such books shall be evidence of such record.

(*5*) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of any officer or other person subject to this Act or any unit or ship of the Coast Guard, or has been apprehended by such officer or person, a certificate purporting to be signed by such officer, or by the Commanding Officer of the unit or ship to which such person belongs, as the case may be, and stating the fact, date and place of such surrender or apprehension, and the manner in which he was dressed shall be evidence of the matters so stated.

(*6*) Where any person subject to this Act is being tried on a charge of desertion or of improperly leaving a ship or of absence without leave and such person has surrendered himself into the custody of, or has been apprehended by, a police officer not below the rank of an officer in charge of a police station, a certificate purporting to be signed by such police officer and stating the fact, date and place of such surrender or apprehension and the manner in which he was dressed shall be evidence of the matters so stated.

(*7*) Any document purporting to be a report under the hand of a Chemical Examiner or Assistant Chemical Examiner to Government [1][or any of the Government scientific experts, namely, the Chief Inspector of the Explosives, the Director of the Fingerprint Bureau, the Director, Haffkeine Institute, Mumbai, the Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory and the Serologist to the Government] upon any matter or thing duly submitted to him for examination or analysis and report, may be used as evidence in any proceeding under this Act.

Explanation.—In this section, the term "books of a ship" shall include any official book, document or list purporting to contain the name or names of persons appointed to the ship.

87. Evidence of previous convictions and general character.—(*1*) When any person subject to this Act has been convicted by a Coast Guard Court of any offence, such court may inquire into, and receive, and record evidence of any previous convictions of such person, either by a Coast Guard Court or by a criminal court, or any previous award of punishment under section 57 [2][or section 57A], and may further inquire into and record the general character of such person and such other matters as may be prescribed.

(*2*) Evidence received under this section may be either oral, or in the shape of entries in, or certified extracts from, books of Coast Guard Courts or other official records; and it shall not be necessary to give notice before trial to the person tried, that evidence as to his previous convictions or character will be received.

88. Lunacy of accused.—(*1*) Whenever, in the course of a trial by a Coast Guard Court, it appears to the court that the person charged is by reason of unsoundness of mind incapable of making his defence, or that he committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or knowing that it was wrong or contrary to law, the court shall record a finding accordingly.

(*2*) The presiding officer of the Coast Guard Court shall forthwith report the case to the convening authority.

(*3*) The convening authority to whom the finding of a Coast Guard Court is reported under sub-section (*2*) shall order the accused person to be kept in custody in the prescribed manner and shall report the case for the orders of the Central Government.

(*4*) On receipt of a report under sub-section (*3*), the Central Government may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

1. Ins. by Act 44 of 2002, s. 9 (w.e.f. 12-8-2002).
2. Ins. by s. 10, *ibid*. (w.e.f. 12-8-2002).

89. Subsequent fitness of lunatic accused for trial.—Where any accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention under section 88, any officer prescribed in this behalf, may,—

(*a*) if such person is in custody under sub-section (*3*) of section 88, on the report of a medical officer that he is capable of making his defence, or

(*b*) if such person is detained in jail under sub-section (*4*) of section 88, on a certificate of the Inspector-General of Prisons, and if such person is detained in a lunatic asylum under the said sub-section, on a certificate of any two or more of the visitors of such asylum and if he is detained in any other place under that sub-section, on a certificate of the prescribed authority, that he is capable of making his defence,

take steps to have such person tried by the same or another Coast Guard Court for the offence with which he was originally charged, or, if the offence is a civil offence, by a criminal court.

90. Transmission to Central Government of orders under section 89.—A copy of every order made by an officer under section 89 for the trial of the accused shall forthwith be sent to the Central Government.

91. Release of lunatic accused.—Where any person is in custody under sub-section (*3*) of section 88 or under detention under sub-section (*4*) of that section,—

(*a*) if such person is in custody under the said sub-section (*3*), on the report of the medical officer, or

(*b*) if such person is detained under the said sub-section (*4*), on a certificate from any of the authorities mentioned in clause (*b*) of section 89 that in the judgment of such officer or authority such person may be released without danger of his doing injury to himself or to any other person,

the Central Government may order that such person be released or detained in custody, or transferred to a public lunatic asylum if he has not already been sent to such asylum.

92. Delivery of lunatic accused to relatives.—Where any relative or friend of any person who is in custody under sub-section (*3*) of section 88 or under detention under sub-section (*4*) of that section desires that he should be delivered to his care and custody, the Central Government may, upon application by such relative or friend and, on his giving security to the satisfaction of that Government that the person delivered shall be properly taken care of, and, prevented from doing injury to himself or to any other person, and be produced for the inspection of such officer, and at such times and places, as the Central Government may direct, order such person to be delivered to such relative or friend.

93. Order for custody and disposal of property pending trial.—When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before a Coast Guard Court during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

94. Order for disposal of property regarding which offence is committed.—(*1*) After the conclusion of a trial before a Coast Guard Court, an officer not below the rank of a Deputy Inspector-General within whose command the trial was held, may make such order as he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(*2*) Where any order has been made under sub-section (*1*) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within India or not, be sent to a Magistrate within whose jurisdiction such property for the time being is situated, and such Magistrate shall thereupon cause the order to be carried out into effect as if it were an order passed by him under the provisions of the Code of Criminal Procedure, 1973 (2 of 1974).

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(*3*) In this section, the term "property" includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any person, but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

95. Powers of Coast Guard Court in relation to proceedings under this Act.—Any trial by a Coast Guard Court under the provisions of this Act shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860) and the Coast Guard Court shall be deemed to be a court within the meaning of sections 345 and 346 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER IX

EXECUTION AND SUSPENSION OF SENTENCES

96. Form of sentence of death.—In awarding a sentence of death, a Coast Guard Court shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead or shall suffer death by being shot to death.

97. Interim custody until execution of sentence of death.—A person sentenced to death may be detained in Coast Guard custody or may be removed to a civil prison to be kept in custody until further orders are received from the Central Government, the Director-General or the convening authority of the Coast Guard Court by which he was sentenced to death or other prescribed officer, and the order of the Central Government, the Director-General or the convening authority or such officer shall be sufficient warrant for detaining the person in custody.

98. Execution of sentence of death.—(*1*) When a sentence of death is to be executed, the Director-General or the convening authority or the prescribed officer shall give directions as to the time, place and manner in which such sentence is to be carried out and the order of such officer or authority in the prescribed form shall be sufficient warrant for the execution of such sentence.

(*2*) There shall be attached to the prescribed form, an order of the Central Government certifying the confirmation of the sentence by the Central Government.

99. Commencement of sentence of imprisonment or detention.—Whenever any person is sentenced under this Act to imprisonment or detention, the term of the sentence shall be reckoned to commence on the date on which the sentence was awarded.

100. Execution of sentence of imprisonment.—(*1*) Whenever any sentence of imprisonment is passed under this Act or whenever any sentence of death is commuted to imprisonment, the presiding officer of the Coast Guard Court which passed the sentence or such other officer as may be prescribed shall direct that the sentence shall be carried out by confinement in a civil prison.

(*2*) When a direction has been made under sub-section (*1*), the Commanding Officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

101. Temporary custody of offender.—Where a sentence of imprisonment is directed to be undergone in a civil prison, the offender may be kept in Coast Guard custody or in any other fit place, till such time as it is possible to send him to a civil prison.

102. Conveyance of prisoner from place to place.—A person under sentence of imprisonment may during his conveyance from place to place, or when on board a ship, aircraft or otherwise, be subject to such restraint as is necessary for his safe conduct and removal.

103. Communication of certain orders to prison officers.—Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such person as may be prescribed, to the officer in charge of the prison in which such person is confined.

104. Execution of sentence of fine.—When a sentence of fine is imposed by a Coast Guard Court under section 53, a copy of such sentence signed and certified by the presiding officer of the court may be sent to any Magistrate in India and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), as if it were a sentence of fine imposed by such Magistrate.

105. Informality or error in the order or warrant.—Whenever any person is sentenced to imprisonment under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in, or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into, or is confined in any such place, and any such order, warrant or document may be amended accordingly.

106. Imprisonment or detention of offender already under sentence.—Whenever a sentence is passed by a Coast Guard Court on a person already under sentence either of imprisonment or detention passed on him under this Act for a former offence, the court may award a sentence of imprisonment or detention for the offence for which he is under trial to commence at the expiration of the sentence of imprisonment or detention to which he has been previously sentenced:

Provided that so much of any term of detention imposed on a person by a sentence in pursuance of this section as will prolong the total term of detention beyond two years shall be deemed to be remitted.

107. Suspension of sentence of imprisonment or detention.—(*1*) Where a person subject to this Act is sentenced to imprisonment or detention, the Central Government, the Director-General, the Commanding Officer imposing the sentence or any prescribed officer may suspend the sentence whether or not the offender has already been committed to prison or to Coast Guard custody.

(*2*) The authority or officer specified in sub-section (*1*) may, in the case of an offender so sentenced, direct that until the orders of such authority or officer have been obtained, the offender shall not be committed to prison or to Coast Guard custody.

(*3*) The powers conferred by sub-sections (*1*) and (*2*) may be exercised in the case of any such sentence which has been reduced or commuted.

108. Release on suspension.—Where a sentence is suspended under section 107, the offender shall forthwith be released from custody.

109. Computation of period of suspension.—Any period during which the sentence is under suspension shall be reckoned as part of the term of such sentence.

110. Order after suspension.—The authority or officer specified in section 107 may, at any time while a sentence is suspended, order—

(*a*) that the offender be committed to undergo the unexpired portion of the sentence; or

(*b*) that the sentence be remitted.

111. Reconsideration of case after suspension.—(*1*) Where a sentence has been suspended, the case may at any time, and shall at intervals of not more than four months, be reconsidered by the authority or officer specified in section 107, or by any officer not below the rank of a Deputy Inspector-General duly authorised by the authority or officer specified in section 107.

(*2*) Where on such reconsideration by the officer so authorised it appears to him that the conduct of offender since his conviction has been such as to justify a remission of the sentence, he shall refer the matter to the authority or officer specified in section 107.

112. Fresh sentence after suspension.—Where an offender, while a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(*a*) if the further sentence is also suspended under this Act, the sentence shall run concurrently;

(*b*) if the further sentence is for a period of three months or more and is not suspended under this Act, the offender shall also be committed to prison or Coast Guard custody for the unexpired portion of the previous sentence, but both sentences shall run concurrently; and

(*c*) if the further sentence is for a period of less than three months and is not suspended under this Act, the offender shall be so committed on that sentence only, and the previous sentence shall, subject to any order which may be passed under section 110 or section 111 continue to be suspended.

113. Scope of power of suspension.—The powers conferred by sections 107 and 110 shall be in addition to, and not in derogation of, the power of mitigation, remission and commutation.

114. Effect of suspension and remission on dismissal.—(*1*) Where in addition to any other sentence, the punishment of dismissal has been awarded under this Act and such other sentence is suspended under section 107, then, such dismissal shall not take effect until so ordered by the authority or officer specified in section 107.

(*2*) If such other sentence is remitted under section 110, the punishment of dismissal shall also be remitted.

CHAPTER X

CHIEF LAW OFFICER AND LAW OFFICERS

115. Appointment of Chief Law Officer and Law Officers.—(*1*) There shall be appointed by the Central Government, a Chief Law Officer and as many Law Officers as the Central Government may deem necessary.

(*2*) A person shall not be qualified for appointment as Chief Law Officer unless he—

(*a*) is a citizen of India; and

(*b*) has for at least ten years held a judicial office in the territory of India; or

(*c*) has for at least ten years been an advocate of a High Court or two or more such Courts in succession:

Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (*b*) or clause (*c*) in respect of any person.

(*3*) A person shall not be qualified for appointment as Law Officer unless he—

(*a*) is a citizen of India, and

(*b*) is qualified for enrolment as an advocate of a High Court.

Explanation.—For the purposes of this section,—

(*a*) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held a judicial office after he became an advocate;

(*b*) the expression "judicial office" shall be deemed to include the post of Law Officer.

116. Functions of Chief Law Officer.—(*1*) It shall be the duty of the Chief Law Officer to perform such duties of a legal and judicial character pertaining to the Coast Guard as may, from time to time, be referred or assigned to him by the Central Government or the Director-General, and to discharge the functions conferred on him by or under this Act.

(*2*) The functions of the Chief Law Officer shall, in his absence or otherwise, be performed by such Law Officer as may be designated in this behalf by the Director-General.

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CHAPTER XI

JUDICIAL REVIEW OF PROCEEDINGS OF COAST GUARD COURTS

117. Judicial review by the Chief Law Officer.—(*1*) All proceedings of trials by Coast Guard Courts shall be reviewed by the Chief Law Officer either on his own motion or on application made to him within the prescribed time by any person aggrieved by any sentence or finding, and the Chief Law Officer shall transmit the report of such review together with such recommendations as may appear to him just and proper to the Director-General for his consideration and for such action as the Director-General may think fit.

(*2*) Where any person aggrieved has made an application under sub-section (*1*), the Chief Law Officer may, if the circumstances of the case so require, give him an opportunity of being heard either in person or through a legal practitioner or an officer of the Coast Guard.

118. Consideration by the Director-General.—(*1*) On receipt of the report and recommendations, if any, under section 117, the Director-General shall in all cases of sentences of death, and in all cases where the Coast Guard Court is convened by the Central Government, and may, in other cases, transmit the proceedings and the report to the Central Government together with such recommendations as he may deem fit to make.

(*2*) Nothing in section 117 or this section shall authorise the Chief Law Officer or the Director-General to make any recommendation for setting aside, or the Central Government to set aside, an order of acquittal passed under this Act.

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CHAPTER XII

MODIFICATION OF FINDINGS AND SENTENCES, PARDONS, COMMUTATION AND REMISSION OF SENTENCES

119. Petitions to Central Government or Director-General against findings and sentences.—Any person subject to this Act who considers himself aggrieved by a finding or sentence of any Coast Guard Court may present a petition to the Central Government or to the Director-General, and the Central Government or the Director-General, as the case may be, may pass such orders thereon as it or he may think fit.

120. Powers of Central Government and Director-General in respect of findings and sentences.—(*1*) Where any person is tried under the provisions of this Act, the Central Government or the Director-General may, in the case of a conviction,—

(*a*) set aside the finding and sentence and acquit or discharge the accused or order him to be re-tried; or

(*b*) alter the finding without modifying the sentence if such sentence may be legally passed on the altered finding; or

(*c*) with or without altering the finding, reduce the sentence or commute the punishment awarded for any punishment inferior in scale; or

(*d*) either with or without conditions, pardon the person or remit the whole or any part of the punishment awarded; or

(*e*) with or without conditions release the person on parole:

Provided that a sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded:

Provided further that nothing in this sub-section shall authorise the Central Government or the Director-General to enhance the sentence.

(*2*) Any sentence modified under the provisions of sub-section (*1*) shall be carried into execution as if it had been originally passed.

(*3*) If any condition on which a person has been pardoned or has been released on parole or a punishment has been remitted is in the opinion of the authority which granted the pardon, release or remission not fulfilled, such authority may cancel the pardon or release or remission and thereupon the sentence awarded shall be carried into effect as if such pardon, release or remission had not been granted:

Provided that in the case of a person sentenced to imprisonment or detention, such person shall undergo only the unexpired portion of the sentence.

CHAPTER XIII

MISCELLANEOUS

121. Powers and duties conferrable and imposable on members of the Coast Guard.—(*1*) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such inland area adjoining the coast of India, as may be specified in the order, any member of the Coast Guard may,—

(*i*) for the purpose of prevention of any offence punishable under the Passport (Entry into India) Act, 1920 (34 of 1920), the Emigration Act, 1922 (7 of 1922), the Registration of Foreigners Act, 1939 (16 of 1939), the Foreigners Act, 1946 (31 of 1946), the Merchant Shipping Act, 1958 (44 of 1958), the Customs Act, 1962 (52 of 1962), the Passports Act, 1967 (15 of 1967), the Foreign Exchange Regulation Act, 1973 (46 of 1973), or the Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976 (80 of 1976), or of any cognizable offence punishable under any other Central Act; or

(*ii*) for the purpose of apprehending any person who has committed any offence referred to in clause (*i*),

exercise or discharge such of the powers or duties under that Act or any other Central Act as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that or such other Act empowered to exercise or discharge for the said purposes.

(*2*) The Central Government may, by general or special order published in the Official Gazette, direct, with the concurrence of the State Government concerned, that any of the powers or duties which may be exercised or discharged under a State Act by a police officer may, subject to such conditions and limitations, and within the local limits of such inland area adjoining the coast of India, as may be specified in the order, be exercised or discharged by a member of the Coast Guard who, in the opinion of the Central Government, holds a corresponding or higher rank.

(*3*) The Central Government may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations, and within the local limits of such area in any maritime zone of India, as may be specified in the order, any member of the Coast Guard may,—

(*i*) for the purpose of prevention of any offence punishable under any enactment which extends for the time being to such area; or

(*ii*) for the purpose of apprehending any person who has committed any offence referred to in clause (*i*),

exercise or discharge such of the powers or duties under that enactment, as may be specified in the said order, being the powers and duties which, in the opinion of the Central Government, an officer of the corresponding or lower rank is by that enactment empowered to exercise or discharge for the said purposes.

(*4*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

122. Protection for acts of members of the Coast Guard.—(*1*) In any suit or proceeding against any member of the Coast Guard for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the Coast Guard shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Coast Guard for anything done or intended to be done under the powers conferred by, or in pursuance of any provision of this Act or the rules, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding.

123. Power to make rules.—(*1*) The Central Government may, by notification, make rules for the purpose of carrying into effect the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for,—

(*a*) the constitution, governance, command and discipline of the Coast Guard;

(*b*) the enrolment of persons to the Coast Guard and the recruitment of other members of the Coast Guard;

(*c*) the conditions of service (including service privileges and deductions from pay and allowances) of members of the Coast Guard;

(*d*) the rank, precedence, powers of command and authority of the officers, subordinate officers and other enrolled persons;

(*e*) the removal, retirement, release or discharge from the service of officers, subordinate officers and other enrolled persons;

(*f*) the purposes and other matters required to be prescribed under section 13;

[1][(*fa*) the manner in which proceedings may be initiated under section 57A;]

(*g*) the additional matters in respect of which the Coast Guard may undertake measures in the performance of its functions;

(*h*) the convening, constitution, adjournment, dissolution and sittings of Coast Guard Courts, the procedure to be observed in trials by such courts, the persons by whom an accused may be defended in such trials and the appearance of such persons thereat;

(*i*) the forms of orders to be made under the provisions of this Act relating to Coast Guard Courts and the awards and infliction of death, imprisonment and detention;

(*j*) the carrying into effect of sentences of Coast Guard Courts;

(*k*) any matter necessary for the purpose of carrying this Act into execution, as far as it relates to the investigation, arrest, custody, trial and punishment of offences triable or punishable under this Act;

(*l*) the procedure relating to the exercise of powers under section 120;

(*m*) the ceremonials to be observed and marks of respect to be paid in the Coast Guard;

1. Ins. by Act 44 of 2002, s. 11 (w.e.f. 12-8-2002).

(*n*) any other matter which is to be, or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary for the proper implementation of this Act.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

The need for the setting up of a Coast Guard organisation for the purpose of ensuring the safety of navigation in our waters, protection of our off-shore installations and fishing interests, organising salvage and pollution control measures and enforcement of national laws in our maritime zones, including assistance to customs authorities in anti-smuggling operations, has, for some time, been acutely felt as the development of these services has not kept pace with the substantial increase in the number of activities in our maritime zones. To meet this demand, an interim Coast Guard consisting of a few vessels was formed in early 1977 as part of the Indian Navy for exclusive deployment on the abovementioned services. However, considering the nature of the Force and the purposes for which it would be employed, it is now considered appropriate that the Coast Guard be constituted as a separate armed force of the Union under a Director-General and should be regulated under a separate self-contained statute which will provide for its special needs, especially the needs of efficiency and discipline. The present Bill seeks to achieve this object.

2. As the Coast Guard is charged with the protection of maritime and other national interests in the maritime and coastal regions of India, the Bill seeks to ensure that the standards of efficiency and discipline of the Force are of a very high order.

3. The notes on clauses explain in brief the various provisions of the Bill.

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NEW DELHI; JAGJIVAN RAM.

The 14*th July,* 1978.