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Coast Guard (Condition of Service) Rule, 1986

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MINISTRY OF DEFENCE

NOTIFICATION

Dated the 12 November1986

S.R.O. 20(E) - In exercise of the powers conferred by sub-section (1) and clauses (b) and (c) of sub-section (2) of section 123 of the Coast Guard Act, 1978 (30 of 1978), the Central Government hereby makes the following rules namely:-

Part –I

PRELIMINARY

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1. Short title and commencement. - (1) These rules may be called the Coast Guard (Conditions of Service) Rules, 1986.

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

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

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

(b) "BUVIK" means Officer-in-Charge of the Bureau of Navik;

(c) "Coast Guard Region" means, -

(i) The Coast Guard Region, West, comprising of the coastal areas and the maritime zones of India along the coastal areas of the States of Gujarat, Maharashtra, Karnataka, Kerala and the Union territories of Goa, Daman and Diu and Lakshdweep.

(ii) The Coast Guard Region, East, comprising of the coastal areas and the maritime zones of India along the coastal areas of the States of Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and the Union territory of Pondicherry.

(iii) The Coast Guard Region, Andaman and Nicobar Islands, comprising of coastal areas and the maritime zones of India along the coastal areas of the Union territory of Andaman and Nicobar Islands.

Part-II

CONDITIONS OF SERVICE

CHAPTER - I

OFFICERS

3. Appointment. - (1)The Central Government may appoint such persons as it considers to be suitable as officers in the Coast Guard. Officers shall be recruited in accordance with the recruitment rules for various categories of officers.

(2) Procedure for recruitment shall be as promulgated by the Central Government from time to time.

4. Transfers. - (1) After initial appointment to the Service, officers shall be liable for transfer within the service as decided by the Director-General. Officers shall be appointed by the verbal or written orders of the Director General.

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Provided that the appointment or transfer of the officers of the rank of Inspector General and equivalent posts, shall be made by the Director General with the prior approval of the Central Government.

(2) Officers shall not be permitted to select or decline appointment.

(3) Applications to have an appointment cancelled shall not be made except for urgent reasons, which are to be stated fully in writing. If an officer makes such an application, his commanding officer or superior authority shall state whether or not he recommends that the application shall be granted.

(4) Applications for appointments to particular ship or establishment, shall be considered as objectionable and shall not be forwarded to the Director General but if two officers desire to exchange their appointments, and provided that adequate reasons are given, an application for exchange may be submitted by the commanding officers of the respective ships stating thereon that they have no objection to the request complied with but if they have objections these shall be specified.

(5) The commanding officer shall bear in mind that no application for the discharge or transfer of an officer from his ship, nor for such lengthened leave of absence as to

render his return improbable, will be entertained unless he shall certify on the application that he is satisfied with the conduct of such officer. He shall also certify on every application for discharge or transfer, that the request is not made for the purpose of removing the officer from the ship in consequence of any misconduct.

(6) Though the conduct of an officer may not be such as to warrant disciplinary action by Coast Guard Court, he may be considered unsuitable for the appointment he holds, for example through lack of professional ability, personal qualities or conduct. Where his shortcomings compel his Commanding Officer to apply for his relief, the officer shall be fully informed before the application is forwarded to the Director-General. The application must be accompanied by or comprised in a report upon the officer and those adverse parts of the report of which the officer has been informed shall be underlined in red ink. The adverse remarks shall be shown to the officer in accordance with instructions issued by the Director-General from time to time.

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5. Officers to report non-availability. - When an officer is not immediately available for employment from any cause whatever, he shall report the fact, for the information of the Director-General through the usual channels.

6. Liability for service. - (1) All officers are liable for service with any other Armed Force of the Union as may be directed by the Government. In selecting officers for such service, preference may be given to volunteers, but if the requisite number of suitable volunteers, is not forthcoming, officers may be detailed as for any other appointment.

(2) All officers are liable for service in any civil or other appointment whether in India or abroad as may be directed by the Central Government.

7. Removal of Commanding Officer. - (1) An officer in command of a ship to which he has been properly appointed shall not, except as hereinafter provided be removed from his command by any superior officer without the prior approval of the Director-General.

(2) Where the circumstances are such which render the removal of an officer from the command of a ship essentially necessary for the public service and are so urgent as not to permit to prior reference to the Director-General, the Inspector-General under whom the Commanding Officer is serving may direct the removal of the officer from command, reporting the circumstances immediately to the Director-General.

(3) Where a vacancy arises in command of a ship, the Inspector-General concerned may appoint a suitable officer to the command of such ship, reporting the circumstances to the Director-General.

(4) Any appointment made under sub-rules (2) and (3) shall be provisional until the final directions of the Director-General are obtained.

8. Local appointments and Transfers. - Commanders of Coast Guard Regions may order transfer of officers other than commanding officers within the region in exceptional circumstances. Such transfers shall be reported to the Director-General immediately.

9. Training. - (1) On recruitment to the service, officers shall undergo a course of training promulgated by the Director-General.

(2) Selected officers shall be eligible to undergo specialisation courses prescribed for the service.

10. Promotions. - (1) Promotions to various ranks shall be as prescribed in the recruitment rules for each rank.

(2) Seniority, qualifications, procedure for promotions and constitution of Departmental Promotion Committee shall be as promulgated by the Central Government from time to time.

(3) Officers shall be promoted to the next higher rank on fulfillment of conditions/ qualifications as promulgated and subject to availability of vacancies in a particular rank.

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CHAPTER – II

ENROLLED PERSONS

11. Recruitment. - The Director General may recruit enrolled persons required for the service as per the recruitment rules prescribed for various categories of persons.

12. Liability for service. - (1) All enrolled persons are liable for service with any other Armed Force of the Union as may be directed by the Director-General. In selecting personnel for such service, preference shall be given to volunteers. If the requisite number of suitable volunteers is not forthcoming, persons may be transferred as considered necessary by the Director-General.

(2) All enrolled persons are liable for service in any civil or other appointment whether in India or abroad as may be directed by the Director-General.

13. Transfer of enrolled persons. - (1) Enrolled persons shall be liable for transfer within the service.

(2) The officer-in-charge Bureau of Naviks shall be responsible for issuing transfer orders of enrolled persons and for keeping complete and up-to-date records of the whereabouts of all enrolled persons.

(3) No enrolled person shall be prejudiced in his rank by being transferred to another ship, should there be no equivalent rank in the ship to which he was transferred. In such cases, the person shall be borne as additional.

14. Discharge from ship's book. - (1) No person is to be discharged from the ship's book without the authority of the Director-General, or the Deputy Inspector-General under whom the person is serving except for any of the reasons mentioned in sub-rule (2).

(2) An enrolled person may be discharged from the ship's book without the authority as mentioned in sub-rule (1) in case of death, desertion, transfer, training, sickness, dismissal or sentence of Coast Guard Court.

(3) Unless orders are received to the contrary, all enrolled persons discharged from the ship's book shall be transferred to the Bureau of Naviks for disposal.

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15. Transfer between branches. (1) Transfer from one branch to other may be allowed only, subject to the approval of the Director General.

(2) The Director-General shall not consider an application for transfer unless : —

(a) there are vacancies in the branch to which transfer is desired and the training of applicant for the new branch can be arranged,

(b) the application is recommended by his Commanding Officer and the applicant possesses the prescribed educational qualifications and medical standard for the new branch,

(c) the transfer is otherwise in the interest of the service.

(3) Applications from enrolled persons for transfer from one branch to other shall be submitted to the Officer-in-Charge Bureau of Naviks for onward transmission to the Director-General.

(4) Transfer shall be to the lowest rank in which persons are normally entered in the new branch but may be relaxed at the discretion of the Director-General.

(5) When the transfer is necessary due to medical reasons, the enrolled persons may normally be transferred subject to the above provisions in the equivalent rank.

16. Training. - Persons recruited to the service shall undergo a course of training prescribed by the Director-General from time to time.

17. Promotion. (1) Enrolled persons shall be eligible for promotion as per the provisions of recruitment rules for various categories of personnel.

(2) Seniority, qualifications, procedure for promotion, reversion and constitution of Departmental Promotion Committee shall be as promulgated by the Central Government from time to time.

(3) Enrolled persons shall be promoted to the next higher rank on fulfillment of conditions / qualifications, as promulgated and subject to the availability of vacancies.

18. Effect of conviction by civil authorities. - When an enrolled person is convicted by a civil authority and receives any punishment for an offence which has brought disgrace or discredit on the uniform, the service or the position which the person holds, he may be awarded the following penalties with the prior approval of the Inspector-General in Coast Guard headquarters, namely : —

(a) Break in continuity of very Good Conduct (The date of break in such cases shall be the date of conviction).

(b) Award of inferior character on the next occasion of assessment.

CHAPTER – III

ASSESSMENT OF CHARACTER AND CONDUCT

19. Assessment of Character. - (1) Enrolled persons shall be assessed for character by the Commanding Officer under one of the following terms on the occasions prescribed in rule 26 :—

Very Good, to be written	V.G.
Very Good (Star), to be written	V.G.*
Good, to be written	Good

Fair, to be written	Fair
Indifferent, to be written	Indifferent
Bad, to be written	Bad

(2) In assessing the character of an enrolled person, the Commanding Officer shall consult the Executive Officer and the Divisional Officer of the enrolled person as well as any other officer who may have special knowledge of the person. He shall fully consider all the entries on page 29 of the service book of the person since the date of the last character assessment and his general character and efficiency.

(3) Where an enrolled person has been transferred from another ship, or has been embarked, immediately preceeding the 31st December, the Commanding Officer shall take into consideration the remarks made on his Divisional/Departmental Officers, remarks sheet and assessment of conduct.

(4) Where an enrolled person has been temporarily transferred for any course and is to return to the parent ship, the assessment shall be made by the parent ship.

(5) The actual character assessment to be given to any enrolled person shall be at the discretion of the Commanding Officer, subject to the maximum assessments prescribed in rules 20 to 25 and to any inferior assessment already approved. Any assessment which is below the maximum allowable, for example, "Good" when "Very Good" or "Very Good (Star)", is permissible or "Fair" when "Good" is permissible, shall be underlined by the Commanding Officer in order that there may be no question that the assessment has been made advisedly. When considering such discretionary assessments, the Commanding Officer shall bear in mind that any discretionary assessment involves a break in the continuity of the enrolled person's "Very Good" conduct and therefore has an adverse effect on the award or restoration of badges, and on promotion.

(6) If a sentence be quashed, the sentence originally awarded shall not effect the maximum character assessment for which the enrolled person is otherwise eligible.

(7) If a sentence be reduced, the enrolled person shall be eligible for the maximum character assessment applicable to the reduced sentence.

(8) If a sentence be suspended before a committal order is issued, the effect upon character entailed by the infliction of the suspended sentence shall also be regarded as suspended.

(9) With the exception in sub-rules (6) to (8) the maximum character assessment shall be governed by the sentence as awarded and shall not be affected by remission earned by the offender or granted by the Government, or by discharge of the offender from prison or detention under section 103 of the Act.

(10) A conviction by the civil authority shall not be taken into consideration in the assessment of character, unless an inferior character was either specially approved or was entailed by any other consequential Coast Guard penalty following conviction by the civil authority as per rule 18.

20. "Very Good". - "Very Good" is the highest character assessment attainable even by the enrolled person whose behaviour has been exemplary throughout the year. It shall not, therefore, be awarded automatically to an enrolled person whose general behaviour has not been satisfactory, merely because he has avoided major punishments.

21. "Very Good (Star*)". - (1) The privilege of a "Very Good (Star*)" character is granted in order that an enrolled person may not, by one slip, forfeit the rewards due to an otherwise unblemished record. The Commanding Officer may assess an enrolled person's character as "Very Good (Star*)" once during his career, notwithstanding that an assessment of "Very Good" has been precluded by deprivation of one Good Conduct Badge.

(2) This privilege shall not be allowed unless the Commanding Officer is entirely satisfied with the behaviour, conduct and work of the enrolled person for the year, apart from the offence which resulted in the punishment mentioned in sub-rule (1).

(3) When an offender's sentence is suspended before committal, he has, having been convicted, made the one slip which the privilege of "Very Good (Star*)" is intended to cover and consequently the character assessment of such an enrolled person for the year in which he has received a suspended sentence shall not be "Very Good".

The assessment may be "Very Good (Star*)" subject to : —

(a) the provisions regarding effect of suspension of sentences upon consequential penalties;

(b) the provisions of sub-rule (2) and sub-rule (4);

(c) the effect of any other punishment awarded during the year;

(d) the award of "Very Good (Star*)" not being precluded by a previous award of "Very Good (Star*)".

(4) Enrolled persons who have previously received a character below "Very Good" are not eligible for the concession, nor are enrolled persons who have had an inferior assessment specially altered with the prior approval of the Director-General to "Very Good" unless the alteration followed automatically upon the cancellation of a punishment, and then only with the prior approval of the Director-General.

(5) An enrolled person with previous assessment of "Very Good (Star*)" or below, whose character is being assessed for a year in which he had received a suspended sentence, shall not receive a character higher than "Good".

(6) "Very Good (Star*)" shall be regarded as equivalent to "Very Good" for all purposes which entail consideration of character the asterisk being placed against the award to ensure that no enrolled person received such special consideration more than once during his service.

(7) "Very Good (Star*)" cannot be awarded as discretionary assessment to an enrolled person, whose general behaviour during the year is considered by the Commanding Officer not to warrant as assessment of "Very Good".

22. "Good". - (1) Subject to the provisions of rule 21 for the award of "Very Good", a higher character than "Good" shall not be given to any enrolled person if during the period for which his character is being assessed he has been awarded any of the following punishments, namely:—

(a) Reduction in rank;

(b) deprived of one or more Good Conduct Badges;

(c) sentenced to detention or imprisonment or both less than 30 days.

(2) If an enrolled person has been awarded two or more of the above punishments during the year, it shall be open to the Commanding Officer to award an assessment lower than "Good" if he thinks fit. Such a lower assessment shall be underlined.

(3) A higher character than "Fair" shall not be given to any enrolled person who is discharged from the service as unsuitable.

23. "Fair". - A higher character than "Fair" shall not be given to any enrolled person if during the period for which his character is being assessed has been sentenced to be punished in any of the following ways, namely :—

(a) sentenced to detention or imprisonment or both for 31 days or more but less than 60 days;

(b) dismissed without any additional punishment that could affect his character.

24. "Indifferent". - A higher character than "Indifferent" shall not be given to any enrolled person if during the period for which character is being assessed he has been sentenced to detention or imprisonment or both for 61 days or more.

25. "Bad". - "Bad" character may be given only on discharge from the service to enrolled persons who have been : —

(a) dismissed or discharged after conviction for particularly vicious offences;

(b) dismissed or discharged for misconduct after long records of previous misconduct with several earlier assessments of "Fair" or 'Indifferent".

26. Record of character assessment. - (1) The character of every enrolled person borne on the books of a ship shall be recorded on page 23/24 of his service book by the Commanding Officer, who shall insert the entry in his own handwriting and write his signature on the same line as the character awarded, as follows;—

(a) On the 31st December in each year, except where enrolled persons are waiting trial for desertion.

(b) On being marked "RUN" , but not to be recorded until final discharge from ship's books unless the enrolled person is in desertion on the 31st December of the year in which he is marked "RUN".

(c) On discharge from the service, except where an enrolled person sentenced to imprisonment is to be discharged direct from the prison to civil life. In such circumstances, his character shall be assessed on the date he is discharged from ship's book.

(2) If an enrolled person dealt with under clause (b) or clause (c) of sub-rule (1) rejoins the service within the year, the assessed character awarded on the 31st December shall cover the whole year, the intermediate character awarded on desertion or discharge being ruled through. This does not apply to recovered deserters awaiting trial at the end of the year; their character shall not be assessed on the 31st December.

27. Reassessment of character. - (1) Assessments higher than those permitted by rules 20 to 25 shall be corrected, with the approval of the Director-General but those properly made by the Commanding Officer in accordance with sub-rule (5) of rule 19 are final and shall not be subject to review unless one of the following conditions is fulfilled, when application may be made to the Director-General for re-assessment, namely : —

(a) the assessment has come to have an effect which could not have been foreseen at the time it was awarded and which, taking into consideration also the length

and quality of subsequent service, is now unduly severe. An application for review on these grounds may be forwarded only within the last year before completion of time for pension or on discharge if earlier. No application shall be entertained when the character record during pensionable service includes an assessment below "Good" or more than one assessment other than "Very Good" (for example one "Very Good (Star*)") and "Good" except in very exceptional circumstances (for example because of recognition given for an act of personal gallantry);

(b) there is good reason to believe that a character assessment which is lower than the highest assessment which could have been given, under rules 20 to 25 was not given advisedly. An application for review on these grounds may be made as soon as possible after the assessment has been communicated. If the application is not made within a reasonable period, it shall include the reasons for the delay;

(c) the assessment was unfair or the punishment which affected the assessment was unjust or unduly severe in itself or in its immediate affects. An application for review on these grounds shall follow the procedure prescribed for making complaints. Any such complaints shall be made as soon as possible, while the facts are still ascertainable.

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(2) The only applications for the review of character assessment which may be considered after an enrolled person has been released are those relating to the final assessment on discharge and such applications shall be considered only if appeal is made on discharge or within 3 months after the date of discharge. Any enrolled person who expresses dissatisfaction with the assessment given on his discharge, shall be warned that any appeal to the Director-General must be made within three months.

28. Assessment of conduct. - (1) An enrolled person's conduct if assessed as Very Good from the date he joins the service an entry to that effect shall be made on page 27/28 of the service book. The standard required for the maintenance of Very Good Conduct is not the same as that for award of Very Good Character, but is a higher and more exacting one. To maintain the standard, a person must have conducted himself with sobriety, diligence and attention.

(2) Very Good Conduct is not given by a person's character as assessed on page 23/24 of his service book. Except as provided in clause (c) of sub-rule (1) of rule 29 and subject to the provisions of these rules, the latter part of a year for which character lower than Very Good has been awarded may be regarded by the Commanding Officer as a period of Very Good Conduct.

29. Break in continuity of Very Good Conduct. - (1) A break in continuity of Very Good Conduct is obligatory under the following circumstances:—

(a) When a person is awarded a sentence of dismissal, imprisonment, detention, reduction in ranks or deprivation of Good Conduct Badges. The mere fact of conviction shall constitute a break in the continuity of the Very Good Conduct regardless of the fact that a sentence is suspended before committal and subsequently remitted partially or wholly. If however, the sentence is proved to be wholly unjustified and is quashed, break in the continuity of Very Good Conduct shall not be obligatory.

(b) When a discretionary character lower than Very Good is awarded as a consequence of a number of minor offences none of which by itself necessitate a break in the continuity of Very Good Conduct.

(c) When a Good Conduct Badge is intentionally not awarded when due or after the period of deferment.

(d) When restoration of the Good Conduct Badge has been intentionally delayed.

(e) When on conviction by the civil authority any of the penalties as mentioned in rule 18 are awarded.

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(2) The commencement and a break in the continuity of very good conduct shall be specifically recorded on page 27/28 of the service book.

(3) The date on which Very Good Conduct is broken and the reason thereof shall be communicated to the Officer-in-Charge, Bureau of Naviks by issue of a Genform immediately on occurrence.

(4) The date of re-commencement of Very Good Conduct after a break in its continuity shall be recorded in the appropriate column on page 27/28 of the service book as per table appended.

TABLE

Cause for break in conduct	Date of recommencement
1	2
(a) Imprisonment/Detention.	On the day after release from such prison/ detention quarters.

(b) When the sentence of imprisonment / detention is suspended.	On the following day of suspension.
(c) Reduction in rank and deprivation of Good Conduct Badge.	On the day after the date of sentence.
(d) When discretionary character assessment awarded.	The date following the date of award of discretionary character assessment.
(e) Good Conduct Badge not awarded when due or after period of deferment.	The day after the person completed the necessary period of service with Very Good Conduct to qualify for consideration for award or the badge in the first place.
(f) When restoration is intentionally delayed.	The day after a person completed the necessary period of service with Very Good Conduct to qualify for consideration in for the restoration of badge in the first place.
(g) Conviction by civil authority.	On the day after the date of conviction.

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CHAPTER - IV
GOOD CONDUCT BADGES

30. Award of good conduct badges. - All enrolled persons shall be eligible for the award of Good Conduct Badges in accordance with these rules. Good Conduct Badge shall not be awarded or restored as a matter of course merely because a person has avoided serious punishments. If the Commanding Officer is satisfied that an enrolled person is fully qualified in accordance with these rules and is deserving of the award, a badge shall be conferred, when due. The maximum number of badges that an enrolled person may earn during his service shall be three.

31. Service qualification. - (1) Before a person can be considered for the award of Good Conduct Badge, he must have completed the following periods of qualifying service:—

(a) For first Good Conduct Badge 4 Years

(b) For second Good Conduct Badge 8 Years

(c) For third Good Conduct Badge 12 Years

(2) The entire service in the Coast Guard shall be reckoned as qualifying service with the exception of time for which pay is not allowed, for example, time lost during imprisonment, detention, desertion waiting trial for desertion, extraordinary leave or time during which a person has been out of service for any cause.

NOTE.— Extra-ordinary leave granted on medical certificate or due to inability of the individual to join duty on account of civil commotion will be reckoned as qualifying service.

32. Conduct qualification. - In addition to the qualifying service, a person must have qualified by conduct before being considered for the award of badge. The minimum requirement for the award of each badge is continuous very good conduct during the two years of reckonable service immediately preceding the award of the badge.

33. Additional qualifications. - In addition to the specific conditions laid down in rules 31 and 32, a person must have been properly in continuous possession of the preceding badge/badges for the 12 months of actual service immediately prior to the award of the second or third badge, as the case may be.

34. **Commanding Officer's decision regarding award or deferment.** - (1) When a person is qualified for consideration in accordance with these rules, the Commanding Officer shall consider the award of badge whether the person applies for the same or not. If the Commanding Officer decides that the person has maintained the requisite standard of conduct and is in all respects deserving badge, he shall award the badge with effect from the due date and record his decision in pencil on page 4 of the service book and on the Good Conduct Badges return as shown in Annexure. On receipt of Good Conduct Badge Return duly verified by the officer-in-charge Bureau of Naviks, the date of award as confirmed on the return shall be recorded on page 4 of the service book in ink.

(2) If after considering the award of a badge, the Commanding Officer decides that the person has clearly failed to reach the necessary standard (his decision shall operate as a break in the continuity of Very Good Conduct), the Commanding Officer's decision not to award the badge shall be recorded on page 4 of the person's service book alongside para 15. The break in very Good Conduct as well as the date of recommencement of very good conduct shall be recorded on page 27/28 of the service book. This entry shall be made in red ink and signed by the Commanding Officer.

(3) In appropriate cases, however, instead of deciding not to award the badge, the commanding officer may direct the person to appear before him again after a period not less than 3 or more than 6 months. This decision should be noted on page 4 alongside para 15 of the service book and during this period, the person shall not be promoted in rank.

(4) Should the Commanding Officer decide at the end of the period of deferment that

the person's conduct during the two years preceding that date may now be considered to have reached the qualifying standard, the badge shall be awarded from the date of such final decision and the entry on page 4 of the service book will be underlined to indicate that the deferment was intentional.

(5) If, however, at the end of the period of deferment, the commanding officer decides that the person's conduct is still below the requisite standard, the continuity of his Very Good Conduct shall be regarded as broken on the day he qualified for consideration of the award in the first instance. The fresh date of recommencement of Very Good Conduct, that is to say, the day after the person qualified for consideration in the first instance, shall be entered in red ink on page 27/28 of the service book and signed by the commanding officer.

(6) A person who has received one or more minor punishments not involving a break in the continuity of Very Good Conduct during the two years immediately preceding the award may nevertheless be deemed worthy of badge, if his general conduct and bearing are of the requisite standard. Conversely, although a person may not have been punished, the commanding officer might, in certain circumstances, consider him below the requisite standard.

(7) Before a person is deprived of a Good Conduct Badge, the commanding officer must invariably ascertain whether he is due for the award of any badges, and if he is due, then the commanding officer should consider the award of the badges with reference to the person's conduct prior to the commission of the offence with which he has been charged. If the conduct of the person so merits, the commanding officer should award the Good Conduct Badge due. The question of deprivation of a badge or badges shall then be considered on the merits of the case.

35. Good Conduct Badge return. - A return in duplicate as per format at Annexure shall be rendered by the commanding officer on first of every month to the officer-in-charge, Bureau of Naviks indicating Good Conduct Badges awarded to the personnel borne on the books of the ship.

(2) The officer-in-Charge, Bureau of Naviks, after verification shall return the original copy of the Return to the commanding officer.

36. Finality of awards by the Commanding Officer. - An award or restoration of a badge authorised by the Commanding Officer in accordance with these rules (duly verified by the Officer-in-Charge, Bureau of Naviks) shall be regarded as final and shall not be altered without prior approval of the Director-General.

37. Good Conduct Pay. - The possession of Good Conduct Badge in accordance with the provisions of these rules shall entitle a person to the Good Conduct Pay attached to the award/ awards.

38. Errors in the award of badges. - If a badge has been awarded or restored from an incorrect date, the qualifying period during which that badge must have been held before a further badge can be awarded or restored shall commence from the correct date from which the said preceding badge ought to have been awarded or restored. Over payments, if any, made consequent on erroneous award shall not be recovered.

39. Counting of former service. - (1) Ex-Naval personnel who have been absorbed permanently in the Coast Guard will be allowed to wear Good Conduct Badges earned by them in the Navy. They will also be allowed to count their former service for the award of Good Conduct badge in the Coast Guard subject to a maximum of 3 Good Conduct Badges. Ex-service personnel other than ex-naval personnel, will however, count their time for award of these badges from the date of entry into the Coast Guard service.

(2) Re-employed naval personnel will not enjoy any benefits of former service for the award of Good Conduct badges. They will count their time for the award of these badges from the date of entry into the Coast Guard. However, they will be permitted to wear the Good Conduct Badge(s) earned by them in the Navy without any monetary benefits. These badges will not be worn by persons who have been awarded punishment of detention or reduction to the rank or to a lower rank. The badges may be re-worn in accordance with sub-rule (2) of rule 40.

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40. Restoration of Good Conduct Badges. - (1) Restoration of Good Conduct Badge may be considered when it becomes due whether the person prefers his claim or not. The procedure in sub-rule (1) of rule 34 for the award of Good Conduct Badge shall be observed.

(2) One badge may be regained by 6 months Very Good Conduct and additional badges by further period of 6 months reckoned in case from the date of preceding restoration. If a person has been sentenced to deprivation a second time within three years of service after the first deprivation, the qualification shall be 12 months for the first restoration and six months for each subsequent restoration.

(3) Time which does not count for purposes of award shall not be reckoned towards restoration of badges.

(4) It shall be within the discretion of the Commanding Officer to delay the restoration of a badge if at the time restoration would normally be due, a person has failed to reach the required standard of conduct. When restoration of badge is delayed under this sub-rule, the continuity of "Very Good" Conduct shall be regarded as broken on the date on which the person completed six months or twelve months "Very Good" Conduct and a fresh period of qualification commences the following day. This procedure may be repeated until the required standard of conduct is attained. The fact that the restoration of a badge has been delayed shall be noted on page 4 of the person's service book.

(5) When a badge is restored after the normal date, the notation of restoration in the service book shall be under lined to indicate that the restoration has been advisedly delayed.

CHAPTER – V

LEGAL ADVICE, ENGAGEMENT OF COUNSEL AND DEFENCE OF PERSONNEL IN CRIMINAL COURTS AND COAST GUARD COURTS

41. Cases in which Coast Guard interested in prosecution. - In cases in which the Coast Guard is directly interested financially or otherwise in the prosecution of an offender in a Criminal Court (whether subject to the Coast Guard Act, 1978 or not), the following procedure shall be followed : -

(a) either the Advocate General of the State Government where the accused is prosecuted or, when the prosecution is directly controlled from the Coast Guard Headquarters, the Advocate /Counsel to the Government of India should be employed, who will if necessary, take further advice from the Advocate General, or the Government Advocate, according to the State in which the prosecution is being conducted;

(b) no prosecution shall be instituted without adequate legal advice being taken in writing and that no prosecution shall be instituted or withdrawn in any manner contrary to such legal advice without reference to the Central Government.

42. Prosecuting agency. - In such cases the prosecution will ordinarily be conducted by the Public Prosecutor, the prosecution staff of the Police Department the Government pleader or other Law Officer of the State Government concerned. In which case the expenses of the prosecution will be defrayed by the Government in the ordinary course.

43. Cases where government advocate cannot undertake the prosecution. - When, however, the employment of a Government Advocate or other Law Officer of the State Government concerned is not feasible owing to the nature of the case or for any other reason and the Government Advocate, who is consulted, advises the employment of special counsel, the fees, travelling and daily allowances of the latter may, on the advice of the Government Advocate concerned, be sanctioned by the Director-General who formally engages counsel. The Director-General is also empowered to meet expenditure on court fees, process fees, and the like, on a requisition to be made by the Advocate General or Central Government Advocate etc.

44. Settlement of fees. - The amount of fees agreed upon shall immediately be reported to the Central Government together with an estimate of the total cost involved. On conclusion of the case, a report of the result and a complete statement of costs shall be forwarded to the Central Government.

45. Procedure for defence of enrolled persons. - The following are the rules for the defence of enrolled persons charged with criminal offences, and prosecuted by Government in criminal courts : -

(a) When enrolled persons are to be tried by a criminal court upon any criminal charges, the Director-General or the Regional Commander shall consult the Chief Metropolitan /Chief Judicial Magistrate and arrange with him for the selection and remuneration of advocate.

(b) Except in cases in which the Central Government are interested, the maximum amount that may be paid to the advocate shall not exceed the amount payable to the Government advocate fixed by the Central Government.

(c) In a joint trial when the Director-General or the Regional Commander is satisfied that the accused require different lines of defence, he may authorise separate payment of fees for each accused so defended.

(d) The Director-General or the Regional Commander as the case may be, shall appoint an advocate only in cases where he thinks desirable. The amount to be paid to advocate shall definitely be settled before hand, subject to the above maximum. If suitable advocate cannot be obtained for the remuneration admissible under these rules the case shall be reported to the Central Government with a view to their orders being obtained thereon.

(e) In High Courts in which advocate may not plead unless instructed by a solicitor, a solicitor may be employed and his bill of costs, which should include advocates fees subject to the restrictions laid down in clause (b) above shall be submitted to the Central Government Advocate and his certificate obtained that the amount of the bill is reasonable before it is submitted for the orders of the Government.

(f) When advocate is rightly provided for the defence of an enrolled person at the first trial in a criminal court, counsel can also be provided when considered necessary on appeal, subject to the limitation laid down in clauses (b) and (d) above.

46. Procedure for defence of officers. - When an officer is to be tried by a criminal court upon any criminal charge and the defence of the officer is considered desirable the case shall be reported to the Director-General for obtaining the orders of the Government thereon.

47. Engagement of Counsel for Prosecution in Coast Guard Courts. - If the Director-General or Regional Commander, who convenes a Coast Guard Court consider it necessary to engage a counsel for prosecution of an accused, a suitable counsel shall be appointed as per rules 41 to 46.

CHAPTER - VI

SERVICE PRIVILEGES

48. Immunity from attachment. - The arms, clothes, equipment, accountrements or necessaries of any person in the Coast Guard service, while subject to the Act, shall not be seized, nor shall the pay and allowances or any part thereof of such person be attached under any process or direction issued, or by the authority of, any court or public servant in respect of any claim, decree or order enforceable against him.

49. Immunity from arrest for debt. - (1) No person in the Coast Guard Service, shall so long as he is subject to the Act, be liable to be arrested for debt under any processor direction issued by, or by the authority of, any court or public servant.

(2) If any such person is arrested in contravention of the provisions of sub-rule (1), the court or public servant by whom or by whose authority such process or direction was issued shall on complaint by the person arrested or by his superior officers enquire into the case and if satisfied that the arrest was made in contravention of sub-rule (1) shall make an order for immediate discharge of the person arrested and may award to the complainant the costs of the complaint to be recoverable in the same manner as if such costs were awarded to him by a decree against the person at whose instance such process or direction was issued.

(3) No court fee shall be payable on a complaint made under sub-rule (2) or for recovery of the costs that may be awarded under that sub-rule.

50. Immunity of persons attending Coast Guard Court from arrest. - (1) No presiding officer or other member of the Coast Guard Court, no Law Officer, no party to any proceedings before a Coast Guard Court or no advocate or agent of such party, and no witness acting in obedience to a summons to attend a Coast Guard Court shall, while proceeding to, attending of returning from, a Coast Guard Court, be liable to arrest under any civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the Coast Guard Court.

51. Priority for hearing of cases concerning persons in the Coast Guard Service. - (1) On the presentation to any civil or criminal or revenue court, by or on behalf of any person in the Coast Guard Service while subject to the Act of a certificate from the proper Coast Guard authority of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceedings in such court, the court shall, on the application of such person, arrange, so far as may be possible for the hearing and final disposal of such suit, or other proceeding within the period of the leave granted or applied for.

(2) The certificate from the proper Coast Guard authority shall state the first and the last day of the leave granted or applied for and set forth a description of the case with respect to which the leave has been granted or applied for and shall be duly signed and authenticated by such authority.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case and every such certificate shall be conclusive evidence of the correctness of the contents thereof.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of the leave granted or applied for as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

52. Right of the Director-General or Commanding Officer to obtain copies of judgement or orders made by a criminal court. - A criminal court before which any proceedings have been taken against a person in the Coast Guard Service whilst subject to the Act shall, on application by the Director-General or the Commanding Officer of the person, grant copies of the judgement and final orders in the case free of cost and without delay.

CHAPTER – VII

DEDUCTION FROM PAY AND ALLOWANCES

53. Deduction from pay etc. not to be made unless authorised. - No deduction other than those authorised by these rules shall be made from the pay, pension, gratuities, allowances and other benefits due to officers and enrolled persons of the Coast Guard.

54. Deduction from pay and allowances. - The following deductions may be made from the pay and allowances of a person subject to the Act without recourse to trial by a Coast Guard Court or by the Commanding Officer, namely: -

(1) All pay and allowances for every day of absence without leave unless an explanation is given to the satisfaction of his Commanding Officer for such absence and approved by Director-General in the case of officers and others by the Deputy Inspector-General under whom the enrolled person is serving.

Provided that the person is not dealt with by a Coast Guard Court or by the Commanding Officer of the person for the said absence.

(2) All pay and allowances for every day while he is in civil, criminal or Coast Guard custody on a charge for an offence of which he is afterwards convicted by a Commanding Officer or Coast Guard Court or criminal court and sentenced to imprisonment or detention.

(3) All pay and allowances for every day while he is in hospital on account of sickness certified by the Commanding Officer or the Medical Officer-in-Charge of the hospital where the individual was hospitalised to have been caused by an act amounting to an offence punishable under the Act:

Provided that such certificate is accepted by the Director-General in the case of Officers and by the Deputy Director-General in the case of enrolled persons.

(4) Any sum required to make good the pay and allowances of any person subject to the Act which he has unlawfully retained or refused to pay.

(5) Any sum required to make good any loss, damage or destruction of any Government property or property belonging to a Coast Guard or Defence Services mess, band or institution which after due investigation appears to the Central Government or the Director-General to have been occasioned by the wrongful act or negligence on the part of the person.

(6) Any sum required to be paid for the maintenance of his wife or legitimate or illegitimate children under the provisions of rule 56.

(7) Any sum which after due investigation appears to the Director-General or the Deputy Director-General under whom the person is serving to be due to a Coast Guard or Defence Services mess, canteen, or any other institution.

55. Deductions awarded by Coast Guard Courts and other authorities. - Deductions may be made from the pay and allowances of a person subject to the Act in respect of any sentence of fine, forfeiture or mulcts of pay and allowances awarded in pursuance of the Act by a Coast Guard Court or by the Commanding Officer.

56. Liability for maintenance of wife and children. - (1) A person subject to the Act shall be liable to maintain his wife and his legitimate or illegitimate children to the same extent as if he were not so subject; but the execution or enforcement of any decree or order for maintenance passed or made against such person shall not be directed against his personal pay, arms, ammunition, equipment, instruments or clothing.

(2) Notwithstanding anything contained in sub-rule (1) :-

(a) Where it appears to the satisfaction of the Central Government or the Director - General that a person subject to the Act without reasonable cause deserted or left in destitute circumstances his wife or legitimate children unable to maintain themselves or has by reason of contracting a second marriage become liable to provide separate maintenance to his first wife, or

(b) Where any decree or order is passed under any law against a person who is, or subsequently becomes, subject to the Act for the maintenance of his wife or his legitimate or illegitimate children and a copy of the decree or order is sent to the Central Government or the Director-General;

The Central Government or the Director-General may direct a portion of the pay of the person so subject to the Act to be deducted from such pay and appropriated in the manner as decided by the Director-General towards the maintenance of wife or children, but the amount deducted shall not exceed the amount fixed by the decree or order, if any :

Provided that in the case of a decree or order for maintenance referred to in sub-rule

(2) no deduction from pay shall be directed unless the Central Government or the Director-General is satisfied that the person against whom such decree or order has been passed or made, has had a reasonable opportunity of appearing or has actually appeared either in person or through a duly appointed legal practitioner, to defend the case before the court by which the decree or order was passed or made.

(3) Where arrears of maintenance under a decree or order referred to in sub-rule (2) have accumulated while the person against whom the decree or order has been made is subject to the Act whether or not deductions in respect thereof have been made from his pay under this section, no step for the recovery of these arrears shall be taken in any court after such person has ceased to be so subject unless the court is satisfied that he has, since he ceased to be subject to the Act, the ability to pay the arrears or part thereof and has failed to do so.

(4) Notwithstanding anything contained in any other law, where a proceeding for obtaining a decree or order for maintenance is started against a person subject to the Act the court may send the process for service on that person to the Commanding Officer of such person provided that such service shall not be valid unless there is sent along with the process such sum of money as may be prescribed to enable that person

to attend the hearing of the proceeding and to return to his ship after such attendance.

(5) If a decree or order is passed or made in the proceeding against the person on whom the process is served, the sum sent along with the process shall be awarded as costs of the proceeding against that person.

(6) No process in any proceeding under this rule shall be valid against a person subject to the Act if served on him after he is under orders for service at a foreign station or beyond Indian waters.

(7) The production of a certificate of the receipt of the process purporting to be signed by such Commanding Officer as aforesaid shall be evidence that the process has been duly served, unless the contrary is proved.

(8) Whereby a decree or order, a copy whereof has been sent to the Central Government or the Director-General under sub-rule (2) the person against whom the decree or order has been passed or made is directed to pay as costs any sum sent along with the process, the Central Government may pay to the person entitled an amount in full satisfaction of that sum and the amount so paid by the Central Government shall be deemed to be a public demand recoverable from the person against whom the decree or order has been passed or made, and without prejudice to any other mode of recovery, may be recoverable by deduction from his pay, in addition to the deduction authorised by sub-rule (2).

(9) Where any person subject to the Act has made an allotment of any part of his pay and allowances for the benefit of his wife, that allotment shall not be discontinued or reduced until the Central Government or the Director-General or the Commanding Officer is satisfied that the allotment should no longer be made or should be reduced.

(10) In this rule, the expression "Pay" includes all sums payable to a person subject to the Act in respect of his service other than allowances in lieu of lodgings, rations/provisions, clothing and traveling allowances.

57. Limit of certain deductions: - Except when the deductions are made under sub-rules (1), (2) and (4) of rule 54, the total deduction from the pay and allowances of an officer or an enrolled person shall not exceed in any one month one-half of his pay and allowances for that month.

58. Remission of deductions. - Any deductions from the pay and allowances authorised by these rules may be remitted by the Director-General in his discretion.

(Please see rule 34)

Monthly return of Good Conduct Badges, awarded, restored, or deprived

Details of service Coast Guard Ship Date

Date of Good Conduct Badge

1	Personal number
2	Name
3	Rank
4	Date of Birth
5	Date when first ranked
6	Date of attending badge rank
7	Allowed to count
8	Not allowed to count
9	Date of commencement of " Very Good" Conduct
10	Number of Good Conduct Badges previously awarded
11	Date of award of last Good Conduct Badge
12	Date of deprivation of last Good Conduct Badge
13	Awarded
14	Restored
15	Deprived and No. of warrant
16	Remarks

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