MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi the 12th August, 2002/Sravana 21, 1924 (Saka)

The following Act of Parliament received the assent of the President on the 12th August, 2002, and is hereby published for general information:-

THE COAST GUARD (AMENDMENT) ACT, 2002

No. 44 OF 2002

[12th August, 2002]

An Act further to amend the Coast Guard Act, 1978.

BE it enacted by Parliament in the Fifty-third Year of the Republic of India as follows:-

Short title

1. This Act may be called the Coast Guard (Amendment) Act, 2002.

Amendment of section 2

2. In section 2 of the Coast Guard Act, 1978 (hereinafter referred to as the principal Act), in clause (w), for the words "or a Sahayak Engineer", the words ", a Sahayak Engineer or a Pradhan Yantrik" shall be substituted.

Amendment of section 25

3. In section 25 of the principal Act, for sub-section (2), the following shall be substituted, namely-

"(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-Generalotherwise 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."

Amendment of section 51.

4. In section 5 1 of the principal Act,-

(i) in sub-section (I), for the words "within three years from the commission of such offence" occurring at the end, the following shall be substituted, namely:-

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"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.";

(ii) after sub-section (I), the following sub-section shall be inserted, namely:-

"(IA) 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."

Amendment of Section 52

5. In section 52 of the principal Act, in sub-section (2), for the words "within six months after he has ceased to be subject of this Act", the following shall be substituted, namely:-

"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".

Amendment of Section 56

6. In section 56 of the principal Act, after the words and figures "manner stated in section 57". the words, figures and letter "or section 57A" shall be inserted.

Insertion of new section 57A.

7. After section 57 of the principal Act, the following section shall be inserted namely:-

Punishment for officers below the rank of Commandant

"57A. (I) 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 ofCommandant, 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 aperiod 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 than 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."

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8. In section 58 of the principal Act, after sub-section (7), the following sub-section shall be inserted, namely:- Amendment of section 58

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

9. In section 86 of the principal Act, in sub-section (7), after the words "Assistant Chemical Examiner to Government", the words "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 Government7' shall be inserted. Amendment of section 86

10. In section 87 of the principal Act, in sub-section (I), after the words and figures "award of punishment under section 57", the words, figures and letter "or section 57A" shall be inserted. Amendment of section 87

11. In section 123 of the principal Act, in sub-section (2), after clause (f), the following clause shall be inserted, namely:-. Amendment of section 123

"(*fa*) the manner in which proceedings may be initiated under section 57A;".

SUBHASH C. JAIN
Secy. to Govt. of India