

Coast Guard Act, 1978

Chapter 1 - CHAPTER 1: PRELIMINARY:

SECTION 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 as the Central Government may, by notification in the Official Gazette, appoint ,SECTION 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 (Prisons Act, 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;(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 " 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)(z) all words and expressions used and not defined in this Act but defined in the Indian Penal Code shall have the meanings assigned to them in that Code.SECION 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.