

Coast Guard Act, 1978

Chapter 13 - CHAPTER 13: Miscellaneous:

SECTION 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), (Emigration Act, 1922), (Registration of Foreigners Act, 1939) (Foreigners Act, 1946), (Merchant Shipping Act, 1958), (Customs Act, 1962),(Passports Act, 1967), (Foreign Exchange Regulation Act, 1973) or (Territorial Waters Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 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, lor 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.SECION 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 a 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.SECION 123: Power to makes 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 officer, 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 ; (fa) the manner in which proceedings may be initiated under Sec. 57-A. (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 ; (m) the ceremonials to be observed and marks of respect to be paid in the Coast Guard; (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. Central Bare Acts