

Coast Guard Act, 1978

Chapter IV - Offences

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.

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.
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Section 16 - Deserting post and neglect of duty

Any person subject to this Act, who,--

- (a) deserts his post; or
- (b) sleeps upon his watch; or
- (c) fails to perform, or negligently performs, the duty imposed on him, or
- (d) 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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 in this Act mentioned.

Section 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.

Section 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.

Section 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.

1. Substituted by The Coast Guard (Amdt) Act, 2002. w.e.f. 12.08.2002. Prior to substitution it read as under :

"(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."

Section 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.

Section 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.

Section 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.

Section 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.

Section 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

(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.

Section 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.

Section 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.

Section 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 injury 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 recorder 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.

Section 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
- (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.

Section 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.

Section 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.

Section 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 subsection (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.

Section 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.

Section 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.

Section 40 - Offences relating to Coast Guard Courts

Any person subject to the 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.

Section 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.

Section 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.

Section 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.

Section 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.

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

Section 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.

Section 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.

Section 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.

Section 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.

Section 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 commences¹ 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.Substituted for "within three years from the commission of such offence." by The Coast Guard (Amdt) Act, 2002. w.e.f. 12.08.2002.

2.Inserted by The Coast Guard (Amendment) Act, 2002. w.e.f. 12.08.2002.

Section 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.

1.Substituted for "within six months after he has ceased to be subject to this Act" by The Coast Guard (Amdt) Act, 2002. w.e.f. 12.08.2002.
