

Coast Guard Act, 1978

Section 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 section 13;

1 [(fa) the manner in which proceedings may be initiated under section 57A;]

(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 section 120;

(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.

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

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