

Navy Act, 1957

Section 97 - Constitution of Courts-martial

(1) Courts-martial shall be constituted and convened subject to the provisions of the following subsections.

(2) The President, the Chief of the Naval Staff, or any officer empowered in this behalf by commission from the Chief of the Naval Staff shall have the power to order courts-martial for the trial of offences under this Act.

(3) Unless otherwise prescribed in respect of any specified port or station, an officer holding a commission from the Chief of the Naval Staff to order courts-martial shall not be empowered to do so if there is present at the place where such court-martial is to be held an officer superior in rank to himself and in command of one or more of the ships of the Indian Navy although such last mentioned officer may not hold a commission to order courts-martial and in such a case such last mentioned officer may order a court-martial although he does not hold a commission for the purpose.

(4) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial, having the command of a fleet or squadron and being outside Indian waters die, be recalled, leave his station or be removed from his command, the officer upon whom the command of the fleet or squadron devolves and so from time to time the officer who shall have the command of the fleet or squadron, shall without any commission from the Chief of the Naval Staff have the same power to order courts-martial as the first mentioned officer was invested with.

(5) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial and having the command of any fleet or squadron of the Indian Navy outside Indian waters shall detach any part of such fleet or squadron, or separate himself from any part of such fleet or squadron he may by commission under his hand empower in the first mentioned case, the commanding officer of the squadron or detachment ordered on such separate service and in the case of his death or ceasing so to command, the officer to whom the command of such separate squadron or detachment shall belong, and in the second mentioned case, the senior officer of the ships of the Indian Navy on the division of the station from which he is absent, to order courts-martial during the time of such separate service or during his absence from that division of the station as the case may be, and every such authority shall continue in force until revoked or until the officer holding it returns to India or until he comes into the presence of a superior officer empowered to order courts-martial in the same squadron, detachment or division of station but so that such authority shall revive on the officer holding it ceasing to be in the presence of such a superior officer and so from time to time as often as the case so requires.

(6) A court-martial shall consist of not less than five nor more than nine officers.

(7) No officer shall be qualified to sit as a member of a court-martial unless

(a) he is subject to naval law.
