

Coast Guard Act, 1978

Chapter 5 - CHAPTER 5: PUNISHMENTS

SECTION 53: Punishments awardable by Coast Guard Courts:(1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Coast Guard Courts according to the scale following, that is to say,- (a) death; (b) imprisonment which may be for the term of life or any other lesser term; (c) dismissal from the Coast Guard; (d) detention in Coast Guard custody for a period not exceeding two years; (e) reduction to the ranks or to a lower rank in the case of sailors; (f) forfeiture of seniority of rank, forfeiture of all or any part of the service for the purpose of promotion; (g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose; (h) fine, in respect of civil offences; (i) mulcts of pay and allowances; (j) severe reprimand or reprimand except in the case of persons below the rank of an Uttam Navik or Uttam Yantrik.(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

SECTION 54: Alternative punishments awardable by Coast Guard Courts:Subject to the provisions of this Act, a Coast Guard Court may, on convicting person subject to this Act of any of the offences specified in (section 15) to (section 48) (both inclusive) award either the particular punishment with which the offence is stated in the said sections to be punishment, or in lieu thereof, any one of the punishments lower in the scale set out in (section 53) regard being had to the nature and degree of the offence.

SECTION 55: Combining two or more punishments:Subject to the provisions 58, a sentence of a Coast Guard Court may award in addition to, or without any one other punishment, the punishment specified in clause (c) of sub-section (1) of (section 53) and any one or more of the punishments specified in clauses (e) to (j) (both inclusive) of that sub-section.

SECTION 56: Punishments otherwise than by Coast Guard Courts:Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a Coast Guard Court in the manner stated in (section 57) ["or (section 57A)].

SECTION 57: Minor punishments:Subject to the provisions of section 58, a Commanding Officer or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer, who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,- (a) imprisonment for a period not exceeding three months;(b) dismissal from the Coast Guard;(c) detention in Coast Guard Custody for a period not exceeding three months;(d) reduction to the ranks or to a lower rank in the case of sailors;(e) fine, in respect of civil offences;(f) mulcts of pay and allowances;(g) deprivation of good conduct badges;(h) reprimand;(i) extra work and drill for a period not exceeding fourteen days in the case of persons below the rank of an Uttam Navik or Uttam Yantrik;(j) stoppage of leave for a period not exceeding sixty days;(k) admonition;Provided that no punishment specified in clauses (a) to (d) (both inclusive) shall be inflicted,- (a) in the case of a subordinate officer, unless it is approved by an officer not below the rank of an Inspector-General; and (b) in the case of others, unless it is approved by an officer not below the rank of a Deputy Inspector-General.

SECTION 57A: Punishment for officers below, the rank of commandant:The Director or an officer not below the rank of Deputy Inspector-General who is appointed as Commander of a region or such other officer as is, with the consent of the Central Government, specified by the Director-General, may in the prescribed manner proceed against an officer below the rank of Commandant, who is charged with an offence under this Act and award such person one or more of the following punishments, that is to say, (a) forfeiture of seniority of rank or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion, for a period not exceeding twelve months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;(b) forfeiture of seniority of rank, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding six months, but subject to the right of the accused, previous to the award, to elect to be tried by a Coast Guard Court;(c) mulcts of pay and allowances;(d) severe reprimand:Provided that no punishment specified in clause

(a) shall be inflicted by an officer other than the Director-General: Provided further that no 'punishment specified in clause (b) shall be inflicted by an officer below the rank of Deputy Inspector-General who is appointed as the Commander of a region. SECTION 58: Provisions as to award of punishments: (1) the punishments that may be inflicted under this Act shall be awarded in accordance with the provisions of this section. (2) A sentence of imprisonment under this Act shall in all cases be accompanied by a sentence of dismissal. (3) A sentence of imprisonment may be rigorous or simple or partly rigorous and partly simple. (4) No officer shall be subject to detention for any offence under this Act. (5) No subordinate officer shall be sentenced to detention except for desertion. (6) A sentence, of detention shall not be accompanied by a sentence of dismissal from the 'Coast Guard. (7) A sentence of detention for a period exceeding fourteen days shall in all cases be accompanied by stoppage of pay and allowances during the period of detention. (8) Where mulcts of pay and allowances are awarded for absence without leave, the absence shall be treated as regularised for all purposes.

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