

Coast Guard Act, 1978

Chapter VII - Coast Guard Court

(1) A Coast Guard Court may be convened by the Central Government or the Director-General or by any officer empowered in this behalf by warrant of the Director-General (here after in this Act referred to as the convening authority).

(2) A warrant issued under sub-section (1) may contain such restrictions reservations or conditions as the Director-General may think fit.

Section 65 - Composition of Coast Guard Courts

(1) A Coast Guard Court shall consist of not less than five officers each of whom has held the post of Assistant Commandant for not less than three years.

Explanation.-- For the purposes of this sub-section "Assistant Commandant" includes any post of a higher rank and any post declared by the Central Government by notification to be an equivalent post as also any post higher in rank than the post so declared.

(2) At every Coast Guard Court, the senior member shall be the presiding officer.

(3) A Coast Guard Court shall not be duly constituted unless the members thereof are drawn from at least two ships.

(4) No Coast Guard Court for the trial of an officer shall be duly constituted unless the presiding officer and at least two members of the court are of the same rank as the accused or of a higher rank.

Section 66 - Dissolution of a Coast Guard Court

(1) If a Coast Guard Court after the commencement of a trial is reduced below the minimum number of officers required by this Act, it shall be dissolved.

(2) If, on account of the illness of the Law Officer or of the accused before the finding, it is impossible to continue the trial, a Coast Guard Court shall be dissolved.

(3) The convening authority of a Coast Guard Court may dissolve the same if it considers that the exigencies of the service or necessities of discipline render it impossible or inexpedient to continue the said Coast Guard Court.

(4) Where a Coast Guard Court is dissolved under this section, the accused may be tried again.

Section 67 - Powers of a Coast Guard Court

Every Coast Guard Court shall have the power to try any person subject to this Act for any offence punishable thereunder and to pass any sentence authorised thereby.

Section 68 - Prohibition of second trial

(1) When any person subject to this Act has been acquitted or convicted of an offence by a Coast Guard Court or by a criminal court or has been dealt with under section 57, he shall not be liable to be

tried again for the same offence by a Coast Guard Court or dealt with under the said section.

(2) When any person, subject to this Act, has been acquitted or convicted of an offence by a Coast Guard Court or has been dealt with under section 57, he shall not be liable to be tried again by a criminal court for the same offence or on the same facts.

Section 69 - Application of Act during term of sentence

(1) When a person subject to this Act is sentenced by a Coast Guard Court to imprisonment, this Act shall apply to him during the term of his sentence, though he is dismissed from the Coast Guard, or has otherwise ceased to be subject to this Act, and he may be kept, removed, imprisoned and punished as if he continued to be subject to this Act.

(2) When a person subject to this Act is sentenced by a Coast Guard Court to death, this Act shall apply to him till the sentence is carried out.

Section 70 - Place of trial

A Coast Guard Court may be held on shore or afloat.

Section 71 - Choice between criminal court and Coast Guard Court

When a criminal court and a Coast Guard Court have each jurisdiction in respect of an offence, it shall be in the discretion of the Director-General or the Inspector-General or the Deputy Inspector-General within whose command the accused person is serving or such other officer as may be prescribed, to decide before which court the proceedings shall be instituted, and, if that officer decides that they shall be instituted before a Coast Guard Court, to direct that the accused person shall be detained in Coast Guard custody.

Section 72 - Power of criminal court to require delivery of an offender

(1) When a criminal court having jurisdiction is of opinion that proceedings shall be instituted before itself in respect of any alleged offence, it may, by written notice, require the officer referred to in section 71 at his option either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings, pending a reference to the Central Government.

(2) In every such case, the said officer shall either deliver over the offender in compliance with the requisition, or shall forthwith refer the question as to the court before which the proceedings are to be instituted, for the determination of the Central Government whose order upon such reference shall be final.