

Navy Act, 1957

Chapter V - Condition of Service

1[Liability for service of officers and sailors]

- (1) Subject to the provisions of subsection (4), officers and 1[sailors] shall be liable to serve in the Indian Navy or the Indian Naval Reserve Forces, as the case may be, until they are duly discharged, dismissed, dismissed with disgrace, retired, permitted to resign, or released.
- (2) No officer shall be at liberty to resign his office except with the permission of the Central Government and no 1[sailor] shall be at liberty to resign his post except with the permission of the prescribed officer.
- (3) The acceptance of any resignation shall be a matter within the discretion of the Central Government or the officer concerned, as the case may be.
- (4) Officers retired or permitted to resign shall be liable to recall to naval service in an emergency in accordance with regulations made under this Act, and on such recall shall be liable to serve until they have been duly discharged, dismissed, dismissed with disgrace, retired, permitted to resign, or released.

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-1974).

Section 15 - Tenure of service of officers and sailors

1[Tenure of service of officers and sailors]

- (1) Every Officer and 1[sailor] shall hold office during the pleasure of the President.
- (2) Subject to the provisions of this Act and the regulations made thereunder,--
- (a) the Central Government may 2[dismiss or] discharge or retire from the naval service any officer or 1[sailor];
- (b) the Chief of the Naval Staff or any prescribed officer may 2[dismiss or] discharge from the naval service any 1[sailor].

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2. (16-12-1974).

2. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 5 (16-12-1974).

Section 16 - Discharge on expiry of engagement

Subject to the provisions of section 18, a1[sailor] shall be entitled to be discharged at the expiration of the term of service for which he is engaged unless--

- (a) such expiration occurs during active service in which case he shall be liable to continue to serve for such further period as may be required by the Chief of the Naval Staff; or
- (b) he is re-enrolled in accordance with the regulations made under this Act.

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-1974).

Section 17 - Provisions as to discharge

(1) A1[sailor] entitled to be discharged under section 16 shall be discharged with all convenient speed and in any case within one month of his becoming so entitled:

Provided that where a1[sailor] is serving overseas as the time he becomes entitled to be discharged he shall be returned to India for the purpose of being discharged with all convenient speed, and in any case within three months of his becoming so entitled:

Provided further that where such enrolled person serving oversea does not desire to return to India, he may be discharged at the place where he is at the time.

(2) Every1[sailor] discharged shall be entitled to be conveyed free of cost from any place he may be at the time to any place in India to which he may desire to go.

(3) Notwithstanding anything contained in the preceding sub-sections, an enrolled person shall remain liable to serve until he is duly discharged.

(4) Every1[sailor] who is dismissed, discharged, retired, permitted to resign or released from service shall be furnished by the prescribed officer with a certificate in the language which is the mother tongue of such1[sailor] and also in the English language setting forth--

- (a) the authority terminating his service;
- (b) the cause for such termination; and
- (c) the full period of his service in the Indian Navy and the Indian Naval Reserve Forces.

1. Substituted for the word "seamen" and "seaman" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-1974).

Section 18 - Saving of powers of dismissal by naval tribunals

Nothing in this Chapter shall affect the award by a naval tribunal of the punishment of dismissal with disgrace or dismissal iron) the naval service under thi s Act.

Section 19 - Restrictions respecting right to form associations, freedom of speech, etc

(1) No person subject to naval law shall, without the express sanction of the Central Government,--

(a) be a member of, or is associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations, or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Armed Forces of the Union or is not of a purely social, recreational or religious nature.

Explanation.-- If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature, the decision of the Central Government thereon shall be final.

(2) No person subject to naval law shall attend or address any meeting or take any part in any demonstration organised by any body of persons for any political purposes or for such other purposes as may be specified in this behalf by the Central Government.

(3) No person subject to naval law shall communicate with the press or publish or cause to be published any book, letter or other document having bearing on any naval, army or air force subjector containing any fact or opinion calculated to embarrass the relations between the Government and the people or any section thereof or between the Government and any foreign country, except with the previous sanction of the Central Government.

(4) No person subject to naval, law shall whilst he is so subject practise any profession or carry on any occupation, trade or business without the previous sanction of the Chief of the Naval staff.

Section 19 A - Reinstatement of persons belonging to the Indian Naval Reserve Forces on termination of period of training or actual service with the Indian Navy

1[19A . Reinstatement of persons belonging to the Indian Naval Reserve Forces on termination of period of training or actual service with the Indian Navy

(1) If a person belonging to the Indian Naval Reserve Forces is, during the period of his employment under an Employer called up for training or called up into actual service with the Indian Navy in pursuance of his liability under any regulations made under this Act, it shall be the duty of every such employer to reinstate the person in his employment on the termination of the period of his training or service with the Indian Navy in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason reinstatement of such person is represented by the employer to be impracticable either party may refer the matter to the authority prescribed in this behalf and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed, pass an order--

(a) exempting the employer from the provisions of this section, or

(b) requiring the employer to re-employ such person on such term as the authority thinks suitable, or

(c) requiring the employer to pay to such person by way of compensation for failure or inability to re-employ, a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to subsection (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this sub-section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the Court shall be recoverable as if it were a fine imposed by such

Court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period of his training or service with the Indian Navy.

(4) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up for training or called up into actual service with the Indian Navy, terminates his Employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved, if the termination takes place after the issue of orders calling him up for training or service with the Indian Navy under this Act.

1. Sections 19A, 19B inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 6 (16-12-1974).

Section 19 B - Preservation of service rights belonging to the Indian Naval Reserve Forces when called up for training or actual service with the Indian Navy

When any person belonging to the Indian Naval Reserve Forces and called up for training or called up into actual services with the Indian Navy in pursuance of his liability under any regulations made under this Act, has any rights under any provident fund or super annuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, so long as he is engaged in training, or service with the Indian Navy and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed.]
