

Navy Act, 1957

Chapter VI - Service Privileges

The arms, clothes, equipments, accoutrements or necessaries of any person in the naval service, while subject to naval law, shall not be seized, nor shall the pay and allowances or any part thereof of such person be attached under any process or direction issued by, or by the authority of, any court or public servant in respect of any claim, decree or order enforceable against him.

Section 21 - Immunity from arrest for debt

(1) No person in the naval service shall, so long as he is subject to naval law, be liable to be arrested for debt under any process or direction issued by, or by the authority of any Court or public servant.

(2) If any such person is arrested in contravention of the provisions of sub-section (1) the court or public servant by whom or by whose authority such process or direction was issued shall on complaint by the person arrested or by his superior officer enquire into the case and if satisfied that the arrest was made in contravention of sub-section (1), shall make an order for the immediate discharge of the person arrested and may award of the complainant the costs of the complaint to be recoverable in the same manner as if such costs were awarded to him by a decree against the person at whose instance such process or direction was issued.

(3) No court-fee shall be payable on a complaint made under sub-section (2) for recovery of the costs that may be awarded under that sub-section.

Section 22 - Immunity of persons attending court-martial or disciplinary court from arrest

(1) No President or other member of a court-martial or disciplinary court, no judge, advocate, no party to any proceeding before a court-martial or disciplinary court or no advocate or agent of such party, and no witness acting in obedience to a summons to attend a court-martial or disciplinary court shall while proceeding to attending or returning from a court-martial or disciplinary court, be liable to arrest under any civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial or disciplinary court, as the case may be.

Section 23 - Remedy of aggrieved persons

(1) If an officer or ¹ [sailor] thinks that he has suffered any personal oppression, injustice or other ill-treatment at the hands of any superior officer, he may make a complaint in accordance with the regulations made under this Act.

(2) The regulations referred to in sub-section (1) shall provide for the complaint to be forwarded to the Central Government for its consideration if the complaint is not satisfied with the decision on his complaint.

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

Section 24 - Priority of hearing of cases concerning persons in the naval service

(1) On the presentation to any Civil or Revenue Court by or on behalf of any person in the naval service while subject to naval law of a certificate from the proper naval authority of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the Court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper naval authority shall state the first and last day of the leave granted or applied for and set forth a description of the case with respect to which the leave has been granted or applied for, and shall be duly signed and authenticated by such authority.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case and every such certificate duly signed and authenticated as aforesaid shall be conclusive evidence of the correctness of the contents thereof.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of the leave granted or applied for as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application, without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) Every criminal court before which a case is pending against a person in the naval service, shall, so far as may be possible, arrange for the early hearing and final disposal of such case.

Section 25 - Right of the Chief of the Naval Staff or commanding officers to obtain copies of judgments or orders made by a criminal court

A criminal court before which any proceedings have been taken against a person in the naval service while subject to naval law shall, on application by the Chief of the Naval Staff or the commanding officer of that person, grant copies of the judgment and final orders in the case free of cost and without delay.

Section 26 - Saving of rights and privileges under other laws

The rights and privileges specified in the preceding sections of this Chapter shall be in addition to, and not in derogation of, any other rights and privileges conferred on persons in the naval service while subject to naval law or on members of the regular Army, Navy and Air Force generally by any other law for the time being in force.
