

Navy Act, 1957

Chapter VIII - Articles of War

1[34. Misconduct by officers or persons in command

Every flag officer, captain or other person subject to naval law who, being in command of any ship, vessel or aircraft of the Indian Navy, or any naval establishment--

- (a) fails to use his utmost exertions to bring into action any such ship vessel or aircraft which it is his duty to bring into action; or
 - (b) surrenders any such ship, vessel or aircraft to the enemy when it is capable of being successfully defended or destroyed; or
 - (c) fails to pursue the enemy whom it is his duty to pursue or to assist to the utmost of his ability any friend whom it is his duty to assist; or
 - (d) in the course of any action by or against the enemy improperly withdraws from the action or from his station or fails in his own person and according to his rank to encourage the persons under his command to fight courageously; or
 - (e) surrenders any such naval establishment or any part of such an establishment to the enemy when it is capable of being successfully defended or when it is his duty to cause it to be destroyed, shall,--
- (a) if such act is committed with intent to assist the enemy or from cowardice, be punished with death or such other punishment as is hereinafter mentioned; and
 - (b) in any other case, be punished with imprisonment which may extend to seven years or such other punishment as is hereinafter mentioned.

1. Sections 34 to 37 substituted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 7 (16-12-1974).

Section 35 - Misconduct by persons other than those in command

Every person subject to naval law who, not being in command of any naval establishment or any ship, vessel or aircraft of the Indian Navy, fails when ordered to prepare for action by or against the enemy, or during any such action, to use his utmost exertions to carry the lawful orders of his superior officers into execution shall,--

- (a) if such act is committed with intent to assist the enemy, be punished with death or such other punishment as is hereinafter mentioned; and
- (b) in any other case, be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Section 36 - Delaying or discouraging action or service commanded

Every person subject to naval law who wilfully delays or discourages upon any pretext whatsoever, any action or service which has been commanded on the part of the Navy, regular Army, or Air Force or of any forces cooperating therewith shall,--

(a) if such act is committed with intent to assist the enemy, be punished with death or such other punishment as is hereinafter mentioned; and

(b) in any other case, be punished with imprisonment which may extend to seven years or such other punishment as is hereinafter mentioned.

Section 37 - Penalty for disobedience in action

Every person subject to naval law who, being in the presence or vicinity of the enemy or having been ordered to be prepared for action by or against enemy--

(a) deserts his post; or

(b) sleeps upon his watch, shall be punished with death or such other punishment as is hereinafter mentioned.]

Section 38 - Penalty for spying

Every person not otherwise subject to naval law who is or acts as a spy for the enemy shall be punished under this Act with death or such other punishment as is hereinafter mentioned as if he were a person subject to naval law.

Section 39 - Correspondence, etc., with the enemy

Every person subject to naval law, who,--

(a) traitorously holds correspondence with the enemy or gives intelligence to the enemy; or

(b) fails to make known to the proper authorities any information he may have received from the enemy; or

(c) assists the enemy with any supplies; or

(d) having been made a prisoner of war, voluntarily serves with or aids the enemy; shall be punished with death or such other punishment as is hereinafter mentioned.

Section 40 - Improper communication with the enemy

Every person subject to naval law who without any traitorous intention holds any improper communication with the enemy shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

Section 41 - Deserting post and neglect of duty

Every person subject to naval law, who,--

(a) deserts his post; or

(b) sleeps upon his watch; or

1[(c) fails to perform or negligently performs the duty imposed on him; or]

(d) wilfully conceals any words, practice or design tending to the hindrance of the naval service;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

1. Substituted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 8 (16-12-1974).

Section 42 - Mutiny defined

1[42. Mutiny defined

Mutiny means any assembly or combination of two or more persons subject to naval law, the Army Act, 1950, or the Air Force Act, 1950, or between persons two at least of whom are subject to naval law or any such Act,--

(a) to overthrow or resist lawful authority in the Navy, regular Army or Air Force or any part of any one or more of them or any forces co-operating therewith or any part thereof; or

(b) to disobey such authority in such circumstances as to make the disobedience subversive of discipline or with the object of avoiding any duty or service against, or in connection with operations against, the enemy; or

(c) to show contempt to such authority in such circumstances as to make such conduct subversive of discipline; or

(d) to impede the performance of any duty or service in the Navy, regular Army or Air Force or any part of any one or more of them or any forces co-operating therewith or any part thereof.]

1. Substituted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 9 (16-12-1974).

Section 43 - Punishment for mutiny

Every person subject to naval law, who,--

(a) joins in a mutiny; or

(b) begins, incites, causes or conspires with any other persons to cause, a mutiny; or

(c) endeavours to incite any person to join in a mutiny or to commit an act of mutiny; or

(d) endeavours to seduce any person in the regular Army, Navy or Air Force from his allegiance to the Constitution or loyalty to the State or duty to his superior officers or uses any means to compel or induce any such person to abstain from acting against the enemy or discourage such person from acting against the enemy; or

(e) does not use his utmost exertions to suppress 1 [or prevent] a mutiny; or

(f) wilfully conceals any traitorous or mutinous practice or design or any traitorous words spoken against the State; or

(g) knowing or having reason to believe in the existence of any mutiny or of any intention to mutiny does not without delay give information thereof to the commanding officer of his ship or

other superior officer; or

(h) utters words of sedition or mutiny; shall be punished with death or such other punishment as is hereinafter mentioned.

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 10 (16-12-1974).

Section 44 - Persons on board ships or aircraft seducing naval personnel from allegiance

Every person not otherwise subject to naval law who being on board any ship or aircraft of the Indian Navy or on board any ship in the service of the Government endeavours to seduce from his allegiance to the Constitution or loyalty to the State or duty to superior officers any person subject to naval law shall be punished under this Act with death or such other punishment as is hereinafter mentioned as if he were a person subject to naval law.

Section 45 - Striking superior officers

Every person subject to naval law who commits any of the following offences, that is to say,--

- (a) strikes or attempts to strike his superior officer; or
- (b) draws or lifts up any weapon against such officer; or
- (c) uses or attempts to use any violence against such officer;

shall be punished.--

if the offence is committed on active service with imprisonment for a term which may extend to ten years or such other punishment as is hereinafter mentioned; and

in any other case, with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Section 46 - Ill-treating subordinates

Every person subject to naval law who is guilty of ill-treating any other person subject to such law, being his subordinate in rank or position, shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Section 47 - Disobedience and insubordination

Every person subject to naval law, who,--

- (a) wilfully disobeys any lawful command of his superior officer; or
- (b) in the presence of his superior officer, or otherwise shows or expresses his intention to disobey a lawful command given by such superior officer; or
- (c) uses insubordinate, threatening or insulting language to his superior officer; or
- (d) behaves with contempt to his superior officer;

shall, if the offence is committed on active service or in a manner to show wilful defiance of authority, be punished with imprisonment for a term which may extend to ten years or such other punishment as is hereinafter mentioned and in other cases, be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Section 48 - Quarrelling, fighting and disorderly behaviour

Every person subject to naval law who,--

- (a) quarrels, fights with or strikes any other person, whether such person is or is not subject to naval law; or
- (b) uses reproachful or provoking speeches or gestures tending to make a quarrel or disturbance; or
- (c) behaves in a disorderly manner;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 49 - Desertion

(1) Every person subject to naval law who absents himself from his ship or from the place where his duty requires him to be, with an intention of not returning to such ship or place, or who at any time and under any circumstances when absent from his ship or place of duty does any act which shows that he has an intention of not returning to such ship or place is said to desert.

(2) Every person who deserts shall,--

- (a) if he deserts to the enemy, be punished with death or such other punishment as is hereinafter mentioned; or
- (b) if he deserts under any other circumstances, be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned;

and in every such case he shall forfeit all pay, head money, bounty, salvage, prize money and allowances that have been earned by him and all annuities, pensions, gratuities, medals and decorations that may have been granted to him and also all clothes and effects which he may have left on board the ship or the place from which he deserted, unless the tribunal by which he is tried or the Central Government or the Chief of the Naval Staff, otherwise directs.

Section 50 - Inducing person to desert

Every person subject to naval law who endeavours to seduce any other person subject to naval law to desert shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 51 - Breaking out of ship and absence without leave

Every person subject to naval law who without being guilty of desertion improperly leaves his ship or place of duty¹[or any place where he is required to be] or is absent without leave shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned and shall also be punished by such mulcts of pay and allowances as may be prescribed.

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 11 (16-12-1974).

Section 52 - Drunkenness

1[(1)] Every person subject to naval law who is guilty of drunkenness shall, if the offence is committed on active service, be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned and in other cases be punished with imprisonment for a term which may extend to six months or such other punishment as is hereinafter mentioned.

1[(2) For the purpose of sub-section (1), a person shall be deemed to be guilty of drunkenness if owing to the influence of alcohol or any drug whether alone or in combination with any other circumstances, he is unfit to be entrusted with his duty or with any duty which he may be called upon to perform or behaves in a disorderly manner or in a manner likely to bring discredit to the naval service.]

1. Section 52 re-numbered as sub-section (1), and after that sub-section, sub-section (2) inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 12 (16-12-1974).

Section 53 - Uncleaness or indecent acts

Every person subject to naval law who is guilty of,--

- (a) uncleaness; or
- (b) any indecent act;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 54 - Cruelty and conduct unbecoming the character of an officer

(1) Every officer subject to naval law who is guilty of cruelty shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

(2) Every officer subject to naval law who is guilty of any scandalous or fraudulent conduct or of any conduct unbecoming the character of an officer shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 55 - Losing ship or aircraft

(1) Every person subject to naval law who 1[wilfully] loses, strands or hazards or suffers to be lost, stranded or hazarded any ship of the Indian Navy or in the service of the Government, or loses or suffers to be lost any aircraft of the Indian Navy or in the service of the Government shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

(2) Every person subject to naval law who negligently or by any default loses strands or hazards or suffers to be lost, stranded or hazarded any ship of the Indian Navy or in the service of the Government, or loses or suffers to be lost any aircraft of the Indian Navy or in the service of the Government shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

1. Substituted for the words "designedly" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 13 (16-12-1974).

Section 55 A - Dangerous unauthorised flying

1[55A. Dangerous unauthorised flying

Every person subject to naval law, who is guilty of any act or neglect in flying or in the use of any aircraft of the Indian Navy or in relation to any such aircraft or aircraft material, which causes or is likely to cause loss of lift or bodily injury to any person shall,--

(a) if he acts wilfully or with wilful neglect, be punished with imprisonment for a term which may extend to fourteen years²[or such other punishment as is hereinafter mentioned]; and

(b) in any other case, be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 14 (15-12-1974).

2. Inserted by the Navy (Amdt.) Act, 1982 (48 of 1982), Section 2 (16-10-1982).

Section 55 B - Inaccurate certificate

1[55B. Inaccurate certificate

Every person subject to naval law who signs any certificate in relation to an aircraft or aircraft material belonging to or in the service of the Government without ensuring the accuracy thereof, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.]

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 14 (15-12-1974).

Section 55 C - Low flying and annoyance by flying

1[55C. Low flying and annoyance by flying

Every person subject to naval law being the pilot of an aircraft of the Indian Navy, who--

(a) flies it at a height less than the minimum height authorised by his commanding officer or appropriate service authority except while taking off or landing; or

(b) flies it so as to cause or likely to cause unnecessary annoyance to any person,

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.]

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 14 (15-12-1974).

Section 55 D - Disobedience of lawful command of captain of an aircraft

155D. Disobedience of lawful command of captain of an aircraft

Every person subject to naval law, who while he is in an aircraft belonging to or in the use of the Government, disobeys any lawful command given by the captain of the aircraft, whether such captain is subject to naval law or not, in relation to all matters relating to flying or handling of the aircraft or affecting the safety thereof, shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.]

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 14 (15-12-1974).

Section 56 - Offences by officers in charge of convoy

(1) All officers appointed for the convoy and protection of any ships or vessels shall diligently perform their duty without delay according to their instructions in that behalf.

(2) Every such officer subject to naval law, who,--

(a) does not defend the ships and goods under his convoy without deviation to any other objects; or

(b) refuses to fight in their defence if they are assailed; or

(c) cowardly abandons and exposes the ships in his convoy to hazard; or

(d) demands or exacts any money or other reward from any merchant or master for convoying any ships or vessels entrusted to his care; or

(e) misuses the masters or mariners thereof;

shall be punished with death or such other punishment as is hereinafter mentioned, and shall also make such reparation in damages to the merchants, owners and others as a civil Court of competent jurisdiction may adjudge.

Section 57 - Taking unauthorised goods on board ship

Every officer subject to naval law in command of any ship of the Indian Navy who receives on board or permits to be received on board such ship any goods or merchandise whatsoever other than for the sole use of the ship or persons belonging to the ship, except goods and merchandise on board any ship which may be shipwrecked or in imminent danger either on the high seas or in some port, creek, or harbour, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of the Central Government or his superior officer, shall be punished with dismissal from the naval service or such other punishment as is hereinafter mentioned.

Section 58 - Offences in respect of property

Every person subject to naval law who wastefully expends or fraudulently buys, sells or receives any property of Government or property belonging to a naval, military or air force mess, band or institution, and every person who knowingly permits any such wasteful expenditure, or any such fraudulent purchase, sale or receipt, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 59 - Arson

Every person subject to naval law who unlawfully sets fire to any dockyard, victualling yard or steam factory yard, arsenal, magazine, building, stores or to any ship, vessel, hoy, barge, boat, aircraft, or other craft or furniture thereunto belonging, not being the property of an enemy, shall be punished with death or such other punishment as is hereafter mentioned.

Section 60 - Falsifying official documents and false declarations

Every person subject to naval law--

- (a) who knowingly makes or signs a false report, return, list, certificate, book, muster or other document to be used for official purposes; or
- (b) who commands, counsels or procures the making or signing thereof; or
- (c) who aids or abets any other person in the making or signing thereof; or
- (d) who knowingly makes, commands, counsels or procures the making of, a false or fraudulent statement or a fraudulent omission in any such document;

shall be punished with imprisonment for a term which may extend to seven years or such other punishment as is hereinafter mentioned.

Section 61 - Malingering, etc

Every person subject to naval law--

- (a) who wilfully does any act or wilfully disobeys any orders whether in hospital or elsewhere with intent to produce or to aggravate any disease or infirmity or to delay his cure; or
- (b) who feigns any disease, infirmity or inability to perform his duty;

shall be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Section 62 - Penalty for endeavouring to stir up disturbance on account of unwholesomeness of victuals or other just grounds

Every person subject to naval law who has any cause of complaint either of the unwholesomeness of the victuals or upon any other just ground shall quietly make the same known to his superior or captain or to the Chief of the Naval Staff, in accordance with the prescribed channels of communication and the said superior, captain or Chief of the Naval Staff shall, as far as he is able, cause the same to be presently remedied; and every person subject to naval law who upon any pretence whatever attempts to stir up any disturbance shall be punished with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned.

Section 63 - Offences in respect of papers relating to prize

(1) All the papers, charter-parties, bills of lading, passports and other writings whatsoever that shall be taken, seized, or found 1[aboard] any ships which are taken as prize shall be duly preserved and the commanding officer of the ship which takes such prize shall send the originals entire and without fraud to the Court of competent jurisdiction or such other Court or commissioners as shall be authorised to determine whether such prize be lawful capture, there to be viewed, made use of and proceeded upon according to law.

(2) Every commanding officer who wilfully fails to send the papers, charter-parties, bills of lading, passports or other writings whatsoever that shall be taken, seized, or found¹⁰[aboard] any ships which are taken as prize to the proper Court or other authority shall be punished with dismissal from the naval service or such other punishment as is hereinafter mentioned and in addition shall forfeit and lose any share of-the capture.

1. Substituted for the words 'abroad' and deemed always to have been so by the Repealing and Amending Act, 1960 (58 of 1960), Section 3 & Second Schedule.

Section 64 - Offences in respect of prize

Every person subject to naval law who takes out of any prize or ship seized for prize, any money plate or goods, unless it is necessary for the better securing thereof, or for the necessary use and service of any ships of war of the Indian Navy, before the same be adjudged lawful prize in a Court of competent jurisdiction, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned, and in addition shall forfeit and lose his share of the capture.

Section 65 - Offences in respect of persons on board a prize ship

Every person subject to naval law who in any sort pillages, beats, or ill-treats officers, mariners or other persons on board a ship or vessel taken as prize or who unlawfully strips them off their clothes, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 66 - Unlawful taking or ransoming a prize

Every commanding officer of a ship of the Indian Navy subject to naval law, who,--

(a) by collusion with the enemy taken as prize any vessel, goods or thing; or

(b) unlawfully agrees with any person for the ransoming of any vessel, goods or thing taken as prize; or.

(c) in pursuance of any unlawful agreement for ransoming or otherwise by collusion actually quits or restores any vessel, goods or thing taken as prize;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 67 - Breaking bulk on board a prize ship

Every person subject to naval law who breaks bulk on board any vessel taken as prize, or detained in the exercise of any belligerent right or under any law relating to piracy or to the slave trade or to the customs, with intent dishonestly to misappropriate anything therein or belonging thereto, shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 68 - Violation of the Act, regulations and orders

Every person subject to naval law who neglects to obey or contravenes any provisions of this Act or any regulation made under this Act or any general or local order, shall, unless other punishment is provided in this Act for such neglect or contravention, be punished with imprisonment for a term

which may extend to two years or such other punishment as is hereinafter mentioned.

Section 69 - Offences in relation to Court-martial

Every person subject to naval law, who,--

- (a) being duly summoned or ordered to attend as a witness before a court-martial wilfully or without reasonable excuse fails to attend; or
- (b) refuses to take an oath or make an affirmation legally required by a court-martial to be taken or made; or
- (c) being sworn, refuses to answer any questions which he is in law bound to answer; or
- (d) refuses to produce or deliver up a document in his power which the court may legally demand; or
- (e) is guilty of contempt of court-martial;

shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Section 70 - Fraudulent entry

Every person who upon entry into or offering himself to enter the naval service wilfully makes or gives any false statement whether orally or in writing to any officer or person authorised to enter or enrol [sailors] or others in or for such naval service, shall, if he has become subject to naval law, be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

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

Section 71 - Escape from custody

Every person subject to naval law who being in lawful custody escapes or attempts to escape from such custody shall be punished with imprisonment for a term which may extend to five years or such other punishment as is hereinafter mentioned.

Section 72 - Failure to assist in detention of offenders

Every person subject to naval law, who,--

- (a) does not use his utmost endeavours to detect, apprehend or bring to punishment all offenders against this Act; or
- (b) does not assist the officers appointed for that purpose;

shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned.

Section 73 - Penalty for failure to attend by members of reserve forces when called up

Every member of the Indian Naval Reserve Forces¹[and every person belonging to any auxiliary forces raised under this Act] who, when called up for training or when called up into actual service with the Indian Navy in pursuance of the regulations made under this Act, and required by such call to join any ship or attend at any place, fails, without reasonable excuse to comply with such requirement, shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

1. Inserted by the Navy (Amendment) Act, 1974 (53 of 1974), Section 15 (16-12-1974).

Section 74 - Offences against good order and naval discipline

Every person subject to naval law who is guilty of an act, disorder, or neglect to the prejudice of good order and naval discipline, not hereinbefore specified, shall be punished with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Section 75 - Attempts

Every person subjected to naval law who attempts to commit any of the offences specified in sections 34 to 74 and 76 and in such attempt does any act towards the commission of the offence shall, where no express provision is made by this Act for the punishment of such attempt, be punished,

(a) if the offence attempted to be committed is punishable with death, with imprisonment for a term which may extend to fourteen years or such other punishment as is hereinafter mentioned, and

(b) if the offence attempted to be committed is punishable with imprisonment, with one-half of the maximum punishment provided for the offence or with such other punishment as is hereinafter mentioned.

Section 76 - Abetment of offences

Any person subject to naval law who abets the commission of any of the offences specified in Sections 34 to 74 shall, whether the act abetted is committed or not in consequence of the abetment, and where no express provision is made by this Act for the punishment of such abetment, be punished with the punishment provided for that offence.

Section 77 - Civil offences

(1) Every person subject to naval law who commits a civil offence punishable with death or with imprisonment for life shall be punished with the punishment assigned for that offence.

(2) Every person subject to naval law who commits any other civil offence shall be punished either with the punishment assigned for the offence or with imprisonment for a term which may extend to three years or such other punishment as is hereinafter mentioned.

Section 78 - Jurisdiction as to place and offences
