

**Navy Act, 1957**

**Section 34 - Misconduct by Officers or Persons in Command**

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**<sup>1</sup>[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.

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

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