

Navy Act, 1957

Chapter IX - Provisions as to Punishments

(1) The following punishments may be inflicted under this Act, namely:--

- (a) death;
- (b) imprisonment which may be for the term of life or any other lesser term;
- (c) dismissal with disgrace from the naval service;
- (d) detention;
- (e) dismissal from the naval service;
- (f) forfeiture of seniority in rank in the case of officers¹[and master chief petty officers];
- (g) forfeiture of time for promotion in the case of²[officers below the rank of commander and master chief petty officers];
- (h) dismissal from the ship to which the offender belongs;
- (i)³[reduction in rank], in the case of³[petty officers] and persons holding leading rates;
- (j) fine, in respect of civil offences;
- (k) mulcts of pay and allowances;
- (l) severe reprimand or reprimand;
- (m) forfeiture of pay, head money, bounty, salvage, prize money and allowances earned by, and all annuities, pensions, gratuities, medals and decorations granted to, the offender or of any one or more of the above particulars; also in the case of desertion, of all clothes and effects left by the deserter in the ship to which he belongs;
- (n) such minor punishments as are inflicted according to the custom of the navy or may from time to time be prescribed.

(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

1. Inserted by the Navy (Amdt.) Act, 1982 (48 of 1982), Section 3 (16-10-1982).

2. Substituted for the words "subordinate officers", by the Navy (Amdt.) Act, 1982 (48 of 1982), Section 3 (16-10-1982).

3. Substituted for the word "disrating" and "subordinate and petty officers", by the Navy (Amdt.) Act, 1982 (48 of 1982), Section 3 (16-10-1982).

Section 82 - Provisions as to award of punishment

(1)The punishments that may be inflicted under this Act shall be awarded inaccordance with the provisions of the following sub-sections.

(2)Except in the case of mutiny in time of war or on active service, the punishmentof death shall not be inflicted on any offender until the sentence has beenconfirmed by the Central Government.

(3)The punishment of imprisonment for a term exceeding two years shall in all casesbe accompanied by a sentence of dismissal with disgrace from the naval service.

(4)The punishment of imprisonment for a term not exceeding two years may in allcases be accompanied by a sentence of dismissal with disgrace or dismissal fromthe naval service:

Providedthat in the case of officers, unless the sentence of dismissal with disgrace isalso awarded, such sentence of imprisonment shall involve dismissal from thenaval service.

(5)The sentence of imprisonment may be rigorous or simple, or partly rigorous andpartly simple.

(6)The sentence of dismissal with disgrace shall involve in all cases forfeiture ofall pay, head money, bounty, salvage, prize money any allowances that have beenearned by and of all annuities, pensions, gratuities, medals and decorationsthat may have been granted to the offender and an incapacity to serve Governmentagain in a defence service, or a civil service, or to hold any post connectedwith defence or any civil post under the Government:

Providedthat the forfeiture of moneys shall not apply, except in the case of deserters,to moneys which should have been paid on the last pay day preceding conviction.

(7)The punishment of dismissal from the naval service shall in the case of personswho hold any lien on appointments in the regular Army or Air Force, involvedismissal from such army or air force service.

(8)The punishment of detention may be inflicted for any term not exceeding twoyears but no sentence of detention shall be awarded unless naval detentionquarters or army or air force detention barracks are in existence.

(9)The punishment of imprisonment or detention whether on board ship or on shorshall, subject to the provisions of sub-section (14), involve 1 [reductionin rank], in the case of a petty officer or a person holding a leading 4 [rank],and shall in all cases be accompanied by stoppage of pay and allowances duringthe term of imprisonment or detention:

Providedthat where the punishment awarded is detention for a term not exceeding fourteendays, the sentence may direct that the punishment shall not be accompanied bystoppage of pay and allowances during the term of detention.

(10)No officer shall be subject to detention.

(11)The punishment of forfeiture of seniority shall be imposed in the substantiverank held at the date of the sentence, and shall involve a correspondingforfeiture of seniority in every higher acting rank subject always to thecondition that forfeiture of seniority in any rank shall in no case exceed theseniority in that rank at the date of the sentence.

(12)The punishment of forfeiture of seniority shall involve the loss of the benefitof service included in the seniority forfeited for the purposes of pay, pension,gratuity, promotion and such other purposes, as may be prescribed, provided thatsuch pay, pension, gratuity and promotion and other purposes depend upon suchservice.

2 [(12A) No master chief petty officer shall be subject to the punishment offorfeiture of seniority of more than twelve months.]

(13)The punishment of forfeiture of time for promotion shall delay the promotion bythe time specified,

2 [(13 A) No master chief petty officer shall be subject to the punishment of forfeiture of time for promotion of more than twelve months.]

(14) No person shall be 3 [reduced in rank] below the limits prescribed, or lower either actually or relatively than the 3 [rank] in which he entered or was appointed in the naval service.

(15) Mulcts of pay and allowances shall not be awarded except as provided in sub-sections (16) and (17).

(16) Mulcts of pay and allowances shall be awarded in accordance with the regulations made under this Act on conviction of offences under Section 31.

(17) Mulcts of pay may also be awarded to make good any proved loss or damage occasioned by the offence on which there is a conviction, and for the offence of drunkenness by 4 [sailors].

(18) The punishment of fine may be awarded in respect of civil offences in addition to, or in lieu of, other punishments specified in this Act.

(19) The forfeiture of moneys under clause (m) of sub-section (1) of section 81 shall not, except in case of desertion apply to moneys which should have been paid on the last pay day preceding conviction.

(20) All other punishments authorised by this Act may be inflicted in such manner as is heretofore in use in the naval service or as may be prescribed.

(21) Subject to the provisions of the foregoing sub-sections, where any punishment is specified by this Act as the penalty for an offence and it is further declared that "such other punishment as is hereinafter mentioned" may be awarded in respect of the same offence, the expression "such other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment according to the scale of punishments laid down in sub-section (1) of section 81.

1. Substituted for the word "disrating" and "rate" respectively by the Navy (Amdt.) Act, 1982 (48 of 1982), 8.4(16-10-1982).

2. Inserted, by the Navy (Amdt.) Act, 1982 (48 of 1982), 8.4(16-10-1982).

3. Substituted for the word "disrated" and "rating", respectively, by the Navy (Amdt.) Act, 1982 (48 of 1982), 8.4(16-10-1982).

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