

Navy Act, 1957

Section 82 - Provisions as to Award of Punishment

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

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

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

Provided that in the case of officers, unless the sentence of dismissal with disgrace is also awarded, such sentence of imprisonment shall involve dismissal from the naval service.

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

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

Provided that 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 persons who hold any lien on appointments in the regular Army or Air Force, involve dismissal from such army or air force service.

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

(9) The punishment of imprisonment or detention whether on board ship or on shore shall, subject to the provisions of sub-section (14), involve 1 [reduction in 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 during the term of imprisonment or detention:

Provided that where the punishment awarded is detention for a term not exceeding fourteen days, the sentence may direct that the punishment shall not be accompanied by stoppage 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 substantive rank held at the date of the sentence, and shall involve a corresponding forfeiture of seniority in every higher acting rank subject always to the condition that forfeiture of seniority in any rank shall in no case exceed the seniority in that rank at the date of the sentence.

(12) The punishment of forfeiture of seniority shall involve the loss of the benefit of service included in the seniority forfeited for the purposes of pay, pension, gratuity, promotion and such other

purposes, as may be prescribed, provided that such pay, pension, gratuity and promotion and other purposes depend upon such service.

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

(13) The punishment of forfeiture of time for promotion shall delay the promotion by the 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).
