

## Navy Act, 1957

### Chapter XII - Authorities Having Power to Award Punishments

---

(1) An offence triable under this Act may be tried and punished by court-martial.

(2) An offence not capital which is triable under this Act and which is committed by a person other than an officer (and in cases by this Act expressly provided for when committed by an officer), may, subject to regulations made under this Act be summarily tried and punished by the commanding officer of the ship to which the offender belongs at the time either of the commission or of the trial of the offence, subject to the restriction that the commanding officer shall not have power to award imprisonment or detention for more than three months, or to award dismissal with disgrace from the naval service:

Provided that no sentence of imprisonment or dismissal shall be carried into effect until approved by the prescribed authorities.

(3) The power by this section vested in a commanding officer of a ship may, subject to regulations made under this Act,--

(a) as respects <sup>1</sup>[sailors] on board a tender to the ship, be exercised in the case of a single tender absent from the ship, by the officer in command of such tender and in the case of two or more tenders absent from the ship in company or acting together, by the officer in immediate command of such tenders;

(b) as respects <sup>1</sup>[sailors] on board any boat belonging to the ship, be exercised when such boat is absent on detached service by the officer in command of the boat;

(c) as respects <sup>1</sup>[sailors] on detached service either on shore or otherwise, be exercised by the officer in immediate command of those persons;

(d) as respects <sup>1</sup>[sailors] quartered in naval barracks, be exercised by the officer in command of the barracks;

(e) as respects <sup>1</sup>[sailors] attached to or serving with any body of the regular Army or the Air Force under prescribed conditions be exercised by the commanding officer of any such body of the regular Army or the Air Force.

(4) The commanding officer of a ship or barracks may delegate the power of awarding punishments inferior in scale to dismissal, to other officers under his command in accordance with the regulations made under this Act.

---

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

---

### Section 94 - Power of Central Government, Chief of the Naval Staff and other officers to impose forfeiture of time or seniority

---

<sup>1</sup> (1) The Central Government may impose on any officer below the rank of commander one or more of the following punishments, namely:--

(a) forfeiture of seniority in rank of not more than twelve months;

(b) forfeiture of time for promotion of not more than twelve months;

(c) mulcts of pay and allowances.

1 ((2) The Chief of the Naval Staff may impose on any officer below the rank of commander one or more of the following punishments, namely:--

(a) forfeiture of seniority in rank of not more than six months;

(b) forfeiture of time for promotion of not more than six months;

(c) mulcts of pay and allowances.

1 ((2A) The Flag Officer Commanding-in-Chief of a navel command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:--

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) severe reprimand or reprimand;

(d) mulcts of pay and allowances.

1 ((3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely:--

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) mulcts of pay and allowances."

(4) In imposing punishments under sub-sections (1) 2 [(2) and (2A)], it shall not be necessary for the Central Government or the Chief of the Naval Staff, as the case may be, to hear the accused in person or by any friend or counsel.

3 [(5) The commanding officer of a 4 [ship] or the officer-in-charge of a naval academy may impose on any subordinate officer whilst under training such minor punishments, not higher than the punishment of severe reprimand or reprimand, as may, from time to time, be prescribed.]

---

1. Substituted vide Navy (Amendment) Act, 2005. Previous text was "

(1) The Central Government may impose the punishment of forfeiture of time or seniority of not more than twelve months on any officer below the rank of commander.

(2) The Chief of the Naval Staff may impose the punishment of forfeiture of time or seniority of not more than six months on any officer below the rank of commander.

(2A) The Flag Officer Commanding-in-Chief of a naval command may, subject to regulations made under this Act, impose on any officer below the rank of commander one or more of the following punishments, namely :-

(a) forfeiture of seniority in rank of not more than three months;

(b) forfeiture of time for promotion of not more than three months;

(c) severe reprimand or reprimand.

(3) The commanding officer of a ship may subject to regulations made under this Act, impose the punishment of forfeiture of time or seniority of not more than three months on any subordinate officer.

2. Substituted for the word, brackets and figure "and (2)", by the Navy (Amdt.) Act, 1982 (48 of 1982), S. 5 (16-10-1982).

3. Inserted by the Navy (Amendment) Act, 1974 (53 of 1974), S. 16 (16-12-1974).

4. Substituted for the words "training ship", by the Navy (Amendment), Act 1982 (48 of 1982), Section 5 (16-10-1982).

---

## **Section 95 - Disciplinary Courts when may be constituted**

---

When an officer is, in time of war or during active service, alleged to have been guilty of a disciplinary offence, that is to say of a breach of sections 41, 47, 48, 49, 51, 52, 68 and 74 or of any of those sections read with section 75 or 76, the officer having the power to order a court-martial may, if he considers the offence to be of such a character as not to necessitate trial by court-martial, in lieu of ordering a court-martial, order a disciplinary court constituted as hereinafter mentioned.

---

## **Section 96 - Constitution and procedure of disciplinary courts**

---

(1) A disciplinary court shall be composed of not less than three nor more than five officers:

Provided that the majority of the officers including the president shall be officers of the executive branch of the naval service.

(2) At least one of these officers composing the court shall be superior in rank to the officer under trial and in any case shall be of the rank of substantive or acting commander or of a higher rank.

(3) A disciplinary court shall have power to impose any punishment inferior to detention in the scale hereinbefore contained, but no greater punishment.

(4) The officers composing the disciplinary court shall be named by the authority ordering the same or by an officer empowered in this behalf by such authority.

(5) Subject to the provisions of the foregoing sub-sections, the procedure and practice of courts-martial provided by or under this Act shall apply to the procedure and practice of disciplinary courts subject to such modifications as may be prescribed.

---

## **Section 97 - Constitution of courts-martial**

---

(1) Courts-martial shall be constituted and convened subject to the provisions of the following sub-sections.

(2) The President, the Chief of the Naval Staff, or any officer empowered in this behalf by commission from the Chief of the Naval Staff shall have the power to order courts-martial for the trial of offences under this Act.

(3) Unless otherwise prescribed in respect of any specified port or station, an officer holding a commission from the Chief of the Naval Staff to order courts-martial shall not be empowered to do so if there is present at the place where such court-martial is to be held an officer superior in rank to himself and in command of one or more of the ships of the Indian Navy although such last mentioned officer may not hold a commission to order courts-martial and in such a case such last mentioned

officer may order a court-martial although he does not hold a commission for the purpose.

(4) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial, having the command of a fleet or squadron and being outside Indian waters die, be recalled, leave his station or be removed from his command, the officer upon whom the command of the fleet or squadron devolves and so from time to time the officer who shall have the command of the fleet or squadron, shall without any commission from the Chief of the Naval Staff have the same power to order courts-martial as the first mentioned officer was invested with.

(5) If an officer holding a commission from the Chief of the Naval Staff to order courts-martial and having the command of any fleet or squadron of the Indian Navy outside Indian waters shall detach any part of such fleet or squadron, or separate himself from any part of such fleet or squadron he may by commission under his hand empower in the first mentioned case, the commanding officer of the squadron or detachment ordered on such separate service and in the case of his death or ceasing so to command, the officer to whom the command of such separate squadron or detachment shall belong, and in the second mentioned case, the senior officer of the ships of the Indian Navy on the division of the station from which he is absent, to order courts-martial during the time of such separate service or during his absence from that division of the station as the case may be, and every such authority shall continue in force until revoked or until the officer holding it returns to India or until he comes into the presence of a superior officer empowered to order courts-martial in the same squadron, detachment or division of station but so that such authority shall revive on the officer holding it ceasing to be in the presence of such a superior officer and so from time to time as often as the case so requires.

(6) A court-martial shall consist of not less than five nor more than nine officers.

(7) No officer shall be qualified to sit as a member of a court-martial unless

(a) he is subject to naval law.