

Navy Act, 1957

Chapter XIV - Execution of Sentences

In awarding a sentence of death, a court-martial shall in its discretion direct that the offender shall suffer death by being hanged by the neck until he be dead or shall suffer death by being shot to death.

Section 148 - Interim custody until execution of sentence of death

A person sentenced to death may be detained in naval custody or may be removed to a civil prison to be kept in custody until further orders be received from the Central Government, the Chief of the Naval Staff or the officer ordering the court-martial by which he was sentenced to, death or other prescribed officer and the order in the prescribed form of the Central Government, the Chief of the Naval Staff or the convening authority or such officer shall be sufficient warrant for detaining the person in custody.

Section 149 - Execution of sentences of death

- (1) When a sentence of death is to be executed, the Chief of the Naval Staff or the convening authority or the prescribed officer shall give directions as to the time, place and manner in which sentence is to be carried out and the order of such officer or authority in the prescribed form and shall be sufficient warrant for the execution of such sentence.
 - (2) There shall be attached to the prescribed form an order of the Central Government certifying the confirmation of the sentence by the Central Government in all cases where such confirmation is necessary; and where such confirmation is not necessary, a certificate of the Chief of the Naval Staff or other prescribed officer stating that such confirmation is not necessary.
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Section 150 - Place of imprisonment and detention

- (1) Every term of imprisonment whether imprisonment was awarded as an original or commuted punishment may be served in a naval prison, naval detention quarters or in any civil prison, house of correction or military or air force prison or detention barracks.
 - (2) Every term of detention whether the detention was awarded as an original or commuted punishment may be served in any naval detention quarters or army or air force detention barracks.
 - (3) Where in pursuance of this Act, a person is sentenced to imprisonment or detention or has his sentence commuted to imprisonment or detention, the order in the prescribed form of the Central Government or the Chief of the Naval Staff or the officer ordering the court-martial by which such person was sentenced or the senior officer present in port or, if he was sentenced by the commanding officer of a ship, or other officer empowered under this Act to exercise like powers, the order in the prescribed form of such commanding officer or other officer, shall be a sufficient warrant for the sending of such person to the place of imprisonment or detention, as the case may be, thereto undergo the sentence according to law, or until he reaches such place of imprisonment or detention for detaining him in naval custody or in the case of a person sentenced to imprisonment, in any civil prison or place of confinement.
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Section 151 - Commencement of sentence

(1) Subject to the provisions of sub-section (2) every term of imprisonment or detention awarded in pursuance of this Act shall be reckoned as commencing on the day on which the sentence was awarded.

(2) Where by reason of a ship being at sea or off a place at which there is no proper prison or naval detention quarters, a sentence of imprisonment or detention, as the case may be, cannot be duly executed, then subject as hereinafter mentioned, an offender under the sentence of imprisonment or detention, as the case may be, may be sent with all reasonable speed to some place at which there is a proper prison or naval detention quarters or in the case of an offender under sentence of detention to some place at which there are some naval detention quarters in which the sentence can be duly executed; and on arrival there, the offender shall undergo his sentence in like manner as if the date of such arrival were the day on which the sentence was awarded and notwithstanding that in the meanwhile he has returned to his duty or become entitled to his discharge; and the term of imprisonment or detention, as the case may be, shall be reckoned accordingly, subject however to the deduction of any time during which he has been kept in confinement in respect of the said offence.

1(3) Whenever any offender is sentenced by a court-martial to a term of imprisonment, in pursuance of this Act, not being imprisonment in default of payment of fine, the period spent by him in civil or naval custody during investigation, inquiry or trial of the same case, and before the date or order of such sentence, shall be set off against the terms of imprisonment imposed upon him, and the liability of such offender to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him.

1. Inserted vide Navy (Amdt) Act 2005

Section 152 - Imprisonment of offender already under sentence

Whenever a sentence shall be passed by a court-martial on an offender already under sentence either of detention or imprisonment passed upon him under this Act for a former offence, the court may award a sentence of detention or imprisonment for the offence for which he is under trial to commence at the expiration of the sentence of detention or imprisonment to which he has been previously sentenced :

Provided that so much of any term of detention imposed on a person by a sentence in pursuance of this section as will prolong the total term of detention beyond two years shall be deemed to be remitted.

Section 153 - Change of place of confinement

Whenever it is deemed expedient, it shall be lawful for the Central Government, the Chief of the Naval Staff or senior officer present, by an order in writing in the prescribed form, from time to time to change the place of confinement of any offender imprisoned or sentenced to be imprisoned or detained in pursuance of this Act or of any offender undergoing or sentenced to undergo detention; and the gaoler or other person having the custody of such offender shall immediately on the receipt of such order remove such offender to the gaol, prison or house of correction or, in the case of an offender undergoing or sentenced to undergo detention, to the naval detention quarters mentioned in the said order, or shall deliver him over to naval custody for the purpose of the offender being removed to such prison or naval detention quarters, and every gaoler or keeper of such last-mentioned prison, gaol, or house of correction or naval detention quarters shall, upon being furnished with such order of removal, receive into his custody and shall confine pursuant to such sentence or order every such offender.

Section 154 - Discharge or removal of prisoners

Whenever any offender is undergoing imprisonment or detention in pursuance of this Act, it shall be lawful for the Central Government or the Chief of the Naval Staff, or where an offender is undergoing imprisonment or detention by order of his commanding officer, for such commanding officer or the

Central Government or the Chief of the Naval Staff, to give an order in writing in the prescribed form directing that the offender be discharged; and it shall also be lawful for the Central Government and the Chief of the Naval Staff, by order in writing in the prescribed form, to direct that any such offender, be delivered over to naval custody for the purpose of being brought before a court-martial, either as a witness or for trial or otherwise, and such offender shall accordingly, on the production of any such order, be discharged, or be delivered over to such custody.

Section 155 - Time of detention in naval custody

The time during which any offender under sentence of imprisonment or detention is detained in naval custody shall be reckoned as imprisonment or detention under his sentence for whatever purpose he is so detained; and the governor, gaoler, keeper or superintendent who shall deliver over any such offender shall again receive him from naval custody, so that he may undergo the remainder of his punishment.

Section 156 - Removal of insane prisoners

If any person imprisoned or undergoing detention by virtue of this Act shall become insane, and a certificate to that effect shall be given by two physicians or surgeons, the Central Government shall, by warrant in the prescribed form, direct the removal of such person to such asylum or other proper receptacle for insane persons in India as it may judge proper for the unexpired term of his imprisonment or detention; and if any such person shall in the same manner be certified to be again of sound mind, the Central Government may issue a warrant in the prescribed form for his being removed to such person or place of confinement or in the case of a person sentenced to detention, such naval detention quarters as may be deemed expedient, to undergo the remainder of his punishment, and every gaoler or keeper of any person, gaol, or house of correction shall receive him accordingly.

Section 157 - Naval prisons and naval detention quarters

The Central Government may set apart any buildings or vessels or any parts thereof as naval prisons or naval detention quarters and any buildings, vessels or parts of buildings or vessels so set apart as naval prisons or naval detention quarters, as the case may be, shall be deemed to be naval prisons or naval detention quarters respectively, within the meaning of this Act.

Section 158 - Execution of sentence of fine

When a sentence of fine is imposed under this Act by a court-martial or disciplinary court, the officer ordering the court-martial or disciplinary court may transmit a copy of the order imposing the fine duly certified under his hand to any magistrate in India, and such magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the ¹[Code of Criminal Procedure, 1973], or any law corresponding thereto in force in the State of Jammu and Kashmir as if it were a sentence of fine imposed by such magistrate.

1. Substituted for the words and figures "Code of Criminal Procedure, 1898" by the Navy (Amendment) Act, 1982 (48 of 1982), Section 10(16-10-1982).

Section 159 - Power to make regulations in respect of naval prisons and detention quarters

(1) The Central Government may, by notification in the Official Gazette, make regulations providing,--

(a) for the government, management and regulation of naval prisons and detention quarters;

(b) for the appointment and removal and powers of inspectors, visitors and officers thereof;

(c) for the food, bedding and clothing of prisoners or persons undergoing detention therein;

(d) for the labour of such prisoners or persons therein and for enabling such prisoners or persons to earn by special industry and good conduct remission of a portion of their sentence; and

(e) for the care of such prisoners or persons, their safe custody and the maintenance of good order and discipline among them and the punishment by personal correction, restraint or otherwise of offences committed by such prisoners or persons.

(2) The regulations to be made under this section may apply to naval prisons or detention quarters any of the provisions of the Prisons Act, 1894, and rules made thereunder, imposing punishments on any persons not being prisoners or relating to the duties of gaolers, medical officers and other officers of the prisons.

(3) The regulations to be made under this section shall not authorise corporal punishment to be inflicted for any offence.