

Navy Act, 1957

Section 168 - Appointment of the Judge Advocate General of the Navy and His Subordinate Officers

(1) There shall be appointed by the Central Government a Judge Advocate General of the Navy and as many judge advocates in the department of the Judge Advocate General of the Navy as the Central Government may deem necessary.

(2) Out of the judge advocates so appointed, the Central Government may designate any one to be the Deputy Judge Advocate General of the Navy.

(3) A person shall not be qualified for appointment as Judge Advocate General of the Navy unless he--

(a) is a citizen of India, and

(b) has for at least ten years held a judicial office in the territory of India, or

(c) has for at least ten years been an advocate of a High Court or two or more such courts in succession.

1[Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (b) or clause (c) in respect of any person.]

(4) A person shall not be qualified for appointment as Deputy Judge Advocate General of the Navy unless he--

(a) is a citizen of India; and

(b) has for at least seven years held a judicial office in the territory of India, or

(c) has for at least seven years been an advocate of a High Court or two or more such courts in succession.

1[Provided that the Central Government may, if it is of opinion that it is necessary or expedient so to do in the exigencies of service, relax, for reasons to be recorded in writing, the qualification specified in clause (b) or clause (c) in respect of any person.]

(5) A person shall not be qualified for appointment as a judge advocate unless he--

(a) is a citizen of India; and

(b) is qualified for enrolment as an advocate or a pleader of a High Court.

Explanation.-- For the purposes of this section,--

(a) in computing the period during which a person has been an advocate of a High Court, there shall be included any period during which the person has held judicial office after he became an advocate;

(b) in computing the period during which a person has held judicial office in the territory of India or been an advocate of a High Court, there shall be included any period before the commencement of the Constitution during which he has held judicial office in any area which was comprised before the 15th day of August, 1947, within India as defined in the Government of India Act,

1935, or has practised as an advocate of any High Court in any such area as the case may be;

(c) the expression "judicial office" shall be deemed to include the office of the Judge Advocate of the Fleet or any of his deputies or assistants and any other legal or judicial office in the department of the Judge Advocate of the Fleet held before the commencement of this Act, and the office of the Judge Advocate General of the Navy or of a judge advocate held after the commencement of this Act.

1. Inserted by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 17 (16-12-1974).
