

Navy Act, 1957

Section 171 - Disposal of Property of Deceased Sailors

1[Disposal of property of deceased sailors

(1) On the death of a 1[sailor] while subject to naval law, the commanding officer of the ship to which the 1[sailor] belonged shall as soon as may be,-

(a) secure all movable property belonging to the deceased that is in the ship or quarters and cause an inventory thereof to be made;

(b) draw the pay and allowances due to such persons;

(c) if he thinks fit, and subject to any regulations made in this behalf, collect all moneys left by the deceased in any banking company, including any post office savings banks, cooperative bank or society, or any other institution receiving deposits in money however named, and for that purpose may require the agent, manager or other proper authority of such banking company, society or other institution to pay the moneys to the commanding officer forthwith notwithstanding anything in the rules of the banking company, society or institution; and such agent, manager or other authority shall, notwithstanding anything contained in any other law, be bound to comply with the requisition.

(2) Where any money has been paid by the banking company, society or other institution in compliance with the requisition under clause (c) of sub-section (1), no person shall have any claim against the said banking company, society or other institution in respect of such money.

(3) The commanding officer shall, if in his opinion it is necessary for the purpose of securing the payment of the ship and service debts and other debts in the ship or quarters of the deceased and the expenses, if any, incurred by the commanding officer in respect of the estate of the deceased, cause the movable property of the deceased to be sold or converted into money.

(4) If the representative of the deceased is on the spot and either pays or gives security for the payment of the ship and service debts and other debts in ship or quarters due from the deceased, the commanding officer shall not take action under clause (c) of sub-section (1) or under sub-section(3).

(5) The commanding officer shall, out of the moneys so received, collected or realised under sub-sections (1) and (3), pay the ship and service debts and other debts in ship or quarters of the deceased, and the expenses incurred in connection with the realisation of the assets of the deceased.

(6) Any property left over after meeting the expenditure indicated in sub-section (5), or where the representative had paid or given security for the payment of the ship and service debts and other debts in ship or quarters the entire property of the deceased, shall be delivered over by the commanding officer to the representative of the deceased, whereupon his responsibility for the administration of the estate of the deceased shall cease.

(7) If no claim is made in respect of the said surplus by a representative of the deceased within twelve months of the death, the commanding officer shall take steps to hand over the property to the prescribed person who shall continue the administration of the estate of the deceased as provided for in section 176.

1. Substituted for the word "seamen" by the Navy (Amdt.) Act, 1974 (53 of 1974), Section 2 (16-12-74).

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