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THE NAVY (AMENDMENT) ACT, 2005

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NO. 23 OF 2005

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[23rd June, 2005.]

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An Act further to amend the Navy Act, 1957.

BE it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:-

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Short title.

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1. Short title.-This Act may be called the Navy (Amendment) Act, 2005.

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Amendment of section 3.

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2. Amendment of section 3.-In section 3 of the Navy Act, 1957 (62 of 1957) (hereinafter referred to as the principal Act), for clause (16), the following clause shall be substituted, namely:-

'(16) "Officer" means a commissioned officer and includes-

(a) a subordinate officer other than a petty officer;

(b) a commissioned officer re-employed as such;'

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Amendment of section 79.

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3. Amendment of section 79.-In section 79 of the principal Act, for the words "Provided further that", the following shall be substituted, namely:-

"Provided further that in computation of the said period of three years, any time during which,-

(a) the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier;

(b) it was not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority investigating into the offence, whichever is earlier, shall be excluded:

Provided also that where the institution of the prosecution in respect of an offence has been stayed by an injunction or order, then, in computing the said period of three years, the period of the continuance of the injunction or order, the day on which it was issued or made and the day on which it was withdrawn shall be excluded:

Provided also that".

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Amendment of section 94.

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4. Amendment of section 94.-In section 94 of the principal Act, for sub-sections (1), (2), (2A) and (3), the following sub-sections shall respectively be substituted, namely:-

"(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.

(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.

(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;

(d) mulcts of pay and allowances.

(3) The commanding officer of a ship may, subject to regulations made under this Act, impose on any subordinate officer 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."

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Amendment of section 133.

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5. Amendment of section 133.-In section 133 of the principal Act, for sub-section (6), the following sub-section shall be substituted, namely:-

"(6) Any document purporting to be a report, under the hand of-

(a) any Chemical Examiner or Assistant Chemical Examiner to the Government;

(b) the Chief Inspector of Explosives;

(c) the Director of Finger Print Bureau;

(d) the Director of Haffkeine Institute, Bombay;

(e) the Director, Deputy Director or Assistant Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory;

(f) the Serologist to the Government,

upon any matter or thing duly submitted to him for examination or analysis, may be used as evidence in any proceeding under this Act."

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Amendment of section 151.

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6. Amendment of section 151.-In section 151 of the principal Act,-

(a) in sub-section (1), for the word, brackets and figure "sub-section (2)", the words, brackets and figures "sub-sections (2) and (3)" shall be substituted;

(b) after sub-section (2), the following sub-section shall be inserted, namely:-

"(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 of 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."

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Amendment of section 163.

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7. Amendment of section 163.-In section 163 of the principal Act, in sub-section (1), clause (e) shall be omitted.

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Insertion of new section 163A.

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8. Insertion of new section 163A.-After section 163 of the principal Act, the following section shall be inserted, namely:-

"163A. Provision relating to parole.-Where any person is tried under the provisions of this Act, the Central Government or the Chief of the Naval Staff or the Flag Officers Commanding-in-Chief of the Naval Commands may in the case of conviction either with or without conditions release the person on parole."

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Amendment of section 176.

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9. Amendment of section 176.-In section 176 of the principal Act, in clause (b), for the words "ten thousand rupees in value", the words "the prescribed amount not exceeding rupees one lakh in value" shall be substituted.

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Amendment of section 184.

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10. Amendment of section 184.-In section 184 of the principal Act, in sub-section (2), after clause (q), the following clause shall be inserted, namely:-

"(qa) the amount required to be prescribed under clause (b) of section 176;"

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Omission of Chapter XXII.

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11. Omission of Chapter XXII.-Chapter XXII of the principal Act and the heading relating thereto shall be omitted.

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T. K. VISWANATHAN,

Secy. to the Govt. of India.

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