

THE NAVY (AMENDMENT) ACT, 1982

No. 48 OF 1982

[16th October, 1982.]

An Act further to amend the Navy Act, 1957.

BE it enacted by Parliament in the Thirty-third Year of the Republic of India as follows:—

Short
title.

1. This Act may be called the Navy (Amendment) Act, 1982.

Amend-
ment of
section
55A.

2. In section 55A of the Navy Act, 1957 (hereinafter referred to as the principal Act), in clause (a), after the words "fourteen years", the words "or such other punishment as is hereinafter mentioned" shall be inserted.

62 of 1957.

Amend-
ment of
section
81.

3. In section 81 of the principal Act, in sub-section (1),—

(a) in clause (f), after the word "officers", the words "and master chief petty officers" shall be inserted;

(b) in clause (g), for the words "subordinate officers", the words "officers below the rank of commander and master chief petty officers" shall be substituted;

(c) in clause (i), for the words "disrating" and "subordinate and petty officers", the words "reduction in rank" and "petty officers" shall respectively be substituted.

Amend-
ment of
section
82.

4. In section 82 of the principal Act,—

(a) in sub-section (9), for the words "disrating" and "rate", the words "reduction in rank" and "rank" shall respectively be substituted;

(b) after sub-section (12), the following sub-section shall be inserted, namely:—

"(12A) No master chief petty officer shall be subject to the punishment of forfeiture of seniority of more than twelve months.";

(c) after sub-section (13), the following sub-section shall be inserted, namely:—

“(13A) No master chief petty officer shall be subject to the punishment of forfeiture of time for promotion of more than twelve months.”;

(d) in sub-section (14), for the words “disrated” and “rating”, the words “reduced in rank” and “rank” shall respectively be substituted.

5. In section 94 of the principal Act,—

(a) in sub-sections (1) and (2), for the words “any subordinate officer”, the words “any officer below the rank of commander” shall be substituted;

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

“(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.”;

(c) in sub-section (4), for the word, brackets and figure “and (2)”, the brackets, figures, word and letter “, (2) and (2A)” shall be substituted;

(d) in sub-section (5), for the words “training ship”, the word “ship” shall be substituted.

6. In section 97 of the principal Act, in clause (b) of the proviso to sub-section (10), after the figures “55”, the figures and letters “, 55A, 55C” shall be inserted.

7. In section 135 of the principal Act,—

(a) in sub-section (1), for the words “any district magistrate or magistrate of the first class”, the words “any metropolitan magistrate or judicial magistrate of the first class” shall be substituted;

(b) in sub-section (3), for the words and figures “district magistrate or magistrate of the first class or an authority exercising in that place powers equivalent to those of a magistrate of the first class under the Code of Criminal Procedure, 1898”, the words and figures “metropolitan magistrate or judicial magistrate of the first class or an authority exercising the powers equivalent to those of a judicial magistrate of the first class under the Code of Criminal Procedure, 1973” shall be substituted;

5 of 1898.

2 of 1974.

Amendment of section 94.

Amendment of section 97.

Amendment of section 135.

(c) in sub-section (4),—

(i) for the words "if he is a district magistrate he or such magistrate of the first class as is appointed by him in this behalf", the words "if he is a Chief Metropolitan Magistrate or Chief Judicial Magistrate, he or such metropolitan magistrate or judicial magistrate of the first class as is appointed by him in this behalf" shall be substituted;

(ii) for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amend-
ment of
section
141.

8. In section 141 of the principal Act, for the words and figures "under section 476 of the Code of Criminal Procedure, 1898", the words and figures "under section 340 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974

Amend-
ment of
section
142.

9. In section 142 of the principal Act, for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Amend-
ment of
section
158.

10. In section 158 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898", the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.
2 of 1974.

Insertion
of new
section
184A.

11. After section 184 of the principal Act, the following section shall be inserted, namely:—

Power
to make
regula-
tions
with
retrospec-
tive
effect.

"184A. The power to make regulations conferred by this Act shall include the power to give retrospective effect, from a date not earlier than the date of commencement of this Act, to the regulations or any of them, but no retrospective effect shall be given to any regulation so as to prejudicially affect the interests of any person to whom such regulation may be applicable."