

SRI LANKA NAVY ORDER NO. 0505

MINOR PUNISHMENTS

The following Minor Punishments may be awarded to persons convicted of offences by Courts Marital or by Naval Officers exercising judicial powers under the Navy Act.

- (a) Depreivation of Good Conduct Badges.
- (b) Disrating of Leading Seaman and above or Seaman of equivalent rating in any other branch.
- (c) Imposition of Extra Work for a period not exceeding 14 days.
- (d) Stoppage of leave for a period not exceeding 30 days.
- (e) Mulcts of Pay.
- (f) Admonition.

2. The following provisions shall apply in regard to the award or minor punishments pacified in paragraph 1 above.

(a) Depreivation of Good Conduct Badges. Any seaman to whom a Good Conduct Badge has been awarded may be deprived of such badge for any period. Depreivation of a Good Conduct Badge shall involve the forfeiture of payment of the appropriate good conduct pay during the period for which the offender has been deprived of such badge. A seaman sentenced to imprisonment or detention shall be deprived of any good conduct badge he may hold. Restoration of a Good Conduct Badge may be considered on the expiry of the period of imprisonment or detention, whether the seaman prefers his claim or not in accordance with such directives as may be issued in that behalf by the Commander of the Navy.

(b) Disrating of Leading Seaman and Above or Seaman of Equivalent Rating in Any Other Branch. Any Leading Seaman or above or seaman of equivalent rating in any other branch may be disrated to Able Seaman or Seaman of equivalent rating in the branch witch he is attached.

(c) Imposition of Extra Work. Extra Work for a period not exceeding two hours a day may be imposed for any period not exceeding 14 days for any seaman below the rating of Leading Seaman. Whenever possible such extra work shall be imposed to be carried out in the department in which the offender works. While under this punishment the seaman shall not be allowed to leave the ship or establishment except on duty, though he may be allowed to proceed on leave, in circumstances which his Commanding Officer considered very exceptional.

(d) Stoppage of Leave. Stoppage of leave commences the day on which it is awarded and runs continuously from that day and shall not exceed 30 days. While under stoppage of leave a seaman shall not be allowed to leave the ship or establishment other than on duty, though he may be allowed to proceed on leave, in circumstances which his Commanding Officer considers very exceptional.

(e) Mulcts of Pay. The following provisions shall apply where this punishment is awarded for absence without leave whether with or without any other punishment, except as provided in sub paragraphs (f), (g), (h) and (j) below, mulcts of pay shall be in accordance with the following seals:

- (i) Where the period of absence does not exceed 8 hours one day's mulct of pay.
- (ii) Where the period of absence exceed 8 hours but does not exceed 72 hours, one days mulct of pay for every 12 hours or part there of.

(iii) Where the period of absence exceeds 72 hours, one day's mulct of pay for every 12 hours of absence upto 72 hours and thereafter one day's pay for each period of 24 hours or part thereof.

(f) If the period of absence is trivial or if there are extenuating or mitigating circumstances and the period of absence does not exceed 24 hours, the Commanding Officer trying the case may at his discretion award a mulct of pay other than on the scale specified in sub paragraph (e).

(g) If the period of absence exceeds 24 hours but there are extenuating or mitigating circumstances justifying exceptional treatment, the Commanding Officer trying the case may at his discretion award a mulct of pay amounting to not less than one day's pay for each day or part thereof.

(h) Where the absence without leave is an aggravated offence or a repeated offence or a subsequent offence, mulct of pay may be awarded other than on the scale specified in sub paragraph (e). The offence of absence without leave is aggravated in the following circumstances:-

(i) If the absence exceeds 168 hours.

(ii) If the absentee misses his ship or draft.

(iii) When leave was granted a warning was given that the ship was under sailing orders.

(iv) If the offender was undergoing any form of punishment at the time.

(v) If there are any other particularly serious circumstances.

(vi) The offence of absence without leave is repeated when committed on board the same ship or in the same establishment within 06 months of the commission of a previous offence of absence without leave.

(vii) The offence of absence without leave is a subsequent offence when the offence is committed on board the ship or in the establishment where a repeated offence was committed and within 06 months of the date of the commission of the repeated offence.

(j) If a seaman is sentenced to imprisonment or detention for an offence of absence without leave, the mulct of pay shall be one day's pay for every 24 hours or part thereof.

(k) Admonition. A seaman found guilty of an offence, which by it self or in view of mitigating circumstances is not considered to deserve a more serious punishment, may be awarded.

3. For the purpose of this Order, "day's pay" mentioned in the proceeding paragraphs means the consolidated pay per day inclusive of allowances.

4. Navy (Minor Punishment) Regulation 1973 refers.

Sgd/
(HA Silva)
Rear Admiral, VSV
COMMANDER OF THE NAVY

SECRETARY

Naval Headquarters,
Colombo.

12th March 1987.