

Army Act, 1950

Chapter VII - Punishments

Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by courts-martial, according to the scale following, that is to say,--

- (a) death;
- (b) transportation for life or for any period not less than seven years;
- (c) imprisonment either rigorous or simple, for any period not exceeding fourteen years;
- (d) cashiering, in the case of officers;
- (e) dismissal from the service;
- (f) reduction to the ranks or to a lower rank or grade or place in the list of their rank, in the case of warrant officers; and reduction to the ranks or to a lower rank or grade, in the case of non-commissioned officers:

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as a sepoy;
- (g) forfeiture of seniority of rank, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers; and forfeiture of all or any part of their service for the purpose of promotion, in the case of any of them whose promotion depends upon length of service;
- (h) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;
- (i) severe reprimand or reprimand, in the case of officers, junior commissioned officers, warrant officers and non-commissioned officers;
- (j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service;
- (k) forfeiture in the case of a person sentenced to cashiering or dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such cashiering or dismissal;
- (l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

Section 72 - Alternative punishments awardable by court-martial

Subject to the provisions of this Act, a court-martial may, on convicting a person subject to this Act of any of the offences specified in sections 34 to 68 inclusive, award either the particular punishment with which the offence is slated in the said sections to be punishable, or, in lieu (hereof, any one of the punishments lower in the scale set out in section 71. regard being had to the nature and degree of the offence.

Section 73 - Combination of punishments

A sentence of a court-martial may award in addition to, or without any one other punishment, the punishment specified in clause (d) or clause (e) of section 71 and any one or more of the punishments specified in clauses (f) to (1) of that section.

Section 74 - Cashiering of officers

An officer shall be sentenced to be cashiered before he is awarded any of the punishments specified in clauses (a) to (c) of section 71.

Section 75 to 76 - Omitted

[1](#)[***]

1 . Sections 75 and 76 omitted by Act 37 of 1992 , sec. 2 (w .e.f . 6 - 9 - 1992).

Section 77 - Result of certain punishments in the case of a warrant officer or non-commissioned officer

A warrant officer or a non-commissioned officer sentenced by a court-martial to transportation, imprisonment [1](#) [***] or dismissal from the service, shall be deemed to be reduced to the ranks.

1. The words "field punishment" omitted by Act 37 of 1992, sec. 3 (w.e.f. 6-9-1992).

Section 78 - Retention in the ranks of a person convicted on active service

When, on active service, any enrolled person has been sentenced by a court-martial to dismissal, or to transportation or imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of transportation or imprisonment, if any.

Section 79 - Punishments otherwise than by court-martial

Punishments may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a court-martial and in the manner stated in sections 80, 83, 84 and 85.

Section 80 - Punishment of persons other than officers, junior commissioned officers and warrant officers

Subject to the provisions of section 81, a commanding officer or such other officer as is, with the consent of the Central Government, specified by [1](#) [the Chief of the Army Staff], may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an officer, junior commissioned officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,--

- (a) imprisonment in military custody up to twenty-eight days;
- (b) detention up to twenty-eight days;
- (c) confinement to the lines up to twenty-eight days;
- (d) extra guards or duties;

(e) deprivation of a position of the nature of an appointment or of corps or working pay, and in the case of non-commissioned officers, also deprivation of acting rank or reduction to a lower grade of pay;

(f) forfeiture of good service and good conduct pay;

(g) severe reprimand or reprimand;

(h) fine up to fourteen days' pay in any one month;

(i) penal deductions under clause (g) of section 91;

[2](#) [***]

1. Substituted by Act 19 of 1955, sec. 2 and Sch., for "the Commander-in-Chief".

2. Clause (j) omitted by Act 37 of 1992, sec. 4 (w.e.f. 6-9-1992).

Section 81 - Limit of punishments under section 80

[1](#) [***]

(2) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of the said section, the punishment specified in clause (c) or clause (d) shall take effect only at the end of the punishments specified in clause (a) or clause (b).

(3) When two or more of the punishments specified in the said clauses (a), (b) and (c) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

(4) The punishments specified in clauses [2](#) [(a), (b) and (c)] of section 80 shall not be awarded to any person who is of the rank of non-commissioned officer or was, at the time of committing the offence for which he is punished, of such rank.

(5) The punishment specified in clause (g) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

1. Sub-section (1) omitted by Act 37 of 1992, sec. 5 (w.e.f. 6-9-1992).

2. Substituted by Act 37 of 1992, sec. 5, for "(a), (b), (c) and (j)" (w.e.f. 6-9-1992).

Section 82 - Punishments in addition to those specified in section 80

[1](#) [The Chief of the Army Staff] may, with the consent of the Central Government, specify such other punishments as may be awarded under section 80 in addition to or without any of the punishments specified in the said section, and the extent to which such other punishments may be awarded.

1. Substituted by Act 19 of 1955, sec. 2 and Sch., for "the Commander-in-Chief".

Section 83 - Punishment of officers, junior commissioned officers and warrant officers by brigade commanders and others

An officer having power not less than a brigade, or an equivalent commander or such other officer as is, with the consent of the Central Government specified by [1](#)[the Chief of the Army Staff] may, in the prescribed manner, proceed against an officer below the rank of a field officer, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,--

(a) severe reprimand or reprimand;

(b) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

1 . Substituted b y Act 19 of 1955 , sec. 2 and Sch., for "the Commander-in-Chief.

Section 84 - Punishment of officers, junior commissioned officers and warrant officers by area commanders and others

An officer having power not less than an area commander or an equivalent commander or an officer empowered to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by [1](#)[the Chief of the Army Staff] may, in the prescribed manner, proceed against an officer below the rank of lieutenant-colonel, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say,--

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

1 . Substituted b y Act 19 of 1955 , sec. 2 and Sch., for "the Commander-in-Chief.

Section 85 - Punishment of junior commissioned officers

A commanding officer or such other officer as is . with the consent of the Central Government, specified by [1](#)[the Chief of the Army Staff], may . in the prescribed manner, proceed against a junior commissioned officer who is charged with an offence under this Act. [2](#)[and award one or more of the following punishments, that is to say,--

(i) severe reprimand or reprimand:

(ii) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good:

Provided that the punishment specified in clause (i) shall not be awarded if the commanding officer or such other officer is below the rank of Colonel.]

1 . Substituted b y Act 19 of 1955 , sec. 2 and Sch., for "the Commander-in-Chief".

2 . Substituted b y Act 37 of 1992 , sec. 6. f or certain words (w .e.f . 6 - 9 - 1992).

Section 86 - Transmission of proceedings

In every case in which punishment has been awarded under any of the sections 83, 84 and 85, certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior military authority as defined in section 88.

Section 87 - Review of proceedings

If any punishment awarded under any of the sections 83, 84 and 85 appears to a superior military authority as defined in section 88 to be illegal, unjust or excessive, such authority may cancel, vary or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

Section 88 - Superior military authority

For the purpose of sections 86 and 87, a "superior military authority" means--

- (a) in the case of punishments awarded by a commanding officer, any officer superior in command to such commanding officer;
- (b) in the case of punishments awarded by any other authority, the Central Government, 1 [the Chief of the Army Staff] or other officer specified by 1 [the Chief of the Army Staff].

1. Substituted by Act 19 of 1955, sec. 2 and Sch., for "the Commander-in-Chief".

Section 89 - Collective fines

(1) Whenever any weapon or part of a weapon forming part of the equipment of a half squadron, battery, company or other similar unit is lost or stolen, the officer commanding the army, army corps, division or independent brigade to which such unit belongs may, after obtaining the report of a court of inquiry, impose a collective fine upon the junior commissioned officers, warrant officers, non-commissioned officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

(2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.
