

Army Act, 1950

Chapter XIII - Execution of Sentences

In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to dead.

Section 167 - Commencement of sentence of transportation or imprisonment

Whenever any person is sentenced by a court-martial under this Act to transportation or imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the presiding officer or, in the case of a summary court-martial, by the court.

Section 168 - Execution of sentence of transportation

Whenever any sentence of transportation is passed under this Act or whenever any sentence of death is commuted to transportation, the commanding officer of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

Section 169 - Execution of sentence of imprisonment

(1) Whenever any sentence of imprisonment is passed under this Act by a court-martial or whenever any sentence of death of transportation is commuted to imprisonment, the confirming officer or in case of a summary court-martial, the officer holding the court or such other officer as may be prescribed, shall, save as otherwise provided in sub-sections (3) and (4), direct either that the sentence shall be carried out by confinement in a military prison or that it shall be carried out by confinement in a civil prison.

(2) When a direction has been made under sub-section (1), the commanding officer, of the person under sentence or such other officer as may be prescribed shall forward a warrant in the prescribed form to the officer in charge of the prison in which such person is to be confined and shall arrange for his despatch to such prison with the warrant.

(3) In the case of a sentence of imprisonment for a period not exceeding three months and passed under this Act by a court-martial, the appropriate officer under subsection (1), may direct that the sentence shall be carried out by confinement in military custody instead of in a civil or military prison.

(4) On active service, a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may from time to time, appoint.

Section 169A - Period of custody undergone by the officer or person to be set off against the imprisonment

1 169 A. Period of custody undergone by the officer or person to be set off against the imprisonment

When a person or officer subject to this Act is sentenced by a court-martial to a term of imprisonment, not being an imprisonment in default of payment of fine, the period spent by him in civil or military 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 term of imprisonment imposed upon him, and the liability of such person or officer to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him.]

1 . Inserted b y Act 37 of 1992 , sec. 17 (w .e.f 6 - 9 1992).

Section 170 - Temporary custody of offender

Where a sentence of transportation or imprisonment is directed to be undergone in a civil prison the offender may be kept in a military prison or in military custody or in any other fit place, till such time as it is possible to send him to a civil prison.

Section 171 - Execution of sentence of imprisonment in special cases

Whenever, in the opinion of an officer commanding an army, army corps, division or independent brigade, any sentence or portion of a sentence of imprisonment, cannot for special reasons, conveniently be carried out in a military prison or in military custody in accordance with the provisions of section 169 such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Section 172 - Conveyance of prisoner from place to place

A person under sentence of transportation or imprisonment may, during this conveyance from place to place, or when on board ship, aircraft, or otherwise, be subjected to such restraint as is necessary for his safe conduct and removal.

Section 173 - Communication of certain orders to prison officers

Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil or military prison, a warrant in accordance with such order shall be forwarded by the officer making the order or his staff officer or such other person as may be prescribed to the officer in charge of the prison in which such person is confined.

Section 174 - Execution of sentence of fine

When a sentence of fine is imposed by a court-martial under section 69 whether the trial was held within India or not, a copy of such sentence, signed and certified by the confirming officer, or where no confirmation is required, by the officer holding the trial may be sent to any magistrate in India, and such magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the [1](#)[Code of Criminal Procedure, 1973 (2 of 1974)] or any corresponding law in force in [2](#)[the State of Jammu and Kashmir] for the levy of fines as if it were a sentence of fine imposed by such magistrate.

1 . Substituted by Act 37 of 1992 , sec. 14 , for "Code of Criminal Procedure" 1898 (5 of 1898) (w .e.f . 6 - 9 - 1992 .)

Section 175 - Establishment and regulation of military prisons

The Central Government may set apart any building or part of a building, or any place under its control, as a military prison for the confinement of persons sentenced to imprisonment under this Act.

Section 176 - Informality or error in the order or warrant

Whenever any person is sentenced to transportation or imprisonment under this Act, and is undergoing the sentence in any place or manner in which he might be confined under a lawful order or warrant in pursuance of this Act, the confinement of such person shall not be deemed to be illegal only by reason of any informality or error in or as respects the order, warrant or other document, or the authority by which, or in pursuance whereof such person was brought into or is confined in any such place, and any such order, warrant or document may be amended accordingly.

Section 177 - Power to make rules in respect of prisons and prisoners

The Central Government may make rules providing--

- (a) for the government, management and regulation of military prisons;
 - (b) for the appointment, removal and powers of inspectors, visitors, governors and officers thereof;
 - (c) for the labour of prisoners undergoing confinement therein, and for enabling persons to earn, by special industry and good conduct, a remission of a portion of their sentence;
 - (d) for the safe custody of prisoners and the maintenance of discipline among them and the punishment, by personal correction, restraint or otherwise, of offences committed by prisoners;
 - (e) for the application to military prisons of any of the provisions of the Prisons Act, 1894 (9 of 1894), relating to the duties of officers of prisons and the punishment of persons not being prisoners;
 - (f) for the admission into any prison, at proper times and subject to proper restrictions, of persons with whom prisoners may desire to communicate, and for the consultation by prisoners under trial with their legal advisers without the presence as far as possible of any third party within hearing distance.
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Section 178 - Restriction of rule-making power in regard to corporal punishment

Rules made under section 177 shall not authorise corporal punishment to be inflicted for any offence, nor render the imprisonment more severe than it is under the law for the time being in force relating to civil prisons.
