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Air Force Act, 1950

Chapter VII - Punishements

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, in respect of civil offences;

(c) imprisonment, either rigorous or simple, for any period not exceeding fourteen years;

(d) detention for a term not exceeding two years in the case of airmen;

(e) cashiering, in the case of officers;

(f) dismissal from service;

(g) reduction to the ranks or to a lower rank or classification, in the case of warrant officers and non-commissioned officers:

Provided that a warrant officer reduced to the ranks shall not be required to serve in the ranks as an airman;

(h) forfeiture of seniority of rank, in the case of 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;

(i) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(j) severe reprimand or reprimand, in the case of officers, warrant officers and non-commissioned officers;

(k) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active service;

(l) 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;

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

Section 74 - Alternative punishments awardable by court-martial

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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 70 inclusive, award either the particular punishment with which the offence is stated in the said sections to be punishable, or, in lieu thereof; any one of the punishments lower in the scale set out in section 73, regard being had to the nature and degree of the offence.

Section 75 - 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 (e) or clause (f) of section 73 and any one or more of the punishments specified in clauses (g) to (m) of that section.

Section 76 - 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 73.

Section 77 - Field punishment

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(1) Where any person subject to this Act and under the rank of warrant officer commits any offence on active service, shall be lawful, for a Court-martial to award for that offence any such punishment as is prescribed as a field punishment.

(2) Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb and shall not include flogging.

Section 78 - Position of field punishment in scale of punishments

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Field punishment shall for the purpose of commutation be deemed to stand next below dismissal in the scale of punishments specified in section 73.

Section 79 - 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, detention, field punishment or dismissal from the service shall be deemed to be reduced to the ranks.

Section 80 - 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, imprisonment or detention, 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, imprisonment or detention, if any.

Section 81 - 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 82 and 86.

Section 82 - Punishment of persons other than officers and warrant officers

Subject to the provisions of section 84, a commanding officer or such other officer as is, with the consent of the Central Government, specified by[1][the Chief of the Air Staff], may, in the prescribed manner, proceed against a person subject to this Act otherwise than as an 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) detention up to twenty-eight days;

(b) confinement to the camp up to fourteen days;

(c) extra guards or duties not exceeding three in number:

(d) deprivation of acting rank;

(e) forfeiture of badge pay;

(f) Severe reprimand or reprimand;

(g) fine up to fourteen days' pay in any one month; (h) penal deductions under clause (g) of section 92; (i) admonition;

(j) any prescribed field punishment up to twenty-eight days, in the case of a person on active service.

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1. Substituted for the words "the Commander-in-Chief by the Commanders-in-Chief (Change in Designation) Act (19 of 1955), S. 2 and Sch. (7-5-1955).

Section 83 - Requirement of sanction in certain cases

(1) Subject to the provisions of subsection (2), the punishments mentioned in section 82 shall not be inflicted in respect of an offence under any of the sections 34, 35 and 36 when committed on active service or under any of the sections 37, 38, 40, 42(f) and (g), 43, 47, 52, 60, 62, 63, 64, 66(a), (b) and (c) and 71 except with the previous sanction in writing of an officer having power to convene a district court-martial.

(2) The said punishments may be awarded without such sanction in the case of any offence, other than an offence under section 34 or section 71, committed by persons who have not been enrolled as combatants.

Section 84 - Limit of punishments under section 82

(1) An Award of punishment under section 82 shall not include field punishment in addition to one or more of the punishments specified in clauses (a) and (b) of that section.

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

(3) When two or more of the punishments specified in the said clauses (a) and (b) 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 (a), (b), (c), (e), (g) and (j) of section 32 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 (f) of the said section shall not be awarded to any person below the rank of a non-commissioned officer.

Section 85 - Punishments in addition to those specified In section 82

[The Chief of the Air staff] may, with the consent of the Central Government, specify such other punishments as may be awarded under section 82 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.

Section 86 - Punishment of officers and warrant officers

An officer having power 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 Air Staff] may, in the prescribed, manner proceed against an officer below the rank of squadron leader or warrant officer, who is charged with an offence under this Act, and award one of 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 at pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good but subject to the right of the accused specified in clause (a);

(d) forfeiture of pay and allowances for a period not exceeding three months for an offence under clause (e) of section 42 in so far as it consists of neglect to obey flying orders or under section 62 or section 63.

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1. Substituted for the words "the Commander-in-Chief by the Commanders-in-Chief (Change in Designation) Act (19 of 1955), S. 2 and Sch. (7-5-1955).

Section 87 - Transmission of proceedings

In every case in which punishment has been awarded under section 86, certified true copies of the proceedings, shall be forwarded, in the prescribed manner, by the officer awarding the punishment, to a superior air force authority as defined in section 89.

Section 88 - Review of proceedings

If any punishment awarded under Section 86 appears to a superior air force authority as defined in section 89 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 89 - Superior air force authority

For the purposes of sections 87 and 88,a "superior air force authority"means.--

(a) in the case of punishments awarded by a commanding officer, anyofficer superior in command to such commanding officer;

(b) in the case of punishments awarded by anyother authority,the Central Government, [1] [the Chief of the Air Staff] orother officerspecified by [1] [theChief of the Air Staff].

1.Substitutedfor thewords "the Commander-in-Chiefby the Commanders-in-Chief (Changein Designation) Act (19of 1955),S. 2and Sch. (7-5-1955).

Section 90 - Collective fines

(1) Whenever any weapon or part of a weapon forming part of the equipment at a unit or detachment is lost or stolen, the officer commanding such unit or detachment may, after obtaining the report of a Court of inquiry, impose a collective fine upon the 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.