

Air Force Act, 1950

Chapter XII - Confirmation and Revision

No finding or sentence of a general, district or summary general court-martial shall be valid except so far as it may be confirmed as provided by this Act.

Section 153 - Power to confirm finding and sentence of general court-martial

The findings and sentences of general courts-martial may be confirmed by the Central Government, or by any officer empowered in this behalf by warrant of the Central Government.

Section 154 - Power to confirm finding and sentence of district court-martial

The findings and sentences of district court-martial may be confirmed by any officer having power to convene a general court-martial or by any officer empowered in this behalf by warrant of such officer.

Section 155 - Limitation of powers of confirming authority

A warrant issued under section 153 or section 154 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

Section 156 - Power to confirm finding and sentence of summary general court-martial

The findings and sentences of summary general courts-martial may be confirmed by the convening officer or if he so directs, by an authority superior to him.

Section 157 - Power of confirming authority to mitigate, remit or commute sentences

(1) Subject to such restrictions, reservations or conditions as may be contained in any warrant issued under section 153 or section 154 and to the provisions of sub-sections (2) and (3), a confirming authority may, when confirming the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 73.

(2) A sentence of transportation shall not be commuted for a sentence of imprisonment or detention for a term exceeding the term of transportation awarded by the court.

(3) A sentence of imprisonment shall not be commuted for a sentence of detention for a term exceeding the term of imprisonment awarded by the court.

Section 158 - Confirming of findings and sentences on board a ship

When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Section 159 - Revision of finding or sentence

When any person subject to this Act is tried and sentenced by a court-martial while on board a ship, the finding and sentence so far as not confirmed and executed on board the ship, may be confirmed and executed in like manner as if such person had been tried at the port of disembarkation.

Section 160 - Alteration of finding or sentence in certain cases

(1) Where a finding of guilty by a court-martial, which has been confirmed, is found for any reason to be invalid or cannot be supported by the evidence, the authority which would have had power under section 177 to commute the punishment awarded by the sentence, if the finding had been valid, may substitute a new finding and pass a sentence for the offence specified or involved in such finding :

Provided that no such substitution shall be made unless such finding could have been validly made by the court-martial on the charge and unless it appears that the court-martial must have been satisfied of the facts establishing the offence.

(2) Where a sentence passed by a court-martial which has been confirmed not being a sentence passed in pursuance of a new finding substituted under sub- section (1), is found for any reason to be invalid, the authority referred to in sub- section (1) may pass a valid sentence.

(3) The punishment awarded by a sentence passed under sub-section (1) or subsection (2) shall not be higher in the scale of punishments than, or in excess of the punishment awarded by the sentence for which a new sentence is substituted under this section.

(4) Any finding substituted, or any sentence passed, under this section shall for the purposes of this Act and the rules made thereunder have effect as if it were a finding or sentence, as the case may be, of a court-martial.

Section 161 - Remedy against order, finding or sentence of court-martial

(1) Any person subject to this Act who considers himself aggrieved by any order passed by a court-martial may present a petition to the officer or authority empowered to confirm any finding or sentence of such court-martial, and the confirming authority may take such steps as may be considered necessary to satisfy itself as to the correctness, legality or propriety of the order passed or as to the regularity of any proceeding to which the order relates.

(2) Any person subject to this Act who considers himself aggrieved by a finding or sentence of a court-martial which has been confirmed, may present a petition to the Central Government, 1 [the Chief of the Air Staff] or any prescribed officer superior in command to the one who confirmed such finding or sentence, and the Central Government, 1 [the Chief of the Air Staff] or other officer, as the case may be, may pass such order thereon as it or he thinks fit.

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 162 - Annulment of proceedings

The Central Government,¹[the Chief of the Air staff] or any prescribed officer may annul the proceedings of any court-martial on the ground that they are illegal or unjust.

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).
