

ACT No. VI OF 1860.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

(Received the assent of the Governor General on the 23rd February 1860.)

An Act to amend Act XIX of 1847 (Articles of War for the Native Army.)

WHEREAS it is expedient to amend the 78th and 112th Articles of War for the Government of the Native Officers and Soldiers in the Military Service; It is enacted as follows:—

Preamble.

Powers of Commanding Officers of Native Regiments in punishing certain offences committed by Non-Commissioned Officers and Soldiers and Native Camp-followers.

I. There shall be added to the 78th Article of War for the Native Army the words following (that is to say)—

1. The Commander-in-Chief of the Presidency to which any Regiment belongs may confer the powers specified in this Article on the Commanding Officer for the time being of such Regiment. The Commanding Officer for the time being of such Regiment may summarily try all offences against the Articles of War for the Native Army committed by any person subject to those Articles (not being a Commissioned Officer), and sentence such offender on conviction, and carry out such sentence without confirmation or any further authority, notwithstanding any provision to the contrary contained in the said Articles of War; provided that such sentence shall not exceed the powers of a District or Garrison Court-Martial.

2. A Commanding Officer holding a trial under this Act shall be deemed a Court-Martial, and the word "Court-Martial" in 64, 66, 67, and 98 of the said Articles of War, so far as such Articles are applicable to persons amenable thereto, shall be deemed to include a Commanding Officer holding such trial.

A

3. The

ACT No. VI of 1860.

3. The proceedings on such summary trials by a Commanding Officer shall be conducted in the presence of two or more European or Native Commissioned Officers, and shall be recorded in the English language, and the evidence shall be taken on oath or affirmation and interpreted by a competent Interpreter upon solemn affirmation; and when the Commanding Officer shall have recorded the finding and sentence, the proceedings shall be signed by such Commanding Officer and by the Officers in whose presence the trial was held, and shall, without delay, be forwarded to the General Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case, but not of a merely technical nature, provided that every sentence so awarded by the Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

Forfeiture of pay and allowances during confinement under the 112th Article of War

II. There shall be added to the 112th Article of War for the Native Army the words following (that is to say)—

Provided also that Soldiers subjected to confinement in the Quarter Guard, or Defaulters Room, or to solitary confinement as aforesaid, under this Article, shall forfeit all claim to pay and allowances during such confinement, and shall receive subsistence only, according to the rates of pay laid down in the Regulations.