

## ACT No. XXIX OF 1861.

PASSED BY THE LEGISLATIVE COUNCIL OF INDIA.

*(Received the assent of the Governor-General on the 7th September 1861.)*

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*An Act to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army.*

Preamble. WHEREAS it is expedient to consolidate and amend the Articles of War for the government of the Native Officers and Soldiers in Her Majesty's Indian Army; It is hereby enacted as follows:—

I. Act XXIII of 1839 (for authorizing sentences of imprisonment with or without hard labor by Courts Martial in certain cases), Act II of 1840 (for regulating the execution of sentences passed by Courts Martial in certain cases), Act XXVIII of 1841 (for extending Act XXIII of 1839 to Camp Followers), Act XIX of 1847 (to make certain amendments in the Articles of War for the government of the Native Officers and Soldiers in the Military Service of the East India Company), Act VI of 1850 (for enabling the Commander-in-Chief to pardon Military Offences), Act XXXVI of 1850 (to amend Article CXIII of the Native Army), Act III of 1854 (to amend the 38th Article of War for the Native Army), Act X of 1856 (to repeal the 122nd Article of War for the Native Army and to substitute a new Article in lieu thereof), Act VIII of 1857 (to amend Act XIX of 1847), Act XXXII of 1857 (to amend the Articles of War for the Native Army), and Act VI of 1860 (to amend Act

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XIX of 1847), shall be repealed from the day on which this Act shall come into operation, except in so far as they repeal any other Act or Acts.

II. The following Articles of War shall, from the day appointed for them to come into operation, be the Articles of War for the government of the Native Officers and Soldiers in the Military Service of Her Majesty, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided that all crimes and offences committed against the Articles of War contained in any Act repealed by this Act may be enquired into and punished in like manner as if they had been committed against the Articles of War contained in this Act; and that every Warrant for holding any Court Martial under the Articles of War provided by any Act repealed by this Act shall remain in full force notwithstanding the repeal of such Act, and that no proceedings of a Court Martial upon any trial begun under any Articles so repealed shall be discontinued owing to the repeal of the same, but that every such trial shall proceed and be completed in the same manner as if this Act had not been passed.

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ARTICLES OF WAR.

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CHAPTER I.

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*Of Enlisting and Discharges.*

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ARTICLE 1.

Every Recruit, prior to being enrolled in any Regiment or Corps, shall have the 5th, 6th, 7th, and 8th, and 48th of these Articles of War read and explained to him. When reported fit for duty in the ranks, any usual declaration or charge shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Officers and Soldiers; and the Recruit shall then, in front of the guns or colors, or, if attached to the Corps of Sappers and Miners, in front

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front of such portion of the Corps as shall be present, make the subjoined affirmation:

" I, \_\_\_\_\_, solemnly affirm in the presence of Almighty God, that I will be faithful to Her Majesty the Queen, and will go wherever I am ordered by land or sea, and will obey all commands of the Officers set over me, and will defend these guns (or colors) with my life."

In the case of a Sapper and Miner, the words "and defend these guns (or colors) with my life," shall be omitted.

ARTICLE 2.

No Commissioned Officer shall be dismissed, except by the sentence of a General Court Martial; but the Governor-General of India in Council, or the Governor in Council, or the Commander-in-Chief of the Presidency to which a Commissioned Officer belongs, shall have power to order his discharge. Every such dismissal or discharge of a Commissioned Officer shall involve forfeiture of all claim to pension.

ARTICLE 3.

A Non-Commissioned Officer or Soldier shall be liable to dismissal or discharge by order of the Governor-General of India in Council, or of the Governor in Council, or the Commander-in-Chief of the Presidency to which he belongs,

The Commanding Officer of a Regiment or Corps shall have power to dismiss or discharge any Soldier below the rank of a Non-Commissioned Officer; and to dismiss, discharge, or reduce to the ranks any Non-Commissioned Officer belonging to such Regiment or Corps.

Every such dismissal or discharge shall involve forfeiture of claim to pension.

No Non-Commissioned Officer shall be reduced to the ranks for any stated period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer.

Every

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Every Non-Commissioned Officer or Soldier discharged the service shall  
Certificate of dis- be furnished by the Commanding Officer of the Regi-  
charge. ment or Corps to which he belonged with a discharge  
Certificate in the Vernacular language of such Non-Commissioned Officer or  
Soldier. Such Certificate shall express the authority for, and cause of, the  
discharge, and the period of the entire service in the Army of such Non-  
Commissioned Officer or Soldier, and shall be accompanied with an English  
translation.

ARTICLE 4.

No Non-Commissioned Officer or Soldier, until he shall have received his  
discharge from the Regiment or Corps to which he  
Re-enlisting. belongs, shall enlist in any other Regiment or Corps;  
and any Non-Commissioned Officer or Soldier who shall so enlist, shall be  
considered a deserter, and shall suffer punishment accordingly.

Any Non-Commissioned Officer or Soldier who shall have been dis-  
missed or discharged from any Regiment or Corps, and shall enlist in any  
other Regiment or Corps, without at the time of such enlistment stating  
the fact of his dismissal or discharge, or showing his discharge certificate,  
may be dismissed the service by the Officer Commanding the Regiment or  
Corps in which he has enlisted.

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CHAPTER II.

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*Crimes and Punishments.*

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*Crimes punishable by General Court Martial.*

ARTICLE 5.

Any Officer or Soldier—

Who shall begin, excite, cause, or join in any mutiny or sedition in the  
Regiment or Corps to which he belongs, or in any other  
Mutiny and sedition. Regiment or Corps, on any pretence whatever; or who,  
being

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being present at any mutiny or sedition, shall not use his utmost endeavours to suppress the same ; or who, coming to the knowledge of any mutiny, intended mutiny, or combination against the State, shall not give immediate information thereof to his Commanding Officer ;—or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence against him, whether on or off duty, and under any circumstances in which his Superior Officer may be distinguishable as such in any manner ;—or

Striking Superior Officer, &c.

ARTICLE 7.

Who shall disobey any lawful command of his Superior Officer ;—or

Disobeying Superior Officer.

ARTICLE 8.

Who shall desert from Her Majesty's Service, whether he shall have re-enlisted or not ;—or

Desertion.

ARTICLE 9.

Who, being a sentry, in time of war or alarm, shall sleep upon his post ; or shall quit his post without being regularly relieved, or without leave ; or shall plunder or injure the property placed under his charge ;—or

Sentry in time of war or alarm, sleeping upon or deserting his post, &c.

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend ; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard ;—or

Abandoning Garrison, or Post, &c.

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ARTICLE 11.

Who shall treacherously make known the watchword to any person  
Making known watch- not entitled to receive it according to the rules and  
word. discipline of war ;—or

ARTICLE 12.

Who shall, directly or indirectly, hold correspondence with or communicate  
Communicating with the intelligence to the enemy, or to any person in arms  
enemy. against the State, or who, coming to the knowledge of  
such correspondence or communication, shall omit to discover it immediately to  
his Commanding Officer ;—or

ARTICLE 13.

Who shall, directly or indirectly, assist or relieve the enemy, or any  
Assisting or protecting person in arms against the State, with money, victuals,  
enemies. or ammunition, or in any other way ; or shall knowingly  
harbour or protect any enemy or person in arms against the State ;—or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of  
Releasing or conniving any enemy or person in arms against the State, placed  
at the escape of an enemy. as a prisoner under his charge ;—or

ARTICLE 15.

Who shall, in the presence of an enemy or any person in arms against  
Misbehaviour before the whom it is his duty to act, misbehave or use means to  
enemy. induce any other person so to misbehave ;—or

ARTICLE 16.

Who shall, in presence of an enemy, or of any person in arms against  
Casting away arms, &c., whom it is his duty to act, shamefully cast away his  
in presence of an enemy. arms or ammunition ;—or

ARTICLE 17.

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ARTICLE 17.

Who shall, in time of action, leave his Commanding Officer, or his Post, or Colors, or Party, to go in search of plunder;—or

ARTICLE 18.

Who shall, in time of war, do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Force with which he is serving; or shall force a safe-guard; or shall break into any house or other place for or shall plunder any field or garden or other property;—or

ARTICLE 19.

Who shall, in time of war, by discharging any fire-arms, drawing a sword, beating a drum, making any signal, using any word, or by any means whatever, intentionally occasion alarm in action, camp, garrison, or quarters;—or

ARTICLE 20.

Who shall, without proper authority, release any State prisoner, or shall, through carelessness, or neglect, suffer any such prisoner to escape; or shall connive at the plunder or injury of any property in time of war, or the plunder or injury of any magazine or dock-yard, by the sentry or guard in charge such property, treasure, magazine, or dock-yard is placed;—or

ARTICLE 21.

Who, being a sentry placed over any State prisoner, or over any treasure, or over any magazine or dock-yard, shall quit his post without being regularly relieved, or without leave, or

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or shall sleep upon his post ; or shall plunder or injure any property placed under his charge ;—

Shall, on conviction —

If an Officer, suffer death ; or transportation for life, or for a period not less than seven years ; or such other punishment as a General Court Martial is by these Articles empowered to award :—

If a Soldier, suffer death ; or transportation for life, or for a period not less than seven years ; or imprisonment, with or without hard labor, for a period which may extend to fourteen years, and may be with or without solitary confinement ; or such other punishment as a General Court Martial is by these Articles empowered to award.

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*Embezzlement, punishable by General Court Martial.*

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ARTICLE 22.

Any Officer or Soldier—

Who shall embezzle or fraudulently misapply any money entrusted to him on the Public account, or for any Military purpose ; or any provisions, forage, arms, clothing, ammunition, or Military stores, of whatever kind or description, the property of Government, entrusted to his charge ; or shall be concerned in or connive at any such embezzlement or fraudulent misapplication ;—or

Who shall wilfully injure any property of Government entrusted to him on the Public account, or for any Military purpose, or shall suffer such property to be injured ;—

Shall



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Punishment. Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of pay and allowances; and be further liable to suffer imprisonment with or without hard labor for a term which may extend to three years, and may be with or without solitary confinement.

*Crimes punishable by General or other Courts Martial, with any sentence which, by these Articles of War, any General or other Court Martial respectively is empowered to award.*

ARTICLE 23.

Any Officer—

Officers themselves. misbehaving (the fact or facts whereon the charge is grounded being clearly specified therein);—or

ARTICLE 24.

Any Officer or Soldier—

Spreading reports calculated to create alarm. Who shall, in any operation in the field, spread any report, by any word or letter calculated to create unnecessary alarm in the troops, or in the vicinity, or in rear of the army;—or

ARTICLE 25.

Using words tending to create alarm.

Who shall, in action or previously to going into action, use any word tending to create alarm or despondency;—or

ARTICLE 26.

Being drunk.

Who shall be drunk when on or for Duty, or on Parade, or on the Line of march;—or

ARTICLE 27.

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ARTICLE 27.

Striking a Sentry. Who shall strike or force any sentry ;—or

ARTICLE 28.

Who shall advise or persuade any other Officer or Soldier to desert, or  
Advising or persuad- who shall connive at such desertion; or who shall  
ing desertion, &c. knowingly receive and entertain any deserter, or who  
knowing of any other Officer or Soldier having deserted, or knowing of any  
deserter having been received or entertained by any other Officer or Soldier,  
shall not immediately give notice to his own Superior Officer, or do his best to  
cause such deserter to be apprehended by the Civil power; —or

ARTICLE 29.

Who shall obtain, or attempt to obtain for himself, or for any other  
Obtaining pension by Officer or Soldier, or for any other person whatsoever,  
false statement. any pension or allowance, by any false statement, cer-  
tificate, or document, or by the omission of any true statement, certificate,  
or document ;—or

ARTICLE 30.

Who shall knowingly make a false return or report to any Officer autho-  
Making false return to rized to call for a return or report of the state of the  
Superior Officer. men under his command, or of any arms, ammunition,  
clothing, or other stores belonging to such men, or of which he has charge ;  
— or

ARTICLE 31.

Who, at any post, or on the march, shall unlawfully extort any money  
Extortion. or property of any description as a fee or duty, or on any  
pretence whatever; or shall, without authority, exact from  
any villager, or any other person, any carriage, portorage, or provisions ;—or

ARTICLE 32.

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ARTICLE 32.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of any person ; — or

Defiling place of religious worship.

ARTICLE 33.

Who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by proper authority ; — or

Breaking arrest or confinement.

ARTICLE 34.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property ; — or

Committing waste, &c.

ARTICLE 35.

Who shall knowingly enlist a deserter, or connive at his enlistment ; — or

Enlisting a deserter.

ARTICLE 36.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for, procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier ; — or

Demanding or accepting bribes.

ARTICLE 37.

Who, being in command of any post, or on the march, shall not, on complaint made to him of any one under his command beating or otherwise ill-treating any person, or extorting from such person more than he is obliged to furnish, or disturbing any fair or market, or committing any kind of riot, see reparation done to the person injured ; or, if that be impracticable, report the same to his Superior Officer ; — or

Those in command of post, &c., not seeing reparation done to injured parties, &c.

ARTICLE 38.

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ARTICLE 38.

Who, being in command of a guard, shall refuse to receive any prisoner duly committed to his charge ; or shall, without proper authority, release any prisoner ; or shall suffer, through carelessness or neglect, any prisoner to escape ; -- or

Those in command of guard refusing to receive prisoners, &c.

ARTICLE 39.

Who, in time of peace, shall quit his guard or picquet without being regularly relieved or without leave ; — or

Quitting guard or picquet in time of peace.

ARTICLE 40.

Who shall impede a Provost Marshal or an Assistant of a Provost Marshal, or any person lawfully exercising authority ; or refuse when called upon to assist him when requiring his aid in the execution of his duty ; — or

Impeding Provost Marshal, &c.

ARTICLE 41.

Who, being on leave of absence, and having received information from the Commanding Officer of his Regiment or Corps, or from other proper authority, that his Regiment or Corps has been ordered on service, shall not rejoin without delay ; — or

Those on leave of absence neglecting to rejoin their Regiment when ordered on service.

ARTICLE 42.

Who shall, in time of peace, by discharging any fire-arms, drawing a sword, beating a drum, or by any other means whatever, intentionally occasion a false alarm in camp, garrison, or cantonment ; — or

False alarm in camp in time of peace.

ARTICLE 43.

Who shall, without sufficient cause, fail to repair, at the time fixed, to the parade, or place appointed for exercise or duty ; — or

Failure to attend parade, &c.

ARTICLE 44.

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ARTICLE 44.

Who shall, without urgent necessity, or without  
leave of his Superior Officer, quit his company, or troop,  
or the parade ;——or

Quitting company or  
parade without leave.

ARTICLE 45.

Who shall absent himself without leave ; or shall, without sufficient  
cause, overstay the period for which leave may have been  
granted him ;——or

Absence without leave,  
&c.

ARTICLE 46.

Any Officer or Non-Commissioned Officer——

Who shall strike or otherwise ill-treat any Soldier ;  
——or

Striking or ill-treating  
a Soldier.

ARTICLE 47.

Any Soldier——

Who shall be grossly insubordinate or insolent to  
his Superior Officer in the execution of his office ;——or

Insubordination.

ARTICLE 48.

Who shall refuse to assist in the making of any field work, or  
other Military work of any description ordered to be  
made, either in quarters or in the field ;——or

Refusal to assist in mak-  
ing field or other works.

ARTICLE 49.

Who, when off duty, shall, contrary to orders, appear in or about camp  
or cantonments, or on occasion of going to or returning  
from, or in or about any town or bazar, carrying a sword  
bludgeon, or other weapon ;——or

Going armed contrary  
to orders.

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Article 50.

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ARTICLE 50.

Who shall sell, pawn, or designedly or through neglect lose or injure his horse, arms, clothes, accoutrements, or Regimental necessities; or any such articles entrusted or belonging to any other Soldier; or who shall make away with or pawn any medal or decoration granted to him by order of Her Majesty or of the East India Company, or by order of the Government, for service in the field or for general good conduct;—or

Pawning, losing, or injuring horse, arms, accoutrements, &c.

ARTICLE 51.

Who, being a Sentry, in time of peace, shall sleep upon his post; or shall leave it before being regularly relieved or without leave;—or

Sentry in time of peace sleeping upon post, &c.

ARTICLE 52.

Who, contrary to orders, shall be found 2 miles from the camp;—or

Soldier found 2 miles from camp contrary to orders.

ARTICLE 53.

Who, contrary to orders, shall be absent from his cantonment after tattoo, or from camp after retreat beating;—or \*

Absence from cantonment, &c.

ARTICLE 54.

Who shall sell, lose, or designedly, or through neglect, waste any ammunition delivered out to him;—

Selling, losing, or wasting ammunition.

Shall, on conviction before a General or other Court Martial, be sentenced to suffer such punishment as such Court Martial is by these Articles empowered to award.

Punishment.

*Disgraceful*

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*Disgraceful Conduct ; punishable by General or District Court Martial, with Corporal punishment, or Imprisonment with or without hard labor and solitary confinement, and in addition with Forfeiture of additional Pay and of Pension on Discharge, and Stoppages, of Non-commissioned Officers and Soldiers.*

ARTICLE 55.

Disgraceful conduct. Any Soldier who shall be guilty of disgraceful conduct :—

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such other Soldier unfit for the service, or with intent to take his own life ;—or

Wilfully maiming or injuring himself or other Soldier.

ARTICLE 56.

In malingering, feigning, or intentionally producing any disease or infirmity ; or intentionally delaying his cure ; or intentionally aggravating his disease or infirmity ;—or

Malingering, &c.

ARTICLE 57.

In purloining or selling any Government stores ; —or

Stealing or selling Government stores.

ARTICLE 58.

In stealing any money or goods, the property of any Officer or Soldier, or of any Military Mess, or of any person belonging to or serving with or attached to the Army ;—or

Stealing property of Soldiers and others.

ARTICLE 59.

In plundering or injuring any property placed under his charge as sentry, or in charge of his guard, or in conniving at the plunder or injury of any such property ; —or

Plundering property under his charge as sentry, &c.

ARTICLE 60.

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ARTICLE 60.

Embezzling public money. In embezzling or fraudulently misapplying any public money entrusted to him for any Military purpose ;—or

ARTICLE 61.

Fraud or dishonesty. In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military ;—or

ARTICLE 62.

Cruelty, indecency, &c. Who shall be guilty of any other disgraceful conduct, of a cruel, indecent, or unnatural kind ;—

Punishments. Shall, on conviction before a General or District or Garrison Court Martial, be liable to such punishment as such Court Martial is by these Articles of War empowered to award for disgraceful conduct.

Every offender so convicted, if not dismissed the service, shall, by sentence of the Court, be put under stoppages not exceeding half of his monthly pay and allowances, until the amount of any loss or damage arising out of his misconduct be made good.

If such offender be dismissed the service, he shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, towards making good any loss or damage arising out of his misconduct ; or to forfeit any portion of such arrears that may be required to make good such loss or damage.

A copy of every sentence of dismissal for disgraceful conduct passed by any Court Martial shall, after its confirmation, be transmitted by the Adjutant General of the Army to the Chief Civil Officer of the district wherein the village or other place to which the offender belongs is situated ; and such Chief Civil Officer



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Officer shall thereupon publish such sentence by affixing a copy thereof in the village or place, or otherwise as may be usual in the locality.

*Crimes incident to Courts Martial, punishable by General or other Court Martial according to the nature and degree of the offence.*

ARTICLE 63.

Any person amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, neglect to attend, or shall refuse to be sworn, or to make affirmation, or to answer any question, or who shall instigate any other person so to offend;

Refusal of a person amenable to Articles of War to attend Court Martial or to be sworn, &c.

Shall, on conviction, be sentenced by the same, or another Court Martial, to such punishment as any such Court Martial is by these Articles empowered to award.

ARTICLE 64.

Any person not amenable to these Articles of War, who shall, when duly summoned to attend as a witness before a Court Martial, refuse or neglect to attend; or shall refuse to be sworn, or to make affirmation, or to answer any question; or who shall, when he has been duly sworn, or has solemnly affirmed that he will speak the truth, make any statement which is false, and which he either knows or believes to be false, or does not believe to be true; or who shall instigate any other person so to offend;

Refusal of a person not amenable to Articles of War to attend Court Martial, or to be sworn, &c.

Shall be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

ARTICLE 65.

Any person using any menacing or disrespectful word, sign, or gesture, in the presence of a Court Martial then sitting; or causing any disorder or riot so as to disturb the proceedings

Contempt of Court.

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ings of such Court Martial; or being grossly insubordinate or violent in the presence of a Court Martial ;

Shall, if amenable to these Articles of War, be punished, according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial; and if not amenable to these Articles of War, be delivered over to a Magistrate, who shall proceed against the offender in the same manner as if the offence had been committed before a Criminal Court.

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*The offence of giving false evidence, punishable by General or District Court Martial, with dismissal and fine or imprisonment.*

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ARTICLE 66.

Any Officer or Soldier—

Who shall give false evidence as defined in Article 64 before any General or other Court Martial, or any Military Court entitled to take evidence on oath or affirmation ; or who shall instigate any other person so to offend ;

Perjury.

Shall, on conviction before a General, District, or Garrison Court Martial, be dismissed the service; and shall further be sentenced to forfeit any arrears of pay and allowances due at the time of his dismissal, and may be sentenced to imprisonment with or without hard labor for a term which may extend to three years.

ARTICLE 67.

When the Officer Commanding a Regiment or Corps considers that any Soldier under his command, who is charged with any offence declared by the foregoing Articles to be triable by a District or Garrison Court Martial, should be tried by a Regimental Court Martial, he may order the offender to be tried by such Court Martial, and shall report the case to the Officer Commanding the Division, stating the reason for such order.

Crimes admitting of less serious notice.

When

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When the Officer Commanding a Regiment or Corps considers that any Soldier under his Command, who is charged with any offence declared by the foregoing Articles to be triable by a General Court Martial, should be tried by a District or Garrison or Regimental Court Martial, such Commanding Officer may lay a statement of the case before the General or other Officer having authority to convene General Courts Martial, under whose command the offender may be serving, with an application for permission to try the offender by District or Garrison or Regimental Court Martial, and such General or other Officer shall comply with or refuse such application at his discretion. The order of such General or other Officer, when the application is complied with, shall be entered upon the proceedings at the trial of such offender.

Provided that mutiny shall not be considered one of the offences admitting of such discretionary investigation.

ARTICLE 68.

For any offence committed on the line of march, or on board any ship or other vessel, the Officer in command of the Troops may try any Soldier by a Regimental or Detachment Court Martial, and may confirm and execute on the spot any sentence that may be passed.

Offences on the line of march or on board vessels.

Provided that such sentence shall in no case exceed that which a Regimental Court Martial is competent to award ;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander-in-Chief of the Presidency to which such Troops belong, and to the Commander-in-Chief of the Presidency within which such troops shall be serving or to which they are proceeding.

ARTICLE 69.

Any crime not punishable with death, and any disorder or neglect of which any Officer or Soldier is guilty, to the prejudice of Good Order and Military Discipline, may, though not specified in these Articles, be taken cognizance of by Courts Martial, and punished

Crimes not specified.

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punished, according to the nature and degree of the offence, by the sentence of a General, or District, or Garrison, or Regimental Court Martial.

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CHAPTER III.

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*Administration of Justice.*

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ARTICLE 70.

Whenever any Officer or Soldier is accused of any crime which the Commanding Officer of such Officer or Soldier considers should be tried by Court Martial, such Commanding Officer shall order the accused, if he be an Officer or Non-Commissioned Officer, to be put under arrest, or if a Soldier, to be confined until he can be tried by a Court Martial, or discharged by proper authority. No such Officer or Soldier shall be detained in arrest or confinement longer than is avoidable.

Arrest or confinement.

When, in consequence of any resistance, or, from any other circumstance, such arrest or confinement is impracticable, the offender shall be liable to trial and punishment at any subsequent period within the limitations provided in these Articles of War.

Resistance to arrest.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against the Articles of War, which shall appear to have been committed more than three years previous to the order directing the assembly of the Court Martial whereby he is being, or is to be tried, unless it shall appear that the person accused, by reason of his absenting himself, or some other manifest impediment, could not be brought to trial within that period; in which case such person shall be liable to be tried at any time not exceeding two years after such impediment shall have ceased.

Limitation of time.

ARTICLE 72.

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ARTICLE 72.

Any person amenable to these Articles of War, who commits any offence against them, may be tried and punished for such offence in any place where he is, in the same manner as if the offence had been committed in such place.

Offenders may be tried elsewhere than where the offence was committed.

ARTICLE 73.

The Commander-in-Chief of the Presidency may appoint a General or other Court Martial, and may confirm, and mitigate, or commute or remit the sentence of such Court. He may issue his warrant to any General or other Officer under his command having the command of any body of troops in the service of Her Majesty, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of any offence committed by any Officer or Soldier or follower in the service of Her Majesty, not being a European British subject of Her Majesty; and to confirm and mitigate, or commute or remit the sentence of any such Court Martial. No sentence, including forfeiture of additional pay, or of claim to pension on discharge, or of any prospective advantage, shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the offender belongs. The Commander-in-Chief may remit any forfeiture awarded, and may order the restoration of any advantage of which the offender has been deprived by such forfeiture.

Powers of the Commander-in-Chief to appoint Courts Martial.

ARTICLE 74.

Whenever any Native Troops subject to these Articles of War are not attached to the forces of any Presidency, the Governor-General of India in Council shall authorize the Commander-in-Chief of any Presidency to issue his warrant to the General or other Officer having the Command of such troops to appoint Courts Martial in conformity with this Act.

Appointment of Courts Martial for trial of Troops not attached to any Presidency.

*Composition of Courts Martial.*

ARTICLE 75.

Except as hereinafter provided, a General Court Martial shall not consist of less than thirteen Commissioned Officers, unless it be held out of the British Territories in India. When a Court

Constitution of General Court Martial.

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Court Martial is held out of the British Territories in India, it may consist of seven Commissioned Officers, if a greater number cannot be conveniently assembled. No sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander-in-Chief of the Presidency or to some other person duly authorized to confirm the same, and until the directions of such Commander-in-Chief or other person as aforesaid shall have been signified thereupon.

ARTICLE 76.

A District or Garrison Court Martial shall consist of not less than seven Commissioned Officers when that number can be conveniently assembled. When that number cannot be conveniently assembled, such Court may consist of not less than five Commissioned Officers.

Constitution of District or Garrison Court Martial.

A District or Garrison Court Martial may be composed of Officers of the same Regiment or Corps as the accused, or of any other Regiment or Corps.

The sentence of a District or Garrison Court Martial shall be subject to confirmation by the Commander-in-Chief of the Presidency, or by some Officer duly authorized to confirm the same.

ARTICLE 77.

A Regimental Court Martial shall consist of not less than five Commissioned Officers when such number can be assembled. When such number cannot be assembled, such Court may consist of three Commissioned Officers. Such Court shall be assembled by order of the Officer Commanding the Regiment. No sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Such Commanding Officer shall have power to remit all sentences whatever passed by such Court, and to cause the offender to be released and to return to his duty.

Constitution of Regimental Court Martial.

*Powers*

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*Powers of Court Martial.*

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ARTICLE 78.

A General Court Martial may sentence—for any crime which by these Articles is made liable to such sentence—any Officer to death or to transportation for life, or for any period not less than seven years, or in cases falling under Article 22 or Article 66, to imprisonment with or without hard labor for any period not exceeding three years, and with or without solitary confinement ; or may sentence any Soldier to death ; or to transportation for life, or for any period not less than seven years, or to imprisonment for any period not exceeding fourteen years, for any crimes which are by these Articles of War expressly made liable to any such sentence, and for such crimes only. No Court Martial inferior to a General Court Martial shall have power to pass a sentence of death or transportation or imprisonment for any longer period than three years.

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*Punishments of Commissioned Officers.*

A General Court Martial may sentence a Commissioned Officer to be dismissed the service ; or to be suspended from rank and pay and allowances for a stated period ; or to be placed one or more steps lower in the list of his rank, by an alteration of the date of his Commission, and such Officer shall lose the corresponding benefit of length of service.

No Court Martial inferior to a General Court Martial shall have power to try a Commissioned Officer.

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*Punishments of Non-Commissioned Officers and Soldiers.*

A General or District or Garrison or Regimental Court Martial may sentence a Non-Commissioned Officer to be reduced to the ranks ;—or may sentence a Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed

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placed one or more steps lower in the list of the rank which he holds, whereby such Non-Commissioned Officer or Soldier shall lose the benefit of the corresponding length of service;—or to suffer corporal punishment not exceeding fifty lashes;—or to imprisonment, which may be with or without hard labor; and which may include solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement.

No Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of the Commanding Officer of the Regiment or Corps to which such Soldier belongs.

No sentence of imprisonment shall be awardable by a General Court Martial for any period exceeding two years (except when otherwise expressly provided); nor by a District or Garrison Court Martial for any period exceeding one year; nor by a Regimental Court Martial for any period exceeding six calendar months.

No Non-Commissioned Officer shall be sentenced to imprisonment or corporal punishment without being first reduced to the ranks.

*Punishment for "Disgraceful Conduct."*

A General or District or Garrison Court Martial may, in addition to  
Forfeiture of pay or pension in addition to Corporal punishment or imprisonment. corporal punishment or to imprisonment, sentence a Soldier convicted of disgraceful conduct to forfeiture of all advantage as to additional pay and claim to pension on discharge, which otherwise might have accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it may have accrued from past service, or might accrue from future service.

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No Soldier shall be tried for disgraceful conduct by any Court Martial inferior to a District or Garrison Court Martial.

A Court Martial may, in addition to any punishment involving dismissal or discharge, sentence any Officer or Soldier whom it is authorized to try, to forfeiture of arrears of pay and allowances due at the time of dismissal or discharge, or of such portion thereof as may be required to make good any loss or damage arising out of his misconduct. A Court Martial, in addition to any punishment not involving dismissal or discharge, may sentence any Officer or Soldier to be put under stoppages not exceeding, in the case of an Officer, two-thirds of his pay and allowances, and in the case of a Non-Commissioned Officer or Soldier, one-half of his pay and allowances, until any loss or damage arising out of his misconduct be made good.

Every Soldier subjected to confinement in the Quarter Guard, or Defaulter's Room, or in a Solitary Cell, or in any other place of imprisonment, shall forfeit all claim to pay and allowances during such confinement, and shall be entitled to receive subsistence only according to the rates laid down in the Regulations.

ARTICLE 79.

Whenever sentence shall be passed by a Court Martial on an offender already under sentence of imprisonment, such Court may award sentence of imprisonment to commence at the expiration of the imprisonment to which the offender shall have been so previously sentenced, although the aggregate of the terms of imprisonment may exceed the term for which imprisonment could otherwise be awarded by such Court Martial.

*Confirmation and Commutation of Sentences.*

ARTICLE 80.

When a sentence of death shall have been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may confirm such sentence, and cause it to be carried into

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into effect; or may in lieu thereof order the offender, if an Officer, to be transported for life, or for a term not less than seven years: or to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be transported for life, or for a term not less than seven years, or to be imprisoned with or without hard labor, and with or without solitary confinement, for any period not exceeding fourteen years.

In cases wherein a sentence of transportation has been awarded by a General Court Martial, the Commander-in-Chief of the Presidency may, in lieu thereof, order the offender, if an Officer, to be imprisoned for any period not exceeding fourteen years; or if a Soldier, to be imprisoned with or without hard labor and with or without solitary confinement for any period not exceeding fourteen years. Provided that in any such case, if the sentence of transportation be for any less period than fourteen years, the imprisonment in commutation shall not be for a longer period.

In lieu of a sentence of dismissal, in the case of an Officer, the Commander-in-Chief of the Presidency may order the offender to be suspended from rank and pay and allowances for a stated period.

Any Officer having authority to confirm the sentence of a Court Martial, may commute a sentence of corporal punishment, to dismissal from the service, or to imprisonment without hard labor, and with or without solitary confinement, for any period not exceeding one year, for which such Court might have sentenced the offender for the offence;—or may commute a sentence of imprisonment with hard labor to imprisonment without hard labor, with or without solitary confinement, for the same or for a less period—or to dismissal from the service.

Any Officer having authority to confirm the sentence of a Court Martial, may, in commutation of a sentence on a Non-Commissioned Officer, of corporal punishment, or imprisonment, or of dismissal, direct that such Non-Commissioned

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sioned Officer be reduced to the ranks, or placed lower, in the list of the rank which he holds, whereby such Non-Commissioned Officer shall lose the corresponding benefit of length of service.

ARTICLE 81.

The Commanding Officer for the time being of any Regiment or Corps may summarily try any offence against these Articles of War committed by any person subject to these Articles (not being a Commissioned Officer,) and, on conviction, may sentence the offender and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the sentence which a District or Garrison Court Martial might pass.

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

A Commanding Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial" in these Articles of War shall be deemed to include a Commanding Officer holding a trial.

The proceedings on such trials by the 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 an interpreter upon affirmation. The Commanding Officer shall record the finding and sentence, and the proceedings shall then be signed by such Commanding Officer, and by the Officers in whose presence the trial is held, and shall, without delay, be forwarded to the Officer Commanding the Division, who is hereby authorized to set aside the trial for reasons based on the merits of the case, but not on any merely technical grounds. Every sentence so awarded by a Commanding Officer may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 82.

An Officer Commanding a Detachment of his own Regiment or Corps may assemble a Regimental Detachment Court Martial;---and an Officer Commanding a Detachment consisting of men of different Regiments or Corps, may assemble

Powers of Officers Commanding Detachments, in punishing offences.

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assemble a Detachment or Line Court Martial. Every Court so assembled shall be constituted in the manner provided for a Regimental Court Martial under the provisions of these Articles of War, and shall have the like powers.

The provisions of these Articles of War, which relate to a Court Martial held in a Regiment or Corps, shall, in all practicable cases, be taken to apply to a Court Martial held in a Detachment.

No Officer on detached command of less than three troops or companies, or of a Detachment numerically equal to three troops or companies, and not being on the line of march or on board a ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the sentence shall have been confirmed by the Officer Commanding the Regiment or Corps to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment, who is hereby authorized to confirm every such sentence in like manner as an Officer Commanding a Regiment or Corps might do. Provided that in detached situations beyond the Sea or out of the British Territories in India, or when on service in the field, or in cases where an immediate example is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the service, the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment or Corps.

The Commanding Officer of such Detachment, and the Commanding Officer of any European Detachment to which native details of less strength than three troops or companies are attached; and any Commissary of Ordnance or other Officer in charge of any arsenal, ordnance establishment, or any camp equipage depôt, may summarily try any offence against these Articles of War, committed by any person under his command, who is subject to such Articles (not being a Commissioned Officer); and may on conviction sentence such offender, and carry out such sentence without confirmation or any further authority; provided that such sentence shall not exceed the powers of a Regimental Court Martial.

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Such Commanding Officer or other Officer holding a trial under this Article shall be deemed a Court Martial, and the words "Court Martial," in these Articles of War, shall be deemed to include such Commanding Officer or other Officer holding a trial.

The proceedings on such summary trial shall be conducted, so far as may be practicable, and shall be recorded, in the same manner as is provided in Article 81 for summary trials by an Officer Commanding a Regiment or Corps, and shall, in like manner, be signed and forwarded to the Officer Commanding the Division within which such Detachment shall be at the time, who is hereby authorized to set aside the trial for the same reasons that an Officer Commanding a Division is authorized by Article 81 to set aside a trial by an Officer Commanding a Regiment or Corps. Provided that every sentence so awarded by an Officer Commanding any such Detachment, or by any other Officer holding a trial under this Article, may be carried out without waiting for its approval by the reviewing Officer.

ARTICLE 83.

For light offences, a Commanding Officer may, without the intervention of a Court Martial, award extra drill, restriction to barrack limits or within the lines of the Regiment or Camp, confinement in the Quarter Guard or Defaulters' Room or in a Solitary Cell, removal from Staff situations, or acting appointments; or may order any Soldier to be employed in piling and unpling shot, and in cleaning accoutrements of men in hospital. But none of these punishments shall be awarded by sentence of a Court Martial. Any Soldier, while undergoing punishment under this Article, shall be liable to be ordered to attend ordinary drill.

The Commander-in-Chief of the Presidency shall prescribe the periods not exceeding which offenders shall be liable to drill or confinement or restriction to local limits, as authorized by this Article.

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ARTICLE 48.

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ARTICLE 84.

For any offence in breach of the Rules and Regulations of any Cantonment, the Commanding Officer of such Cantonment may sentence the offender (provided he be not a European British subject or an Officer or Soldier), notwithstanding he is neither amenable to any Articles of War, nor under the Military command of such Commanding Officer, to pay a fine not exceeding fifty Rupees; and in default of payment of such fine, and in lieu thereof, to imprisonment for any period not exceeding thirty days, if the fine be not sooner paid; and the Officer in charge of any Jail, on the delivery to him of the person of the offender accompanied by a warrant under the hand of such Commanding Officer, shall give effect to such imprisonment.

ARTICLE 85.

For any offence in breach of good order, a Commanding Officer of any Regiment, Corps, or Detachment, may sentence any follower of such Regiment, Corps, or Detachment under his command to imprisonment for any period not exceeding seven days; or, if the offender be not of a degree superior to that of a menial servant, to undergo Corporal punishment not exceeding twelve strokes of a rattan; or if the offender be of a degree superior to that of a menial servant, to fine not exceeding fifty Rupees, and in default of payment to imprisonment for a period of thirty days, if such fine be not sooner paid.

*Execution of Sentences of Courts Martial.*

ARTICLE 86.

In awarding a sentence of death, a General Court Martial shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death,"

Sentence of Death.

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death," as the Court in their discretion shall deem expedient, and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 87.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, the offender shall be delivered over to the Officer in charge of the nearest Jail, and such Officer, in giving effect to the sentence, shall be guided by such order as he shall receive from the local Government.

Whenever any sentence of a Court Martial shall adjudge imprisonment with or without hard labor, or with solitary confinement or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Officer in charge of a Jail, to give effect to such sentence on the offender being delivered into his custody, with an authenticated copy of the sentence passed on the offender.

ARTICLE 88.

The Commander-in-Chief of the Presidency may, from time to time, direct that any person sentenced to imprisonment by a Court Martial, may be imprisoned in any public Jail or in any other fit place.

ARTICLE 89.

When any person subject to these Articles of War is confined in any public Jail or other place not under Military control under a sentence of imprisonment passed by a Court Martial, the local Government of the Presidency or place in which such place of confinement is situate, may order the removal of such person from such place of confinement to any other public Jail or other fit place of confinement within the

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the Territories of such local Government. The period for which such person is in custody during such removal shall be reckoned as part of the original period of imprisonment for which such person was sentenced. The Governor-General of India in Council may order the removal of any such person from any place of confinement in British India to any other place of confinement therein.

ARTICLE 90.

The Commander-in-Chief of any Presidency shall have power to pardon any person belonging to the Military Forces of such Presidency, who shall have been convicted by a Court Martial of any offence against the Articles of War, which offence, wherever committed, is not punishable otherwise than by sentence of a Court Martial. Instead of granting a full pardon to any such person, the Commander-in-Chief of the Presidency may remit any part of the punishment awarded for the offence.

Powers of Commander-in-Chief of a Presidency to pardon certain offenders.

In any such case the Commander-in-Chief of the Presidency shall, together with a copy of the warrant or other instrument under which the offender is kept in custody in execution of the sentence, issue a warrant under his own hand, setting forth the offence of which the offender has been convicted, and pardoning or remitting such part of the punishment awarded for such offence as to him shall seem fit.

The said warrant shall be countersigned by the Magistrate of the zillah or city in which the offender is undergoing his sentence; or, if he is confined in any prison within the limits of a Supreme Court of Judicature, shall be countersigned by a Judge of such Court; if it shall appear to such Magistrate or Judge that the offence, wherever committed, is not punishable by any authority other than that of a Court Martial; but not otherwise.

Every Sheriff, Jailor, or other person having custody of any offender under sentence of a Court Martial, shall obey and give effect to any warrant of the Commander-in-Chief of the Presidency, duly countersigned as aforesaid,  
for



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for the pardon and release of any offender in his custody, or for the remission of any part of the sentence of any such offender.

ARTICLE 91.

Every Soldier sentenced under these Articles of War to imprisonment with hard labor for either a Military or Non-Military offence, shall be struck off the strength of the Regiment or Corps to which he belongs from the date of confirmation of such sentence; and no Soldier who has undergone such imprisonment for any period, shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 92.

Any Soldier sentenced for disgraceful conduct, to dismissal, or to corporal punishment, or to imprisonment with hard labor, shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 93.

In every case wherein a fine or forfeiture of arrears of pay, or stoppages, shall be adjudged by a Court Martial, any pay or public money due to the offender or that may become due to him, shall be available, with the sanction of the Commander-in-Chief of the Presidency for the payment of the amount so adjudged.

No Soldier sentenced to pay a fine, or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence, for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half his pay and allowances, nor be liable to be put under further stoppages

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stoppages while actually under stoppages to the amount of half of his pay and allowances.

ARTICLE 94.

Trials by Courts Martial may be carried on at any time without restriction.  
Time for trials by Courts Martial. The hour of original assembly of the Court shall be named by the Officer convening the Court, but the adjournment of the Court and the hour of its re-assembly shall be determined by the Court itself.

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*Forms of Proceeding.*

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ARTICLE 95.

Except as hereinafter provided, a Judge Advocate, or a European Officer of not less than ten years' service, shall be appointed to conduct the proceedings at every General Court Martial, and a European Officer of not less than four years' service, or any Adjutant of a Regiment where such Officer is available, shall be appointed to conduct the proceedings at all other Courts Martial.  
Judge Advocate.

ARTICLE 96.

An interpreter shall be appointed to every Court Martial. If no interpreter is available at the Station where the Court Martial sits, the Officer Commanding at such Station shall appoint any competent person under his command to perform the duty of interpreter. Where no interpreter or other competent person is available, the Superintending Officer at the Court Martial shall perform the duty of interpreter.  
Interpreter.

ARTICLE 97.

At every Court Martial the Senior Officer shall sit as President without being appointed by warrant. Rissaldar Majors and Subadar Majors are to take precedence according to the  
President.

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to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Rissaldar. Sirdar Bahadoors and Bahadoors are to take rank only according to their respective Commissions of Rissaldar Major, Subadar Major, Rissaldar, Subadar, or Jemadar. Rissaldars and Rissaidars are to take rank with Subadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the  
Death or absence of President. next Senior Member shall take the place of President, and the trial shall proceed, if the Court shall still consist of not less than the smallest number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 98.

No finding or sentence of a Court Martial shall be revised more than  
Revision of sentence. once, and no evidence shall be received on such revision except evidence relating to previous convictions and general character. For the purpose of such revision, the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number for each description of Court Martial directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

ARTICLE 99.

The Members of a Court Martial are to preserve order, and in giving  
Manner of voting. their votes upon all matters are to begin with the junior in rank. In all cases where a sentence of Death is not awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles. In case of an equality of votes, the decision shall be in favor of the prisoner. The President at a Court Martial shall vote with the other Members, and shall have no casting vote, except upon questions other than the finding and the sentence.

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ARTICLE 100.

No Court Martial shall pass a sentence of Death unless two-thirds of the Members present concur in such sentence, or four concur where the Court consist of five Members, or five concur where the Court consist of seven Members.

Sentence of death.

*Affirmations.*

ARTICLE 101.

On the assembly of a Court Martial, the Judge Advocate or European Superintending Officer shall administer to the interpreter the following affirmation :—

Interpreter's affirmation.

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will faithfully interpret and translate the proceedings of the Court, and that I will not divulge the sentence until it shall have been published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or Court Martial, in due course of law.”

In case of the unavoidable absence of an interpreter, the European Superintending Officer of a Court Martial other than a General Court Martial shall make the affirmation prescribed for the interpreter.

Member's affirmation. The Judge Advocate or Superintending Officer shall then cause the following affirmation to be made by each Member :—

“ I, A. B., solemnly affirm in the presence of Almighty God, that I will duly administer justice according to the Articles of War, without partiality, favor, or affection, and, if any doubt shall arise, then, according to my conscience, the best of my understanding, and the custom of War in the like cases; and that I will not divulge the sentence of the Court until it shall

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shall be published by authority; and, further, that I will not disclose or discover the vote or opinion of any particular Member of the Court, unless required to give evidence thereof by a Court of Justice or a Court Martial in due course of law."

Judge Advocate's Affirmation.

The following affirmation shall then be administered by the interpreter to the Judge Advocate or Superintending Officer :

" I, A. B., solemnly affirm in the presence of Almighty God, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice or a Court Martial in due course of law, and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the Court, until it shall be published by authority."

It shall be necessary to administer the foregoing affirmations on the commencement of every fresh trial before the same Court.

ARTICLE. 102.

Witness' oath or affirmation.

Every person who gives evidence at a Court Martial shall be examined on oath or affirmation where an affirmation is allowed.

The affirmation shall be to the following effect :—

" I solemnly affirm, in the presence of Almighty God, that what I shall state shall be the truth, the whole truth, and nothing but the truth."

If any person after making such affirmation shall wilfully and falsely state any matter or thing which amounts to the offence of giving false evidence as defined in Article 64, such person shall be subject to the same punishment as persons convicted of that offence.

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ARTICLE 103.

When any person required as a witness before a Court Martial is not amenable to Military Law, the Judge Advocate or Officer Commanding shall apply to the Magistrate within whose jurisdiction the witness resides to cause his attendance before such Court Martial. Such Magistrate shall issue his summons to such witness to attend before such Court Martial in the same manner as if the witness were required in the Court of such Magistrate.

Summoning witness not amenable to these Articles.

ARTICLE 104.

If any Officer or Soldier subject to these Articles of War shall have been illegally absent from his duty for the space of two months, a Regimental Court of Enquiry composed of three Commissioned Officers, of whom all may be European or all Native, or one or more may be European and one or more Native, shall forthwith assemble, and having received proof of the fact on oath or affirmation, shall declare such absence and the period thereof; and the Officer Commanding the Regiment or Corps shall record the declaration of such Court of Enquiry thereon in the Regimental Books: and if such Officer or Soldier shall not afterwards surrender or be apprehended, such record shall have the legal effect of a conviction for desertion. If such Officer or Soldier shall surrender or be apprehended after such record shall have been so entered, such record, or copy thereof, purporting to bear the signature of the Officer having the custody of the Regimental Books, shall, on the trial of such Officer or Soldier on a charge for desertion, be admissible in evidence of the facts therein recorded; and on proof of the identity of the prisoner with the Officer or Soldier therein mentioned, he may be found guilty of desertion.

Record in the Regimental Books of absence without leave and of the declaration of a Court of Enquiry thereon, to have the same effect as a conviction for desertion.

ARTICLE 105.

If, upon the trial of any Officer or Soldier for desertion, it shall be proved that such Officer or Soldier has been absent without leave, or has overstayed his leave, for the space of two months, such proof shall be deemed sufficient presumptive

Proof of absence without leave for two months to be sufficient presumptive evidence of desertion.

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presumptive evidence of the desertion of such Officer or Soldier, and shall be sufficient to convict him of the offence of desertion, unless he shall prove that such unauthorized absence was not wilful on his part, or shall otherwise rebut the presumption of desertion arising from proof of his absence without leave.

ARTICLE 106.

If upon the trial of such Officer or Soldier for desertion or for absence without leave, he shall state in his defence that his unauthorized absence was not wilful, or that he was detained in his village from sickness, or shall advance any other sufficient excuse for his absence, or any matter sufficient to rebut any presumptive evidence of desertion, and shall refer to any European, Civil or Military Officer of Government in support of his statement ; or if it shall appear to the Court Martial that the truth or falsehood of such statement may be ascertained by reference to any such Civil or Military Officer of Government, it shall be the duty of the Court to address such Civil or Military Officer on the subject, and to adjourn the proceedings until the reply of such Officer is received. The reply of such Officer, if favorable to the prisoner, shall be admissible in evidence, and have the same effect as if the statement had been made before the Court by such Officer in person on oath or affirmation, and proof of the handwriting of such Officer shall not be necessary. Should any Court before which a prisoner is being tried be dissolved prior to the receipt of the reply to any communication made under this Section to any Civil or Military Officer, a fresh Court may be ordered, and the trial shall be commenced anew before such Court.

Reference to Government Officer as to the truth of statement concerning cause of absence.

ARTICLE 107.

For the prompt and instant repression of irregularities and crimes which may be committed by troops in the field and on the line of march, Provost Marshals shall be appointed by the Commander-in-Chief of the Presidency or the Officer Commanding the forces in the field, and the powers of such Provost Marshals shall be regulated according to the established usages of War and Rules of the service.

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The duties of the Provost Marshal so appointed are to take charge of prisoners confined for offences of a general description ; to preserve good order and discipline ; and to prevent breaches of the same by Soldiers and followers of the Army. The Provost Marshal may punish on the spot, on the same day, any Soldier or follower who, in his view, or in the view of any of his assistants, shall commit any breach of good order and Military discipline : Provided that the punishment be limited to the necessity of the case, and accord with the orders which the Provost Marshal may, from time to time, receive from the Officer commanding the troops. If the Provost Marshal or any of his assistants shall not see the offender actually commit the crime, but sufficient proof can be obtained of the offender's guilt, a report shall be made to the Commander of the troops, who is empowered to deal with the case as he may deem most conducive to the maintenance of good order and Military discipline.

ARTICLE 108.

In any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War who is under orders for trial by a Court Martial, may, as of right, claim to be tried by European Officers. When such claim is made, the Court, whether a General, District, Garrison, or Regimental Court Martial, shall be composed of European Commissioned Officers, and the number of Members, and the proceedings shall be governed in all respects by the provisions of these Articles.

It shall be competent to the Governor General of India in Council by a General Order to extend the privilege of claiming to be tried by European Courts Martial to any Native Troops.

It shall further be competent to the Governor-General of India in Council, or to the Governor in Council of the Presidency, by an Order in Council, to direct that any Court Martial may be composed of European Commissioned Officers. The proceedings of such Courts Martial shall be regulated in every respect



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respect as directed in these Articles of War for Native Courts Martial, except that it shall not be necessary to appoint an Officer to conduct the proceedings of such Court Martial.

ARTICLE 109.

It shall be competent to the Governor-General of India in Council or the Governor in Council of any Presidency, from time to time, by an order in Council, to empower every General or other Officer having the Command of troops in the service of Her Majesty, or any such General or other Officer, to appoint General or District or Garrison Courts Martial, as occasion may require, for the trial of any Officers, Soldiers, or Followers, subject to these Articles of War, who may be charged with any offence punishable by the said Articles, which, in the judgment of such General or other Officer, requires to be punished without delay; and also to confirm and carry into effect, immediately or otherwise, any sentence of such Court Martial, or to commute, mitigate, or remit any such sentence; or if he shall deem it necessary, to refer any such sentence to the Commander-in-Chief of the Presidency for his orders.

Any General Court Martial, which may be appointed under the authority of this Article, shall be appointed by the Senior Officer on the spot, and shall consist of not less than five Commissioned Officers, the number to be fixed by the General or other Officer appointing the Court Martial. The order in Council may direct that a General Court Martial to be appointed under the provisions of this Article shall consist wholly of European Commissioned Officers or of Native Commissioned Officers; and in such case, the Officer appointing the Court Martial shall determine whether the same shall consist of European Officers or of Native Officers. Every General Court Martial appointed under the authority of this Article shall have all the powers of a General Court Martial specified in the 78th Article, and sentence of death, or other punishment to which the offender is liable by these Articles, may be awarded by such Court Martial, if a majority of the Members present concur in the sentence.

It shall not be necessary to appoint a Judge Advocate to conduct the proceedings of a European Court Martial under this Article.

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CHAPTER IV.

*Effects of the Dead.*

ARTICLE 110.

When any Officer or Soldier dies or is killed in the service, or any other person receiving public pay who is subject to these Articles of War in any department belonging to the Army dies or is killed in the field, the Officer Commanding the Regiment, Corps, or Detachment, or the Officer in charge of the department to which such Officer or Soldier or other person belongs, shall, if no heir or executor be present, secure his effects, and direct an inventory thereof to be taken. A duplicate shall be lodged in the Office of the Adjutant, or Officer in charge of the department to which such Officer, Soldier, or other person belongs.

Commanding Officer to secure the effects of the dead and to direct an inventory to be taken.

ARTICLE 111.

If there be no heir or executor on the spot, the effects are to be publicly sold. The Officer Commanding the Regiment or Corps or Detachment, or the Officer in charge of the department to which the deceased Officer, Soldier, or other person belonged, after discharging the debts of the deceased, namely, the expense of funeral ceremonies, his debts in camp or quarters, and Regimental debts of every description, shall account for the residue to the heir or heirs declared by will, whether written or verbal, or nominated in the Regimental register, or in failure of such to the legal representative of the deceased; and in the event of no executor, heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the estate shall be remitted to the General Treasury at the Presidency.

Sale of effects.

ARTICLE 112.

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ARTICLE 112.

The effects of deserters are to be publicly sold, and the proceeds, after payment of Regimental debts, remitted by the Officer Commanding the Regiment or Corps to which the deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining in such Presidency.

Sale of deserter's effects.

CHAPTER V.

*Miscellaneous.*

ARTICLE 113.

All powers and provisions contained in these Articles relating to a Commander-in-Chief shall, unless when otherwise provided, be construed to extend to the Officer Commanding the forces for the time being in any Presidency.

Construction of the Articles as regards a Commander-in-Chief.

ARTICLE 114.

All powers and provisions contained in these Articles relating to Soldiers shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

Construction of the Articles as regards Soldiers.

ARTICLE 115.

When any portion of the troops belonging to any Presidency shall be serving within the limits of any other Presidency, such troops shall be considered as placed, during such service, under the orders and authority of the Commander-in-Chief or other Officer Commanding

Troops serving out of their own Presidency.

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Commanding the forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as if they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders serving within such Presidency. Provided that it shall be lawful for the Governor-General of India in Council, to direct that the troops, or any part thereof, of any Presidency, whilst serving without the limits of such Presidency, shall continue under the orders and authority of the Commander-Chief or Officer Commanding the forces of the Presidency to which they belong for all the purposes of these Articles.

ARTICLE 116.

Any Officer Commanding any portion of Her Majesty's troops serving in any place out of Her Majesty's Territories, or out of the Territories of those States in alliance with Her Majesty in which Her Majesty's forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such place by any person serving with, or belonging to, Her Majesty's Army, being under the immediate Command of such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding such Officer shall not have received any warrant empowering him to assemble Courts Martial; and every Court Martial so assembled shall have the same powers in regard to summoning and examining of witnesses, the trial of, and sentence upon such person, as are granted by these Articles to General Courts Martial. Provided that no sentence of any such Court Martial shall be executed until the Officer Commanding-in-Chief the force to which the person so convicted and sentenced belongs, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District or Garrison Court Martial, in which case the Officer by whom the Court is convened is authorized to confirm, and commute, or mitigate, or remit the same; reporting the proceedings to the Officer Commanding-in-Chief.

ARTICLE 117.

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ARTICLE 117.

No person who shall have been acquitted or convicted by a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided that any person may be tried for the offence of murder, and punished for that offence, notwithstanding he may have been tried and punished for the act which caused death, if at the time of his conviction for the said act death shall not have resulted or shall not have been known by the Court which passed sentence to have resulted.

When any person subject to these Articles of War shall have been found guilty by a Court Martial of any Military offence, such Court Martial shall enquire into and receive evidence of any previous conviction of such person before a Court Martial or a Court of Justice, and shall enquire into the general character of such person, if a Soldier, for the purpose of apportioning the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty. But no such evidence shall, in any case, be received until the Court shall have ascertained that such person had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all persons previous to trial.

ARTICLE 118.

Any Officer or Soldier, who thinks himself wronged by his Superior or other Officer, is to complain thereof to the Officer Commanding his troop or company; and if his grievance be not redressed, may further complain to the Officer Commanding the Regiment or Corps to which he belongs, who is hereby required to examine into such complaint, or remit it to his Superior Authority, as the circumstances may require. If the complaint so preferred to the Commanding Officer should appear to be frivolous or groundless, the Officer or Soldier preferring it shall be liable to be punished according to the sentence of a General or other Court Martial; provided that such Officer or Soldier shall not on such account be liable to be sentenced to dismissal, nor to suffer corporal punishment or imprisonment with hard labor.

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ARTICLE 119.

Any Officer or Soldier, who shall be taken prisoner by the enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner, and until he shall again return to the service. If such Officer or Soldier can then establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, that he resisted as long as he was able, that he did not serve with or assist the enemy, and that he returned as soon as possible to the service, he shall be entitled, after the finding of such Court Martial shall have been confirmed by the Commander-in-Chief of the Presidency, to receive either the whole or such portion of his arrears of pay and allowances as the local Government shall determine.

ARTICLE 120.

Every Officer or Soldier or follower in receipt of any public pay, who is imprisoned under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, if such imprisonment does not involve dismissal under Article 91, receive subsistence only, to the amount of his pay proper, according to the rates laid down in the Regulations.

ARTICLE 121.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence, to transportation for any term less than the term of his life, for an offence punishable under the Articles then in force with transportation for life, such sentence, to the extent of the punishment awarded thereby, shall be deemed as valid and effectual as if the offender had been sentenced to transportation for life.

ARTICLE 122.

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ARTICLE 122.

When before the passing of these Articles of War any Court Martial or any Special Commissioner shall have sentenced any person subject to the Articles of War for the Native Army in force at the date of such sentence to imprisonment with hard labor for an offence for which by the Articles of War then in force a sentence of simple imprisonment could lawfully be passed, such sentence shall be deemed valid and effectual; and all persons are hereby indemnified for any thing done in pursuance of such sentence.

ARTICLE 123.

When before the passing of these Articles of War any Officer Commanding a Regiment or Corps and exercising Magisterial powers, shall have sentenced to punishment any person subject to the Articles of War for the Native Army in force at the date of such sentence, such sentence shall be deemed valid, and shall be carried into effect, notwithstanding that such sentence was passed by such Officer in any part of the British Territories where he was not authorized to exercise such Magisterial powers. Provided that such sentence be one which it would have been within the competency of such Officer to pass within the Territories where he was authorized to exercise such powers.

CHAPTER VI.

*Mode of dealing with offences not Military.*

ARTICLE 124.

When any Officer or Soldier, in any place within the jurisdiction of any Criminal Court established by Her Majesty or the Government of India or any local Government, is accused of any offence triable by such Court, he shall be delivered over to a Magistrate to be proceeded against according to law.

All

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All Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

ARTICLE 125.

Crimes to be tried by Courts Martial where no regular Criminal Tribunals exist.

In any place out of the British Territories in India, such offences, when committed by Officers or Soldiers, shall be cognizable by Courts Martial.

ARTICLE 126.

Offences cognizable by General Courts Martial.

General Courts Martial shall have cognizance of offences punishable with

Death ;

Transportation ;

Imprisonment for a period that may extend to seven years or to fourteen years.

ARTICLE 127.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years. District or Garrison Courts Martial shall also by special order of the Officer Commanding the forces have cognizance of offences of which a General Court Martial may take cognizance (not punishable with death or transportation for life), with power to sentence to imprisonment for any such offence for a period which may extend to three years.

Offences cognizable by District or Garrison Courts Martial.

ARTICLE 128.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding six calendar months, and, by special order of the Officer Commanding the forces, of offences ordinarily cognizable by District or Garrison Courts Martial, with

Offences cognizable by Regimental, Detachment or Line Courts Martial.

power



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power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

*General Courts Martial.*

ARTICLE 129.

Any Officer or Soldier who shall be convicted by a General Court Martial of causing death, shall be deemed to have committed murder—  
Punishment of death.

*1st.* If the act by which death was caused, was done with the intention of causing death; or

*2nd.* If it was done with the intention of causing such bodily injury as the offender knew to be likely to cause the death of the person to whom the harm was caused; or

*3rd.* If it was done with the intention of causing bodily injury to any person, and the bodily injury intended to be inflicted was sufficient in the ordinary course of nature to cause death; or

*4th.* If the person committing the act, knew that it was so imminently dangerous that it must in all probability cause death, or such bodily injury as is likely to cause death, and if he committed such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

Any Officer or Soldier convicted of murder shall be sentenced to be hanged by the neck till he is dead, or to transportation for life.

ARTICLE 130.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other corporal injury to any person endangering the life of such person; that is to say,—  
Offences punishable by imprisonment or transportation for life.

N

1st.

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1st. Breaking, or attempting to break, by day or night, into any dwelling-house, tent, boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal;

2nd. Robbery or attempt to rob ;

3rd. Stealing or attempting to steal in a house, or from the person—

Shall be sentenced by such General Court Martial to transportation for life, or for any period not less than seven years, or to imprisonment with hard labor for a period that may extend to fourteen years.

ARTICLE 131.

Any Officer or Soldier who shall be convicted by a General Court Martial—  
Robbery, &c., accompanied with wounding, &c. not endangering life.

Of any offence specified in Clauses 1, 2, and 3 of the last Article, accompanied with wounding or other corporal injury to any person not endangering the life of such person ;—or

ARTICLE 132.

Of robbery by open violence, or dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery ; —or

ARTICLE 133.

Of breaking, or attempting to break into any dwelling-house, tent, boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal ;—or  
House-breaking by night.

Of

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ARTICLE 134.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Rupees ;---or

House-breaking and stealing.

ARTICLE 135.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery, by open violence, or by theft or robbery, aggravated as described in Article 130 or Article 131 ;---or

Buying or receiving stolen property.

ARTICLE 136.

Of an unnatural crime ;---or

Unnatural crime.

ARTICLE 137.

Of Rape ;---

Rape.

Shall be sentenced by such General Court Martial to imprisonment with hard labor for a period not exceeding fourteen years.

ARTICLE 138.

Any Officer or Soldier who shall be convicted by a General Court Martial---  
Of the offence of culpable homicide not amounting to murder ;---or

Culpable homicide not amounting to murder.

ARTICLE 139.

Of the offence of wounding, or otherwise causing any corporal injury to any person with intent to murder, whether the person wounded or otherwise injured be the person whom the offender

Wounding with intent to murder.

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offender intended to murder, or another; or of attempting to commit murder by any means whatsoever; —

Shall be sentenced by such General Court Martial to imprisonment with or without hard labor for a period not exceeding fourteen years.

ARTICLE 140.

Any Officer or Soldier who shall be convicted by a General Court Martial—

Premeditated affray, attended with Culpable Homicide.

Of premeditated affray, attended with culpable homicide not amounting to murder, or severe wounding, or other aggravating circumstance;—or

ARTICLE 141.

Intentionally doing corporal injury.

Of intentionally wounding, maiming, or otherwise doing corporal injury to any person;—or

ARTICLE 142.

Accidentally doing corporal injury to one person when intended to be done to another.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person;—or

ARTICLE 143.

Of breaking into any dwelling-house, tent, boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein;—or

House-breaking by night.

ARTICLE 144.

Theft in a dwelling-house.

Of stealing from any habitation, or from any person, any property exceeding three hundred Rupees in value;—or

ARTICLE 145.

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ARTICLE 145.

Buying or receiving  
stolen property exceeding  
300 Rupees in value.

Of having purchased or received any property so  
stolen, exceeding in value three hundred Rupees,  
knowing it to have been stolen ;—or

ARTICLE 146.

Arson.

Of Arson ;—or

ARTICLE 147.

Enticing unmarried wo-  
man under 15 years.

Of enticing and taking away, or of causing to be enticed or taken  
away for any unlawful purpose, any unmarried woman  
under the age of fifteen years ;—or

ARTICLE 148.

Stealing children under  
8 years.

Of stealing a child under the age of eight years ;  
—or

ARTICLE 149.

Counterfeiting or fabri-  
cating Deed, &c.

Of counterfeiting, or causing or procuring the fraudulent fabrication or  
alteration of any written deed, or printed paper of any  
description ; or any counterfeit seal or signature thereto ;  
or the illicit imitation of any public stamp or stamped paper issued by  
Government ; or of using, selling, or disposing of such stamped paper,  
knowing the same to be counterfeit ; or of fraudulently issuing and publishing  
as true, or of fraudulently giving effect to any fabricated deed or paper  
knowing it to be a forgery ;—

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ARTICLE 150.

Of forging or procuring to be forged any counterfeit coin, in imitation of  
Counterfeiting Coin, &c. any of the gold, silver, or copper coin of the Govern-  
ment of India, or of any coin usually received as money  
in the British Territories in India ; or of clipping, filing, drilling, or defacing  
any such coin ; or of paying or tendering in payment counterfeit Coin, Bank  
Notes, or other Securities for money, knowing the same to be counterfeit, al-  
though such Notes or Securities shall be incomplete ;—

Shall be sentenced by such General Court Martial to suffer imprisonment  
with or without hard labor for any period not exceeding seven years.

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*District or Garrison Courts Martial.*

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ARTICLE 151.

It shall be competent to the Commander-in-Chief of the Presidency,  
Powers of District or Garrison Courts Martial. and to any Officer having authority to convene District  
or Garrison Courts Martial, to cause offenders, not being  
Commissioned Officers, accused of any of the offences specified in these Articles  
of War, except offences for which the punishment of death or transportation  
for life is provided, to be tried for such offences before a District or Garrison  
Court Martial, and such Court shall have power, on conviction, to sentence  
any such offender to imprisonment with or without hard labor for any period  
not exceeding three years.

ARTICLE 152.

Stealing property not  
exceeding 300 Rupees, but  
exceeding 50 Rupees in  
value.

Any Officer or Soldier who shall be convicted by a  
General, District, or Garrison Court Martial—

Of

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Of stealing from any habitation, or from the person, any property of value not exceeding three hundred Rupees, but exceeding fifty Rupees ;—or

ARTICLE 153.

Of having purchased or received any stolen property of value not exceeding three hundred Rupees, knowing it to have been stolen, but not under aggravating circumstances ;—or

Buying or receiving stolen property not exceeding 300 Rs. in value.

ARTICLE 154.

Of dishonestly having stolen property in his possession, and of having dishonestly kept possession of such property after becoming aware of its having been stolen ;

Dishonestly having stolen property in possession

Shall be sentenced by such Court to suffer imprisonment with or without hard labor for any period not exceeding three years.

Punishable with imprisonment not exceeding three years.

*Regimental, Detachment, or Line Courts Martial.*

ARTICLE 155.

It shall be competent to any Officer having authority to convene a Regimental, Detachment, or Line Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in these Articles of War, for which no punishment exceeding imprisonment with hard labor for three years is therein provided, to be tried before Regimental, Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer imprisonment with or without hard labor for any period not exceeding six calendar months.

Offences punishable by imprisonment not exceeding six months.

ARTICLE 156.

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ARTICLE 156.

Any Officer or Soldier, who shall be convicted;—

Stealing property not exceeding 50 Rupees in value.

Of stealing property not exceeding fifty Rupees in value;—or

ARTICLE 157.

Simple assault or affray.

Of assault or affray, unattended with homicide, severe wounding, or aggravating circumstances—

Punishable with imprisonment not exceeding one year if awarded by General, District, or Garrison Court Martial.

or not exceeding six months if awarded by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment with or without hard labor for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

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*Offences punishable by imprisonment from six months to two years according to the description of the Court.*

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ARTICLE 158.

Any Officer or Soldier, who shall be convicted—

Resisting process of a Magistrate or Police Officer.

Of resisting the process of a Magistrate or Police Officer;—or

ARTICLE 159.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Committing any offence not already provided for.

May



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Punishable with imprisonment not exceeding two years if awarded by General Court Martial.

not exceeding one year if by District or Garrison Court Martial,

and not exceeding six months if by a Regimental, Detachment, or Line Court Martial

May be sentenced to suffer imprisonment for any period not exceeding two years by the award of a General Court Martial, for any period not exceeding one year by the award of a District or Garrison Court Martial, and for any period not exceeding six calendar months by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 160.

Any Officer or Soldier, who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having abetted, or of having caused, instigated, or procured, the commission of any of the offences specified in any of these Articles, shall be sentenced by such Court to any punishment in these Articles provided for such offence, and within the competency of such Court to award.

ARTICLE 161.

No sentence of death shall be carried into effect until confirmed by the Commander-in-Chief of the Presidency to which the person on whom such sentence is passed belongs; or if such person is attached to the force of any Presidency, but is serving with a force in any place out of British India, until it be confirmed by the Officer Commanding such force; or if such person belongs to a force in any part of India not under the Commander-in-Chief of any Presidency, until confirmed by the Officer Commanding such force.

ARTICLE 162.

The Commander-in-Chief or other Commanding Officer as provided in the last Article is authorized at his discretion to confirm any sentence of death, and to remit such sentence, or to commute it to transportation for life, or for a period not less than seven years

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or to imprisonment with hard labor for any period not exceeding fourteen years.

ARTICLE 163.

Transportation. No sentence of transportation shall be carried into effect until confirmed by the Commander-in-Chief, or other Commanding Officer as provided in Article 161, and the Commander-in-Chief or such other Commanding Officer, is authorized at his discretion to remit such sentence or to confirm it, or to commute it to imprisonment with or without hard labor for any period not exceeding fourteen years. Provided that, if the sentence of transportation be for any period less than fourteen years, the imprisonment in commutation shall not be for any longer period.

ARTICLE 164.

Remission or mitigation. It shall be competent to any Officer having authority, to confirm the sentence of a General or other Court Martial, and to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labor, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 165.

No person to be tried a second time for the same offence. Any person who shall have been tried by a Court Martial for any offence under the authority of these Articles of War, shall not be tried for the same offence in any other Court whatsoever except as provided in Article 119; and no person who shall have been acquitted or convicted of any offence by any Court of Judicature, shall be punished for the same offence by a Court Martial. But such person may be discharged from the service.

ARTICLE 166.

Regulations respecting Bazaar and Cantonment Police, and Panchayets, declared in force. The Regulations by which in any Presidency, the office and powers of Commissariat Officers, or Officers in charge of the Police in any Cantonments, or Superintendents of Military Bazaars, are at present defined and controlled; or by

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by which punchayets are constituted and guided ; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments ; shall continue to be in full force, and to be observed at the several Presidencies respectively.

CHAPTER VII.

*Application of the Articles.*

ARTICLE 167.

All Officers and Soldiers, Drivers, Farriers, Trumpeters, Drummers, unattested Recruits, Sub-Assistant Surgeons, Native <sup>Persons amenable to the Articles.</sup> Doctors, Hospital Attendants, Dressers, Artificers, and Laborers, Sutlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles, and to be subject to trial and punishment by Courts Martial.

Provided that all Drivers, Farriers, Trumpeters, Drummers, Recruits, Sub-Assistant Surgeons, Native Doctors, Hospital Attendants, and Dressers, hereafter enlisted, shall be attested according to the Regulations of the Presidency to which they belong.

Persons of European descent (whether on the side of their father or mother) professing the Christian religion, if belonging to the descriptions mentioned in this Article (and not being Her Majesty's natural-born subjects born in Europe, or the children of such subjects,) shall be tried for Military offences by Courts Martial composed of European Officers only, and punished according to these Articles of War. For Criminal or Non-Military offences such persons shall not be amenable to these Articles of War, but shall be tried and punished in the same manner as persons who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers of Her Majesty's Indian forces.

ARTICLE 168.

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ARTICLE 168.

Promulgation of the  
Articles. These Articles are to be translated into the several languages of the different Presidencies; and the following Articles, namely, the 2nd, 3rd, and 4th, the 5th to the 69th, both included; the 78th, 81st, 82nd, 110th, and 118th, are to be read once every three months at the head of every Regiment or Corps, Troop or Company in the service, and to every recruit at the period of his attestation.

ARTICLE 169.

Commencement of Act. These Articles of War shall take effect on and from the 1st day of November 1861.