

ACT No. XXXVII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 9th
September, 1920.)

An Act further to amend the Indian Army
Act, 1911.

WHEREAS it is expedient further to amend the
Indian Army Act, 1911; It is hereby enacted VIII of 1911.
as follows:—

Short title.

1. This Act may be called the Indian Army
(Amendment) Act, 1920.

Amendment
of section 20
of Act VIII
of 1911.

2. In sub-section (2) of section 20 of the Indian
Army Act, 1911 (hereinafter referred to as the said VIII of 1911
Act),—

(1) for the words "Imprisonment in military
custody may be specified as such a minor punish-
ment" the words "Imprisonment in military cus-
tody and, in the case of persons subject to this Act
on active service, any prescribed field punishment
may be specified as minor punishments" shall be
substituted; and

(2) in clause (a) after the word "imprisonment"
the words "or field punishment" shall be inserted.

3. In section 24 of the said Act—

Amendment
of section 24
of Act VIII
of 1911.

(1) to sub-section (1) the words "He may at any
time arrest and detain for trial any person subject
to this Act who commits an offence and may also
carry into effect any punishments to be inflicted in
pursuance of the sentence of a court-martial" shall
be added; and

(2) for sub-sections (2) and (3) the following sub-
section shall be substituted, namely:—

"(2) A provost-marshal may punish with any
punishment mentioned in section 22, sub-section (1)
clause (b)

clause (b) any follower who is subject to this Act under section 2, sub-section (1), clause (c) and is a menial servant and who on active service and in his view, or in the view of any of his assistants, commits any breach of good order and military discipline."

4. In section 41 of the said Act—

- (1) in clause (a) after the word "punishment," and
- (2) in clause (b) after the word "punishment," where it first occurs,

Amendment of section 41 of Act VIII of 1911.

the words "other than whipping" shall be inserted.

5. For section 45 of the said Act the following section shall be substituted, namely:—

Substitution of new section for section 45 of Act VIII of 1911.

"45. Where any person, subject to this Act and under the rank of warrant officer, on active service is guilty of any offence, it shall be lawful for a court-martial to award for that offence any such punishment, other than flogging as may be prescribed as a field punishment. Field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb."

Field punishment.

6. In sections 46 and 49 of the said Act, for the words "corporal punishment" the words "field punishment" shall be substituted.

Amendment of sections 46 and 49 of Act VIII of 1911.

7. In section 50 of the said Act—

- (1) to clause (a) the words "or of field punishment awarded by a court-martial or such officer" shall be added; and
- (2) in clause (b) after the word "imprisonment" the words "or field punishment" shall be inserted.

Amendment of section 50 of Act VIII of 1911.

8. For section 67 of the said Act the following section shall be substituted, namely:—

Substitution of new section for section 67 of Act VIII of 1911.

"67. No trial by court-martial of any person subject to this Act for any offence (other than an offence of mutiny, desertion or fraudulent enrolment)

Limitation of trial.

ment) shall be commenced after the expiration of three years from the date of such offence, and no such trial for an offence of desertion (other than desertion on active service) or of fraudulent enrolment shall be commenced if the person in question has, subsequently to the commission of the offence, served continuously in an exemplary manner for not less than three years with any portion of His Majesty's regular forces.

Explanation.—For the purposes of this section, 'mutiny' means any of the offences specified in clauses (a), (b) and (c) of section 27."

Amendment
of section 113
of Act VIII
of 1911.

9. After clause (b) of sub-section (2) of section 113 of the said Act the following clause shall be inserted, namely:—

"(bb) the specification of the punishments which may be awarded as field punishments under sections 20 and 45."

Repeal of
section 111
of Act VIII
of 1911.

10. Section 111 of the said Act is hereby repealed.