

# THE INDIAN AIR FORCE ACT, 1932.

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THE SCHEDULE.

# ACT No. XIV OF 1932.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 8th April, 1932.)

## An Act to provide for the administration and discipline of the Indian Air Force.

**W**HEREAS it is intended to establish an Indian Air Force;

AND WHEREAS it is expedient to provide for the administration and discipline of that Force and for purposes connected therewith;

It is hereby enacted as follows:—

### CHAPTER I.

#### PRELIMINARY.

1. (1) This Act may be called the Indian Air Force Act, Short title and commencement.  
1932.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

2. (1) The following persons shall be subject to this Act, Persons subject to this Act.  
namely:—

- (a) officers and warrant officers of the Indian Air Force;
- (b) persons enrolled under this Act;
- (c) persons not otherwise subject to military or air force law, who, on active service, in camp, on the march, or at any frontier post specified by the Governor General in Council by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the Indian Air Force.

(2) Every

(Chapter I.—Preliminary.)

(2) Every person who has become subject to this Act under sub-section (1), clause (a) or (b), shall remain so subject until duly discharged or dismissed.

Special provision as to rank in certain cases.

3. (1) The Governor General in Council may, by notification, direct that any persons or class of persons subject to this Act under section 2, sub-section (1), clause (c), shall be so subject as officers, warrant officers or non-commissioned officers, and may authorise any officer to give a like direction with respect to any such person and to cancel such direction.

(2) All persons subject to this Act other than officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of a rank inferior to that of a non-commissioned officer.

Commanding officer of certain persons.

4. Every person subject to this Act under section 2, sub-section (1), clause (c), shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, unit or detachment (if any) to which he is attached, and if he is not attached to any corps, unit or detachment, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person may for the time being be serving, or of any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force:

Provided that an officer commanding a force shall not place a person under the command of an officer of official rank inferior to that of such person if there is present at the place where such person is any officer of higher rank under whose command he can be placed.

Officers to exercise powers in certain cases.

5. (1) Whenever persons subject to this Act are serving whether within or without India under an officer not subject to this Act, the Governor General in Council may prescribe the officer by whom the powers which, under this Act, may be exercised by officers commanding units, shall, as regards such persons, be exercised.

(2) The Governor General in Council may confer such powers either absolutely or subject to such restrictions, reservations, exceptions and conditions as he may think fit.

6. In



*(Chapter I.—Preliminary.)*

6. In this Act, unless there is something repugnant in the <sup>Definitions.</sup> subject or context,—

- (1) “ officer of the Indian Air Force ” means a person commissioned, gazetted or in pay as an officer of the Indian Air Force;
- (2) “ warrant officer ” means a person appointed, gazetted or in pay as a warrant officer in the Indian Air Force;
- (3) “ non-commissioned officer ” means a person attested under this Act holding a non-commissioned rank in the Indian Air Force, and includes an acting non-commissioned officer;
- (4) “ officer ” means an officer of any of His Majesty’s naval, military or air forces, but does not include a warrant officer or non-commissioned officer;
- (5) “ airman ” means any person subject to this Act other than an officer;
- (6) “ commanding officer ”, used in relation to a person subject to this Act, means the officer for the time being in command of the unit or detachment to which such person belongs or is attached;
- (7) “ superior officer ”, when used in relation to a person subject to this Act, includes a warrant officer and a non-commissioned officer; and, as regards persons placed under his orders, an officer, a warrant officer or non-commissioned officer of any of His Majesty’s naval, military or air forces;
- (8) “ corps ” means any body of the Indian Air Force which is prescribed as a corps for the purposes of all or any of the provisions of this Act;
- (9) “ unit ” means any body of the Indian Air Force which is prescribed as a unit for the purposes of all or any of the provisions of this Act;
- (10) “ enemy ” includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to naval, military or air force law to act;
- (11) “ active

*(Chapter I.—Preliminary.)*

- (11) "active service", as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against an enemy, or is engaged in warlike operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country, and includes, in respect of a person subject to this Act attached to or forming part of a force which is about to be or has recently been on such active service, such time as the Governor General in Council may, by notification in the Gazette of India, declare to be active service in respect of such force;
- (12) "air force custody" means the arrest or confinement of a person according to the usages of His Majesty's military and air forces, and includes military custody;
- (13) "air force reward" includes any gratuity or annuity for long service or good conduct, any good conduct pay, good service pay or pension, and any other air force pecuniary reward;
- (14) "court-martial" means a court-martial held under this Act;
- (15) "criminal court" means a court of ordinary criminal justice in British India, or established elsewhere by the authority of the Governor General in Council;
- (16) "offence" means any act or omission made punishable by any law for the time being in force;
- (17) "air force offence" means any act or omission made punishable by this Act;
- (18) "civil offence" means an offence which, if committed in British India, would be triable by a criminal court;
- (19) "His Majesty's naval forces" include the Indian Marine Service;
- (20) "notification"

(Chapter I.—Preliminary. Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction.)

- (20) "notification" means a notification published in the Gazette of India;
- (21) "prescribed" means prescribed by rules made under this Act; and
- (22) all words and expressions used herein and defined in the Indian Penal Code, and not hereinbefore defined, shall be deemed to have the meanings respectively attributed to them by that Code.

## CHAPTER II.

### ENROLMENT, ATTESTATION, DISMISSAL, DISCHARGE AND REDUCTION.

7. Upon the appearance before the prescribed enrolling officer of any person desirous of being enrolled, the enrolling officer shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of the service for which he is to be enrolled; and shall put to him the questions set forth in the prescribed form of enrolment, and shall, after having cautioned him that if he makes a false answer to any such question he will be liable to punishment under this Act, record or cause to be recorded his answer to each such question.

8. If, after complying with the provisions of section 7, the enrolling officer is satisfied that the person desirous of being enrolled fully understands the questions put to him and consents to the conditions of service, and if he perceives no impediment, he shall sign and shall cause the person to sign the enrolment paper, and the person shall be then deemed to be enrolled.

9. The enrolling officer shall not cause any person to sign the enrolment paper unless he is satisfied that such person is a subject of His Majesty or of a Prince or Chief in India, and—

- (a) is of unmixed Indian descent, or
- (b) if he is of mixed Indian and non-Indian descent, is domiciled in India, or

(c) if

(Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction.)

(c) if he is of unmixed non-Indian Asiatic descent, is domiciled in India and his father and grandfather were domiciled in India.

Presumption of enrolment in certain cases.

10. Every person who has for the space of six months been in the receipt of air force pay and been borne on the rolls of any unit shall be deemed to have been duly enrolled, notwithstanding any illegality or irregularity in his enrolment.

Persons to be attested.

11. The following persons shall be attested, namely:—

(a) all persons enrolled as combatants;

(b) all other enrolled persons prescribed by the Governor General in Council.

Mode of attestation.

12. (1) When a person who is to be attested is reported fit for duty, or has completed the prescribed period of probation, an oath or affirmation shall be administered to him in the prescribed form by his commanding officer in front of his unit or such portion thereof as may be present, or by any other prescribed person.

(2) The form of oath or affirmation prescribed under this section shall contain a promise that the person to be attested will be faithful to His Majesty, his heirs and successors, and that he will serve in the Indian Air Force and go wherever he is ordered by air, land or sea, and that he will obey all commands of any officer set over him, even to the peril of his life.

(3) The fact of an enrolled person having taken the oath or affirmation directed by this section to be taken shall be entered on his enrolment paper, and authenticated by his signature and by the signature of the officer administering the oath or affirmation.

Dismissal by Governor General in Council.

13. The Governor General in Council may at any time dismiss from the service any person subject to this Act.

Dismissal by the Air Officer Commanding or prescribed officer.

14. The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time dismiss from the service any person subject to this Act other than an officer.

Discharge.

15. The prescribed authority may, in conformity with any rules prescribed in this behalf, discharge from the service any person subject to this Act.

16. Any

(Chapter II.—Enrolment, Attestation, Dismissal, Discharge and Reduction. Chapter III.—Punishments and Penal Deductions.)

16. Any enrolled person who is dismissed or discharged from the service shall be furnished by his commanding officer with a certificate setting forth—

Certificate to person dismissed or discharged.

- (a) the authority dismissing or discharging him;
- (b) the cause of his dismissal or discharge; and
- (c) the full period of his service in the Indian Air Force.

17. (1) Any enrolled person who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India with all convenient speed.

Discharge and dismissal out of India.

(2) Any person subject to this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed:

Provided that, where any such person is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of imprisonment, a portion of such other punishment, may be inflicted before he is sent to India.

18. (1) The Air Officer Commanding His Majesty's Air Forces in India, or any prescribed officer, may at any time reduce any warrant officer or any non-commissioned officer to a lower grade or to a lower rank or to the ranks, or any airman other than a warrant officer or non-commissioned officer to a lower class in the ranks.

Reduction.

(2) The commanding officer of an acting non-commissioned officer may order him to revert to his permanent grade as a non-commissioned officer or, if he has no permanent grade above the ranks, to the ranks.

### CHAPTER III.

#### PUNISHMENTS AND PENAL DEDUCTIONS.

19. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted by court-martial

Punishments.

*(Chapter III.—Punishments and Penal Deductions.)*

court-martial, according to the scale following, that is to say,—

- (a) death;
- (b) imprisonment, which shall be of two degrees, namely:—
  - (i) long imprisonment, which shall be rigorous and for a term not less than three years and not exceeding fourteen years, and
  - (ii) short imprisonment, which may be rigorous or simple, for a term not exceeding two years;
- (c) in the case of airmen, detention for a term not exceeding two years;
- (d) dismissal from the service;
- (e) in the case of officers and warrant officers, suspension from rank, pay and allowances for a period not exceeding two months;
- (f) reduction, in the case of a warrant officer, or a non-commissioned officer, to a lower grade, or to a lower rank or to the ranks;
- (g) in the case of officers, warrant officers and non-commissioned officers, forfeiture of seniority of rank;
- (h) in the case of officers, warrant officers and non-commissioned officers, reprimand or severe reprimand;
- (i) forfeitures and stoppages as follows, namely:—
  - (i) forfeiture of service for the purpose of promotion, increased pay, pension or any other prescribed purpose;
  - (ii) forfeiture of any military or air-force decoration or military or air force reward;
  - (iii) forfeiture, in the case of a person sentenced to dismissal from the service, of all arrears of pay and allowances due to him at the time of such dismissal;
  - (iv) stoppages of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good;
  - (v) on active service, forfeiture of pay and allowances for a period not exceeding three months.

20. Where

*(Chapter III.—Punishments and Penal Deductions.)*

20. Where in respect of any offence under this Act there is specified a particular punishment, there may be awarded in respect of that offence instead of such particular punishment (but subject to the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment.

Power to award lower punishments.

21. (1) 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 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.

(2) Field punishment shall, for the purpose of commutation, be deemed to stand in the scale of punishments next below dismissal.

22. A sentence of a court-martial may award, in addition to or without any one other punishment, any one or more of the punishments specified in clauses (d), (f), (h) and (i) of section 19.

Combination of punishments.

23. A warrant officer or non-commissioned officer sentenced by court-martial to imprisonment, detention, field punishment or dismissal from the service, shall be deemed to be reduced to the ranks.

Reduction of non-commissioned officers and warrant officers to ranks.

24. When any enrolled person on active service has been sentenced by court-martial to dismissal or to imprisonment, whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and where such person has been sentenced to imprisonment, such service shall be reckoned as part of his term of imprisonment.

Retention in the ranks of person convicted on active service.]

25. (1) The Governor General in Council may prescribe the minor punishments to which persons subject to this Act shall be liable without the intervention of a court-martial, and the officer or officers by whom, and the extent to which, such minor punishments may be awarded.

Minor punishments

(2) Detention and, in the case of persons subject to this Act on active service, any prescribed field punishment may be specified as minor punishments:

Provided

(Chapter III.—Punishments and Penal Deductions.)

Provided that—

- (a) the term of such detention or field punishment shall not exceed twenty-eight days; and
- (b) detention or field punishment shall not be awarded to any person of or above the rank of non-commissioned officer, or who, when he committed the offence in respect of which it is awarded, was of or above such rank.

(3) The provisions of sections 77, 78 and 79 shall apply to the proceedings of officers empowered to award minor punishments under this section as if such officers were courts-martial.

Deductions  
from pay and  
allowances.

26. (1) The following penal deductions may be made from the pay and allowances of an officer of the Indian Air Force, that is to say,—

- (a) all pay and allowances due to an officer who absents himself without leave or overstays the period for which leave of absence has been granted to him, unless a satisfactory explanation has been given to his commanding officer and has been approved by the Governor General in Council;
- (b) any sum required to make good such compensation for any expenses, loss, damage or destruction occasioned by the commission of any offence as may be determined by the court-martial by whom he is convicted of such offence;
- (c) any sum required to make good the pay of any officer or airman which he has unlawfully retained or unlawfully refused to pay;
- (d) any sum required to make good any loss, damage or destruction of public or service property which, after due investigation, appears to the Governor General in Council to have been occasioned by any wrongful act or negligence on the part of the officer.

(2) The following penal deductions may be made from the pay and allowances of an airman, that is to say,—

- (a) all pay and allowances for every day of absence either on desertion or without leave, or as a prisoner of war,



*(Chapter III.—Punishments and Penal Deductions.)*

war, and for every day of imprisonment or detention awarded by a criminal court, a court-martial or an officer exercising authority under section 25, or of field punishment, awarded by a court-martial or such officer;

- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a criminal court or court-martial, or on a charge of absence without leave for which he is afterwards awarded imprisonment, detention or field punishment by an officer exercising authority under section 25;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by an offence under this Act committed by him;
- (d) for every day on which he is in hospital on account of sickness certified by the medical officer attending on him to have been caused by his own misconduct or imprudence, such sum as may be prescribed;
- (e) all pay and allowances ordered by a court-martial to be suspended or forfeited;
- (f) any sum ordered by a court-martial to be stopped;
- (g) any sum required to make good such compensation for any expenses caused by him, or for any loss of or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, service necessaries, or military decoration, or to any buildings or property, as may be awarded by his commanding officer;
- (h) any sum required to pay a fine awarded by a criminal court, a court-martial exercising jurisdiction under section 58 or an officer exercising authority under section 25:

Provided that the total deductions from the pay and allowances of a person subject to this Act made under clauses (e) to (g), both inclusive, shall not (except in the case of a person sentenced

(Chapter III.—Punishments and Penal Deductions.)

sentenced to dismissal) exceed in any one month one-half of his pay and allowances for that month.

*Explanation.*—For the purposes of clauses (a) and (b)—

- (i) no person shall be treated as absent, imprisoned, or detained, unless the absence, imprisonment, or detention has lasted six hours or upwards, except where the absence prevented the absentee from fulfilling any air force duty which was thereby thrown on some other person;
- (ii) a period of absence, imprisonment, or detention which commences before and ends after midnight may be reckoned as a day;
- (iii) the number of days shall be reckoned as from the time when the absence, imprisonment, or detention commences; and
- (iv) no period of less than twenty-four hours shall be reckoned as more than one day.

27. Any sum authorised by this Act to be deducted from the pay and allowances of any person may, without prejudice to any other mode of recovering the same, be deducted from any public money due to him other than a pension.

28. Any deduction from pay and allowances authorised by this Act may be remitted in such manner and to such extent and by such authority as may from time to time be prescribed.

29. In the case of all persons subject to this Act being prisoners of war, whose pay and allowances have been forfeited under section 26, but in respect of whom a remission has been made under section 28, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

30. The pay of an officer or airman of the Indian Air Force shall be paid without any deduction other than the deductions authorised by this Act or by any other enactment for the time being in force or prescribed by the Governor General in Council.

CHAPTER IV.

Deductions from public money other than pay.

Remission of deductions.

Provision for dependants of prisoners of war.

Unauthorised deductions forbidden.

CHAPTER IV.

AIR FORCE OFFENCES.

31. Any person subject to this Act who—

Service offences punishable with death.

- (a) shamefully abandons or delivers up any garrison, fortress, post, or guard committed to his charge, or which it is his duty to defend, or
- (b) shamefully casts away his arms, ammunition or tools in the presence of the enemy, or
- (c) treacherously holds correspondence with or gives intelligence to the enemy, or treacherously or through cowardice sends a flag of truce to the enemy, or
- (d) assists the enemy with arms, ammunition, or supplies, or knowingly harbours or protects an enemy not being a prisoner, or
- (e) having been made a prisoner of war, voluntarily serves with or voluntarily aids the enemy, or
- (f) voluntarily does when on active service any act calculated to imperil the success of His Majesty's Forces or any part thereof, or
- (g) treacherously or shamefully causes the capture or destruction by the enemy of any of His Majesty's aircraft, or
- (h) treacherously gives any false air signal or alters or interferes with any air signal, or
- (i) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, treacherously or shamefully fails to use his utmost exertions to carry such orders into effect,

shall be punishable with death.

32. Any person subject to this Act who, on active service,—

Service offences punishable with long imprisonment.

- (a) without orders from his superior officer leaves the ranks in order to secure prisoners or horses, or on pretence of taking wounded men to the rear, or
- (b) without orders from his superior officer wilfully destroys or damages any property, or

(c) is

(Chapter IV.—Air Force Offences.)

- (c) is taken prisoner by want of due precaution or through disobedience of orders or wilful neglect of duty, or, having been taken prisoner, fails to rejoin His Majesty's service when able to do so, or
- (d) without due authority either holds correspondence with, or gives intelligence, or sends a flag of truce to the enemy, or
- (e) by word of mouth, or in writing, or by signals, or otherwise spreads reports calculated to create unnecessary alarm or despondency, or
- (f) in action, or previously to going into action, uses words calculated to create alarm or despondency, or
- (g) negligently causes the capture or destruction by the enemy of any of His Majesty's aircraft, or
- (h) when ordered by his superior officer or otherwise under orders to carry out any warlike operation in the air, negligently or through other default fails to use his utmost exertions to carry such orders into effect, or
- (i) misbehaves before the enemy in such manner as to show cowardice,

shall be punishable with long imprisonment.

Service offences punishable more severely if committed on active service.

**33.** (1) Any person subject to this Act who treacherously makes known the watchword to any person not entitled to receive it, or treacherously gives a watchword different from what he received, shall, if he commits the offence on active service, be punishable with death, and, if he commits the offence not on active service, with short imprisonment.

(2) Any person subject to this Act who—

- (a) without due authority alters or interferes with any air signal, or
- (b) forces a safeguard, or
- (c) forces or strikes a sentinel, or
- (d) breaks into any house or other place in search of plunder, or
- (e) being an airman acting as sentinel, sleeps or is intoxicated, or

(f) without

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- (f) without orders from his superior officer leaves his guard, piquet, patrol or post, or
- (g) by discharging fire arms, making signals, using words, or by any means whatever, intentionally occasions false alarms, or
- (h) being an airman acting as sentinel, leaves his post before he is regularly relieved,

shall, if he commits the offence on active service, be punishable with long imprisonment and, if he commits the offence not on active service, with short imprisonment.

## 34. Any person subject to this Act who—

- (a) by discharging fire arms, making signals, using words, or by any means whatever, negligently occasions false alarms, or
- (b) makes known the watchword to any person not entitled to receive it, or, without good and sufficient cause, gives a watchword different from what he received, or
- (c) impedes the provost-marshal or any assistant provost-marshal or any officer or non-commissioned officer or other person legally exercising authority under or on behalf of the provost-marshal, or, when called on, refuses to assist in the execution of his duty the provost-marshal, the assistant provost-marshal, or any such officer, non-commissioned officer or other person, or
- (d) uses criminal force to or commits an assault on any person bringing provisions or supplies to the forces, or commits any offence against the property or person of any inhabitant of or resident in the country in which he is serving, or
- (e) irregularly detains or appropriates to his own unit or detachment any provisions or supplies proceeding to the forces, contrary to orders issued in that respect,

Service offences punishable with short imprisonment.

shall be punishable with short imprisonment.

## 35. Any person subject to this Act who—

- (a) begins, incites, causes or conspires with any other persons to cause any mutiny in any of His Majesty's naval, military or air forces, or

Mutiny.

- (b) joins

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(b) joins in, or, being present, does not use his utmost endeavours to suppress, any such mutiny, or

(c) knowing or having reason to believe in the existence of any such mutiny, or of any intention to commit such mutiny, or of any such conspiracy, does not without delay give information thereof to his commanding or other superior officer,

shall be punishable with death.

Insubordination punishable with long imprisonment.

36. Any person subject to this Act who—

(a) uses criminal force to or assaults his superior officer, being in the execution of his office, or

(b) disobeys in such manner as to show a wilful defiance of authority any lawful command given personally by his superior officer in the execution of his office,

shall be punishable with long imprisonment.

Insubordination punishable more severely if committed on active service.

37. Any person subject to this Act who—

(a) uses criminal force to or assaults his superior officer, or

(b) uses threatening or insubordinate language to his superior officer, or

(c) disobeys any lawful command given by his superior officer,

shall, if he commits the offence on active service, be punishable with long imprisonment, and, if he commits the offence not on active service, with short imprisonment.

Insubordination punishable with short imprisonment.

38. Any person subject to this Act who—

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer (though of inferior rank) who orders him into arrest, or uses criminal force to or assaults any such officer, or

(b) uses criminal force to or assaults any person, whether subject to this Act or not, in whose custody he is placed, whether he is or is not his superior officer, or

(c) resists an escort whose duty it is to apprehend him or to have him in charge, or

(d) being

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(d) being an airman, breaks out of barracks, camp or quarters, or

(e) neglects to obey any general, local or other orders (not being orders in the nature of a rule or regulation published for the general information and guidance of the Indian Air Force),

shall be punishable with short imprisonment.

39. Any person subject to this Act who deserts or attempts <sup>Desertion.</sup> to desert the service shall, if he commits the offence when on active service or under orders for active service, be punishable with long imprisonment, and, if he commits the offence under any other circumstances, with short imprisonment.

40. Any person subject to this Act who, when belonging <sup>Fraudulent enlistment.</sup> to the Indian Air Force, without having obtained a regular discharge therefrom, or otherwise fulfilled the conditions enabling him to enlist, enrol or enter, enrolls himself, or enlists in or enters any other of His Majesty's air forces, or any of His Majesty's military or naval forces, or re-enrols himself in the Indian Air Force, shall be deemed to be guilty of fraudulent enlistment, and shall be punishable with short imprisonment.

41. Any person subject to this Act who, being cognisant <sup>Connivance at desertion.</sup> of any desertion or intended desertion of a person subject to this Act, does not forthwith give notice to his commanding officer, or take any steps in his power to cause the deserter or intending deserter to be apprehended, shall be punishable with short imprisonment.

42. Any person subject to this Act who—

(a) absents himself without leave, or

(b) fails to appear at the time fixed at a parade or place appointed for exercise or duty, or goes from thence without leave before he is relieved, or without necessity quits his duty or duties, or

(c) being an airman, when in camp or garrison or elsewhere, is found beyond any limits fixed or in any place prohibited by any general, local or other order, without a pass or written leave from his superior officer, or

(d) being

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- (d) being an airman, without leave from his superior officer, or without due cause, absents himself from any school when duly ordered to attend there,

shall be punishable with short imprisonment.

Scandalous  
conduct of  
officer.

43. Any officer or warrant officer subject to this Act who behaves in a manner unbecoming his position and character shall, notwithstanding anything contained in section 20, be dismissed from the service.

Scandalous  
conduct  
punishable  
with long  
imprisonment.

44. Any person subject to this Act who—

- (a) steals any property of Government, or dishonestly misappropriates or converts to his own use any property of Government entrusted to him, or
- (b) dishonestly receives or retains any property in respect of which an offence under clause (a) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted, or
- (c) wilfully destroys or damages any property of Government entrusted to him, or
- (d) steals any property of any air force mess, band or institution, or of any person subject to this Act or serving with or attached to the Indian Air Force, or dishonestly misappropriates or converts to his own use any such property entrusted to him, or
- (e) dishonestly receives or retains any property in respect of which an offence under clause (d) has been committed, knowing or having reason to believe it to have been stolen or dishonestly misappropriated or converted,

shall be punishable with long imprisonment.

Scandalous  
conduct  
punishable  
with short  
imprisonment.

45. Any person subject to this Act who—

- (a) does any act, not otherwise specified in this Act, with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person, or
- (b) malingers or feigns or produces disease or infirmity himself, or intentionally delays his cure or aggravates his disease or infirmity, or

(c) with



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- (c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or
- (d) commits any offence of a cruel, indecent or unnatural kind, or attempts to commit any such offence and does any act towards its commission,

shall be punishable with short imprisonment.

46. Any person subject to this Act who is found in a state <sup>Intoxication.</sup> of intoxication, whether on duty or not on duty, shall be punishable, if an officer, with dismissal from the service, and, if an airman, with short imprisonment:

Provided that where the offence of being intoxicated is committed by an airman not on active service or on duty, the sentence imposed shall not exceed detention for a period of six months.

47. Any person subject to this Act who—

- (a) when in command of a guard, piquet, patrol or post, releases without proper authority, whether voluntarily or otherwise, any person committed to his charge, or
- (b) voluntarily or negligently allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,

<sup>Permitting escape of prisoner.</sup>

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

48. Any person subject to this Act who—

- (a) unnecessarily detains a person in arrest or confinement without bringing him to trial or fails to bring his case before the proper authority for investigation, or
- (b) having committed a person to the custody of any officer, non-commissioned officer, provost-marshal, or assistant provost-marshal, fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within twenty-four hours thereafter, to the officer, non-commissioned officer, provost-marshal, or assistant provost-marshal,

<sup>Irregular keeping in custody.</sup>

(Chapter IV.—Air Force Offences.)

provost-marshal, into whose custody the person is committed, an account in writing signed by himself of the offences with which the person so committed is charged, or

- (c) being in command of the guard, does not as soon as he is relieved from his guard or duty, or if he is not sooner relieved, within twenty-four hours after a person is committed to his charge, give in writing to the officer to whom he may be ordered to report that person's name and offence so far as known to him, and the name and rank of the officer or other person by whom he was charged, accompanied, if he has received the account as above in this section mentioned, by that account,

shall be punishable with short imprisonment.

49. Any person subject to this Act, who, being in lawful custody, escapes or attempts to escape, shall be punishable with short imprisonment.

50. Any person subject to this Act who—

- (a) commits extortion, or without proper authority exacts from any person carriage, portage or provisions, or
- (b) in time of peace, commits house-breaking for the purpose of plundering, or plunders, destroys or damages any field, garden or other property, or
- (c) voluntarily or negligently kills, injures, makes away with, ill-treats or loses any animal used in the public service, or
- (d) makes away with, or is concerned in making away with, any arms, ammunition, equipments, instruments, tools, clothing or service necessaries issued to him or required to be maintained by him, or
- (e) loses by neglect anything mentioned in clause (d), or
- (f) wilfully damages anything mentioned in clause (d) or any property belonging to Government, or to any air force mess, band or institution, or to any person subject to air force law, or serving with, or attached to the Indian Air Force, or

(g) sells,

Escape from custody.

Offences relating to property.

(Chapter IV.—Air Force Offences.)

(g) sells, pawns, destroys or defaces any medal or decoration granted to him,

shall be punishable with short imprisonment.

51. Any person subject to this Act who—

(a) makes a false accusation against any person subject to this Act, knowing such accusation to be false, or

False accusations and offences relating to documents.

(b) in making any complaint under section 120, knowingly makes any false statement affecting the character of any person subject to this Act, or knowingly and wilfully suppresses any material fact, or

(c) obtains or attempts to obtain for himself or for any other person any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any document or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement, or

(d) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the Indian Air Force, or who, wilfully or negligently, omits or refuses to make or send any return or report of the matters aforesaid,

shall be punishable with short imprisonment.

52. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer shall be punishable with short imprisonment.

False answers on enrolment.

53. Any person subject to this Act who—

(a) when duly summoned to attend as a witness before a court-martial, intentionally omits to attend or refuses

Offences relating to courts-martial.

(Chapter IV.—Air Force Offences.)

fuses to be sworn or affirmed or to answer any question, or to produce or deliver up any document or other thing which he may have been duly warned and called upon to produce or deliver up, or

- (b) intentionally offers any insult or causes any interruption or disturbance to, or uses any menacing or disrespectful word, sign or gesture, or is insubordinate or violent in the presence of, a court-martial while sitting, or
- (c) having been duly sworn or affirmed before any court-martial or other court or officer authorised by this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true,

shall be punishable with short imprisonment.

Offences relating to aircraft.

54. Any person subject to this Act who—

- (a) voluntarily or negligently damages, destroys or loses any of His Majesty's aircraft or aircraft material, or
- (b) is guilty of any act or omission likely to cause such damage, destruction or loss, or
- (c) is guilty of any act or omission (whether voluntary or otherwise) which causes damage to or destruction of any public property by fire, or
- (d) without lawful authority disposes of any of His Majesty's aircraft or aircraft material, or
- (e) is guilty of any act or omission in flying or in the use of any aircraft, or in relation to any aircraft or aircraft material which causes or is likely to cause loss of life or bodily injury to any person, or
- (f) during a state of war voluntarily and without proper occasion or negligently causes the sequestration, by or under the authority of a neutral State, or the destruction in a neutral State of any of His Majesty's aircraft,

shall be punishable, if he has acted voluntarily, with long imprisonment, and, if he has not acted voluntarily, with short imprisonment.

55. Any

*(Chapter IV.—Air Force Offences.)*

55. Any person subject to this Act who—

Miscellaneous  
air force  
offences.

- (a) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position, or
- (b) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority, or
- (c) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person, or
- (d) attempts to commit suicide and does any act towards the commission of such offence, or
- (e) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a sword, bludgeon or other offensive weapon, or
- (f) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service, or
- (g) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and air force discipline,

shall be punishable with short imprisonment.

56. Any person subject to this Act who attempts to commit an air force offence or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence may, where no express provision is made

*(Chapter IV.—Air Force Offences.)*

made by this Act for the punishment of such attempt, be punished with the punishment provided in this Act for such offence.

**Abetment.**

57. Any person subject to this Act who abets the commission of any air force offence, or of any offence punishable under the Army Act, the Air Force Act or the Indian Army Act, 1911, such offence being of the same nature as any air force offence, shall be punishable with the punishment provided in this Act for such air force offence. VIII of 1911.

**Civil offences.**

58. (1) Any person subject to this Act who at any place in or beyond British India commits any civil offence shall be deemed to be guilty of an air force offence, and, if charged therewith under this section, shall be liable to be tried by court-martial and to be punished as follows, that is to say:—

(a) if the offence is one which would be punishable under the law of British India with death or with transportation, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India; and

(b) in other cases, he shall be liable to suffer any punishment, other than whipping, assigned for the offence by the law of British India, or such punishment as might be awarded to him in pursuance of this Act in respect of an act prejudicial to good order and air force discipline:

Provided that a person subject to this Act who, at any place in British India or at any place in which the Governor General in Council exercises powers and jurisdiction by virtue of the Indian (Foreign Jurisdiction) Order in Council, 1902, and while not on active service, commits an offence of murder or culpable homicide against a person not subject to this Act or an offence of rape, shall not be deemed to be guilty of an air force offence and shall not be tried by court-martial.

(2) The powers of a court-martial to charge and to punish any person under this section shall not be affected by reason of the civil offence with which such person is charged being also an air force offence.

CHAPTER V.

(Chapter V.—Arrest and Proceedings before Trial.)

## CHAPTER V.

## ARREST AND PROCEEDINGS BEFORE TRIAL.

59. (1) Any person subject to this Act who is charged with an offence may be taken into air force custody. Custody of offenders.

(2) Any such person may be ordered into air force custody by any superior officer.

(3) The charge against every person taken into air force custody shall, without unnecessary delay, be investigated by the proper authority, and as soon as may be, either proceedings shall be taken for punishing the offence, or such person shall be discharged from custody.

60. Whenever any person subject to this Act, who is accused of any offence under this Act, is within the jurisdiction of any Magistrate or police-officer, such Magistrate or officer shall aid in the apprehension and delivery to air force custody of such person upon receipt of a written application to that effect signed by his commanding officer. Arrest by civil authorities.

61. (1) Whenever any person subject to this Act deserts, his commanding officer shall give written information of the desertion to such civil authorities as, in his opinion, may be able to afford assistance towards the capture of the deserter; and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a Magistrate, and shall deliver the deserter, when apprehended, to air force custody. Capture of deserters.

(2) Any police-officer may arrest without warrant any person reasonably believed to be subject to this Act and to be travelling without authority, and shall bring him without delay before the nearest Magistrate, to be dealt with according to law.

62. (1) When any person subject to this Act has been absent without due authority from his duty for a period of twenty-one days, a court of inquiry shall, as soon as practicable, be assembled and, upon oath or affirmation administered in the prescribed manner, shall inquire respecting the absence of the person, and the deficiency, if any, of property of the Government entrusted to his care, or of his arms, ammunition Inquiry on absence without leave.

(Chapter V.—Arrest and Proceedings before Trial. Chapter VI.—Constitution, Jurisdiction and Powers of Courts-martial.)

dition, equipments, instruments, clothing or necessaries; and, if satisfied of the fact of such absence without due authority or other sufficient cause, the court shall declare such absence and the period thereof, and the said deficiency, if any; and the commanding officer of the unit to which the person belongs shall enter in the court-martial book of the unit a record of the declaration.

(2) If the person declared absent does not afterwards surrender, or is not apprehended, he shall, for the purposes of this Act, be deemed to be a deserter.

Provost-  
marshal.

63. For the prompt and instant repression of irregularities and offences committed in the field or on the march, provost-marshals may be appointed by the Air Officer Commanding His Majesty's Air Forces in India; and the powers and duties of such provost-marshals shall be regulated according to the established custom of war and the rules of the service.

Duties and  
powers.

64. The duties of a provost-marshal so appointed are to take charge of persons in air force custody, to preserve good order and discipline and to prevent breaches thereof by persons subject to this Act.

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.

## CHAPTER VI.

### CONSTITUTION, JURISDICTION AND POWERS OF COURTS-MARTIAL.

Kinds of  
courts-martial.

65. For the purposes of this Act there shall be three kinds of courts-martial, that is to say,—

- (1) general courts-martial;
- (2) district courts-martial; and
- (3) field general courts-martial.

66. A



(Chapter VI.—Constitution, Jurisdiction and Powers of  
Courts-martial.)

66. A general court-martial may be convened by the Governor General in Council, or by any officer empowered in this behalf by warrant of the Governor General in Council.

Power to convene general courts-martial.

67. A district court-martial may be convened by any authority having power to convene a general court-martial, or by any officer empowered in this behalf by warrant of any such authority.

Power to convene district courts-martial.

68. A warrant issued under section 66 or section 67 may contain such restrictions, reservations or conditions as the authority issuing it may think fit.

Limitation of powers of convening authorities.

69. The following authorities shall have power to convene a field general court-martial, that is to say,—

Convening of field general courts-martial.

(a) an authority empowered in this behalf by an order of the Governor General in Council;

(b) on active service, the commanding officer of the forces in the field, or any officer empowered by him in this behalf;

(c) the commanding officer of any detached portion of the Indian Air Force on active service, when, in his opinion, it is not practicable, with due regard to discipline or the exigencies of the service, that an offence should be tried by a general court-martial, and circumstances prevent a reference to higher authority.

70. A general court-martial shall consist of not less than five officers each of whom must have held a commission during not less than three whole years and of whom not less than four must be of a rank not below that of a flight lieutenant.

Composition of general courts-martial.

71. A district court-martial shall consist of not less than three officers.

Composition of district courts-martial.

72. A field general court-martial shall consist of not less than three officers.

Composition of field general courts-martial.

73. (1) If a court-martial after the commencement of a trial is reduced below the smallest number of officers of which it is by this Act required to consist, it shall be dissolved.

Dissolution of courts-martial.

(2) If,

(Chapter VI.—Constitution, Jurisdiction and Powers of Courts-martial.)

(2) If, on account of the illness of the accused before the finding, it is impossible to continue the trial, a court-martial shall be dissolved.

(3) Where a court-martial is dissolved under this section, the accused may be tried again.

74. Save as otherwise provided by or under this Act, courts-martial shall have—

- (a) jurisdiction to try and to punish all air force offences, and all civil offences committed by persons subject to this Act;
- (b) exclusive jurisdiction to try all air force offences which are not also civil offences; and
- (c) exclusive power to award the punishments specified in this Act.

Jurisdiction and powers of courts-martial generally.

75. A general or field general court-martial shall have power to try any person subject to this Act for any offence made punishable therein, and to pass any sentence authorised by this Act.

Jurisdiction and powers of general and field general courts-martial.

76. A district court-martial shall have power to try any person subject to this Act other than an officer for any offence made punishable therein, and to pass any sentence authorised by this Act other than a sentence of death or imprisonment for a term exceeding two years.

Jurisdiction and powers of district courts-martial.

77. When any person subject to this Act has been acquitted or convicted of an offence by a court-martial or by a criminal court, or has been summarily dealt with for an offence under section 25, he shall not be liable to be tried again for the same offence by a court-martial.

Prohibition of second trial.

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

Limitation of trial.

*Explanation.*—

(Chapter VI.—Constitution, Jurisdiction and Powers of  
Courts-martial.)

*Explanation.*—For the purposes of this section “ mutiny ” means any of the offences specified in section 35.

79. Any person subject to this Act who commits any offence against it may be tried and punished for such offence in any place whatever. Place of trial.

80. When a criminal court and a court-martial have each jurisdiction in respect of a civil offence, it shall be in the discretion of the prescribed air force authority to decide before which court the proceedings shall be instituted, and, if that authority decides that they shall be instituted before a court-martial, to direct that the accused person shall be detained in air force custody. Order in case of concurrent jurisdiction of criminal court and court-martial.

81. (1) When a criminal court having jurisdiction is of opinion that proceedings ought to be instituted before itself in respect of any civil offence, it may, by written notice, require the prescribed air force authority at the option of such authority either to deliver over the offender to the nearest Magistrate to be proceeded against according to law, or to postpone proceedings pending a reference to the Governor General in Council. Power of criminal court to require delivery of offender.

(2) In every such case the said authority shall either deliver over the offender in compliance with the requisition or shall forthwith refer the question as to the court before which the proceedings are to be instituted for the determination of the Governor General in Council, whose order upon such reference shall be final.

82. (1) Notwithstanding anything contained in section 26 of the General Clauses Act, 1897, or in section 403 of the Code of Criminal Procedure, 1898, a person convicted or acquitted by a court-martial may be afterwards tried by a criminal court for the same offence or on the same facts. Trial by court-martial no bar to subsequent trial by criminal court.

(2) If a person sentenced by a court-martial in pursuance of this Act to punishment for an offence is afterwards tried by a criminal court for the same offence or on the same facts, that court shall, in awarding punishment, have regard to the air force punishment he may already have undergone.

## CHAPTER VII.

CHAPTER VII.

PROCEDURE OF COURTS-MARTIAL.

President.

83. At every court-martial the senior member shall sit as president.

Judge Advocate.

84. Every general court-martial shall, and every district court-martial may, be attended by a judge advocate, who shall be either an officer belonging to the department of the Judge Advocate General in India, or, if no such officer is available, a fit person appointed by the convening officer.

Challenges.

85. (1) At all trials by courts-martial, as soon as the court is assembled, the names of the president and members shall be read over to the accused, who shall thereupon be asked whether he objects to being tried by any officer sitting on the court.

(2) If the accused objects to any such officer, his objection, and also the reply thereto of the officer objected to, shall be heard and recorded, and the remaining officers of the court shall, in the absence of the challenged officer, decide on the objection.

(3) If the objection is allowed by one-half or more of the votes of the officers entitled to vote, the objection shall be allowed, and the member objected to shall retire, and his vacancy may be filled in the prescribed manner by another officer, subject to the same right of the accused to object.

(4) When no challenge is made, or when challenge has been made and disallowed, or the place of every officer successfully challenged has been filled by another officer to whom no objection is made or allowed, the court shall proceed with the trial.

Voting of members.

86. (1) Every decision of a court-martial shall be passed by an absolute majority of votes; and where there is an equality of votes, as to either finding or sentence, the decision shall be in favour of the accused:

Provided that no sentence of death shall be passed without the concurrence of two-thirds at the least of the members of the court.

(2) In matters other than a challenge or the finding or sentence, the president shall have a casting vote.

87. An

## (Chapter VII.—Procedure of Courts-martial.)

87. An oath or affirmation in the prescribed form shall be administered to every member of every court-martial and to the judge advocate at the beginning of the trial.

Oaths of president and members.

88. Every person giving evidence at a court-martial shall be examined on oath or affirmation, and shall be duly sworn or affirmed in the prescribed form.

Oaths of witnesses.

88. (1) The convening officer, the president of the court, the judge advocate, or the commanding officer of the accused person, may, by summons under his hand, require the attendance before the court, at a time and place to be mentioned in the summons, of any person either to give evidence or to produce any document or other thing.

The summoning of witnesses and production of documents.

(2) In the case of a witness amenable to air force or military authority, the summons shall be sent to the officer commanding the corps, unit, department or detachment to which he belongs, and such officer shall serve it upon him accordingly.

(3) In the case of any other witness, the summons shall be sent to the Magistrate within whose jurisdiction he may be or reside, and such Magistrate shall give effect to the summons as if the witness were required in the court of such Magistrate.

(4) When a witness is required to produce any particular document or other thing in his possession or power, the summons shall describe it with reasonable precision.

(5) Nothing in this section shall be deemed to affect the Indian Evidence Act, 1872, sections 123 and 124, or to apply to any document in the custody of the postal or telegraph authorities.

(6) If any document in such custody is, in the opinion of any District Magistrate, Chief Presidency Magistrate, High Court or Court of Session, wanted for the purpose of any court-martial, such Magistrate or Court may require the postal or telegraph authorities, as the case may be, to deliver such document to such person as such Magistrate or Court may direct.

(7) If any such document is, in the opinion of any other Magistrate or of any Commissioner of Police or District Superintendent of Police, wanted for any such purpose, he may require the postal or telegraph authorities, as the case may

be,

*(Chapter VII.—Procedure of Courts-martial.)*

be, to cause search to be made for and to detain such document pending the orders of any such District Magistrate, Chief Presidency Magistrate or Court.

Commissions  
to obtain  
evidence.

90. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the examination of a witness is necessary for the ends of justice, and that the attendance of such witness cannot be procured without an amount of delay, expense or inconvenience which, in the circumstances of the case, would be unreasonable, such court may address the Judge Advocate General in order that a commission to take the evidence of such witness may be issued.

(2) The Judge Advocate General may then, if he thinks necessary, issue a commission to any Presidency Magistrate, District Magistrate or Magistrate of the first class, within the local limits of whose jurisdiction such witness resides, to take the evidence of such witness.

(3) When the witness resides in the territories of any prince or chief in India in which there is an official representing the British Indian Government, the commission may be issued to such official.

(4) The Magistrate or official to whom the commission is issued, or, if he is the District Magistrate, he or such Magistrate of the first class as he appoints in this behalf, shall proceed to the place where the witness is or shall summon the witness before him and shall take down his evidence in the same manner, and may for this purpose exercise the same powers, as in trials of warrant-cases under the Code of Criminal Procedure, 1898.

V of 1898.

(5) Where the commission is issued to such official as is mentioned in sub-section (3), he may delegate his powers and duties under the commission to any official subordinate to him whose powers are not less than those of a Magistrate of the first class in British India.

(6) When the witness resides out of India, the commission may be issued to any British consular officer, British Magistrate or other British official competent to administer an oath or affirmation in the place where such witness resides.

(7) The prosecutor and the accused person in any case in which a commission is issued may respectively forward any interrogatories in writing which the court may think relevant

to

*(Chapter VII.—Procedure of Courts-martial.)*

to the issue, and the Magistrate or official to whom the commission is issued shall examine the witness upon such interrogatories.

(8) The prosecutor and the accused person may appear before such Magistrate or official by pleader or, except in the case of an accused person in custody, in person, and may examine, cross-examine and re-examine (as the case may be) the said witness.

(9) After any commission issued under this section has been duly executed, it shall be returned, together with the deposition of the witness examined thereunder, to the Judge Advocate General.

(10) On receipt of a commission and deposition returned under sub-section (9), the Judge Advocate General shall forward the same to the court at whose instance the commission was issued or, if such court has been dissolved, to any other court convened for the trial of the accused person; and the commission, the return thereto and the deposition shall be open to the inspection of the prosecutor and the accused person, and may, subject to all just exceptions, be read in evidence in the case by either the prosecutor or the accused, and shall form part of the proceedings of the court.

(11) In every case in which a commission is issued under this section the trial may be adjourned for a specified time reasonably sufficient for the execution and return of the commission.

*Explanation.*—In this section, the expression “Judge Advocate General” means the Judge Advocate General in India and includes a Deputy Judge Advocate General.

91. (1) A person charged before a court-martial with desertion may be found guilty of attempting to desert or of being absent without leave. Conviction of one offence permissible on charge of another.

(2) A person charged before a court-martial with attempting to desert may be found guilty of desertion or of being absent without leave.

(3) A person charged before a court-martial with using criminal force may be found guilty of assault.

(4) A person charged before a court-martial with using threatening language may be found guilty of using insubordinate language.

(5) A

(Chapter VII.—Procedure of Courts-martial.)

(5) A person charged before a court-martial with any of the offences specified in clause (a), clause (b), clause (d) or clause (e) of section 44 may be found guilty of any other of these offences with which he might have been charged.

(6) A person charged before a court-martial with an offence punishable under section 58 may be found guilty of any other offence of which he might have been found guilty if the provisions of the Code of Criminal Procedure, 1898, v of 1898. were applicable.

(7) A person charged before a court-martial with any other offence under this Act may, on failure of proof of an offence having been committed in circumstances involving a more severe punishment, be found guilty of the same offence as having been committed in circumstances involving a less severe punishment.

(8) A person charged before a court-martial with any offence under this Act may be found guilty of having attempted to commit or of abetment of that offence although the attempt or abetment is not separately charged.

General rule as to evidence.

92. The Indian Evidence Act, 1872, shall, subject to the provisions of this Act, apply to all proceedings before a court-martial. 1 of 1872.

Judicial notice.

93. A court-martial may take judicial notice of any matter within the general, naval, military or air force knowledge of the members.

Presumption as to signatures.

94. In any proceeding under this Act, any application, certificate, warrant, reply or other document purporting to be signed by an officer in the civil, military or air force service of the Government shall, on production, be presumed to have been duly signed by the person and in the character by whom and in which it purports to have been signed, until the contrary is shown.

Enrolment paper as evidence.

95. Any enrolment paper purporting to be signed by an enrolling officer shall, in proceedings under this Act, be evidence of the person enrolled having given the answers to questions which he is therein represented as having given. The enrolment of such person may be proved by the production of a copy of his enrolment paper purporting to be certified to be a true copy by the officer having the custody of the enrolment paper.

96. (I) A



*(Chapter VII.—Procedure of Courts-martial.)*

96. (1) A letter, return or other document respecting the service of any person in, or the dismissal or discharge of any person from, any portion of His Majesty's Forces, or respecting the circumstance of any person not having served in, or belonged to, any portion of His Majesty's Forces, if purporting to be signed by or on behalf of the Governor General in Council or the Commander-in-Chief in India or by any prescribed officer, shall be evidence of the facts stated in such letter, return or other document.

Presumption  
as to certain  
documents.

(2) An Army List, Air Force List or Gazette purporting to be published by authority shall be evidence of the status and rank of the officers or warrant officers therein mentioned, and of any appointment held by such officers or warrant officers and of the corps, unit, battalion, arm, branch or department of the service to which such officers or warrant officers belong.

(3) Where a record is made in any service book in pursuance of this Act or of any rules made thereunder or otherwise in pursuance of air force duty, and purports to be signed by the commanding officer or by the officer whose duty it is to make such record, such record shall be evidence of the facts thereby stated.

(4) A copy of any record in any service book purporting to be certified to be a true copy by the officer having the custody of such book shall be evidence of such record.

(5) Where any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a provost-marshal, assistant provost-marshal or other officer, or any portion of His Majesty's Forces, a certificate purporting to be signed by such provost-marshal, assistant provost-marshal or other officer, or by the commanding officer of that portion of His Majesty's Forces and stating the fact, date and place of such surrender or apprehension, shall be evidence of the matters so stated.

(6) When any person subject to this Act is being tried on a charge of desertion or of absence without leave, and such person has surrendered himself into the custody of, or has been apprehended by, a police-officer not below the rank of an officer in charge of a police-station, a certificate purporting to be signed by such police-officer and stating the fact, date

and

(Chapter VII.—Procedure of Courts-martial.)

and place of such surrender or apprehension, shall be evidence of the matters stated.

(7) Any document purporting to be a report under the hand of any Chemical Examiner or Assistant Chemical Examiner to Government upon any matter or thing duly submitted to him for examination or analysis and report may be used as evidence in any proceeding under this Act.

Reference by accused to Government officer.

97. (1) If at any trial for desertion, absence without leave, over-staying leave or not rejoining when warned for service, the person tried states in his defence any sufficient or reasonable excuse for his unauthorised absence, and refers in support thereof to any officer in the civil, military or air force service of Government, or if it appears that any such officer is likely to prove or disprove the said statement in the defence, the court shall address such officer and adjourn until his reply is received.

(2) The written reply of any officer so referred to shall, if signed by him, be received in evidence and have the same effect as if made on oath before the court.

(3) If the court is dissolved before the receipt of such reply, or if the court omits to comply with the provisions of this section, the convening officer may, at his discretion, annul the proceedings and order a fresh trial by the same or another court-martial.

Evidence of previous convictions and service character.

98. (1) When any person subject to this Act has been convicted by a court-martial of any offence such court-martial may inquire into, and receive and record evidence of, any previous convictions of such person, either by a court-martial established under this Act or any other enactment or by a criminal court, and may further inquire into and record the service character of such person.

(2) Evidence received under this section may be either oral or in the shape of entries in, or certified extracts from, court-martial books or other official records; and it shall not be necessary to give notice before trial to the person tried that evidence as to his previous convictions or service character will be received.

Order for custody and disposal of property pending trial in certain cases.

99. When any property regarding which any offence appears to have been committed, or which appears to have been used for the commission of any offence, is produced before

(Chapter VII.—Procedure of Courts-martial. Chapter VIII.  
—Confirmation, Revision, Pardon and Remission of  
Sentences.)

before a court-martial during a trial, the court may make such order as it thinks fit for the proper custody of such property pending the conclusion of the trial, and if the property is subject to speedy or natural decay may, after recording such evidence as it thinks necessary, order it to be sold or otherwise disposed of.

## CHAPTER VIII.

### CONFIRMATION, REVISION, PARDON AND REMISSION OF SENTENCES.

**100.** No finding or sentence of a general or district court-martial shall be valid except so far as it may be confirmed as provided by this Act. Finding and sentence invalid without confirmation.

**101.** The findings and sentences of general courts-martial may be confirmed by the Governor General in Council or by any officer empowered in this behalf by warrant of the Governor General in Council. Power to confirm finding and sentence of general court-martial.

**102.** The findings and sentences of district courts-martial may be confirmed by any authority having power to convene a general court-martial or by any officer empowered in this behalf by warrant of any such authority. Power to confirm finding and sentence of district court-martial.

**103.** A warrant issued under section 101 or section 102 may contain such restrictions, reservations or conditions as the authority issuing it may think fit. Limitation of powers of confirming authorities.

**104.** (1) Save as provided in sub-sections (2) and (3), a finding and sentence of a field general court-martial shall not require to be confirmed, and may be carried out forthwith. Confirmation of finding and sentence of field general court-martial.

(2) The finding and sentence of a field general court-martial shall require to be confirmed—

- (a) in the case of the trial of an officer,
- (b) in the case of a sentence of death or of imprisonment for a term exceeding two years, and
- (c) in any other case if so ordered by the convening authority.

(3) Such finding and sentence may be confirmed by the convening

(Chapter VIII.—Confirmation, Revision, Pardon and Remission of Sentences.

convening authority or, if the convening authority so directs, by an authority superior to the convening authority.

Power of confirming authority to mitigate, remit or commute sentences.

105. Subject to such restrictions as may be contained in any warrant issued under section 101 or section 102, a confirming authority may, if it confirms the sentence of a court-martial, mitigate or remit the punishment thereby awarded, or commute that punishment for any punishment or punishments lower in the scale laid down in section 19.

Confirmation of finding and sentence on board ship.

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

Revision of finding or sentence.

107. (1) Any finding or sentence of a court-martial which requires confirmation may be once revised by order of the confirming authority; and on such revision, the court, if so directed by the confirming authority, may take additional evidence.

(2) The court, on revision, shall consist of the same officers as were present when the original decision was passed, unless any of those officers are unavoidably absent.

(3) In case of such unavoidable absence the cause thereof shall be duly certified in the proceedings, and the court shall proceed with the revision, provided that, if a general court-martial, it still consists of five officers, or, if a district court-martial, of three officers.

Substitution of valid for invalid sentence.

108. Where a sentence passed by a court-martial which has been confirmed, or which does not require confirmation, is found for any reason to be invalid, the authority which would have had power under section 110 to commute the punishment awarded by the sentence if it had been valid may pass a valid sentence:

Provided that the punishment awarded by the sentence so passed shall not be higher in the scale of punishments than, or in excess of, the punishment awarded by the invalid sentence.

Provision where accused is a lunatic.

109. (1) Whenever, in the course of a trial by court-martial, it appears to the court that the person charged is of  
unsound

*(Chapter VIII.—Confirmation, Revision, Pardon and  
Remission of Sentences.)*

unsound mind and consequently incapable of making his defence, or that such person committed the act alleged, but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court shall record a finding accordingly, and the president of the court shall forthwith report the case to the confirming authority, or, in the case of a field general court-martial, to the prescribed officer.

(2) A confirming authority to whom a case is reported under sub-section (1) may, if it does not confirm the finding, take steps to have the accused person tried by the same or another court-martial for the offence with which he was originally charged.

(3) A prescribed officer to whom a case is reported under sub-section (1) and a confirming authority confirming a finding in any case so reported to it shall order the accused person to be kept in custody in the prescribed manner, and, where the confirming authority is not itself the Governor General in Council, shall report the case for the orders of the Governor General in Council.

(4) On receipt of a report under sub-section (1) or sub-section (3), the Governor General in Council may order the accused person to be detained in a lunatic asylum or other suitable place of safe custody.

(5) Where an accused person, having been found by reason of unsoundness of mind to be incapable of making his defence, is in custody or under detention, the prescribed officer may—

- (a) if such person is in custody under sub-section (3), on the report of a medical officer that he is capable of making his defence, or
- (b) if such person is detained under sub-section (4), on a certificate such as is referred to in section 473 of the Code of Criminal Procedure, 1898,

take steps to have such person tried by the same or another court-martial for the offence with which he was originally charged or, provided that the offence is a civil offence, by a criminal court.

(6) A

{Chapter VIII.—Confirmation, Revision, Pardon and Remission of Sentences. Chapter IX.—Execution of Sentences and Disposal of Property.)

(6) A copy of every order made by the prescribed officer under sub-section (5) shall forthwith be sent to the Governor General in Council.

Pardons and remissions.

**110.** (1) When any person subject to this Act has been convicted by a court-martial of any offence, the Governor General in Council or the prescribed officer may—

- (a) either without conditions or upon any conditions which the person sentenced accepts, pardon the person or remit the whole or any part of the punishment awarded; or
- (b) mitigate the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act.

(2) If any condition on which a person has been pardoned or a punishment has been remitted is, in the opinion of the authority which granted the pardon or remitted the punishment, not fulfilled, such authority may cancel the pardon or remission, and thereupon the sentence of the court shall be carried into effect as if such pardon had not been granted or such punishment had not been remitted:

Provided that in the case of a person sentenced to imprisonment, such person shall undergo only the unexpired portion of his sentence.

(3) When under the provisions of section 23 a non-commissioned officer is deemed to be reduced to the ranks, such reduction shall, for the purposes of this section, be treated as a punishment awarded by sentence of a court-martial.

CHAPTER IX.

EXECUTION OF SENTENCES AND DISPOSAL OF PROPERTY.

Sentence of death.

**111.** In awarding a sentence of death a court-martial shall, in its discretion, direct that the offender shall suffer death by being hanged by the neck until he be dead, or shall suffer death by being shot to death.

**112.** Whenever

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*Indian Air Force.*

*(Chapter IX.—Execution of Sentences and Disposal of Property.)*

112. Whenever any person is sentenced under this Act to imprisonment, the term of his sentence shall, whether it has been revised or not, be reckoned to commence on the day on which the original proceedings were signed by the president.

Commencement of sentence of imprisonment.

113. Whenever any sentence of imprisonment is passed under this Act, or whenever any sentence so passed is commuted to imprisonment, the commanding officer of the person under sentence, or such other officer as may be prescribed, shall forward a warrant in the prescribed form to the officer in charge of the civil prison in which such person is to be confined, and shall forward him to such prison with the warrant:

Execution of sentence of imprisonment.

Provided that, in the case of a sentence of imprisonment for a period not exceeding three months, the confirming authority, or, in the case of a sentence which does not require confirmation, the court, may direct that the sentence shall be carried out by confinement in air force custody:

Provided further that on active service a sentence of imprisonment may be carried out by confinement in such place as the officer commanding the forces in the field may, from time to time, appoint.

114. Whenever, in the opinion of the Air Officer Commanding His Majesty's Air Forces in India, any sentence or portion of a sentence of imprisonment cannot, for special reasons, conveniently be carried out in accordance with the provisions of section 113, such officer may direct that such sentence or portion of sentence shall be carried out by confinement in any civil prison or other fit place.

Execution of sentence of imprisonment in special cases.

115. When any sentence of detention is passed under this Act, or when any sentence so passed is commuted to detention, the punishment shall be carried out by detaining the offender in any military or air force detention barracks, detention cells or other military or air force custody.

Execution of sentence of detention.

116. Whenever an order is duly made under this Act setting aside or varying any sentence, order or warrant under which any person is confined in a civil prison, a warrant in accordance with such order shall be forwarded by the prescribed

Communication of certain orders to civil prison officers.

(Chapter IX.—Execution of Sentences and Disposal of Property.)

scribed officer to the officer in charge of the prison in which such person is confined.

Offenders sentenced to transportation how dealt with until transported.

117. Where a sentence of transportation is imposed by court-martial under section 58, the offender, until he is transported, shall be dealt with in the same manner as if he had been sentenced to rigorous imprisonment, and shall be deemed to have been undergoing his sentence of transportation during the term of his imprisonment.

Execution of sentence of fine.

118. When a sentence of fine is imposed by a court-martial under section 58 whether the trial was held within British India or not, a copy of such sentence, signed and certified by the president of the court or the officer holding the trial, as the case may be, may be sent to any Magistrate in British India, and such Magistrate shall thereupon cause the fine to be recovered in accordance with the provisions of the Code of Criminal Procedure, 1898, for the levy of fines as if it was a sentence of fine imposed by such Magistrate. V of 1898.

Order for disposal of property regarding which offence committed.

119. (1) After the conclusion of a trial before any court-martial, the court or the authority confirming its finding or sentence or any authority superior to such authority, or, in the case of a finding or sentence which does not require confirmation, the officer commanding the unit within which the trial was held, may make such order as it or he thinks fit for the disposal by destruction, confiscation, delivery to any person claiming to be entitled to possession thereof, or otherwise, of any property or document produced before the court or in its custody, or regarding which any offence appears to have been committed or which has been used for the commission of any offence.

(2) Where any order has been made under sub-section (1) in respect of property regarding which an offence appears to have been committed, a copy of such order signed and certified by the authority making the same may, whether the trial was held within British India or not, be sent to a Magistrate in any presidency-town or district in which such property for the time being is, and such Magistrate shall thereupon cause the order to be carried into effect as if it was an order passed by such Magistrate under the provisions of the Code of Criminal Procedure, 1898. V of 1898.

Explanation.—



(Chapter IX.—Execution of Sentences and Disposal of Property. Chapter X.—Special Rules relating to Persons and Property.)

*Explanation.*—In this section the term “property” includes, in the case of property regarding which an offence appears to have been committed, not only such property as has been originally in the possession or under the control of any party but also any property into or for which the same may have been converted or exchanged, and anything acquired by such conversion or exchange whether immediately or otherwise.

## CHAPTER X.

### SPECIAL RULES RELATING TO PERSONS AND PROPERTY.

**120.** (1) If an officer of the Indian Air Force thinks himself wronged by his commanding officer, or other superior officer, and on due application made to his commanding officer does not receive the redress to which he may consider himself entitled, he may complain to the Governor General in Council in order to obtain justice.

Complaints  
against superior  
officers and  
airmen.

(2) If any airman thinks himself wronged in any matter by any officer other than the officer under whose command or orders he is serving, or by any airman, he may complain thereof to the officer under whose command or orders he is serving, and if he thinks himself wronged by the officer under whose command or orders he is serving, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to his commanding officer, and if he thinks himself wronged by his commanding officer, either in respect of his complaint not being redressed or in respect of any other matter, he may complain thereof to the prescribed officer; and every officer to whom a complaint is made in pursuance of this section shall cause such complaint to be inquired into, and shall, if on inquiry he is satisfied of the justice of the complaint so made, take such steps as may be necessary for giving full redress to the complainant in respect of the matter complained of.

**121.** (1) No president or member of a court-martial, no judge advocate, no party to any proceeding before a court-

Privileges of  
persons  
attending  
courts-martial.

martial,

(Chapter X.—Special Rules relating to Persons and Property.)

martial, or his legal practitioner or agent, and no witness acting in obedience to a summons to attend a court-martial, shall, while proceeding to, attending on or returning from a court-martial, be liable to arrest under civil or revenue process.

(2) If any such person is arrested under any such process, he may be discharged by order of the court-martial.

Exemption from arrest for debt.

**122.** (1) No officer or person enrolled in the Indian Air Force shall be liable to be arrested for debt under any process issued by, or by the authority of, any civil or revenue court or revenue-officer.

(2) The judge of any such court may examine into any complaint made by such person or his superior officer of the arrest of such person contrary to the provisions of this section, and may, by warrant under his hand, discharge the person, and award reasonable costs to the complainant, who may recover those costs in like manner as he might have recovered costs awarded to him by a decree against the person obtaining the process.

(3) For the recovery of such costs no fee shall be payable to the court by the complainant.

Property exempted from attachment.

**123.** Neither the arms, clothes, equipment, accoutrements or necessaries of any person subject to this Act, nor any animal used by him for the discharge of his duty, shall be seized, nor shall the pay and allowances of any such person or any part thereof be attached, by direction of any civil or revenue court or any revenue-officer, in satisfaction of any decree or order enforceable against him.

Application to reservists.

**124.** Every person belonging to the Indian Air Force Reserve shall, when called out for or engaged upon or returning from training or service, be entitled to all the privileges accorded by sections 122 and 123 to a person subject to this Act.

Priority of hearing by courts of cases in which persons subject to this Act are concerned.

**125.** (1) On the presentation to any court by or on behalf of any person subject to this Act of a certificate, from the proper air force authority, of leave of absence having been granted to or applied for by him for the purpose of prosecuting or defending any suit or other proceeding in such court, the court shall, on the application of such person, arrange, so far as may be possible, for the hearing and final disposal of

*(Chapter X.—Special Rules relating to Persons and Property.)*

of such suit or other proceeding within the period of the leave so granted or applied for.

(2) The certificate from the proper air force authority shall state the first and last day of the leave or intended leave, and set forth a description of the case with respect to which the leave was granted or applied for.

(3) No fee shall be payable to the court in respect of the presentation of any such certificate, or in respect of any application by or on behalf of any such person for priority for the hearing of his case.

(4) Where the court is unable to arrange for the hearing and final disposal of the suit or other proceeding within the period of such leave or intended leave as aforesaid, it shall record its reasons for having been unable to do so, and shall cause a copy thereof to be furnished to such person on his application without any payment whatever by him in respect either of the application for such copy or of the copy itself.

(5) If in any case a question arises as to the proper air force authority qualified to grant such certificate as aforesaid, such question shall be at once referred by the court to an officer commanding a unit, whose decision shall be final.

126. The following rules are enacted respecting the disposal of the property of every person subject to this Act who dies or deserts:—

Property of  
deceased  
persons and  
deserters.

- (1) The commanding officer of the unit to which the deceased person or deserter belonged shall secure all the moveable property belonging to the deceased or deserter that is in camp or quarters, and cause an inventory thereof to be made, and draw any pay and allowances due to such person.
- (2) In the case of a deceased person who has left in a Government savings bank (including any post office savings bank, however named) a deposit not exceeding one thousand rupees, the commanding officer may, if he thinks fit, require the secretary or other proper official of the bank to pay the deposit to him forthwith, notwithstanding anything in any departmental rules, and after the payment thereof in accordance with such requisition, no person

(Chapter X. Special Rules relating to Persons and Property.)

person shall have any right in respect of the deposit except as hereinafter provided.

- (3) In the case of a deceased person whose representative is on the spot and has given security for the payment of the service or other debts in camp or quarters (if any) of the deceased, the commanding officer shall deliver over any property received under clauses (1) and (2) to that representative.
- (4) In the case of a deceased person whose estate is not dealt with under clause (3), and in the case of any deserter, the commanding officer shall cause the moveable property to be sold by public auction, and shall pay the service and other debts in camp or quarters (if any), and, in the case of a deceased person, the expenses of his funeral ceremonies, from the proceeds of the sale and from any pay and allowances drawn under clause (1) and from the amount of the deposit (if any) received under clause (2).
- (5) The surplus, if any, shall, in the case of a deceased person, be paid to his representative (if any), or, in the event of no claim to such surplus being established within twelve months after the death, be remitted to the prescribed person.
- (6) In the case of a deserter, the surplus (if any) shall be forthwith remitted to the prescribed person and shall, on the expiry of three years from the date of his desertion, be forfeited to His Majesty, unless the deserter shall in the meantime have surrendered or been apprehended.

Meaning of deserter.

*Explanation.*—A person shall be deemed to be a deserter within the meaning of this section who has without authority been absent from duty for a period of twenty-one days and has not subsequently surrendered or been apprehended.

Disposal of certain property without production of probate, etc.

**127.** Property deliverable and money payable to the representative of a deceased person under section 126 may, if the total value or amount thereof does not exceed one thousand rupees, and if the prescribed person thinks fit, be delivered or paid to any person appearing to him to be entitled to receive

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*Indian Air Force.*

*(Chapter X.—Special Rules relating to Persons and Property,  
Chapter XI.—Supplemental.)*

receive it or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title; and such delivery or payment shall be a full discharge to those ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money; but nothing in this section shall affect the rights of any executor or administrator or other representative, or of any creditor of a deceased person against any person to whom such delivery or payment has been made.

**128.** The provisions of section 126 shall, so far as they can be made applicable, apply in the case of a person subject to this Act becoming insane or who, being on active service, is officially reported missing: Application to lunatics and persons missing on active service.

Provided that, in the case of a person so reported missing, no action shall be taken under sub-sections (2) to (5), inclusive, of the said section, until one year has elapsed from the date of such report.

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CHAPTER XI.

SUPPLEMENTAL.

**129.** (1) The Governor General in Council may make rules for the purpose of carrying into effect the provisions of this Act. Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

- (a) the discharge from the service of persons subject to this Act;
- (b) the specification of the punishments which may be awarded as field punishments under sections 21 and 25;
- (c) the assembly and procedure of courts of inquiry, and the administration of oaths or affirmations by such courts;
- (d) the convening and constituting of courts-martial;

(e) the

(Chapter XI.—Supplemental. The Schedule.—Amendments.)

- (e) the adjournment, dissolution and sittings of courts-martial;
- (f) the procedure to be observed in trials by courts-martial;
- (g) the confirmation and revision of the findings and sentences of courts-martial;
- (h) the carrying into effect sentences of courts-martial;
- (i) the forms of orders to be made under the provisions of this Act relating to courts-martial and imprisonment;
- (j) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 29, and the due carrying out of such decisions; and
- (k) any matter in this Act directed to be prescribed.

(3) All rules made under this Act shall be published in the Gazette of India, and, on such publication, shall have effect as if enacted in this Act.

Amendment of certain enactments.

130. The enactments specified in the Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

THE SCHEDULE.

AMENDMENTS.

(See section 130.)

Year.	No.	Short title.	Amendments.
1860	XLV	The Indian Penal Code.	(1) In the Explanation to section 131, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted. (2) In section 139, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.

Year.	No.	Short title.	Amendments.
1881 . .	XI	The Municipal Taxation Act, 1881.	In clause (a) of section 3, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.
1899 . .	II	The Indian Stamp Act, 1899.	In Schedule I, in clause (a) of the Exemptions to Article 4, after the figures "1911" the words and figures ", or the Indian Air Force Act, 1932" shall be inserted.
1901 . .	II	The Indian Tolls (Army) Act, 1901.	In clause (b) of section 2, after the words "Air Force Act" the words ", the Indian Air Force" shall be inserted.
1912 . .	IV	The Indian Lunacy Act, 1912.	In section 12, for the words "or the Air Force Act" the words "the Air Force Act or the Indian Air Force Act, 1932" shall be substituted.
1925 . .	IV	The Indian Soldiers (Litigation) Act, 1925.	In clause (b) of section 2, after the figures "1911" the words and figures ", or the Indian Air Force Act, 1932" shall be inserted.