

# THE ARMY (AMENDMENT) ACT, 1992

No. 37 OF 1992

[6th September, 1992.]

## An Act further to amend the Army Act, 1950.

BE it enacted by Parliament in the Forty-third Year of the Republic of India as follows:—

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|-------------|---|---------------------------------|
|             | 1. This Act may be called the Army (Amendment) Act, 1992.   | Short title.                    |
| 46 of 1950. | 2. In the Army Act, 1950 (hereinafter referred to as the principal Act) sections 75 and 76 shall be omitted.  | Omission of sections 75 and 76. |
|             | 3. In section 77 of the principal Act, the words “, field punishment” shall be omitted.   | Amendment of section 77.        |
|             | 4. In section 80 of the principal Act, clause (j) shall be omitted.   | Amendment of section 80.        |
|             | 5. In section 81 of the principal Act,—<br>(i) sub-section (1) shall be omitted;<br>(ii) in sub-section (4), for the brackets, letters and word “(a), (b), (c) and (j)”, the brackets, letters and word “(a), (b) and (c)” shall be substituted.  | Amendment of section 81.        |
|             | 6. In section 85 of the principal Act, for the portion beginning with the words “and award the punishment” and ending with the words “of which he is convicted is made good”, the following shall be substituted, namely:—<br>“and award one or more of the following punishments, that is to say,—<br>(i) severe reprimand or reprimand;<br>(ii) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good:<br>Provided that the punishment specified in clause (i) shall not be awarded if the commanding officer or such other officer is below the rank of Colonel”. | Amendment of section 85.        |

Amendment of section 90.

7. In section 90 of the principal Act,—

(i) in clause (e), the words and figures “or an officer exercising authority under section 85” shall be omitted;

(ii) in clause (i), after the words “Central Government”, the words “or any prescribed officer” shall be inserted.

Amendment of section 91.

8. In section 91 of the principal Act,—

(i) in clause (a), the words “, or of field punishment awarded by a court-martial or such officer” shall be omitted;

(ii) in clause (b), the words “or field punishment” shall be omitted.

Amendment of section 122.

9. In section 122 of the principal Act, in sub-section (1), for the words “from the date of such offence”, the following shall be substituted, namely:—

“and such period shall commence,—

(a) on the date of the offence; or

(b) where the commission of the offence was not known to the person aggrieved by the offence or to the authority competent to initiate action, the first day on which such offence comes to the knowledge of such person or authority, whichever is earlier; or

(c) where it is not known by whom the offence was committed, the first day on which the identity of the offender is known to the person aggrieved by the offence or to the authority competent to initiate action, whichever is earlier”.

Amendment of section 123.

10. In section 123 of the principal Act, in sub-section (2), for the words “within six months after he had ceased to be subject to this Act”, the following shall be substituted, namely:—

“within a period of three years after he had ceased to be subject to this Act; and in computing such period, the time during which such person has avoided arrest by absconding or concealing himself or where the institution of the proceeding in respect of the offence has been stayed by an injunction or order, the period of the continuance of the injunction or order, the day on which it was issued or made, and the day on which it was withdrawn, shall be excluded”.

Omission of section 127.

11. Section 127 of the principal Act shall be omitted.

Amendment of section 135.

12. In section 135 of the principal Act, in sub-section (1), after the word “court-martial”, the words “or courts of inquiry” shall be inserted.

Amendment of section 137.

13. In section 137 of the principal Act,—

(a) in sub-section (3), for the words and figures “Code of Criminal Procedure, 1898”, the words and figures “Code of Criminal Procedure, 1973” shall be substituted;

5 of 1898.  
2 of 1974.

5 of 1898.  
2 of 1974.

(b) in sub-section (4), for the words and figures "Chapter XL of the Code of Criminal Procedure, 1898", the words and figures "Chapter XXII of the Code of Criminal Procedure, 1973" shall be substituted.

5 of 1898.  
2 of 1974.

14. In sections 139, 151 and 174 of the principal Act, for the words and figures "Code of Criminal Procedure, 1898"; wherever they occur, the words and figures "Code of Criminal Procedure, 1973" shall be substituted.

Amendment of section 139, 151 and 174.

15. In section 142 of the principal Act, in sub-section (7), after the words "Assistant Chemical Examiner to Government", the words "or any of the Government scientific experts, namely, the Chief Inspector of the Explosives, the Director of the Finger Print Bureau, the Director, Haffkine Institute, Bombay, the Director of a Central Forensic Science Laboratory or a State Forensic Science Laboratory and the Serologist to the Government" shall be inserted.

Amendment of sections 142.

5 of 1898.  
2 of 1974.

16. In section 152 of the principal Act, for the words and figures "sections 480 and 482 of the Code of Criminal Procedure, 1898", the words and figures "sections 345 and 346 of the Code of Criminal Procedure, 1973" shall be substituted.

Amendment of section 152.

17. After section 169 of the principal Act, the following section shall be inserted, namely:—

Insertion of new section 169A.

"169A. When a person or officer subject to this Act is sentenced by a court-martial to a term of imprisonment, not being an imprisonment in default of payment of fine, the period spent by him in civil or military custody during investigation, inquiry or trial of the same case, and before the date of order of such sentence, shall be set off against the term of imprisonment imposed upon him, and the liability of such person or officer to undergo imprisonment on such order of sentence shall be restricted to the remainder, if any, of the term of imprisonment imposed upon him."

Period of custody undergone by the officer or person to be set off against the imprisonment.

18. In section 191 of the principal Act, in sub-section (2), clause (c) shall be omitted.

Amendment of section 191.

19. Chapter XVI of the principal Act and the heading relating thereto shall be omitted.

Omission of Chapter XVI.