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GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the ....., 2010

G.S.R. .....(E). – In exercise of the powers conferred by section 165 of Assam Rifles Act, 2006 (47 of 2006), the Central Government hereby makes the following rules, namely :-

ASSAM RIFLES RULES 2010

CHAPTER - I

PRELIMINARY

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1. Short title, commencement and application.— (1) These rules may be called the Assam Rifles Rules, 2010.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) These rules shall apply to all persons subject to the Act.

2. Definitions.— In these rules, unless the context otherwise requires,—

(a) "Act" means the Assam Rifles Act, 2006(47 of 2006);

(b) "Appendix" means any appendix annexed to these rules;

(c) "appointment" means appointment of a person to the Force including enrolment;

(d) "Court" means the Force Court;

(e) "Detachment" includes any part of a unit of the Force required or ordered to proceed on duty away from headquarters;

(f) "Force authority" when used in relation to any power, duty, act or matter, means such Force authority as, in pursuance of these rules, exercises, or performs that power or duty or is concerned with that matter;

(g) "section" means a section of the Act;

(h) all other words and expressions used in these rules and not defined but defined in the Act, shall have the same meaning as respectively assigned to them in the Act.

3. Reports and applications.— Any report or application required to be made under these rules to a superior authority or to a Force authority shall be made in writing through proper channel unless the said authority on account of exigencies of service or otherwise, dispenses with writing.

4. Forms in appendices.— (1) The forms set forth in the appendices, with such variations as the circumstances of each case may require, for the respective purposes therein mentioned, and if used shall be sufficient, but a deviation from such forms shall not, by reason only of such deviation, render invalid any charge, warrant, order, proceedings or any other document relevant to these rules.

(2) Any omission of any such Form shall not, by reason only of such omission render any act or thing invalid.

(3) The directions in the notes to, and the instructions in the form, shall be duly complied with in all cases to which they relate but any omission to comply with any such direction in the notes or instructions shall not, merely by reason of such omission, render any act or thing invalid.

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5. Exercise of power vested in holder of an office in the Force.— Any power or jurisdiction given to any person holding any office in the Force to do any act or thing to, or before , any person, may, for the purposes of these rules, be exercised by any other person who may, for the time being, be performing the functions of that office in accordance with the rules and practice of the Force.

6. Cases not provided for.— In regard to any matter not specifically provided for in these rules, it shall be lawful for the competent authority to do such thing or take such action as it may deem fit and just in accordance with exigencies and circumstances of the case.

CHAPTER - II

ORGANISATION

7. Constitution of the Force.— The Assam Rifles shall consist of—

(1) officers, subordinate officers and enrolled persons appointed to or enrolled into the Assam Rifles who shall be liable for continuous service for the term mentioned in their enrolment form, letter of appointment or in the rules made in this behalf.

(2) the officers on deputation and other personnel appointed to the Assam Rifles who shall serve for the term mentioned in their letter of appointment.

8. The task of the Force and command and control thereto.— (1) For the purpose of sub-section (1) of section 4, the Force shall,—

(i) safeguard the security of borders of India and promote sense of security among the people living in border areas;

(ii) prevent trans-border crimes, smuggling, unauthorised entry into or exit from the territory of India and any other illegal activity;

(iii) provide security to sensitive installations, banks, persons of security risk;

(iv) restore and preserve order in any area in the event of disturbance therein.

(2) In discharging the functions under sub-rule (1), the responsibility for the command, discipline, administration, morale and training shall—

(a) in the case of Additional Director-General extend to all battalions, units headquarters, establishments and Force personnel placed under him and within the area that may be assigned to him;

(b) in the case of Inspector-General extend to all battalions, units headquarters, establishments and the Force personnel placed under him and within the area that may be assigned to him;

(c) in the case of Deputy Inspector-General and Additional Deputy Inspector-General extend to battalions, units and other personnel placed under him and within the area that may be assigned to him;

(d) in the case of Commandant extend to the battalion or unit placed under him and within the area assigned to him.

(3) During hostilities, the Inspector-General, the Deputy Inspector-General, Additional Deputy Inspector-General and the Commandant shall discharge such functions as may be assigned to them by their respective superiors.

(4) The command, discipline, administration, morale and training of battalion, units and establishment not placed under an Additional Deputy Inspector-General, Deputy Inspector-General or an Inspector-General shall be carried out by such officers and in such manner as may be laid down by the Director-General from time to time.

(5) Any member of the Force shall be liable to perform any duties in connection with the task of the Force mentioned in sub-rule (i), the administration, discipline, training and welfare of the Force and such other duties as he may be called upon to perform in accordance with any law for the time being in force. Any

order given in this behalf by a superior officer shall be lawful command for the purpose of the Act.

9. Command.— (1) An officer appointed to command shall have the power of command over all officers and men, irrespective of seniority, placed under his command.

(2) (a) In the contingency of an officer being unable to exercise the command, to which he has been appointed, due to any reason, the command shall devolve on the second-in-command, if one has been so appointed.

(b) If no second-in-command, has been so appointed, it shall devolve on the officer who may be appointed to officiate by the immediate superior of the officer unable to exercise command.

(c) If no such officer has been so appointed, command shall devolve on the senior most officer present.

(d) The inability of an officer to exercise command and its assumption by any other officer in accordance with this sub-rule shall be immediately reported to the next higher authority by the officer who has assumed such command.

(3) If persons belonging to different units are working together—

(i) in regard to the specific task on which they are engaged, the officer appointed to command or in his absence the senior most officer present shall exercise command over all such persons;

(ii) in all other matters the senior officer belonging to each unit shall exercise command over persons belonging to his unit.

(4) When officers and other persons belonging to the Force are taken prisoner by an enemy the existing relations of superior and subordinate and the duty of obedience shall remain unaltered and any person guilty of indiscipline or insubordination in this behalf shall, after his release, be liable for punishment.

(5) Subject to the provisions of the Act, disciplinary powers over a person subject to the Act shall be exercised by the officer not below the rank of Commandant of the battalion or unit to which such a person belongs or the officer on whom command has devolved in accordance with sub-rule (2).

(6) Where such a person is doing detachment duty, including attendance at a course of instruction, an officer not below the rank of Commandant of the unit, centre or establishment with which he is doing such duty shall also have all the disciplinary powers of a Commandant.

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(7) The Director-General, the Additional Director-General, the Inspector-General, the Deputy Inspector-General and the Additional Deputy Inspector-General may specify one or more officers of the staff who shall exercise the powers of the Commandant respectively in respect of persons belonging to or doing detachment duty at his Headquarters.

(8) The Director-General may also specify officers who shall exercise the disciplinary powers of an Inspector-General, and Deputy Inspector-General or Additional Deputy Inspector-General respectively in respect of persons belonging to or doing detachment duty at his Headquarters.

(9) An Inspector-General may specify an officer who shall exercise the disciplinary powers of a Deputy Inspector-General or Additional Deputy Inspector-General in respect of persons belonging to or doing detachment duty at his Headquarters.

Explanation.— For the purpose of sub-rules (1), (2) and (3) the word "officer" shall include a subordinate officer and an under officer.

CHAPTER - III

RECRUITMENT

10. Ineligibility.— (1) No person, who has more than one wife living or who having a spouse living marries in any case in which such marriage is void by reason of it taking place during the life time of such spouse, shall be eligible for appointment, enrolment, or employment in the Force.

(2) Any person subject to the Act, who contracts or enters into a second marriage during the life time of his first spouse, shall render himself ineligible for retention in service and may be dismissed, removed or retired from service on ground of unsuitability :

Provided that the Central Government may, if satisfied that there are sufficient grounds for so ordering, exempt any person from the operation of this rule.

11. Ineligibility of aliens.— No person who is not a citizen of India shall, except with the consent of the Central Government signified in writing, be appointed, enrolled or employed in the Force :

Provided that nothing contained in this rule shall bar the appointment, enrolment or employment of a subject of Nepal or Bhutan in the Force.

12. Appointment of officers.— The Central Government may appoint such persons as it considers to be suitable as officers in the force in the following manner

and their conditions of service shall be such as may be provided in the rules made in this behalf by the Central Government —

(a) by direct recruitment;

(b) by transfer on deputation from the Defence Forces, any other armed forces of the Union or any other department of the Central Government or of the State Government;

(c) by promotion as may be prescribed from time to time;

(d) by transfer;

(e) by reemployment.

13. Appointment of subordinate officers and enrolled persons.— Appointment to the posts of Subedar-Majors or Subedars may be made by the Inspector-General and Naib-Subedars or of under officers by the Deputy Inspector-General or Additional Deputy Inspector-General, and of enrolled persons by the commandant or any other officer of the Force who may be appointed as enrolling officer by Director-General respectively in the following manner and their conditions of service shall be such as may be provided in the rules by the Central Government in this behalf—

(a) by direct recruitment;

(b) by transfer on deputation from the Defence Forces and other armed forces of the Union, any other department of the Central Government or of the State Government;

(c) by promotion as may be prescribed from time to time;

(d) by transfer;

(e) by re-employment.

14. Probation.— (1) A person appointed through direct recruitment as an officer, subordinate officer, or enrolled person shall be on probation for a period of two years.

(2) The Central Government in the case of officers and the authority prescribed in rule 13 in the case of subordinate officers and enrolled persons may, for the reasons to be recorded in writing, extend the period of probation for such further period or periods not exceeding two years or may during the period of probation, terminate his services without assigning any reasons.

(3) The provision of sub-rules (1) and (2) shall also be applicable to a person on his initial promotion as an officer. Persons who do not complete the period of probation satisfactorily are liable to be reverted to their former rank.

15. Procedure for enrolment, mode of enrolment and other matters connected therewith- (1) Before a person is enrolled as a member of the Force, the Commandant of a unit or any other officer who may be appointed as an enrolling officer by the Director-General, shall read and explain to him, or cause to be read and explained to him in his presence, the conditions of service of the post to which he is to be enrolled and shall put him the questions contained in the form of enrolment as set out in Appendix-I and shall, after having cautioned him that if he makes a false answer to any such question he shall be liable to punishment under the Act, record or cause to be recorded his answer to each such question.

(2) If, after complying with the provisions of sub-rule (1) and such other directions as may be issued in his behalf by the Director-General from time to time, 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 the said officer is satisfied that there is no impediment, he shall sign and shall also cause such person to sign the enrolment form and such person shall thereupon be deemed to be enrolled.

(3) (a) Every person enrolled as a member of the Force under sub-rule (2) shall be administered an oath or affirmation in the form set out in Appendix I.

(b) The oath or affirmation shall as far as possible be administered by an officer not below the rank of Commandant or an officer authorised in writing by such officer in this behalf

(c) The oath or affirmation shall be administered when the person to be attested has successfully completed his training and found fit in all respect.

16. Liability of service.— (1) All officers are liable for service with any other Armed Force of the Union as may be directed by the Central Government. and the selecting officers for such service preference may be given to volunteers but if the requisite number of suitable volunteers is not forthcoming, officers may be sent on transfer on deputation or detailed otherwise as considered necessary, by the Central Government.

(2) The provisions of this rule shall apply to and in relation to subordinate officers and enrolled persons as they apply to and in relation to any officer of the Force and the powers vested in the Central Government under sub-rule (1) shall be exercised by the Director-General.

CHAPTER - IV

TERMINATION OF SERVICE

17. Termination of service.— Authorities specified in the heading of columns 3 to 6 of the table given below shall be competent to dismiss, remove, discharge, retire or release a member of the Force specified in the columns, on the grounds stated in the corresponding entries in column 2, in accordance with the procedure laid down in this Chapter and any power conferred by this rule or any provisions of this Chapter on any of the aforesaid authorities may also be exercised by any other authority superior to it :

Provided that the provisions of this Chapter shall not apply to the persons on deputation with the Force.

TABLE

Sl. No.	Grounds on which service can be terminated	Central Government	Inspector General	DIG/ADIG	Commandant
(1)	(2)	(3)	(4)	(5)	(6)
(i)	Misconduct	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.
(ii)	Unsuitability	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.
(iii)	Unsatisfactory progress in training	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.
(iv)	Furnishing false/wrong information at the time of appointment/ enrolment	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.
(v)	Physical unfitness	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.
(vi)	On own request	Officers	Subedar-Major and Subedar	Naib-Subedar.	Enrolled Person.

18. Termination of service of officers by the Central Government on account of misconduct.— (1) When it is proposed to terminate the service of an officer under section 10 on account of misconduct, he shall be given an opportunity to show cause in the manner specified in sub-rule (2) against such action :

Provided that this sub-rule shall not apply—

(a) Where the service is terminated on the ground of conduct which has led to his conviction by a criminal court or a Force Court; or

(b) Where the Central Government is satisfied that for reasons to be recorded in writing, it is not expedient or reasonably practicable to give to the officer an opportunity of showing cause.

(2) When after considering the reports on an officer's misconduct, the Central Government or Director-General is satisfied that the trial of the officer by a Force Court is inexpedient or impracticable, but is of the opinion, that the further retention of the said officer in the service is undesirable, the Director-General shall so inform the officer together with particulars of allegations and report of investigation (including the statement of witnesses, if any, recorded and copies of document, if any, intended to be used against him) in cases where allegations have been investigated and he shall be called upon to submit in writing, his explanation and defence :

Provided that the Director-General may withhold disclosure of such report or portion thereof if, in his opinion, its disclosure is not in the interest of the security of the State.

(3) In the event of the explanation of the officer being considered unsatisfactory by the Director-General, or when so directed by the Central Government, the case shall be submitted to the Central Government with the officer's defence and the recommendation of the Director-General as to the termination of the officer's service in the manner specified in sub-rule (4).

(4) When submitting a case to the Central Government under the provisions of sub-rule (2) or sub-rule (3), the Director-General shall give reasons for his recommendation whether the officer's service should be terminated, and if so, whether the officer should be —

(a) dismissed from the service; or

(b) removed from the service; or

(c) compulsorily retired from the service; or

(d) called upon to resign.

(5) The Central Government, after considering the reports and the officer's defence, if any, or the judgment of the criminal court or the proceedings of the Force Court, as the case may be, and the recommendation of the Director-General, may dismiss or remove the officer or retire or call upon him to resign from service, and on his refusal to do so, the officer may be compulsorily retired or removed from the service.

19. Termination of service of officers by the Central Government on grounds of unsuitability.— (1) When the Director-General is satisfied that an officer is unsuitable to be retained in service, the officer—

(a) shall be so informed;

(b) shall be furnished with the particulars of all matters adverse to him; and

(c) shall be called upon to urge any reasons he may wish to put forward in favour of his retention in the service :

Provided that clauses (a), (b) and (c) shall not apply, if the Central Government is satisfied that for reasons, to be recorded by it in writing, it is not expedient or reasonably practicable to comply with the provisions thereof :

Provided further that the Director-General may not furnish to the officer any matter adverse to him, if in his opinion, it is not in the security of the State to do so.

(2) In the event of the explanation being considered by the Director-General unsatisfactory, the matter shall be submitted to the Central Government for orders, together with the officer's explanation and the recommendation of the Director-General as to whether the officer should be called upon to retire or resign.

(3) The Central Government after considering the reports, the explanation, if any, of the officer and the recommendation of the Director-General, may call upon the officer to retire or resign and on his refusing to do so, the officer may be compulsorily retired from the service.

20. Termination of service of persons, other than officers on account of misconduct.— (1) When it is proposed to terminate the service of a person subject to the Act other than an officer, he shall be given an opportunity by the authority competent to dismiss or remove him to show cause in the manner specified in sub-rule (2) against such action :

Provided that this sub-rule shall not apply—

(a) where the service is terminated on the ground of conduct which has led to his conviction by a Criminal Court or a Force Court; or

(b) where the authority as specified in rule 17 is satisfied that, for reasons to be recorded in writing, it is not expedient or reasonably practicable to give the person concerned an opportunity of showing cause.

(2) When after considering the reports on the misconduct of the person concerned, the authority as specified in rule 17 is satisfied that the trial of such a person by the Force Court is inexpedient or impracticable, but is of the opinion, that his further retention in the service is undesirable, it shall so inform him together with all reports adverse to him and he shall be called upon to submit, in writing, his explanation and defence :

Provided that the authority as specified in rule 17 may withhold from disclosure any such report or portion thereof, if in his opinion, its disclosure is not in the interest of security of the State.

(3) The authority as specified in rule 17 after considering his explanation and defence, if any, or the judgment of the criminal court or the proceedings of the Force Court, as the case may be, may dismiss or remove him from service.

(4) All cases of dismissal or removal, under this rule, shall be reported to the Director-General.

21. Discharge from service on grounds of unsatisfactory progress in training.— (1) When it is proposed to discharge a person subject to the Act from service on account of unsatisfactory progress in training, the Commandant of training establishment where the person is undergoing training, shall make recommendation for suitable action to the Commandant of the battalion or unit to which such person belongs for his discharge from service.

(2) In all cases of recommendations for discharge of a person, the Commandant of the training establishment shall establish clearly the fact that the person has been given suitable warning and sufficient time to show progress, documentary evidence to this effect shall accompany the recommendation.

(3) The Central Government or, the authority as the case may be, as specified in rule 17, on receipt of recommendation under sub-rule (1), may discharge or release the person concerned from the service.

22. Termination of service on grounds of furnishing false or incorrect information at the time of appointment or enrolment.—The Central Government or the authority as the case may be,as specified in rule 17, may terminate the service of a person subject to the Act on grounds of furnishing false or incorrect information at the time of appointment or enrolment of that person in the service :

Provided that action under this rule shall not be taken without the competent authority giving the person concerned a show cause notice giving one month time to urge grounds, if any, in his defence, and his explanation being found unsatisfactory.

23. Retirement or discharge or release of officers on grounds of physical unfitness.— (1) Where an officer not below the rank of Deputy Inspector-General considers that an officer of the Force is unfit to perform his duties because of his physical condition, the officer shall be brought before a medical board.

(2) The medical board shall consist of such officers and shall be constituted in such manner as may, from time to time, be laid down by the Director-General.

(3) Where the officer is found to be unfit by the medical board for further service, the Central Government shall, if it agrees with the findings of the medical board, communicate to the said officer the findings of the medical board and thereupon, within a period of thirty days of such communication, the officer may make a representation against it to the Central Government supported by a *prima-facie* evidence of error of judgment in the opinion expressed by the medical board and such an evidence should be from a Government doctor not below the status of civil surgeon and should contain specific mention that he has taken into consideration the findings of the medical board before giving his opinion.

(4) The Central Government may, on receiving the representation from the officer, refer the case to be reviewed by a fresh medical board constituted for the purpose and order the retirement or discharge or release of the said officer if the decision of the fresh medical board is adverse to him.

(5) Where no representation is made against the decision of the medical board under sub-rule (3), the Central Government may, if it agrees with the findings of the medical board, order the retirement or discharge or release of the officer.

24. Termination of service of subordinate officers by the authorities as specified in rule 17 on grounds of unsuitability.— (1) Where an officer not below the rank of Commandant is satisfied that a subordinate officer is unsuitable to be retained in service, the subordinate officer shall be—

(a) so informed;

(b) furnished with the particulars of all matters adverse to him; and

(c) called upon to urge any reasons he may wish to put forward in favour of his retention in the service :

Provided that clauses (a), (b) and (c) shall not apply, if the authority as specified in rule 17, is satisfied that for reasons to be recorded by it in writing, it is not expedient or reasonably practicable to comply with the provisions thereof :

Provided further that such competent authority may not furnish to the subordinate officer any matter adverse to him, if in his opinion, it is not in the interest of the security of the State to do so.

(2) In the event of the explanation being considered by the officer not below the rank of Commandant unsatisfactory, the matter shall be submitted to the authority as specified in rule 17 for orders together with the subordinate officer's explanation and the recommendation of such officer.

(3) The authority as prescribed in rule 17 after considering the report and the explanation, if any, of the subordinate officer and the recommendations of the officer not below the rank of Commandant, may call upon the subordinate officer to retire or resign and on, his refusing to do so, the subordinate officer may be compulsorily retired or discharged from the service.

25. Termination of service of enrolled persons on grounds of unsuitability.— (1) Where a Commandant is satisfied that an enrolled person is unsuitable to be retained in the service, the enrolled person shall be—

(a) so informed;

(b) furnished with the particulars of all matters adverse to him; and

(c) called upon to urge any reasons he may wish to put forward in favour of his retention in the service:

Provided that clauses (a), (b) and (c) shall not apply, if the Commandant is satisfied that for reasons to be recorded in writing, it is not expedient or reasonably practicable to comply with the provisions thereof:

Provided further that the Commandant may not furnish to the enrolled person any matter adverse to him, if in his opinion, it is not in the interest of the security of the State to do so.

(2) After considering the explanation, if any, the Commandant, may call upon the enrolled person to retire or resign and on his refusing to do so, the enrolled person may be compulsorily retired or discharged from the service.

26. Retirement or discharge of subordinate officers and enrolled persons on grounds of physical unfitness.— (1) Where a Commandant is satisfied that a subordinate officer or an enrolled person is unable to perform his duties by reason of his physical disability, he may direct that the said subordinate officer or enrolled person, as the case may be, be brought before a medical board.

(2) The medical board shall consist of such officers and shall be constituted in such manner as may, from time to time, be laid down by the Director-General.

(3) Where the said subordinate officer or the enrolled person is found by the medical board to be unfit for further service in the Force, as the case may be, the authority as specified in rule 17 shall, if it agrees with the findings of the medical board, communicate to the said person the findings of the medical board and thereupon, within a period of thirty days of such communication, the person may make a representation against it to the competent authority supported by a *prima-facie* evidence of error of judgment in the opinion expressed by the medical board

such an evidence should be from a Government doctor not below the status of civil surgeon and should contain specific mention that he has taken into consideration the findings of the medical board before giving his opinion.

(4) Where the person declared to be unfit for further service makes representation under sub-rule (3) the same shall be forwarded to the next superior officer, who shall have the case reviewed by a fresh medical board constituted for the purpose and order the retirement/discharge of the said person, if the decision of the fresh medical board is adverse to him.

(5) Where no representation is made against the decision of the medical board under sub-rule (3), the authority as specified in rule 17, as the case may be, may (if he agrees with the findings of the medical board) order the retirement or discharge of the person concerned.

27. Resignation.— (1) The Central Government may, having regard to the special circumstances of any case, permit any officer of the Force to resign from the Force before completing the term of engagement :

Provided that before granting such permission the Central Government may require the officer to refund to the Government three months pay and allowances drawn by him or the cost of training imparted to him, whichever is higher.

(2) The Central Government may accept the resignation under sub-rule (1) with effect from such date as it may consider expedient.

(3) The Central Government may refuse to permit an officer to resign,—

(a) if an emergency has been declared in the country either due to internal disturbance or external aggression; or

(b) if it considers it to be inexpedient so to do in the interest of the discipline of the Force; or

(c) if the officer has specifically undertaken to serve for a specified period and such period has not expired.

(4) The provisions of this rule shall apply to and in relation to subordinate officers and enrolled persons as they apply to and in relation to any officer of the Force and the powers vested in the Central Government under sub-rules (1) and (2) shall be exercised in the case of a Subedar-Major and Subedar by an Inspector-General, in the case of a Naib-Subedar by an officer not below the rank of Additional Deputy Inspector-General, and in the case of an enrolled person, by a Commandant.

28. Appeal against orders of dismissal, removal or compulsory retirement.— A person subject to the Act other than an officer who has been

dismissed, removed or compulsorily retired from service, shall have the right to put in an appeal against the termination of his service to any authority, higher than the one who has passed the termination order within ninety days of the termination of service.

(2) In case of Officers, appeal shall lie to the Central Government and such appeal shall be filed within ninety days of the termination of service.

(3) Where the appellate authority sets aside the order of dismissal, removal or compulsory retirement under this rule, such authority shall pass such orders as may be necessary in respect of the period of absence from duty of the person whose dismissal, removal or compulsory retirement has been set aside.

29. Date of dismissal, removal, discharge or retirement.— (1) The effective date of dismissal, removal, discharge, retirement shall be—

(a) the date mentioned in the order of dismissal or removal or discharge or retirement, or

(b) if no such date is mentioned, the date on which the person concerned is relieved from duties.

(2) The dismissal, removal, discharge or retirement of a person subject to the Act shall not be from retrospective effect.

CHAPTER - V

RESTRICTION ON FUNDAMENTAL RIGHTS

30. Unauthorised organisation.— No person subject to the Act shall, without the express sanction of the Central Government take official cognisance of, or assist or take any active part in, any society, institution or organisation, not recognised as part of the Armed Forces of the Union; unless it be of a recreational or religious nature in which case prior sanction in writing of the superior officer shall be obtained.

31. Political activities.— (1) No person subject to the Act shall attend, address, or take part in any meeting or demonstration held for a party or political purposes, or belong to or join or subscribe in the aid of, any political association or movement.

(2) No person subject to the Act shall issue an address to electors or in any other manner publicly announce himself or allow himself to be publicly announced as a candidate or as a prospective candidate for election to Parliament, the legislature of a State or a local authority, or any way actively promote or prosecute a candidate's interests.

32. Communications to the press, lectures, etc.— No person subject to the Act shall,—

(a) publish in any form whatever or communicate directly or indirectly to the press any matter in relation to a political question or on a service subject or containing any service information, or publish or cause to be published any book or letter or article or other document on such question or matter or containing such information without the prior sanction of the Central Government, or any officer specified by the Central Government in this behalf;

(b) deliver a lecture or wireless address, on a matter relating to a political question or on a service subject or containing any information or views on any service subject without the prior sanction of the Central Government, or any officer specified by the Central Government in this behalf.

Explanation.— For the purposes of this rule, the expression "service information" and "service subject" include information or subject, as the case may be, concerning the Force, the defence or the external relations of the Union.

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CHAPTER - VI

ARREST AND SUSPENSION

33. Forms of arrest.— (1) Arrest may be either open or close arrest.

(2) An arrest, unless otherwise specified, shall mean an open arrest.

(3) An order imposing arrest may be communicated to the person to be arrested either orally or in writing.

34. Authority to order arrest.— (1) No person subject to the Act shall be arrested on a charge under the Act except under and in accordance with the orders of superior officer having power of command over him.

(2) Notwithstanding anything contained in sub-rule (1) any person subject to the Act may be placed under arrest by any superior officer-

(a) if he commits an offence against such superior officer; or

(b) if he commits an offence in the view of such superior officer; or

(c) if he is behaving in a disorderly manner and the said superior officer considers it necessary to place such a person under arrest with a view to stop such disorderly behaviour.

(3) A superior officer effecting arrest under sub-rule (2) shall as soon as possible and in any case within twenty-four hours of such arrest send a report to the

Commandant of the battalion or unit of which the person arrested is a member and in case of the arrest of an officer of and above the rank of Commandant, to his immediate superior officer.

35. Arrest, how imposed.— (A) Close arrest.— (1) (a) Close arrest in the case of enrolled persons shall be imposed by informing the person to be arrested and ordering him to be marched to the place of confinement under an escort of another person of similar or superior rank.

(b) Where no such escort is available, the person arrested shall be ordered to report himself immediately to the quarter-guard or other place of confinement.

(2) (a) Close arrest in the case of officers, subordinate officers or under officers shall be imposed by placing such officer, subordinate officer, or under officer under the custody of another person of similar or superior rank and wherever considered necessary such officer, subordinate officer, or under officer may be confined under charge of a guard.

(b) The person under arrest shall not leave the place of his confinement without permission of the Commandant or a superior officer designated by the Commandant.

(B) Open arrest.— (3) (a) Open arrest shall be imposed by informing the person to be arrested that he is under open arrest and that he shall confine himself within such limits as may be specified in this behalf by the concerned superior officer effecting such arrest.

(b) The Commandant may, from time to time, vary the limits referred to in clause (a) above.

36. Release from arrest during investigation.— (1) Any person arrested under rule 34 may be released from arrest under the order of an officer :

Provided that in case of a person placed under arrest by an officer, such person shall be released form arrest under the order of his Commandant or any officer superior to such Commandant.

37. Release without prejudice to re-arrest.— Pending the completion of the investigation or convening of a court, any person, who has been placed under arrest, may without prejudice to re-arrest be released by his commandant or by any officer superior to such commandant.

38. Arrest, when to be imposed.— (1) Any person charged with—

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(i) an offence under section 21 clause (a) or clause (b) or section 23 or section 24 or section 27 or sub-section (1) of section 28;

(ii) a civil offence punishable with death or imprisonment for life;

(iii) any other offence under the Act—

(a) if the interest of discipline so require; or

(b) if the person concerned deliberately undermines discipline; or

(c) if the person concerned is of violent disposition; or

(d) if the person concerned is likely to absent himself with a view to avoid trial; or

(e) if the person concerned is likely to interfere with witnesses or tamper with the evidence;

shall be placed under arrest.

(2) Where any person arrested shows symptoms of sickness, medical assistance shall be provided for such person.

39. Special provision in case of arrest of a drunken person.— (1) Where a drunken person has been arrested, he shall, as far as possible, be confined separately and shall be visited by duty officer or duty subordinate officer or duty under officer or under officer incharge of the guard, once every two hours.

(2) A drunken person shall not be taken before a superior officer for investigation of his case until he has become sober.

40. Arrest in case of person whose trial has been ordered.— (1) Unless the convening authority has otherwise directed, on the commencement of the trial of a person by the court, the said person shall be placed under arrest by his Commandant and shall remain under arrest during the trial.

(2) Where a sentence lower than that of imprisonment is passed by a court, the arrested person may be released by his Commandant pending confirmation of the finding and sentence :

Provided that the convening authority may rescind, vary or modify the order passed by a Commandant under sub-rule (1) or sub-rule (2) and where no such order is passed by a Commandant, the convening authority may pass such order as it may deem proper :

Provided further that a person who has been sentenced to be dismissed shall not, except while on active duty, be put on any duty.

41. Delay report.— (1) (a) The report on reason for delay as required under section 81 shall be in the form set out in Appendix II and it shall be sent by the

Commandant to the Deputy Inspector-General or Additional Deputy Inspector-General under whom the accused may be serving.

(b) A copy of the eighth delay report and every succeeding report thereof shall also be sent to the Inspector-General under whom the accused may be serving, and to the Chief Law Officer.

(2) Where the accused is kept under arrest for a period exceeding three months without a Force Court being ordered to assemble for his trial, a special report regarding the action taken and the reasons for the delay shall be sent by the Commandant to the Director-General with a copy each to the Deputy Inspector-General or Additional Deputy Inspector-General and the Inspector-General concerned.

42. Rights of a person under arrest.— (1) (a) Any person placed under arrest shall, at the time of being placed under arrest, be given in writing by the officer effecting the arrest of the particulars of the charges against him.

(b) Notwithstanding anything contained in clause (a), where during the investigation other offences committed by the accused are discovered, it shall be lawful to charge such person with those offences.

(2) (a) The duty officer or duty subordinate officer shall every day make a visit to the person under arrest and take the orders of the Commandant on any request or representation made by the person under arrest.

(b) The request or representation made by the person under arrest shall be entered in the form set out in Appendix-III.

43. Suspension.— (1) Notwithstanding anything contained in these rules the disciplinary or appointing authority competent to convene general or petty Force Court may, at its discretion, place a person serving under him, under suspension—

(i) where disciplinary action under the Act against him is contemplated or is pending ; or

(ii) where in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or

(iii) where a case against him in respect of any civil offence is under investigation, inquiry or trial.

(2) A person subject to the Act shall be deemed to have been placed under suspension by an order of the appointing authority—

(i) with effect from the date of his detention by civil police on a criminal charge or otherwise for a period exceeding 48 hours; or

(ii) with effect from the date of his conviction by a criminal court on a criminal charge, if the sentence awarded is imprisonment for a term exceeding forty eight hours.

(3) An order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(4) An order of suspension made or deemed to have been made under this rule, may, at any time, be modified or revoked, by the authority which made the order or by any authority to which that authority is subordinate.

(5) During the period of suspension of a person, powers vested in him shall be in abeyance, but he shall be subject to same responsibilities, discipline, penalties and all other conditions of service to which he would have been subject if he were on duty and cannot leave headquarters declared by the competent authority without prior permission.

(6) When a person remains under suspension for more than 90 days, a report giving reasons for delay in the finalisation of his case shall be submitted to the Director General by the Commandant of the accused, and thereafter, subsequent reports shall be submitted every month till the case is finalised or the order of suspension is revoked whichever is earlier.

CHAPTER - VII

CHOICE OF JURISDICTION BETWEEN FORCE COURT AND CRIMINAL COURT

44. Trial of cases either by Force Court or criminal court.— (1) where an offence is triable both by a criminal court and a Force Court, an officer referred to in section 102 may, -

(i) (a) where the offence is committed by the accused in the course of performance of his duty as a member of the Force; or

(b) where the offence is committed in relation to property belonging to the Government or the Force, or a person subject to the Act; or

(c) where the offence is committed against a person subject to the Act, direct that any person subject to the Act who is alleged to have committed such an offence, be tried by a Force Court; and

(ii) in any other case, decide whether or not it would be necessary in the interest of discipline to claim for trial by a Force Court any person subject to the Act who is alleged to have committed such an offence.

(2) In taking a decision to claim an offender for trial by a Force Court an officer referred to in section 102 may take into account all or any of the following factors, namely,—

(a) the offender is on active duty or has been warned for active duty and it is felt that he is trying to avoid such duty;

(b) the offender is a young person undergoing training and the offence is not a serious one and the trial of the offender by a criminal court would materially affect his training;

(c) the offender can, in view of the nature of the case, be dealt with summarily under the Act.

45. Cases which may not be tried by Force Court.— Without prejudice to the provisions of sub-rule (1) of rule 44, an offender may not ordinarily be claimed for trial by a Force Court—

(i) where the offence is committed by him along with any other person not subject to the Act whose identity is known; or.

(ii) where the offence is committed by him while on leave or during absence without leave.

CHAPTER - VIII

INVESTIGATION OF CHARGES AND SUMMARY DISPOSAL

HEARING OF CHARGE

46. Tentative charge sheet.— Where it is alleged that a person subject to the Act has committed an offence punishable under the Act, the allegation shall be reduced to writing in the form set out in Appendix-IV.

47. Hearing of charge.— (1) Every charge against a person subject to the Act shall be heard by the Commandant in the presence of the accused and the proceedings shall be reduced to writing in the form set out in Appendix-V. and the accused shall have full liberty to cross-examine any witness against him, and to call such witness and make such statement as may be necessary for his defence :

Provided that where the charge against the accused arises as a result of investigation by a court of inquiry, wherein the provisions of sub-rule (8) of rule 183

have been complied with in respect of that accused, the Commandant may dispense with the procedure in sub-rule (1).

(2) Notwithstanding anything contained in sub rule (1) above, a specified officer under section 62 may proceed against an enrolled person if—

(a) the charge can be summarily dealt with;

(b) the case has not been reserved by the Commandant for disposal by himself; and

(c) the accused is not under arrest;

and after hearing the charge under sub-rule (I) above, the specified officer may either award any of the punishments which he is empowered to award in the form set out in Appendix-VI, or refer the case to the Commandant for further disposal.

(3) The Commandant shall dismiss a charge brought before him if, in his opinion, the evidence does not show that an offence under the Act has been committed, and may do so if, he is satisfied that the charge ought not to be proceeded with :

Provided that the Commandant shall not dismiss a charge which he is debarred to try under sub-section (2) of section 96 without reference to superior authority as specified therein:

Provided further that, in case of all offences punishable with death, the Commandant shall remand the case for recording of summary of evidence.

(4) After compliance of sub-rule (I), if the Commandant is of opinion that the charge ought to be proceeded with, he shall within a reasonable time—

(a) dispose of the case under section 62 in accordance with the manner and form in Appendix-VI; or

(b) refer the case to the proper superior authority; or

(c) adjourn the case for the purpose of having the evidence against the accused, reduced to writing; or

(d) order his trial by a Summary Assam Rifles Court:

Provided that the Commandant shall not order trial by a Summary Assam Rifles Court without reference to the officer empowered to convene a petty Assam Rifles Court for the trial of the alleged offender unless—

(a) the offence is one which he can try by a Summary Assam Rifles Court without any reference to that officer; or

(b) he considers that there is grave reason for immediate action and such reference cannot be made without detriment to discipline.

(5) Where the evidence taken in accordance with sub-rule (4) of this rule discloses an offence other than the offence which was the subject of the investigation, the Commandant may frame suitable charge(s) on the basis of the evidence so taken as well as the investigation of the original charge.

48. Charges not to be dealt with summarily.—charges for an offences under sections 21, 22, 23, 24, clause (I) of section 25, clause (a) of section 27 or 28, when on active duty, or sections 30, 31, clause (a) of section 33 (disgraceful conduct), clause (b) of section 36, 39, 46, 47 or section 55 (other than that for simple hurt or theft) or a charge for abetment of or an attempt to commit any of these offences shall not be dealt with summarily.

49. Summary of evidence.— (1) Where the case is adjourned for the purpose of having the evidence reduced to writing, the officer ordering the same may either prepare the summary of evidence himself or detail another officer to do so.

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(2) The witnesses shall give their evidence in the presence of the accused and the accused shall have right to cross-examine all witnesses who give evidence against him, and the questions together with the answers thereto shall be added to the evidence recorded.

(3) After all the witnesses against the accused have been examined, he shall be cautioned in the following terms:-

(i) "Do you wish to make any statement?

(ii) You are not obliged to say anything unless you wish to do so, but whatever you state shall be taken down in writing and may be given in evidence." Any statement thereupon made by the accused shall be taken down and read to over him, but he will not be cross-examined upon it and the accused may then call his witnesses in defence and the officer recording the evidence may ask any question that may be necessary to clarify the evidence given by such witnesses.

(4) The statements given by witnesses shall ordinarily be recorded in narrative form in English or Hindi language and the officer recording the evidence may, at the request of the accused, permit any portion of the evidence to be recorded in the form of question and answer and the witnesses shall sign their statements after the same have been read over and explained to them, or if he

cannot write his name his statement shall be attested by his mark(thumb impression) and witnessed as a token of correctness of the evidence recorded.

(5) The provisions of section 111 of the Act shall apply for procuring the attendance of the witnesses before the officer recording the summary of evidence.

(6) Where a witness cannot be compelled to attend or is not available or his attendance cannot be procured without an undue expenditure of time or money and after the officer recording the evidence has given a certificate in this behalf, a written statement signed by such witness may be read to the accused and included in the summary of evidence.

(7) After the recording of the evidence the officer who recorded the evidence shall render a certificate in the following form—

"Certified that the record of evidence ordered by ..... was made in the presence and hearing of the accused and the provisions of sub-rule(3)of 49 have been complied with."

(8) No counsel or legal practitioner shall be permitted to appear before the officer recording the evidence.

50. Abstract of evidence.— (1) Where the Commandant of the accused is of the opinion that the charge against an officer, subordinate officer or under officer is not of such a nature so as to warrant his trial by a Force Court, he may, after hearing the charge in accordance with sub-rule(1)of 47 order an abstract of evidence to be prepared in the case.

(2) An abstract of evidence shall be prepared either by the Commandant or an officer detailed by him.

(3) (a) The abstract of evidence, shall include –

(i) signed statements of witnesses wherever available or a précis thereof; and

(ii) copies of all documents intended to be produced at the trial.

(b) where signed statements of any witnesses are not available, a précis of the evidence that the witnesses are likely to give shall be included.

(4) A copy of the abstract of evidence shall be given by the officer making the same to the accused and the accused shall be given an opportunity to make a statement if he so desires, after he has been cautioned in the manner laid down in sub- rule (3) of rule 49 :

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Provided that the accused shall be given such time as may be reasonable in the circumstances but in no case less than twenty- four hours after receiving the abstract of evidence to make his statement.

51. Disposal of case after recording summary or abstract of evidence.— (1) The evidence prepared in pursuance of rule 49 or 50 shall be considered by the Commandant who thereupon shall either—

(a) dismiss the charge; or

(b) dispose of the case summarily under section 62 or section 66 of the Act, as applicable; or

(c) refer the case to the competent superior officer for disposal; or

(d) remand the accused for trial by a Force Court.

(2) If the accused is remanded for trial by a Force Court, the Commandant shall without unnecessary delay,

(a) assemble a Summary Assam Rifles Court (after making reference as per sub-section (2) of section 96, when such reference is necessary), or

(b) apply to the competent superior authority to convene a general or petty Assam Rifles Court, as the case may be.

52. Application for a court.— An application for a petty Force Court or general Force Court shall be made by the Commandant in the Form set out in Appendix-VII of these rules and shall be accompanied by five copies of the summary or abstract of evidence and charge sheet and such other documents as are mentioned in that application form.

53. Summary disposal of charges against officer, subordinate officer or warrant officer.— (1) Where an officer, a subordinate officer or a warrant officer is remanded for the disposal of a charge against him by an authority empowered under section 64, 65 and 66, to deal summarily with that charge, the summary or abstract of evidence shall be delivered to him, free of charge, with a copy of the charge as soon as practicable after its preparation and in any case not less than twenty-four hours before the commencement of the proceedings.

(2) Where the authority empowered under sections 64, 65 and 66 decides to deal summarily with a charge against an officer, subordinate officer or warrant officer, he shall unless he dismisses the charge, or unless the accused has consented in writing to dispense with the attendance of the witnesses, hear the evidence in the presence of the accused and the accused shall have full liberty to cross-examine any witness against him, and to call any witness and make a

statement in his defence, and such statement or a gist thereof shall be recorded and attached to the proceedings by the officer disposing the case summarily.

(3) The proceedings shall be recorded as far as practicable in accordance with the form in Appendix-VIII, and in every case in which punishment is awarded, the proceedings together with the conduct sheet, summary or abstract of evidence and written consent to dispense with the attendance of witnesses of the accused, shall be forwarded through the proper channel to the prescribed superior authority for review as provided under sub-section (2) of section 64 and sub-section (2) of section 65.

(4) In the case of summary disposal under section 62 and 66, the proceedings shall be forwarded to the officer superior in command to the officer who awarded the punishment, and if the punishment awarded appears to such superior officer to be illegal, unjust or excessive, he may cancel, vary or remit the same and make such other direction as may be appropriate in the circumstances of the case.

(5) The prescribed superior authority for the purposes of sub-section (2) of section 64 and sub section (2) of section 65 shall be the Central Government, the Director-General or other officer specified by the Director-General.

CHAPTER - IX

CHARGES

54. Charge and charge sheet.— (1) A charge means an accusation contained in the charge sheet that a person subject to the Act has been guilty of an offence.

(2) A charge sheet shall contain the whole issue or issues to be tried at one time and may contain more than one charge, if the charges are founded on the same facts or form part of a series of offences of same or similar character :

Provided that a charge under section 25, section 26, section 38, and section 41 may be included in any charge sheet, notwithstanding that other charges in that charge sheet are not founded on the same facts or do not form part of a series of offences of the same or similar character.

(3) Every charge sheet shall in its layout follow the appropriate specimen set out in Appendix-IV to these rules.

55. Commencement of charge sheet.— Every charge sheet shall begin with the name and description of the person charged and state his number, rank, name and unit to which he belongs.

56. Contents of charge.— (1) Each charge shall state one offence only and in no case shall an offence be described in the alternative in the same charge.

(2) (a) If a single act or series of acts be of such a nature that it is doubtful which of several offences the facts which can be proved will constitute, the accused may be charged with having committed all or any of such offences, and any number of such charges may be tried at once or he may be charged in the alternative with having committed some one of the said offences.

(b) The charge for more serious offence shall precede the one for the less serious offence.

(3) Each charge shall be divided into two parts -

(a) statement of the offence; and

(b) statement of the particulars of the act, neglect or omission constituting the offence.

(4) The offence shall be stated, if not a civil offence, as nearly as practicable in the words of the Act, and if a civil offence, in such words as would sufficiently describe that offence, in words as used to describe the said offence in the relevant statutory provision.

(5) The particulars shall state such circumstances respecting the alleged offence as will enable the accused to know what act, neglect or omission is intended to be proved against him as constituting the offence.

(6) The particulars in one charge may be framed wholly or partly by a reference to the particulars in another charge, and in that case so much of the latter particulars as are so referred to, shall be deemed to form part of the first mentioned charge as well as of the other charge.

(7) Where it is intended to prove any facts in respect of which any deduction from pay and allowances can be awarded as a consequence of the offence charged, the particulars shall state those facts and the sum of the loss or damage it is intended to charge.

57. Signature on charge sheet.— The charge sheet shall be signed by the Commandant of the accused and shall contain the place and date of such signature.

58. Joint charges. (1) Any number of accused may be charged jointly and tried together for an offence averred to have been committed jointly by them.

(2) Any number of accused though not charged jointly may also be tried together for an offence averred to have been committed by one or more of them and abetted by the other or others.

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(3) Where the accused are so charged under sub-rule (1) or sub-rule (2), any one or more of them may be charged with, and tried for any other offence with which they could have been charged under sub-rule (2) of rule 54.

59. Validity of charge sheet.(1) A charge-sheet shall not be invalid merely by reason of the fact that it contains any mistake in the name or description of the person charged, provided that he does not object to the charge sheet during the trial, and that no substantial injustice has been done to the person charged.

(2) In the construction of a charge-sheet or charge, there shall be presumed in favour of supporting the same every proposition which may reasonably be presumed to be impliedly included, though not expressed therein.

PREPARATION OF DEFENCE BY ACCUSED PERSON

60. Right of accused to prepare defence.— (1) An accused, who has been remanded for trial, shall be afforded proper opportunity for preparing his defence and shall be allowed proper communication with his defending officer or counsel and with his witnesses.

(2) A defending officer shall be appointed to defend an accused who has been remanded for trial unless the accused states in writing that he does not wish such an appointment to be made.

(3) If the prosecution is to be undertaken by a legally qualified officer or by a counsel, the accused shall be notified of this fact in sufficient time to enable him, if he so desires, to make arrangement for a legally qualified officer or counsel to defend him.

(4) The accused person shall have the right to address an application to the Chief Law Officer or Law Officer, if he is kept under arrest for longer than forty-eight days without being brought to trial or is not given full liberty for preparing his defence.

(5) As soon as practicable after an accused has been remanded for trial and in any case not less than four days before his trial, he shall be given free of charge—

(a) a copy of the charge sheet;

(b) an unexpurgated copy of summary or abstract of evidence showing passages within, which have been expurgated in the copy sent to the senior member ; and

(c) notice of any additional evidence which the prosecution intends to adduce;

(6) The provisions of sub-rules (2) and (3) shall not apply to a trial before a Summary Assam Rifles Court.

61. Warning of the accused for trial.— (1) When an accused is given a copy of the charge-sheet of the summary or abstract of evidence in accordance with these rules, an officer shall—

(a) explain to him the charges brought against him, and if the accused desires to have it in a language which he understands, a translation thereof shall also be given to him; and

(b) inform him that, upon his making a written request to his Commandant not less than twenty-four hours before his trial requiring the attendance at his trial of a witness (other than a witness for the prosecution) whom he desires to call in his defence (such witness to be named by him), reasonable steps will be taken in accordance with these rules to procure the attendance of any such witness at his trial;

(c) deliver to the accused a list of the ranks, names and units of the members who are to form the Court and of any waiting members.

(2) If it appears to the Court that the accused is liable to be prejudiced at his trial by any non-compliance with this rule, the Court shall take steps and, if necessary, adjourn to avoid the accused being so prejudiced.

62. Summoning of defence witnesses.— (1) Subject to the provisions of sub-rules (2) and (3) the Commandant shall, on a request made in this behalf by the accused, summon such witnesses as are specified by the accused.

(2) Where the Commandant is satisfied that the evidence to be given by any witness is not likely to be of material assistance at the trial he may refuse to summon such witness.

(3) The Commandant may before summoning any witness, require the accused to defray or undertake to defray the cost of attendance of such witness and if the accused refuses to defray or undertake to defray the cost aforesaid, the Commandant may refuse to procure the attendance of that witness.

(4) Where the Commandant has refused to summon the witness under sub-rule (2) or sub-rule (3), the accused may make an application to the court for the summoning of such witness and the court may if it considers it to be expedient, in the interest of justice, order the summoning of such witness and, if necessary, adjourn the proceedings for the attendance of such witness:

Provided that it shall rest with the accused alone to secure the attendance of any witness whose evidence is not contained in the summary of evidence and for whose attendance the accused has not made a request under sub-rule (1).

CONVENING OF GENERAL AND PETTY ASSAM RIFLES COURTS

63. Action by a superior authority on receiving an application for convening court.— (1) As soon as a superior authority receives an application for convening a court, he shall scrutinise the charge and the evidence against the accused, where necessary in consultation with the Chief Law Officer or a Law Officer designated by him and he,

(a) shall direct the Commandant to dismiss the charge where the evidence against the accused is insufficient and further evidence is not likely to be available and may direct him to do so if he considers it inadvisable to proceed with the trial; or

(b) may return the case to the Commandant for being tried by a Summary Assam Rifles Court or being dealt with summarily if he considers that the same can be adequately so tried or dealt with; or

(c) may dispose of the case by administrative action, or if he is not competent to take such action, forward the case to superior authority with his recommendations for such action;

(d) may return the case for recording further evidence, if he considers the evidence recorded insufficient, but considers that further evidence may be available.

(2) (a) In any other case he may either himself convene a court or if he considers that a higher type of court should be convened and he is not empowered to convene such a court, forward the case to the appropriate superior authority with recommendation that such court may be convened.

(b) The superior authority on receiving the case may exercise any of the powers given in sub-rule (1) of this rule:

Provided that the superior authority before convening a general Assam Rifles Court or a petty Assam Rifles Court shall take the advice of the Chief Law Officer or a Law Officer (designated for this purpose by Chief Law Officer).

Provided further that the superior authority while convening a court may reframe the charge sheet on which the accused is to be tried.

64. Disqualification of officers for serving on general and petty Assam Rifles courts.— An officer shall be disqualified from serving on a court if he—

(a) is an officer who convened the Court; or

(b) is the prosecutor or a witness for the prosecution; or

(c) has taken any part in the investigation of the case, which would have necessitated his applying mind to any part of the evidence or to the facts of the case; or

(d) is the Commandant of the accused; or

(e) has a personal interest in the case; or

(f) is a Force police officer appointed under section 85 (1).

65. Adjournment for insufficient number of officers.— (1) If, before the accused is arraigned, the full number of officers detailed are not available to serve, by reason of disqualification, challenge or otherwise, and if there are not sufficient number of officers in waiting to take the place of those unable to serve, the Court shall ordinarily adjourn for purpose of fresh members being appointed, but if the Court is of opinion that in the interests of justice, and for the good of service, it is inexpedient so to adjourn, it may, if not reduced in number below the legal minimum, proceed, after recording reasons for so doing.

(2) If the Court adjourns for the purpose of appointment of fresh members, whether under these rules or otherwise, the convening officer may, if he thinks fit, convene another Court.

66. Composition of general and petty Assam Rifles courts.— (1) A court shall consist, as far as practicable, of officers of different battalions or units.

(2) The members of a court for the trial of an officer shall be of a rank not lower than the rank of that officer, unless in the opinion of the convening officer, officers of such rank are not, having due regard to the exigencies of public service, available and such opinion shall be recorded in the convening order.

(3) A court for the trial of a Commandant shall as far as possible, consist of officers who are or have been Commandants or who hold, or have held, a higher appointment.

67. Duties of convening officers when convening courts.— (1) An officer before convening a general or petty Assam Rifles Court shall first satisfy himself that the charges to be tried by the court are for offences within the meaning of the Act, and that the evidence justifies a trial on those charges and the officer. If not so

satisfied, he shall order the release of the accused, or refer the case to superior authority.

(2) He shall also satisfy himself that the case is a proper one to be tried by the kind of court which he proposes to convene.

(3) When an officer convenes a court, he shall,

(a) issue a convening order in the appropriate form set out in Appendix-IX.

(b) direct upon what charges the accused is to be tried and ensure that the accused has been remanded for trial by a court upon these charges, by his Commandant;

(c) if he is of the opinion that charges shall be put in separate charge-sheet, so direct and shall also direct the order in which they are to be tried;

(d) direct, if there is more than one accused whether the accused are to be tried jointly or separately;

(e) appoint members of the court and any waiting members;

(f) if convening—

(i) a general Assam Rifles Court; or

(ii) a petty Assam Rifles Court which he considers should be attended by a Law Officer, take necessary steps to procure the appointment of Law officer by or on behalf of the Chief Law officer, and may also appoint an officer to be under his instruction at the trial;

(g) appoint an officer, subject to the Act or a counsel assisted by such an officer to prosecute;

(h) appoint an interpreter wherever necessary;

(i) forward to the senior member, the original charge sheet, the convening order and a copy of the summary or abstract of evidence from which any evidence which in his opinion would be inadmissible at the trial, has been expurgated;

(j) forward to each member of the court and to each waiting member a copy of the charge sheet and convening order;

(k) forward to the Law Officer, a copy each of the charge sheet, the convening order and an unexpurgated copy of the summary or abstract of evidence showing the passages which have been expurgated in the copy sent to the senior member;

(l) forward to the prosecutor copies of the charge sheet and convening order, and the original summary or abstract of evidence; together with an unexpurgated copy thereof showing the passages which have been expurgated in the copy sent to the senior member;

(m) ensure that the Commandant has summoned all the prosecution witnesses and such defence witnesses as the accused may have requested to be summoned under rule 62.

CHAPTER - X

PROCEDURE FOR GENERAL AND PETTY ASSAM RIFLES COURTS

SECTION - 1

PROCEDURE AT TRIAL – ASSEMBLY, CHALLENGE AND SWEARING

68. Assembly of court and inquiry as to legal constitution.— (1) Upon a Force Court assembling, the convening order which includes ranks, names and units of the officers appointed to serve on the court, shall be laid before it together with the charge-sheet and copy of summary or abstract of evidence, and the court shall, before beginning the trial, satisfy itself in closed court—

(a) that the court has been convened in accordance with the Act and these rules;

(b) that the court consists of not less than the minimum number of officers required by law;

(c) that the members are of the required rank;

(d) that members have been duly appointed and are not disqualified under the Act;

(e) that if there is a Law Officer and he has been duly appointed, is of required rank, and is not disqualified from serving on that court;

(f) that the accused appears from the charge sheet, to be subject to the Act and to be subject to the jurisdiction of the court; and

(g) that each charge is correct in law and framed in accordance with these rules, and is so explicit as to enable the accused readily to understand what he has to answer.

(2) Where a vacancy occurs through a member of the court being disqualified under the Act or being absent when the court assembles, the presiding officer may appoint a duly qualified waiting member to fill that vacancy.

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(3) If the court is not satisfied on any of the matters mentioned in sub-rule (1) and is not competent to rectify such matters itself under the Act or these rules, it shall before commencing the trial, report thereon to the convening officer, and may adjourn for that purpose.

(4) When the court has complied with this rule and is ready to proceed with the trial, the presiding officer shall open the court and the trial shall begin.

69. Commencement of trial, appearance of prosecutor and accused.— When the court has satisfied itself that the provisions of rule 68 have been complied with, it shall cause the accused to be brought before the court, and the prosecutor, who must be a person subject to the Act, shall take his due place in the court.

70. Proceedings for challenges of members of court.— (1) The order convening the court and the names of the officers appointed to try the accused shall be read in the hearing of the accused who shall be given an opportunity to object to any of those officers in accordance with section 106.

(2) When a court is to try more than one accused whether separately or jointly, each accused shall be given an opportunity to object to any officer on the court in accordance with the foregoing sub-rule and shall be asked separately whether he has any such objection.

(3) The accused shall state the names of all the officers to whom he objects before any objection is disposed of.

(4) If more than one officer is objected to, the objection to each officer shall be disposed of separately and the objection to the lowest in rank shall be disposed of first.

(5) An accused may make a statement and may call any person to give evidence in support of his objection and such person may be questioned by the accused and by the court.

(6) An officer to whom the accused has objected, may state in open court anything relevant to the objection of the accused whether in support or in rebuttal thereof.

(7) An objection to an officer shall be considered in closed court by the remaining officers of the court in the absence of the challenged officer, and they shall vote on the disposal of such objection, notwithstanding that objections have been made to any of those remaining officers.

(8) When an objection to an officer is allowed under sub-section (3) of section 106, that officer shall forthwith retire and take no further part in the proceedings.

(9) When an officer so retires or is not available to serve owing to any cause which the court may deem to be sufficient, and there are any officers in waiting detailed as such, the presiding officer shall appoint one of such officers to fill the vacancy and if there is no officer in waiting available, the court shall proceed as required by rule 65.

(10) The court shall satisfy itself that a waiting member who takes the place as a member of the court is of the required rank and not disqualified under the Act and shall give the accused an opportunity to object to him and shall deal with any such objection in accordance with the Act and these rules.

71. Swearing or affirming of members.— As soon as the court is constituted with the proper number of officers who are not objected to or objections in respect of whom have been overruled, an oath or affirmation shall be administered to every member in presence of the accused in one of the following forms or in such other form to the same purport as the court ascertains to be according to his religion or otherwise binding on his conscience.

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FORM OF OATH

"I, ...swear by Almighty God, that I will, well and truly, try the accused (or accused persons), before the court, according to the evidence, and that I will, duly administer justice, according to the Assam Rifles Act, without partiality, favour or affection; and I do further swear that I will not, on any account, at any time, whatsoever, disclose or discover, the vote or opinion of any particular member of this court unless required to give evidence there-of by a court of law".

FORM OF AFFIRMATION

"I, ...do solemnly, sincerely and truly, declare and affirm that I will, well and truly, try the accused (or accused persons), before the court, according to the evidence, and that I will, duly administer justice according to the Assam Rifles Act, without partiality, favour or affection; and I do further solemnly, sincerely and truly declare and affirm that I will not, on any account, at any time whatsoever, disclose or discover, the vote or opinion of any particular member of this court unless required to give evidence there-of by a court of law.

72. Swearing or affirmation of Law Officers and others.— After the members of the court are all sworn or have made affirmation, an oath or affirmation shall be administered to the following persons or such of them as are present at the court in such of the following forms as shall be appropriate, or in such other form to

the same purport as the court ascertains to be according to the religion or otherwise binding on the conscience of the person to be sworn or affirmed—

(A) LAW OFFICER:

FORM OF OATH

"I,.....swear by Almighty God that I will, to the best of my ability, carry out the duties of Law Officer, in accordance with the Assam Rifles Act and the rules made there-under without partiality, favour or affection, and I do further swear that I will not, on any account at any time whatsoever, disclose or discover the vote or opinion on any matter of any particular member of this court, unless required to give evidence thereof by a court of law".

FORM OF AFFIRMATION

"I,..... do hereby, solemnly, sincerely and truly declare and affirm that I will, to the best of my ability, carry out the duties of Law Officer, in accordance with the Assam Rifles Act and the rules made there-under without partiality, favour or affection, and I do further solemnly, sincerely and truly declare and affirm, that I will not, on any account, at any time, whatsoever, disclose or discover the vote or opinion, on any matter of any particular member of this court, unless required to give evidence thereof by a court of law".

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(B) OFFICER ATTENDING FOR THE PURPOSE OF INSTRUCTION :

FORM OF OATH

"I,..... swear by Almighty God that I will not on any account; at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court unless required to give evidence thereof by a court of law".

FORM OF AFFIRMATION

"I,..... do solemnly, sincerely and truly, declare and affirm that I will not on any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court unless required to give evidence thereof by a court of law".

(C) SHORTHAND WRITER :

FORM OF OATH

"I,..... swear by Almighty God that I will truly take down to the best of my ability, the evidence to be given before this court and such other matters as I may be required to take down and will, when required, deliver to the court a true transcript of the same".

FORM OF AFFIRMATION

"I,..... do solemnly, sincerely and truly, declare and affirm that I will truly take down to the best of my ability the evidence to be given before this court and such other matters as I may be required to take down and will, when required, deliver to the court a true transcript of the same".

(D) INTERPRETER :

FORM OF OATH

"I,..... swear by Almighty God that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court".

FORM OF AFFIRMATION

"I,..... do solemnly, sincerely and truly, declare and affirm that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court".

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73. Objection to interpreter or shorthand writer.— A person shall not be sworn or affirmed as an interpreter or shorthand writer, if he is objected to by the accused, unless the court after hearing the accused and the prosecutor, disallows such objection as being unreasonable.

74. Objection to Law Officer and prosecutor.— The accused shall not be permitted to object to the Law Officer or the prosecutor.

75. Persons to administer oaths and affirmations.— All oaths and affirmations shall be administered by the Law Officer, a member of the court, or some other person empowered by the court to administer such oath or affirmation.

SECTION - 2

PROSECUTION, DEFENCE AND SUMMING UP

76. Arraignment.— (1) When the court and the Law Officer have been sworn or affirmed, the accused shall be arraigned on the charges against him, which includes reading out the charges and asking the accused whether he pleads guilty or not guilty to the charge or charges.

(2) If there is more than one charge against the accused he shall be required to plead separately to each charge.

(3) If there is more than one charge sheet, against the accused, before the court, the court shall proceed with the charges in the first of such charge sheets and

shall announce its finding thereon and if the accused has pleaded guilty, comply with rule 93, before it arraigns him upon the charges in any subsequent charge sheet.

77. Plea to jurisdiction.— (1) The accused, before pleading to the charge, may offer a plea regarding the jurisdiction of the court; and in such a case—

(a) the accused may adduce evidence in support of the plea and the prosecutor may adduce evidence in answer thereto; and

(b) the prosecutor may address the court in answer to the plea and the accused may reply to the prosecutor's address.

(2) If the court allows the plea it shall record its decision, and the reasons for it, and report it to the convening authority and adjourn.

(3) When the court reports to the convening authority under this rule, the convening authority shall,—

(a) if it approves the decision of the court to allow the plea, dissolve the court;

(b) if it disapproves the decision of the court; either

(i) refer the matter back to the court and direct them to proceed with the trial; or

(ii) convene a fresh court to try the accused.

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78. Objection to the charge.— (1) An accused before pleading to a charge may object to it on the grounds that it is not correct in law or is not framed in accordance with these rules and if he does so, the prosecutor may address the court in answer to the objection and the accused may reply to the prosecutor's address.

(2) If the court upholds the objection, it shall either amend the charge if permissible under rule 79 or adjourn and report to the convening authority :

Provided that if there is another charge or another charge sheet before the court, the court may, before adjourning under this rule, proceed with the trial of the accused on such other charge or other charge sheet.

(3) When the court reports to the convening authority under this rule, the convening authority shall—

(a) if it approves the decision of the court to allow the objection—

(i) dissolve the court; or

(ii) where there is another charge or another charge sheet before the court to which the objection does not relate and which the court has not tried, direct the court to proceed with the trial of the accused on such other charge or charge sheet only; or

(iii) amend the charge to which the objection relates if permissible under rule 77 and direct the court to try it as amended.

(b) if it disapproves the decision of the court to allow the objection—

(i) direct the court to try the charge, or

(ii) convene a fresh court to try the accused.

79. Amendment of the charge by the court.— (1) At any time during trial, if it appears to the court that there is in the charge sheet;

(a) a mistake in the name or description of the accused; or

(b) a mistake which is attributable to a clerical error or omission, the court may amend the charge sheet so as to correct the mistake.

(2) If at any time during a trial, at which there is a Law Officer, it appears to the court, before it closes to deliberate on its findings, that it is desirable in the interests of justice to make any addition to, omission from or alteration in the charge(s) which cannot be made under sub-rule (1) of this rule, it may, if such addition, omission, or alteration can be made without unfairness to the accused, and with the concurrence of the Law Officer, so amend the charge(s).

(3) If at any time during trial, at which there is no Law Officer, it appears to the court, before it closes to deliberate on its findings, that in the interests of justice it is desirable to make any addition to, omission from or alteration in a charge which cannot be made under sub-rule (1) of this rule, it may adjourn and report its opinion to the convening authority, which may—

(a) amend the charge if permissible under rule 80 and direct the court to try it as amended after due notice of the amendment has been given to the accused; or

(b) direct the court to proceed with the trial of the charge without amending it; or

(c) convene a fresh court to try the accused.

80. Amendment of charge by convening authority.— When a court reports to the convening authority under either rule 78 or rule 79, it may amend the charge which the court has reported to it by making any addition to, omission from or alteration in the charge which, in its opinion, is desirable in the interests of justice and which it is satisfied can be made without unfairness to the accused.

81. Plea in bar of trial. - (1) An accused before pleading to a charge may offer a plea that the trial is barred under section 97 or section 98 or on the ground that—

(a) a charge in respect of the offence has been dismissed as provided in sub-rule (3) of rule 47; or

(b) the offence has been pardoned or condoned by competent superior authority.

(2) If he offers such plea—

(a) the accused may adduce evidence in support of the plea and the prosecutor may adduce evidence in answer thereto; and

(b) the prosecutor may address the court in answer to the plea and the accused may reply to the prosecutor's address.

(3) If the court allows the plea it shall record the same alongwith brief reasons in support thereof, and adjourn and report to the convening authority :

Provided that if there is another charge or another charge-sheet before the court, the court may, before adjourning under this rule, proceed with the trial of the accused on such other charge or the other charge sheet.

(4) When a court reports to the convening authority under this rule, the convening authority shall—

(a) if it approves the decision of the court to allow the plea—

(i) dissolve the court; or

(ii) where there is another charge or another charge-sheet before the court, to which the plea does not relate and which the court has not tried, may direct the court to proceed with the trial of the accused on such other charge or charge-sheet only;

(b) if it disapproves the decision of the court to allow the plea—

(i) direct the court to try the accused on the charge; or

(ii) where there is another charge or another charge-sheet before the court, to which the plea does not relate and which the court has not tried, direct the court to proceed with the trial of the accused on such other charge or charge-sheet only; or

(iii) convene a fresh court to try the accused.

82. Application for separate trial.— (1) Where two or more accused are charged jointly, any one of the accused may, before pleading to the charge, apply to the court to be tried separately on the ground that he would be prejudiced in his defence if he were not tried separately.

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(2) Where the accused makes such an application, the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(3) Where the court is of the opinion that the interests of justice so require, it shall allow the application and try separately the accused who made it.

83. Application for trial on separate charge-sheet.— (1) Where a charge-sheet contains more than one charge, the accused may, before pleading to the charges, apply to the court to be tried separately on any charge in that charge-sheet on the ground that he would be prejudiced in his defence if he were not tried separately on that charge.

(2) Where the accused makes such an application, the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(3) Where the court is of the opinion that the interests of justice so require it shall allow the application and try the accused separately on the charge to which it relates as if that charge had been inserted in a separate charge-sheet.

84. Pleading to the charge.— (1) After any plea under rules 77 and 81 and any objection under rule 78 and any applications under rules 82 and 83 have been dealt with, the accused shall be required subject to sub-rule (2) to plead either guilty or not guilty to each charge on which he is arraigned and the accused person's plea guilty or not guilty shall be recorded on each charge.

(2) Where a court is empowered by section 115 to find an accused guilty of an offence other than that charged or guilty of committing the offence in circumstances involving a less degree of punishment or where it could after hearing the evidence, make a special finding of guilty subject to exceptions or variations in accordance with rule 107, the accused may plead guilty to such other offence or to the offence charged as having been committed in circumstances involving a less degree of punishment or to the offence charged subject to such exceptions or variations.

85. Acceptance of plea of guilty.— (1) Where an accused pleads guilty to a charge under either sub-rule (1) or sub-rule (2) of rule 84, the presiding officer or Law Officer shall, before the court decides to accept the plea, explain to the accused the nature of the charge and the general effect of his plea and in particular the difference in procedure when an accused pleads guilty and when an accused pleads not guilty.

(2) Where an accused pleads guilty, such plea and the factum of compliance of sub-rule (1) of this rule, shall be recorded by the court in the following manner—

"Before recording the plea of guilty of the accused, the court explained to the accused the meaning of the charge (s) to which he had pleaded guilty and ascertained that the accused had understood the nature of the charge (s) to which he had pleaded guilty. The court also informed the accused the general effect of the plea and the difference in procedure, which will be followed consequent to the said plea. The court having satisfied itself that the accused understands the charge (s) and the effect of his plea of guilty accepts and records the same. The provisions of rule 85 (1) are thus complied with."

(3) A court shall not accept a plea of guilty under sub-rule (1) or sub-rule (2) of rule 84, if—

(a) the court is not satisfied that the accused understands the nature of the charge or the effect of his plea; or

(b) the presiding officer having regard to all the circumstances, considers that the accused should plead not guilty; or

(c) the accused is liable, if convicted, to be sentenced to death.

(4) (a) In the case of plea of guilty under rule 86, the court shall not accept the plea unless the convening authority concurs and it is satisfied of the justice of such course.

(b) The concurrence of the convening authority may be signified by the prosecutor.

(5) When a plea of guilty under either sub-rule (1) or sub-rule (2) of rule 84 is not accepted by the court or the accused either refuses to plead to the charge or does not plead to it intelligibly, the court shall record a plea of not guilty.

(6) When a court is satisfied that it can properly accept the plea of guilty under either sub-rule (1) or sub-rule (2) of rule 84, it shall record a finding of guilty in respect thereof subject to compliance of provisions of rule 88.

86. Plea on alternative charge.— (1) When an accused pleads guilty to the first of two or more alternative charges, the court, if it accepts the plea of guilty, shall record a finding of guilty in respect of the first charge and the prosecutor shall withdraw any alternative charge before the accused is arraigned on it.

(2) When an accused pleads guilty to one of two or more charges which are laid in the alternative other than the first of such charges, the court may—

(a) proceed as if the accused had pleaded not guilty to all the charges;

or

(b) (i) with the concurrence of the convening authority (which may be signified by the prosecutor) record a finding of guilty on the charge to which the accused has pleaded guilty and a finding of not guilty on any alternative charge which is placed before it in the charge sheet.

(ii) where the court records such finding, the prosecutor shall before the accused is arraigned on it withdraw any charge which is alternative to the charge of which the court has found the accused guilty and which is placed after it in the charge-sheet.

87. Order of trial where plea is guilty and not guilty.— (1) After the court has recorded a finding of guilty, if there is no other charge in the same charge sheet to which the accused has pleaded not guilty and no other accused who has pleaded not guilty to a charge in that charge sheet, it shall proceed with the trial as directed by rule 88.

(2) Where there is another charge in the charge-sheet to which the accused has pleaded not guilty (or there is another accused who has pleaded not guilty) to a charge in that charge-sheet, the court shall not comply with rule 85 until after it has dealt with such other charge or tried such other accused and has announced and recorded its finding in respect thereof.

88. Procedure on plea of guilty.— (1) When the court has recorded a plea of guilty in respect of the charge to which an accused had pleaded guilty, the prosecutor shall read the summary or abstract of evidence to the court and annex it to the proceedings or inform the court of the facts contained therein :

Provided that if an expurgated copy of the summary or abstract of evidence was sent to the presiding officer, the prosecutor shall not read to the court those parts of the summary or abstract of evidence which have been expurgated or inform the court of the facts contained in those parts, and shall not hand over the original summary or abstract of evidence to the court until the trial is concluded.

(2) After sub-rule (1) has been complied with, the accused may—

(a) adduce evidence of character and in mitigation of punishment; and

(b) address the court in mitigation of punishment.

(3) If from the statement of the accused or from the summary or abstract of evidence, or otherwise, it appear to the court that the accused did not understand

the effect of his plea of guilty, the court shall alter the record and enter a plea of not guilty and proceed with the trial accordingly.

(4) After sub-rules (2) and (3) have been complied with, the court shall proceed as directed by sub-rule (6) of rule 85 and rule 109.

89. Change of plea.— (1) An accused who has pleaded not guilty may at any time before the court closes to deliberate on its finding withdraw his plea of not guilty and enter a plea of guilty (including a plea of guilty under rule 86) and in such case the court shall, if it is satisfied that it can accept the accused's changed plea under these rules, record a finding in accordance with the accused's changed plea and so far as is necessary proceed as directed by rule 88.

(2) Where at any time during the trial it appears to the court that an accused who has pleaded guilty does not understand the effect of his plea or the nature of the charge the court shall enter a plea of not guilty and proceed with the trial accordingly.

(3) When the court records a plea of not guilty in respect of any charge under sub-rule (2) it shall, if there was a charge laid in the alternative thereto which the prosecutor withdrew under rule 86 reinstate such alternative charge, arraign the accused thereon and proceed with the trial as if it had never been withdrawn.

90. Procedure on plea of not guilty.— After a plea of not guilty to any charge has been recorded—

(a) the court shall ask the accused whether he wishes to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with and that he has been prejudiced thereby or on the ground that he has not had sufficient opportunity for preparing his defence; and shall record his answer;

(b) where the accused applies for an adjournment;

(i) the accused may adduce evidence in support of his application and the prosecutor may adduce evidence in answer thereto; and

(ii) the prosecutor may address the court in answer to the application and the accused may reply to the prosecutor's address.

(c) the court may grant an adjournment if it thinks the interests of justice so require.

91. Opening address.— (1) The prosecutor may, if he so desires, and shall, if required by the court, make an opening address explaining the charge and the nature and general effect of the evidence which he proposes to adduce.

(2) The witnesses for the prosecution shall then be called and give their evidence.

(3) If it should be necessary for the prosecutor to give evidence for the prosecution on the facts of the case, he shall give it after the delivery of his address, and he must be sworn or affirmed, as the case may be, and give his evidence and he may be cross-examined by or on behalf of the accused and afterwards may make any statement which might be made by a witness on re-examination.

92. Additional witness.— Where the prosecutor intends to adduce evidence which is not contained in the summary or abstract of evidence given to the accused, notice of such intention together with the particulars of the proposed evidence shall, when practicable, be given to the accused a reasonable time before the evidence is adduced and if such evidence is adduced without such notice or particulars having been given, the court may, if the accused so desires, either adjourn after receiving the evidence or allow any cross-examination arising out of that evidence to be postponed, and the court shall inform the accused of his right to apply for such an adjournment or postponement.

93. Dropping witnesses.— The prosecutor shall not be bound to call all the witnesses against the accused whose evidence is contained in the summary of evidence, nor a witness when he had notified the accused that he intends to call under rule 92, but if the prosecutor does not intend to call such witness to give evidence, he shall either tender him for cross-examination by the accused, or give the accused reasonable notice that he does not intend to call the witness and that so far as practicable, the accused will be allowed to communicate with him and to call him as a witness for the defence, if he so desires and if the witness is available.

94. Procedure when essential witness is absent.— If any witness whose attendance could not be reasonably procured before the assembly of the court is essential to the prosecution or defence, the court shall—

(a) take steps to procure the issue of a commission for the examination of such witness; or

(b) if it is a general or petty Assam Rifles court, adjourn and report the circumstance to the convening authority; or

(c) if it is a Summary Assam Rifles court, adjourn to enable the witness to attend, or adopt such other course as appears to the officer holding the trial best calculated to do justice.

95. Withdrawal of witnesses.— During the trial a witness other than the prosecutor or accused shall not, except by leave of the court, be in court while not under examination, and if while he is under examination a discussion arises as to whether a question is to be allowed or not with regard to his evidence, the court may direct the witness to withdraw during such discussion.

96. Examination of witnesses.— (1) A witness may be examined by the person calling him and may be cross-examined by the opposite party to the proceedings and on the conclusion of any such cross-examination, may be-re examined by the person who called him on matters arising out of the cross-examination.

(2) (a) The person examining a witness shall put his questions to the witness orally and unless an objection is made by the witness, the court, the Law Officer, the prosecutor or by the accused, the witness shall reply forthwith;

(b) where such an objection is made, the witness shall not reply until the objection has been disposed of.

(3) The court may allow the cross-examination or re examination of a witness to be postponed.

(4) Before the examination of a witness, he shall be administered an oath or affirmation in the following form or in such other form to the same purport as the court ascertains to be in accordance with his religion or otherwise binding on his conscience.

FORM OF OATH

"I.....swear by Almighty God that whatever I shall state, shall be the truth, the whole truth and nothing but the truth".

FORM OF AFFIRMATION

"I..... do solemnly, truly and sincerely declare and affirm that whatever I shall state, shall be the truth the whole truth and nothing but the truth."

97. Questions by the court.— (1) The presiding officer, the Law Officer and any member of the court through the Law Officer if there is any or the presiding officer may put questions to a witness.

(2) Upon any such question being answered, the prosecutor and the accused may put to the witness, through the court, such questions arising from the answer which he has given as seem proper to the court.

98. Reading over of evidence.— (1) (a) The record which has been made of the evidence given by a witness shall be read back to him before he leaves the court and when this is done, he may ask for the record to be corrected or explain the evidence which he has given.

(b) where any such correction is made or explanation given, the prosecutor and the accused may put such questions to the witness respecting the correction or explanation as seem proper to the court.

(2) When a short hand writer is employed it shall not be necessary to comply with sub-rule (1), if in the opinion of the court and the Law Officer it is unnecessary to do so :

Provided that if any witness so demands, sub-rule (1) shall be complied with.

99. Calling or recalling of witnesses by the court.— (1) (a) The court may at any time before it closes to deliberate on its finding or if there is a Law Officer, before he begins to sum up, call a witness or recall a witness, if in the opinion of the court it is in the interest of justice to do so;

(b) where the court calls a witness or recalls a witness under this rule, the prosecutor and the accused may put such questions to the witness as seem proper to the court.

(2) The prosecutor and the accused may, at any time before the court closes to deliberate on its finding or if there is a Law Officer before he begins to sum up, recall a witness by leave of the court and the prosecutor and the accused may put such questions to the witness as seem proper to the court.

100. Plea of no case.— (1) (a) After closure of the case for the prosecution, the accused may submit to the court in respect of any charge that the prosecution has failed to establish a *prima facie* case against him to answer and that he should not be called upon to make his defence to that charge;

(b) where the accused makes such submission, the prosecutor may address the court in answer thereto and the accused may reply to the prosecutor's address.

(2) The court shall not allow the submission unless it is satisfied that—

(a) the prosecution has not established a *prima facie* case on the charge as laid; and

(b) it is not open to it on the evidence to make a special finding under either section 115 or sub-rule (4) of rule 107.

(3) (a) Where the Court allows the submission, it shall find the accused not guilty of the charge to which it relates and the finding shall forthwith be announced in open Court as subject to confirmation.

(b) where the court disallows the submission, it shall proceed with the trial of the offence as charged.

(4) The Court may, of its own motion, after the close of the hearing of the case for the prosecution, and after hearing the prosecutor find the accused not guilty of the charge and the finding shall forthwith be announced in open court subject to confirmation.

(5) The court shall record brief reasons while arriving at the finding on the plea, in accordance with sub-rule (1) of rule 107.

101. Case for the defence.—

(1) (a) In every trial, for the purpose of enabling the accused personally to explain any circumstances appearing in evidence against him, the Court or the Law Officer—

(i) may at any stage of the trial, without previously warning the accused, put such questions to him as the Court considers necessary; and

(ii) shall for the purpose aforesaid, question him generally on the case after the witnesses for the prosecution have been examined and before he is called on for his defence;

(b) no oath or affirmation shall be administered to the accused when he is examined under clause (a).

(c) the accused shall not render himself liable to punishments by refusing to answer such questions, or by giving false answers to them.

(2) The answers given by the accused may be taken into consideration in such trial and put in evidence for or against him in any other inquiry into, or trial for, any other offence which such answers may tend to show he has committed.

(3) After the close of the case for the prosecution, the presiding officer or the Law Officer shall explain to the accused that—

(a) if he wishes, he may give evidence on oath as a witness or make a statement without being sworn or affirmed, but that he is not obliged to do either.

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(b) if he gives evidence on oath, he shall be liable to be cross examined by the prosecutor and to be questioned by the court.

(4) If the accused intends to call a witness to the facts of the case other than himself, he may make an opening address outlining the case for the defence before the evidence for the defence is given.

102. Witnesses for defence.— (1) After rule 101 has been complied with the witnesses for the defence, including witnesses as to character, shall be called to give their evidence.

(2) The provisions of rule 96, 97 and 98 shall apply to the witnesses for the defence as they apply to the evidence of witnesses for the prosecution.

103. Witnesses in reply.— After the witnesses for the defence have given their evidence, the prosecutor may, with the leave of the court call a witness or recall a witness to give evidence on any matter raised by the accused in his defence which the prosecution could not properly have mentioned to the court before the accused disclosed his defence or which the prosecution could not reasonably have foreseen.

104. Closing address.— (1) After all the evidence has been given, the prosecutor may make a closing address and the accused or his counsel or the defending officer, as the case may be, shall be entitled to reply :

Provided that where any point of law is raised by the accused, the prosecutor may with the permission of the court, make the submission with regard to that point.

(2) Where two or more accused are represented by same defending officer or counsel he may make one closing address only.

105. Summing up by Law Officer.— After the closing address, if there is a Law Officer, he shall sum up the evidence and advise the court on the law relating to the case in open court.

106. Deliberation on finding.— (1) The court shall deliberate on its finding in closed court in the presence of the Law Officer.

(2) The opinion of each member of the court as to the finding shall be given by word of mouth on each charge separately starting with the junior most in rank.

107. Record and announcement of findings.— (1) The finding on every charge upon which the accused is arraigned shall be recorded and, except as provided in these rules, shall be recorded as findings of guilty or of not guilty.

(2) After recording the findings on each charge, the court shall give brief reasons in support thereof.

(3)The Law Officer or, if there is none, the presiding officer shall record or cause to be recorded such brief reasons in the proceedings and the said record shall be signed and dated by the presiding officer and the Law Officer, if any.

(4) Where the court is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which he might under the Act legally be found guilty on the charge as laid, the court shall acquit the accused of that charge.

(5) If the court has doubts as regards any charge whether the facts proved show the accused to be guilty on the charge as laid, it may, before recording a finding on that charge, refer to the confirming authority for an opinion, setting out the facts which it finds to be proved and may if necessary adjourn for that purpose.

(6) Where the court is of opinion as regards any charge that the facts which finds to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of a finding of not guilty record a special finding.

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(7) The special finding may find the accused guilty on a charge subject to the statement of exceptions or variations specified therein.

(8) Where there are alternative charges, and the facts proved appear to the court not to constitute the offence mentioned in any of those alternative charges, the court shall record a finding of not guilty on that charge.

(9) The court shall not find the accused guilty on more than one of two or more charges laid in the alternative, even if conviction upon one charge necessarily connotes guilty upon the alternative charge or charges.

(10) If the court thinks that the facts proved constitute one of the offences stated in two or more of the alternative charges, but doubts which of those offences the facts do at law constitute, it may, before recording a finding on those charges, refer to the confirming authority for an opinion, setting out the facts which it finds to be proved and stating that it doubts whether those facts constitute in law the offence stated in such one or other of the charges and may, if necessary, adjourn for that purpose.

(11) The finding on each charge shall be announced forthwith in open court as subject to confirmation.

108. Procedure on acquittal.— If the finding on all the charges is not guilty the presiding officer shall affix his signature and date on the finding and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the Law Officer shall be at once transmitted for confirmation.

109. Procedure on conviction.— (1) If the finding on any charge is guilty, then, for the guidance of the court in determining its sentence, and of the confirming authority in considering the sentence, the court, before deliberating on the sentence, shall, whenever possible, take evidence of and record the general character, age, service, rank, any recognised acts of gallantry or distinguished conduct of the accused, any previous convictions of the accused either by Force Court or a criminal court, any previous punishments awarded to him by an officer exercising authority under sections 65, 67, 68 or 69, as the case may be; the length of time he has been under arrest, or in confinement on any previous sentence, and any decoration, or reward, of which he may be in possession or to which he is entitled.

(2) Evidence on the above matters may be given by a witness verifying a statement which contains a summary of entries in the service book respecting the accused and identifying the accused as the person referred to in that summary.

(3) The accused may cross-examine any such witness and may call witness to rebut such evidence; and if the accused so requests, the service books or a duly certified copy of the material entries therein, shall be produced and if the accused alleges that the summary is in any respect not in accordance with the service books or such certified copy, as the case may be, the court shall compare the summary with those books or copy and if it finds that it is not in accordance therewith, shall cause summary to be corrected or the objection of the accused to be recorded.

(4) When all the evidence on the above matters has been given, the accused may address the court thereon and in mitigation of punishment.

110. Sentence.— The court shall award a single sentence in respect of all the offences of which the accused is found guilty, and such sentence shall be deemed to be awarded in respect of which it can be legally given and not to be awarded in respect of which it can not be legally given.

111. Recommendation for mercy.— (1) Where the court makes a recommendation to mercy it shall give its reasons for its recommendation.

(2) The number of opinions by which the recommendation to mercy mentioned in this rule, or any question relating thereto, is adopted or rejected, may be entered in the proceedings.

112. Announcement of the sentence and signing and transmission of proceedings.— (1) The sentence together with any recommendation to mercy and the reasons for any such recommendation shall be announced forthwith in open court and the sentence will be announced as subject to confirmation.

(2) Upon the court awarding the sentence, the presiding officer shall affix his signature and date to the sentence and such signature shall authenticate the whole of the proceedings, and the proceedings upon being signed by the Law Officer, if any, shall at once be transmitted for confirmation.

CONFIRMATION AND REVISION

113. Revision.— (1) (a) Where the finding is sent back for revision under section 135, the court shall re-assemble in open court, the revision order shall be read and if the court, is directed to take fresh evidence such evidence shall be taken in open court;

(b) except where the court is directed to take fresh evidence, no fresh evidence shall be adduced;

(c) where such fresh evidence is recorded otherwise than at the instance of the accused, the accused shall be given a further opportunity to lead evidence in respect of matters brought out in such fresh evidence;

(d) the court may, on a request from the prosecutor, in the interest of justice, allow a witness to be called or re-called for the purpose of rebutting any material statement made by a witness for the defence during revision;

(e) after the evidence , if any, in accordance with clauses (a), (b), (c) and (d) above, have been taken, the prosecutor and the accused shall be given a further opportunity to address the court in respect of the fresh evidence led, in the order as laid down in rule 104;

(f) Law Officer, if any, may sum up the additional evidence and advise the court upon the law relating to the case.

(2) Where the revision of finding does not involve taking of fresh evidence, the accused shall be given an opportunity to address the court in respect of matter raised in the revision order.

(3) (a) The court shall then deliberate on its finding in closed court and if the court does not adhere to its former finding, it shall revoke the finding and sentence and record a new finding in the manner laid down in rule 107 and if such new finding involves a sentence, pass sentence afresh after complying with rule 109.

(b) where the original finding was one of not guilty, the court shall, before passing sentence comply with rules 109 and 110.

(4) (a) Where the sentence alone is sent back for revision, the revision order shall be read in open court and the accused be given an opportunity to address the court in regard to matters referred to in the revision order.

(b) the court shall then reconsider its sentence in closed court and if it does not adhere to the sentence; revoke the same and pass sentence afresh.

(5) Where the sentence alone is sent for revision the court shall not revise the finding.

(6) After the revision, the presiding officer shall date and sign the decision of the court, and the proceedings, upon being signed by the Law Officer, if any, shall at once be transmitted for confirmation.

114. Confirmation.— (1) When a confirming authority receives the record of the proceedings of a court, it shall record its decision thereon and on any sentence and any order which the court may have made under section 127 on the record of the proceedings in the form set out in Appendix-X and such record of his decision shall form part of the record of the proceedings.

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(2) When a court has accepted a plea of guilty made under rule 85 the confirming authority may confirm its finding notwithstanding that the court has accepted the plea without the concurrence of the convening authority, if, in the opinion of the confirming authority, it is in the interest of justice to do so.

(3) (a) When a court has rejected a plea to the jurisdiction of the court or a plea in bar of trial or has over-ruled an objection to a charge, it shall not be necessary for the confirming authority to approve specifically the decision of the court, but its approval shall be implied from its confirming the finding on the charge to which the plea or objection relates.

(b) where it disapproves the decision of the court to reject the plea or to over rule the objection it shall withhold confirmation of the finding on the charge to which the plea or objection relates.

(4) A confirming authority may state its reasons for withholding confirmation in any case, but if it withholds confirmation where a court has rejected a plea to the jurisdiction or plea in bar of trial or has over ruled an objection to the charges because it disapproves this decision of the court, it shall record its decision under sub-rule (1) stating the reasons for withholding its confirmation.

(5) Where the sentence of court is improperly expressed, the confirming authority may, in confirming the sentence, vary the form thereof so that it shall be properly expressed; and if the punishment awarded by the sentence is in excess of the punishment authorised by law, the confirming authority may vary the sentence so that the sentence shall not be in excess of the punishment authorised by law; and the confirming authority may confirm the finding and the sentence, as so varied, of the court.

(6) Whenever it appears that there is sufficient evidence on a plea of guilty under either sub-rule(1) or sub-rule(2) of rule 85 to justify the finding of the court, such finding and any lawful sentence consequent thereon may be confirmed and if confirmed shall be valid, notwithstanding any deviation from these rules if the accused has not been prejudiced by such deviation.

(7) The confirming authority may reserve confirmation to superior authority if so required owing to such restrictions, reservations or conditions as contained in warrant issued under section 132.

115. Mitigation of sentence during confirmation.— (1) While confirming the finding, the confirming authority may either unconditionally or subject to conditions which the accused accepts, reduce or remit a portion of the sentence or commute the punishment to one given lower in the scale of punishments in section 57.

(2) Where a sentence has been awarded by a court in respect of offences in several charges, and the confirming authority confirms the finding on some but not on all of such charges, that authority shall take into consideration the fact of such non-confirmation, and shall, if it seems just, mitigate, remit, or commute the punishment awarded as it seems just, having regard to the offences in the charges in respect of the findings which are confirmed.

(3) Where a sentence has been awarded by a court in respect of offences in several charges and has been confirmed, and any one of such charges or the finding thereon is found to be invalid, the authority having power to mitigate, remit or commute the punishment awarded by the sentence shall take into consideration the fact of such invalidity, and if it seems just, mitigate, remit or commute the punishment awarded as it seems just, having regard to the offences in the charges which with the findings thereon are not invalid, and the punishment as so modified shall be as valid as if it had been originally awarded only in respect of those offences.

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116. Promulgation.— (1) When a confirming authority has confirmed a finding and a sentence of a court or has withheld confirmation thereof, it shall send the record of the proceedings to the Commandant of the accused for promulgation to the accused of the charge, finding, and sentence and any recommendation to mercy or the fact that confirmation has been withheld, as the case may be.

(2) The fact of promulgation shall be recorded on the record of the proceedings in the form set out in Appendix-XI.

(3) Where confirmation has been withheld because the confirming authority disapproves the court's decision to reject a plea to the jurisdiction or a plea in bar of trial or to over rule an objection to the charge, the accused shall be so informed.

(4) Until promulgation has been effected, confirmation is not complete and the finding and sentence shall not be held to have been confirmed until they have been promulgated.

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CHAPTER - XI

PROCEDURE OF FORCE COURTS AND INCIDENTAL MATTERS

117. Seating of members.— The members of a court shall take their seats according to seniority.

118. Responsibility of presiding officer.— (1) The presiding officer is responsible for the trial being conducted in proper order, and in accordance with the Act, rules made there-under and in a manner befitting a court of justice.

(2) It is the duty of the presiding officer to see that the accused has a fair trial, and that he does not suffer any disadvantage in consequence of his position as a person under trial, or of his ignorance, or of his incapacity to examine or cross-examine witnesses, or otherwise.

119. Power of court over address of prosecutor and accused.— (1) It is the duty of the prosecutor to assist the court in the administration of justice, to behave impartially, to bring the whole of the transaction before the court and not to take any unfair advantage of or suppress any evidence in favour of the accused.

(2) The prosecutor may not refer to any matter not relevant to the charge or charges then before the court and it is the duty of the court to stop him from so doing and also to restrain any undue violence of language or want of fairness or moderation on the part of the prosecutor.

(3) The court shall give reasonable facilities to the accused, in making his defence; the accused must abstain from any remarks contemptuous or disrespectful towards the court, and from coarse and insulting language towards others, but he may for the purpose of his defence impeach the evidence and the motives of the witnesses and the prosecutor, and charge other persons with blame and even criminality, subject, if he does so , to any liability which he may thereby incur and the court may caution the accused as to the irrelevance of his defence, but shall not, unless in special cases, stop his defence solely on ground of such irrelevance.

120. Sitting in closed court.— (1) A court shall, where it is so directed by these rules, and may in any other case on any deliberation amongst the members, sit in closed court.

(2) No person shall be present in closed court except the members of the court, the Law Officer and any officers under instruction.

(3) For the purpose of giving effect to the foregoing provisions of this rule, the court may either retire or cause the place where it sits to be cleared of all other persons not entitled to be present.

(4) Except as here-in-before mentioned, all proceedings including the view of any place shall be in open court and in the presence of the accused subject to sub-rule (5).

(5) The court shall have the power to exclude from the court any witness who is yet to give evidence or any other person, other than the accused, who interferes with its proceedings.

121. Courts to be public.— Subject to rule 120, the place in which a court is held for the purpose of trying an offence under the Act shall be deemed to be an open court to which the public generally may have access, so far as the same can conveniently contain them :

Provided that if the court is satisfied that it is necessary or expedient in the public interest or for the ends of justice so to do, the court may at any stage of the trial of any particular case order that the public generally or any portion thereof or any particular person shall not have access to, or be or remain in, the place in which the court is held.

122. Continuity of trial and adjournment.— (1) Once the court is assembled and the accused has been arraigned, the court shall continue the trial

from day-to-day unless it appears to the court that an adjournment is necessary for the ends of justice or that such continuance is impracticable.

(2) (a) The court may from time to time adjourn its proceedings and meet at such place as may be convenient; and

(b) wherever necessary, visit the scene of occurrence.

(3) The senior officer on the spot may also, for exigencies of service, adjourn or prolong the adjournment of the court.

(4) The court, in the absence of a Law Officer (if one has been appointed for that court) shall not proceed, and shall adjourn.

(5) If the time to which an adjournment is made is not specified, the adjournment shall be until further orders from the proper Force authority, and, if the place to which an adjournment is made is not specified, the adjournment shall be to the same place or to such other as may be specified in further orders from the proper Force authority.

123. Suspension of trial.— (1) Where in consequence of anything arising while the court is sitting, the court is unable by reason of dissolution as specified in section 93 or otherwise, to continue the trial, the presiding officer or, in his absence the senior member present, shall immediately report the facts to the convening authority.

(2) Where a court is dissolved before the finding, or, in case of a finding of guilty, before award of sentence, the entire proceedings before the court shall be null and the accused may be tried before another court.

124. Proceedings on death or illness of accused.— In case of the death of the accused or of such illness of the accused as renders it impossible to continue the trial, the Court shall ascertain the fact of the death or illness by evidence and record the same and adjourn and transmit the proceedings to the convening authority.

125. Death, retirement or absence of presiding officer.— In the case of the death, retirement on challenge or unavoidable absence of the presiding officer, the next senior officer shall take the place of the presiding officer and the trial shall proceed if the court is still composed of not less than the minimum number of officers of which it is required by law to consist.

126. Presence of all members of court.— (1) All members of the court shall remain present during the trial of an accused; any member of a court who has been absent while any part of the evidence on the trial of an accused

person is taken, shall take no further part in the trial of that person, but the court will not be affected unless it is reduced below the legal minimum.

(2) Any officer shall not be added to the court after the accused has been arraigned.

127. Taking of opinions of members of court.— (1) Every member of the court must give his opinion by word of mouth on every question which the court has to decide, and must give his opinion as to the sentence not-withstanding that he has given his opinion in favour of acquittal.

(2) The opinion of the members of the court shall be taken in succession, beginning with the member lowest in seniority.

128. Procedure on incidental questions.— If any objection is raised on any matter of law, evidence or procedure, by the prosecutor or by or on behalf of the accused during the trial, the prosecutor or the accused or counsel or the defending officer, as the case may be, shall have a right to answer the same and the person raising the objection shall have a right to reply.

129. Evidence, when to be translated.— (1) When any evidence is given in a language, which any of the officers comprising the court, the Law Officer, the prosecutor, the accused or his defending officer or counsel does not understand, that evidence shall be interpreted to such officer or person in a language which he does understand and if an interpreter in such language has been appointed by the convening authority, and duly sworn or affirmed, the evidence shall be interpreted by him.

(2) If no such interpreter has been appointed and sworn or affirmed, an impartial person be sworn or affirmed by the court as interpreter.

(3) Before a person is sworn or affirmed as interpreter under this rule, the accused shall be informed of the person who is proposed to be sworn or affirmed, and may object to the person as not being impartial for any reasonable cause, and the court, if it thinks that the objection is reasonable, shall not swear or affirm that person as interpreter.

(4) When documents are produced for the purpose of formal proof, it shall be in the discretion of the court to ensure as much to be interpreted as appears necessary.

130. Record in proceedings of transactions of a court.— (1) At a court, the Law Officer or, if there is none, the presiding officer shall record or cause to be recorded in Hindi or English language all transactions of the court,

and shall be responsible for the accuracy of the record (in these rules referred to as the proceedings), and if the Law Officer is called as a witness by the accused, the presiding officer shall be responsible for the accuracy of the record in the proceedings of the evidence of the Law Officer.

(2) The evidence shall be taken down in a narrative form in, as nearly as possible, the words used and but in any case where the prosecutor, the accused, the Law Officer or the court considers it material, the question and answer shall be taken down verbatim.

(3) Where an objection has been taken to any question or to the admission of any evidence or to the procedure of the court, such objection shall, if the prosecutor or accused so requests, or the court thinks fit, be entered upon the proceedings together with the grounds of the objection and the decision of the court thereon.

(4) Where any address by, or on behalf of the prosecutor or the accused, is not in writing, it shall not be necessary to record the same in the proceedings further or otherwise than the court thinks proper, except that—

(a) the court shall in every case make such record of the defence, made by the accused as will enable the confirming authority to judge of the reply made by, or on behalf of the accused to each charge against him; and

(b) the court shall also record any particular matters in the address by or on behalf of the prosecutor or the accused which the prosecutor or the accused; as the case may be, may require.

(5) The court shall not enter in the proceedings any comment or anything not before the court, or any report or any fact not forming part of the trial, but if any such comment or report seems to the court necessary, the court may forward it to the proper authority in a separate document, signed by the presiding officer.

131. Custody and inspection of proceedings.— The proceedings shall be deemed to be in the custody of the Law Officer, or, if there is none, of the presiding officer, but may with proper precaution for their safety, be inspected by the members of the court, the prosecutor and accused, at all reasonable time before the court is closed to consider the findings.

132. Review of general or petty Assam Rifles court proceedings.— The proceedings of general Assam Rifles court and petty Assam Rifles court shall be sent by the person having the custody thereof to the Chief Law Officer or any Law

Officer nominated by him for review, who shall then forward the same to the confirming authority.

133. Defending officer, friend of accused and counsel.— (1) At any general or petty Assam Rifles court, an accused person may be represented by a counsel or by any officer subject to the Act who shall be called the defending officer or assisted by any person whose services he may be able to procure and who shall be called "the friend of the accused".

(2) The defending officer shall have the same rights and duties as applicable to a counsel under these rules and shall be under the like obligations.

(3) The 'friend of an accused' may advise the accused on all points and suggest the questions to be put to the witnesses, but he shall not examine or cross-examine the witnesses or address the Court.

134. Requirement for appearance of counsel.— (1) An accused person intending to be represented by a counsel shall give to his Commandant or to the convening officer, an earliest practicable notice of such intention, and if no sufficient notice has been given, the court may, if it thinks fit, on the application of the prosecutor, adjourn to enable him to obtain a counsel on behalf of the prosecutor at the trial.

(2) Where the convening officer so directs, counsel may appear alongwith the prosecutor, but in that case, unless the notice referred to in sub-rule(1) has been given by the accused, notice of the direction for counsel to appear shall be given to the accused at such time, but in any case not less than seven days before the trial, as would, in the opinion of the court, enable the accused to obtain counsel to assist him at the trial.

(3) The counsel, who appears before a court on behalf of the prosecutor or accused, shall have the same rights as the prosecutor or accused, for whom he appears, to call, and orally examine, cross-examine and re-examine witnesses, to put in any plea, and to inspect the proceedings, and shall have the right otherwise to act in the course of the trial in place of the person on whose behalf he appears and he shall comply with the provisions of these rules as if he were that person and in such a case that person shall have no right himself to any of the aforesaid matters except as regards the statement allowed under sub-rule (2) of rule 102 and sub-rule (4) of rule 109 or except so far as the court permits him to do so.

135. Disqualification of Law Officer.— An officer who is disqualified for sitting on a court, shall be disqualified for acting as a Law Officer at that court.

136. Substitution on death, illness or absence of Law Officer.— In the case of death or illness or any other case which makes the Law Officer unable to attend in that case, the court shall adjourn, and the presiding officer shall report accordingly to the convening officer and on receipt of the report, the convening officer may appoint another person who shall be sworn or affirmed, and act as Law Officer for the residue of the trial, or until the Law Officer and on returns, as the case may be.

137. Power and duties of Law Officer.— (1) Where a Law Officer has been named to act on the court, he shall,—

(a) give his opinion on any question of law relating to the charge or trial whenever so required by the court, prosecutor or the accused;

(b) inform the court of any irregularity or other infirmity in the proceedings;

(c) inform the convening officer and the court of any infirmity or defect in the charge or in the constitution of the court ;

(d) sum up the evidence and give his opinion on any question of law, before the Court proceeds to deliberate upon its findings.

(2) It shall be the duty of the Law Officer to ensure that the accused does not suffer any disadvantage in consequence of his position as such, or because of ignorance or incapacity to examine or cross-examine witnesses, or otherwise and for this purpose the Law Officer may, with the permission of the court, call witnesses and put questions to them which appear to him to be necessary or desirable to elicit the truth.

(3) In the discharge of his duties, the Law Officer shall maintain an attitude of strict impartiality.

(4) Where any opinion has been given by the Law Officer to the court on any matter before it, it may be entered in the proceedings, if the Law Officer or the court desires it to be entered.

(5) The Law Officer shall represent the Chief Law Officer at a Force Court.

138. Finding of insanity.— Where the court finds either that an accused, by reasons of unsoundness of mind, is incapable of making his defence, or that he 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 presiding officer or in the case of Summary Assam Rifles Court, the officer holding the trial, shall affix his signature and the date on the finding which shall

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also be signed by the Law Officer and thereupon the proceedings, shall, at once, be transmitted to the confirming authority or in the case of Summary Assam Rifles Court, to the Deputy Inspector-General or the Additional Deputy Inspector- General empowered to countersign them.

139. Preservation of proceedings.— The proceedings of every Force Court shall, after promulgation, be forwarded to the office of the Chief Law Officer and be preserved there for not less than seven years, in the case of general and petty Assam Rifles court and three years in the case of Summary Assam Rifles court, or until the sentence awarded by the court has expired, whichever is later.

140. Right of person tried to copies of proceedings.— Every Assam Rifles person tried by a Assam Rifles Court shall be entitled to obtain on demand, at anytime after the confirmation of the finding and sentence, when such confirmation is required and in case of Summary Assam Rifles Court after the same is signed by the officer holding the trial, and before the proceedings are destroyed, from the Chief Law Officer or the Court, a copy thereof within a reasonable time and free of cost, including the proceedings upon revision, if any.

141. Copy of proceedings not to be given in certain cases.— Notwithstanding anything contained in rule 140, if the Central Government is satisfied for reasons to be recorded that it is against the interest of the security of the State or friendly relations with foreign States to supply a copy of the proceedings or any part thereof under the said rule, he shall not be furnished with such a copy :

Provided that if the Central Government is satisfied that the person demanding the copy is desirous of submitting a petition in accordance with the Act or instituting any action in a court of law in relation to the finding or sentence, it shall permit inspection of the proceedings by such a person or his legal advisor, if any, on the following conditions :-

(a) the inspection shall be made at such times and such places as the Central Government or any authority authorised by it may direct; and

(b) the person allowed to inspect the proceedings shall, before such inspection, furnish -

(i) an undertaking, in writing that he shall not make copies of the proceedings or any part thereof and that the information or documents contained in such proceedings shall not be used by him for any purpose whatsoever, other than for the purpose of submitting a petition

in accordance with the Act or instituting an action in a court of law in relation to the said finding or sentence; and

(ii) a certificate that he is aware that he may render himself liable to prosecution under section 3 and 5 of the Indian Official Secrets Act, 1923 (19 of 1923) if he commits any act specified in the said sections in relation to the documents or information contained in the said proceedings.

142. Loss of proceedings.— (1) If, before confirmation, the original proceedings of a court which require confirmation or any part thereof, are lost, a copy thereof, if any, certified by the presiding officer or the Law Officer at the court, may be accepted in lieu of the original.

(2) If there is no such copy, and sufficient evidence of the charge, finding, sentence and transactions of the court can be procured, that evidence may with the assent of the accused, be accepted in lieu of the original proceedings, or parts thereof, which have been lost.

(3) In any case mentioned above in this rule, the finding and sentence may be confirmed, and shall be valid as if the original proceedings, or part thereof, had not been lost.

(4) If the accused refuses the assent referred to in sub-rule (2), he may be tried again, and the finding and sentence of the previous court of which the proceedings have been lost shall be void.

(5) If, after confirmation or in any case where confirmation is not required, the original proceedings or any part thereof are lost, and there is sufficient evidence of the charge, finding, sentence, and transactions of the court and of the confirmation (if required) of the finding and sentence, that evidence shall be a valid and sufficient record of the trial for all purposes.

143. Offences by witnesses and others.— When a court is of opinion that there is ground for inquiring into any offence specified in sections 46 and 47 and committed before it or brought to its notice in the course of its proceedings, which would, if done by a person subject to the Act, have constituted such an offence, such court may proceed as follows, that is to say—

(a) if the person who appears to have committed the offence is subject to the Act, the Court may bring his conduct to the notice of his Commandant; and may also order him to be placed in Force custody with a view to his

punishment by an officer exercising authority under sections 61, 64, 65 or 66 or his trial by a Force Court.

(b) if the person who appears to have done the act is amenable to a law relating to the Armed Force of the Union, the Court may bring his conduct to the notice of the proper authority of the concerned Armed Force, as the case may be,

(c) in other case the officer who summoned the witness to appear or the presiding officer or officer holding the court, as the case may be, may forward a written complaint to the nearest Magistrate of the first class having jurisdiction, and in the case of acts which would, if done by a person subject to this Act have constituted an offence under clause (e) of section 46 or section 47, the court, after making any preliminary inquiry that may be necessary, may send the case to the nearest Magistrate of the first class having jurisdiction for inquiry or trial in accordance with section 340 of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER - XII

SUMMARY ASSAM RIFLES COURTS

144. Proceedings.— (1) The officer holding the trial (here-in-after in this Chapter called the court), shall record, or cause to be recorded in the Hindi or English language, the transaction of every summary Assam Rifles court.

(2) The evidence shall be taken down in a narrative form in as nearly as possible the words used; but in any case where the Court considers it material, the question and answer shall be taken down verbatim.

145. Evidence when to be translated.— (1) When any evidence is given in a language which the court or the accused does not understand, that evidence shall be translated to the court or accused as the case may be in a language which it or he understands.

(2) The court shall for this purpose either appoint an interpreter, or shall itself take the oath or affirmation prescribed for the interpreter at a summary Assam Rifles court.

(3) When the documents are produced for the purpose of formal proof, it shall be in the discretion of the court to cause as much to be interpreted as appears necessary.

146. Assembly.— When the court, the interpreter and the officers and subordinate officers attending the trial are assembled, the accused shall be brought

before the court and the oath or affirmation prescribed in rule 147 shall be taken by the persons therein mentioned.

147. Swearing or affirming of court and interpreter.— The court shall take oath or affirmation in any one of the following forms or in such other form to the same purport which would, according to the religion, or otherwise, be binding on the conscience of the officer constituting the court.

FORM OF OATH

"I,.....swear by Almighty God that I will duly administer justice, according to the Assam Rifles Act without partiality, favour or affection".

FORM OF AFFIRMATION

"I,.....do solemnly, sincerely and truly declare and affirm that I will duly administer justice according to the Assam Rifles Act without partiality, favour or affection".

(2) The court, or any other person empowered by it in this behalf shall administer to the interpreter an oath or affirmation in any of the following forms, or in such other form to the same purport as the court ascertains to be according to the religion, or otherwise, binding on the conscience of the person who is to act as interpreter.

FORM OF OATH

"I,.....swear by Almighty God that I will faithfully interpret and translate as I shall be required to do, touching the matter before this court".

FORM OF AFFIRMATION

"I,.....do solemnly, sincerely and truly declare and affirm that I will faithfully interpret and translate, as I shall be required to do, touching the matter before this court".

(3) The witnesses shall, after the administration of the oath and the affirmation, withdraw from the court.

148. Swearing of court to try several accused persons.— (1) A summary Assam Rifles court may be sworn or affirmed at the same time to try any number of accused persons then present before it whether those persons are to be tried collectively or separately.

(2) In the case of several accused persons to be tried separately, the court, when sworn or affirmed, shall proceed with one case, postponing the other cases and taking them afterwards in succession.

(3) Where several accused persons are tried separately upon charges arising out of the same transaction, the court may, if it considers it to be desirable in the interests of justice, postpone consideration of any sentence to be awarded to any one or more such accused persons until the trials of all such accused persons have been completed.

149. Arraignment of accused.— (1) After the court and interpreter are sworn or affirmed as above mentioned, the accused shall be arraigned on the charges against him.

(2) The charges on which the accused is arraigned shall be read and, if necessary, translated to him and explained, and he shall be required to plead separately to each charge.

150. Objection by accused to charge.— The accused, when required to plead to any charge, may object to the charge on the ground that it does not disclose an offence under the Act, or is not in accordance with these rules.

151. Amendment of charge.— (1) At any time during the trial, if it appears to the Court that there is any mistake in the name or description of the accused in the charge sheet, it shall amend the charge sheet so as to correct that mistake.

(2) If on trial of a charge it appears to the court at any time before it has begun to examine the witnesses, that in the interest of justice in addition to, omission from or alteration in, the charge is required, it may amend such charge and may, after due notice to the accused, and with the sanction of the officer empowered to convene a petty Assam Rifles court for the trial of the accused if the amended charge requires such sanction, proceed with the trial on such amended charge.

152. Special pleas.— If a special plea to the general jurisdiction of the Court, or a plea in bar of trial is offered by the accused, the procedure laid down for general and petty Assam Rifles court when disposing of such pleas shall, so far as may be applicable be followed, but no finding by a summary Assam Rifles court on either of such pleas shall require approval or confirmation.

153. General plea of guilty or not guilty.— (1) The accused person's plea of guilty or not guilty or if he refuses to plead or does not plead intelligibly, either one or the other, a plea of not guilty shall be recorded on each charge.

(2) If an accused person pleads guilty, that plea shall be recorded as the finding of the court but before it is recorded, the court shall ascertain that the accused understands the nature of the charge to which he has pleaded guilty and shall inform him of the general effect of that plea, and in particular of the meaning of

the charge to which he has pleaded guilty, and of the difference in procedure which will be made by the plea of guilty and shall advise him to withdraw that plea if it appears from the summary or abstract of evidence or otherwise that the accused ought to plead not guilty.

(3) Where an accused pleads guilty, such plea and the factum of compliance of sub-rule (2) of this rule, shall be recorded by the court in the following manner—

"Before recording the plea of guilty of the accused, the court explained to the accused the meaning of the charge(s) to which he had pleaded guilty and ascertained that the accused had understood the nature of the charge(s) to which he had pleaded guilty. The court also informed the accused the general effect of the plea and the difference in procedure, which will be followed consequent to the said plea. The court having satisfied itself that the accused understands the charge(s) and the effect of his plea of guilty, accepts and records the same. The provisions of rule 153 (2) are thus complied with."

(4) Where an accused person pleads guilty to the first of two or more charges laid in the alternative, the court may after sub-rule (2) has been complied with and before the accused is arraigned on the alternative charge or charges, withdraw such alternative charge or charges which follows the charge to which the accused has pleaded guilty without requiring the accused to plead thereto, and a record to that effect shall be made in the proceedings of the court.

154. Procedure after plea of guilty.— (1) Upon the record of the plea of guilty, if there are other charges in the same charge sheet to which the plea is not guilty the trial shall first proceed with respect to those other charges and after the finding on those charges, shall proceed with the charges on which a plea of guilty, has been entered; but if there are alternative charges, the court may either proceed with respect to all the charges as if the accused had not pleaded guilty to any charge or may, instead of trying him, record a finding of guilty upon any one of the alternative charges to which he had pleaded guilty and finding of not guilty upon all the other alternative charges.

(2) (a) After the record of the plea of guilty on a charge (if trial does not proceed on any other charges) the court shall read the summary or abstract of evidence and annex it to the proceedings, or if there is no such record, shall take and record sufficient evidence to enable it to determine the sentence, and for the reviewing officer to know all the circumstances connected with the offence.

(b) The evidence shall be taken in like manner as is directed by these rules in the case of plea of not guilty.

(3) The accused may, after such evidence has been taken or as the case may be, the summary or abstract of evidence has been read, address the court with reference to the charge and in mitigation of punishment and may call witnesses as to his character.

(4) (a) If from the statement of the accused, or from the summary of evidence, or otherwise, it appears to the court that the accused did not understand the effect of his plea of guilty, the court shall alter the record and enter a plea of not guilty and proceed with the trial accordingly.

(b) any alternative charges withdrawn under sub-rule (1) shall be reinstated in the charge sheet and the trial shall take place as if they had never been withdrawn.

(5) If a plea of guilty is recorded on some charges and the trial proceeds with respect to other charges in the same charge sheet, the proceedings under sub-rules (2) and (3) shall take place after the finding on the other charges in the same charge sheet are recorded.

(6) When the accused states anything in mitigation of punishment which in the opinion of the court requires to be proved, and would, if proved, affect the amount of punishment, the court may permit the accused to call witnesses to prove the same.

155. Withdrawal of plea of not guilty.— The accused may, if he thinks fit at any time during the trial, withdraw his plea of not guilty and plead guilty and in such case the court shall at once, subject to compliance with sub-rule (2) of rule 153 record a plea and finding of guilty and shall, so far as is necessary, proceed in the manner directed by rule 154.

156. Procedure after plea of not guilty.— (1) After the plea of not guilty to any charge is recorded, the evidence for the prosecution will be taken.

(2) At the close of the evidence for the prosecution, the accused shall be asked if he has anything to say in his defence, and may address the court his defence, or may defer such address until he has called his witnesses.

(3) The court may question the accused on the case for the purpose of enabling him to explain any circumstances appearing in his statement or in the evidence against him and the accused shall not render himself liable to any punishment by refusing to answer such questions, or by giving answers to them which he knows not to be true.

(4) No oath shall be administered to the accused.

(5) The accused may then call his witnesses, including also witnesses to character.

(6) The provisions of rules 96, 97 and 98 shall so far as may be, apply to the evidence of witnesses at a summary Assam Rifles court as they apply to the evidence of witnesses at a general or petty Assam Rifles court.

157. Witnesses in reply to defence.— The court may, if it thinks it necessary in the interests of justice, call witnesses in reply to the defence.

158. Verdict.— The court shall after the evidence for prosecution and defence has been heard, give its opinion as to whether the accused is guilty or not guilty of the charge or charges.

159. Record of finding.— (1) The finding on every charge upon which the accused is arraigned shall be recorded, and except as mentioned in these rules, shall be recorded as a finding of guilty or of not guilty.

(2) When the court is of opinion as regards any charge that the facts proved do not disclose the offence charged or any offence of which he might under the Act legally be found guilty on the charge as laid, the court shall find the accused not guilty of that charge.

(3) When the court is of opinion as regards any charge that the facts found to be proved in evidence differ materially from the facts alleged in the statement of particulars in the charge, but are nevertheless sufficient to prove the offence stated in the charge, and that the difference is not so material as to have prejudiced the accused in his defence, it may, instead of recording a finding of not guilty, record a special finding.

(4) The special finding may find the accused guilty on a charge subject to the statement of exceptions or variations specified therein.

(5) The court shall not find the accused guilty on more than one of two or more charges laid in the alternative, even if conviction upon one charge necessarily connotes guilty upon the alternative charge or charges.

160. Procedure on acquittal.— Where the finding on each of the charges in a charge-sheet is not guilty, the court shall affix its signature and date the proceedings and the findings will be announced in open court, and the accused will be released if under arrest, in respect of these charges.

161. Procedure on finding of guilty.— (1) Where the finding on any charge is guilty the court may record of its own knowledge, or take evidence of any record,

the general character, age, service, rank, and any recognised acts of gallantry, or distinguished conduct of the accused, and previous convictions of the accused either by a Force Court, or a criminal court, any previous punishment awarded to him by an officer exercising authority under section 62, the length of time he has been under arrest or in confinement of any previous sentence, and any decoration, or reward of which he may be in possession or to which he may be entitled.

(2) Where the court does not record the matters mentioned in this rule of its own knowledge, evidence on these matters may be taken in the manner directed in rule 109 for similar evidence.

162. Sentence.— The court shall award one sentence in respect of all the offences of which the accused is found guilty.

163. Signing proceedings.— The court shall affix its signature and the date to the sentence and such signature shall authenticate the whole of the proceedings.

164. Charges in different charge-sheets.— (1) When the charges at a trial by summary Assam Rifles court are contained in different charge-sheets, the accused shall be tried on each charge-sheet separately up to and including the stage of finding.

(2) The court shall, thereafter, comply with rules 160 or 161, as the case may be.

165. Clearing the court.— (1) The officer holding the trial may clear the court to consider the evidence or to consult with the officers, and subordinate officers, attending the trial.

(2) Subject to the provisions of sub-rule (1), all the proceedings, including the view of any place, shall be in open court, and in the presence of the accused.

166. Adjournment.— (1) The court may—

(a) from time to time adjourn its proceedings and meet at such place as may be convenient; and

(b) wherever necessary, visit the scene of occurrence.

167. Friend of the accused.— During a trial at a summary Assam Rifles court, an accused may take assistance of any person, including a legal practitioner as he may consider necessary :

Provided that such person shall not examine or cross-examine witnesses or address the court.

168. Memorandum to be attached to proceedings.— Where a summary Assam Rifles court tries an offence which shall not ordinarily be tried without

reference to an authority mentioned in sub-section (2) of section 96, an explanatory memorandum shall be attached to the proceedings.

169. Promulgation.— The sentence of a summary Assam Rifles court shall be promulgated in the manner usual in the service, at the earliest opportunity after it has been pronounced and shall subject to the provisions of sub-section (2) of section 136 of the Act be carried out without delay after promulgation.

170. Review of proceedings.— The proceedings of a summary Assam Rifles court shall immediately on promulgation be forwarded through the Chief Law Officer, or a Law Officer nominated by him, to the Deputy Inspector-General or Inspector-General under whom the accused may have been serving.

171. Action by the Deputy Inspector-General or Inspector-General.— (1) Where the Deputy Inspector-General or Inspector-General to whom the proceedings of a summary Assam Rifles court have been forwarded under rule 170, is satisfied that injustice has been done to the accused by reason of any grave irregularity in the proceedings or otherwise, he may—

(a) set aside the proceedings of the court; or

(b) reduce the sentence or commute the punishment awarded to one lower in the scale of punishment given in section 57 and return it to the unit of the accused for promulgation.

(2) Where no action under sub-rule (1) has been taken he shall countersign the proceedings.

(3) The proceedings shall, after its promulgation under sub-rule (1), or counter signature under sub-rule (2), be forwarded to the Chief Law Officer for custody.

172. Rules which shall not apply to trial by summary Assam Rifles court.— The provisions of Chapters-IX and X of the rules shall not apply to trials by summary Assam Rifles court in so far as they are inconsistent with any of the provisions contained in this Chapter pertaining to summary Assam Rifles court.

CHAPTER - XIII

EXECUTION OF SENTENCE

173. Direction about sentence of imprisonment.— (1) A confirming authority or in the case of summary Assam Rifles court, the court, shall direct that the sentence of imprisonment shall be undergone by confinement either in a civil prison or in Force custody.

(2) Such direction may be varied by any superior officer.

174. Warrants.— Warrants for committing a person to a civil prison to undergo sentence of imprisonment or to get such person back into Force custody if so required, or to order the release of such a person from civil prison or any variation done by any superior officer shall be in such form as may be appropriate to each set out in Appendix-XII.

(2) Such Warrants shall be signed by the Commandant of the accused or by a staff officer on behalf of a Deputy Inspector-General, Inspector-General or the Director-General.

175. Warrants in case of sentence of death.— (1) When a person is sentenced by a Force Court to suffer death, the Commandant for the time being of such person may, if he thinks fit, by a warrant in one of the forms in Appendix-XIII, commit the said person for safe custody in a civil prison pending confirmation or carrying out of the sentence.

(2) Where a person is sentenced to death by hanging, a warrant in the form set out in Appendix-XIII shall be sent by the Director-General to the Superintendent of the Prison where facilities for carrying out such a sentence exist, after the sentence has been confirmed by the Central Government, and the accused shall be committed to the same prison by his Commandant on the appropriate warrant.

(3) Where an accused person is sentenced to death by being shot, a warrant on the appropriate form set out in Appendix-XIII shall be issued by the Director-General, to Inspector-General or Deputy Inspector-General under whom the accused may be serving, after the sentence has been confirmed by the Central Government, and the Inspector-General or the Deputy Inspector-General as the case may be, shall arrange for the execution of the sentence.

(4) No sentence of death shall be carried into effect until the death warrant has been received by the authorities specified in sub-rules (1) or (2).

(5) On receipt of the death warrant, the authorities mentioned in sub-rule (1) or (2) shall—

(a) inform the person sentenced as soon as possible of the date on which the sentence will be carried out;

(b) if the person sentenced has been committed to a civil prison under rule 175, obtain the custody of his person by issuing a warrant in one of the forms in Appendix-XIII; and

(c) proceed to carry out the sentence as required by the death warrant and in accordance with any general or special instructions which may from time to time by given by or under the authority of the Director-General.

(6) During the execution of a sentence of death passed under the Act, no person except those specified below, shall be present without the authority of the officer who issued the death warrant and the following persons shall attend the execution of the sentence of death—

(a) the authorities specified in sub-rules (1) or (2) who is responsible for the due execution of the sentence in accordance with these rules;

(b) a medical officer of the armed forces of the Union;

(c) an officer nominated by the officer who issued the death warrant, who is able to identify the person under sentence as the person described in the death warrant as the person who was tried and sentenced by the Assam Rifles Court mentioned therein;

(d) such under officers as may be detailed by the authorities mentioned in sub-rules (1) and (2) for escort and security purposes or to assist in the execution;

(e) if the execution is carried into effect in any Assam Rifles Unit, the Commandant of such unit.

(7) After the sentence of death has been carried into effect, the authorities mentioned in sub-rule (2) or the superintendent of the civil prison, as the case may be, shall complete or cause to be completed parts II and III of the death warrant, and shall, without unnecessary delay return the completed death warrant to the officer who had issued the same.

176. Changes in sentence.— Where any change is made in the sentence of a person already committed to a civil prison, such change shall be communicated to the Superintendent of the Prison to which such person has been committed by the Commandant or such other officer as is mentioned in rule 174 in the form set out in Appendix-XIV.

177. Sentence of dismissal.— (1) Sentence of dismissal shall take effect from the date of promulgation of such sentence or from any subsequent date as may be specified at the time of promulgation.

(2) A sentence of dismissal combined with imprisonment to be undergone in a civil prison shall not take effect until such person has been committed to civil prison.

CHAPTER - XIV

PETITIONS

178. Petitions against finding and sentence of court.— (1) A person subject to the Act who has been tried by a court shall be allowed to put in one petition before confirmation, to the confirming authority and one petition after confirmation to any officer mentioned in section 139.

(2) The sentence of death shall not be carried into effect until the disposal of the post confirmation petition submitted by the person sentenced within the period specified in sub-rule (2) of rule 179, and the authority legally competent to dispose of such petition finally, after considering the petition, orders that the sentence of death may be carried into effect.

(3) In the case of a summary Assam Rifles court he shall be allowed to put in one petition only to any of the officers mentioned in section 137.

179. Period of limitation.— (1) A petition, before confirmation, shall be submitted, within one month of the conclusion of the trial.

(2) A petition after confirmation shall be submitted within 3 months of the date on which the sentence was promulgated :

Provided that the time taken by such person to obtain a copy of the proceedings shall be excluded in calculating this period of 3 months.

180. Mode of submitting petitions.— (1) (a) A petition, by a person who is still a member of the Force shall be submitted through his Commandant.

(b) A petition, by a person who has ceased to be a member of the Force shall be submitted to the Commandant of the unit in which the trial was held.

(2) An officer to whom a petition is submitted or to whom a petition has been forwarded shall forward it to the next superior authority within a period of one month alongwith his recommendations :

Provided that an officer may not forward a petition if he is competent to give the redress asked for and decides to do so.

(3) An officer receiving a petition may send it to the Chief Law Officer or a Law Officer nominated by him, for advice.

CHAPTER - XV

COURTS OF INQUIRY

181. Composition.— (1) The court of inquiry may consist of two or more members one of whom shall be an officer and the persons not subject to the Act may be appointed as members when the court is to investigate matters of a specialised nature, and when officers subject to the Act with specialist qualifications are not available to be members.

(2) When the character or conduct of an officer is likely to be material in a court of inquiry, the presiding officer of the court of inquiry, wherever possible, will be senior in rank and other members at least equivalent in rank to such officer.

182. Assembly.— (1) The court of inquiry may be assembled by order of a Commandant or any officer or authority superior in command to the Commandant.

(2) The order assembling the court of inquiry shall state the composition of the court, the time and place for its assembly and clearly state the matters which the court will investigate and it will also provide for the administrative requirements of the court.

IndiaCode

183. Procedure of courts of inquiry.— (1) The proceedings of a court of inquiry shall not be open to the public and only such persons may attend the proceedings as are permitted by the court to do so.

(2) The evidence of all witnesses shall be taken on oath or affirmation and signed by them after the same has been read over and explained to them.

Explanation. The court shall administer the oath or affirmation to witnesses as if the court were a Force Court.

(3) Evidence given by witnesses shall be recorded in narrative form unless the court considers that any questions and answers may be recorded as such.

(4) The court may take into consideration any documents even though they are not formally proved.

(5) The court may ask witnesses any questions, in any form, that it considers necessary to elicit the truth and may take into consideration any evidence, whether the same is admissible under the Indian Evidence Act, 1872 (1 of 1872) or not.

(6) No counsel or legal practitioner shall be permitted to appear before a court of inquiry.

(7) Provisions of section 111 shall apply for procuring the attendance of witnesses before the court of inquiry.

(8) (i) Save in the case of a prisoner of war who is still absent whenever the subject matter of inquiry is the conduct, character or reputation of particular person, such person shall be associated throughout with the inquiry and be given full opportunity of making any statement, or giving any evidence, he may wish to make or give, and of cross-examination of any witness whose evidence, in his opinion, affects his character or reputation.

(ii) in other cases, before giving opinion against any person subject to the Act, the court shall afford that person the opportunity to know all that has been stated against him, cross-examine any witness who has given evidence against him, and make a statement and call witnesses in his defence.

(9) The court may be reassembled as often as the officer who assembled the court may direct, for the purpose of examining additional witnesses, or further examining any witness, or recording further information and in such a case the court may record fresh opinion if considered necessary after complying with the provisions of clause (ii) of sub rule (8).

184. Proceedings of court of inquiry not admissible in evidence.— The proceedings of a court of inquiry, or any confession, statement, or answer to a question made or given at a court of inquiry, shall not be admissible in evidence against a person subject to the Act, nor shall any evidence respecting the proceedings of the court be given against any such person except upon the trial of such person for willfully giving false evidence before that court :

Provided that nothing in this rule shall prevent the proceedings from being used by the prosecution or the defence for the purpose of cross-examining any witness.

185. Courts of inquiry when to be held.— (1) A court of inquiry may be held to investigate into any disciplinary matter or any other matter of importance.

(2) In addition to a court of inquiry required to be held under section 84, a court of inquiry shall be held in the following cases—

(a) (i) all unnatural deaths of persons subject to the Act or of other persons within the Force lines, an immediate report shall be sent to the officer-in-charge of the police station within whose jurisdiction such unnatural death has occurred;

(ii) in cases when such report cannot, for any reason be delivered within a reasonable time, immediately on receipt of information of an unnatural death, the Commandant or the senior most

officer of the unit present shall prepare a report on the proforma set out in Appendix-XV;

(b) all injuries sustained by persons subject to the Act which are likely to cause full or partial disability and the court shall, in such cases, determine whether such injuries were attributable to service or not;

(c) all financial irregularities, losses, theft and misappropriation of public or Force property, where it is necessary to obtain the order of a superior officer on such irregularities, loss, theft or misappropriation;

(d) all losses of secret documents and any other material of secret or above security classification and such a court of inquiry shall be ordered by an officer or authority superior to the unit Commandant having the lost document or material on its charge.

(e) all damage to private persons or property in respect of which there is likely to be a claim against the Government or the Force.

186. Action on the proceedings of a court of inquiry.— The proceedings of a court of inquiry shall be submitted by the presiding officer to the officer or authority who ordered the court and such officer or authority on receiving the proceedings may either pass final orders on the proceedings, if he is empowered to do so, or refer them to a superior authority.

187. Copies of court of inquiry proceedings.— A person subject to the Act against whom the court of inquiry has given an opinion or who is being tried by a Force Court on a charge relating to matter investigated by the court of inquiry, shall be entitled to copies of the proceedings of the court of inquiry except the findings and opinion thereon, unless the Director-General for reasons recorded by him orders otherwise.

LOSSES OR THEFT OF ARM

188. Court of inquiry when Rifles, etc, are lost or stolen.— (1) Whenever any weapon or part of a weapon, which forms part of the equipment of a company or other similar unit, and in respect of the loss or theft of which a fine may be imposed under rule 189 is lost or stolen, a court of inquiry shall be assembled, under the orders of the Director-General, Inspector-General or Deputy Inspector-General to investigate the circumstances under which the loss or theft occurred.

(2) The officer who assembled the court shall direct it to record an opinion as to the circumstances of the loss or theft.

189. Collective fines may be imposed.— (1) The Director-General, Inspector-General or Deputy Inspector-General shall then record his opinion on the circumstances of the loss or theft, and may impose for each weapon or part of a weapon lost or stolen, collective fines on the subordinate officers, under officers, and men of such unit or upon so many of them as he considers should be held responsible for the occurrence, to the maximum extent of the rates approved by the Government for such weapon or part of weapon.

(2) Such fine will be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER - XVI

MISCELLANEOUS

190. Authority prescribed for the purpose of sub-section(1) of section 13 - (1) The authority for the purpose of sub-section (1) of section 13 shall be—

(a) Director-General in respect of all personnel subject to the Act other than officers;

(b) Central Government in respect of officers.

(2) Any power conferred under this rule on any of the aforesaid officer may also be exercised by any officer superior to that officer.

191. Prescribed officer for the purpose of section 60.— The prescribed officer for the purpose of section 60 shall be the Director-General, or the Inspector-General or Deputy Inspector-General under whom the trial was held, or the Commandant of the unit in which the trial was held.

192. Extent of punishment under section 62.— (1) If the Commandant is of or above the rank of a Deputy Commandant, he may award to the full extent one or more of the punishments specified in section 62.

(2) If the Commandant is below the rank of a Deputy Commandant, he may award punishment specified—

(a) in clauses (a) and (b) of section 62, upto 14 days;

(b) in other clauses of section 62, to the full extent.

193. Prescribed officer under clause(i) of section 69 and section 71.— (1) The following shall be the prescribed officers for the purpose of sections clause (i) of section 69 and section 71-

(a) Inspector-General in case of subordinate officers, under officers and enrolled persons.

(b) Director-General in the case of officers.

(2) Any power conferred under this rule on any of the aforesaid officers may also be exercised by any officer superior to that officer.

194. Prescribed authorities under section 75.— Any authority superior to the one awarding any deductions under Chapter-VI of the Act shall be competent to remit the whole or part of the said deductions.

195. Prescribed authorities under sections 76 and 77. - The prescribed authorities under sections 76 and 77 shall be—

(a) in the case of officers, the Director-General Assam Rifles or an officer specified by him; and

(b) in all other cases, the Commandant, training battalion, training centre, or the unit to which the prisoner of war or missing personnel belonged, or any superior authorities.

196. Prescribed officer under sub-section (i) of section 85.— The prescribed officer for the purpose of sub-section (1) of section 85 shall be the Inspector-General, Deputy Inspector-General, Range or Commandant of a training institution.

197. Prescribed officer under section 118.— The prescribed officer for the purposes of sub-section (1) of section 118 shall be the Inspector-General, Deputy Inspector-General or Commandant of the unit to which the person appears to have belonged or alleges that he belongs or had belonged.

EXECUTION OF SENTENCE

198. Prescribed manner of custody and prescribed officer under sections 121 and 122.— (1) The prescribed officer for the purpose of section 122 shall be—

(a) in case of trial by summary Assam Rifles court, the Commandant of the unit to which the accused person belongs, or any authority superior to such Commandant;

(b) in the case of trial by any other court, the convening officer or any authority superior to him.

(2) When the officer who proposed to act as a prescribed officer under sub-rule (1) is under the command of the officer who has taken action in the case under sub-section (4) of section 121, he shall ordinarily obtain the approval of such officer before he acts but if he is of opinion that service exigencies, or the necessities of discipline, render it impossible or inexpedient to obtain such approval, he may act

without obtaining such approval, but shall report his action and the reasons thereof to such officer.

(3) For the purpose of sub-section (4) of section 121 the accused shall be confined in such manner as may, in the opinion of the proper Force authority, be best calculated to keep him securely without unnecessary harshness, as he is not to be considered as a criminal but as a person labouring under a disease.

199. Prescribed officer under section 140.— The prescribed officer for the purpose of section 140 shall be the Additional Director-General, Inspector-General, Deputy Inspector-General Range or training institution, in respect of proceedings confirmed by him or by a person under his command.

200. Prescribed officer under section 143.— The prescribed officer under sub-section (1) of section 143, for the purposes of directing whether the sentence shall be carried out by confinement in a civil prison, in the case of a sentence which has been confirmed, shall be any higher authority than the confirming officer, and in the case of a sentence which does not require confirmation, shall be any higher authority to the officer holding the trial.

201. Prescribed officer under section 150.— The prescribed officer for the purpose of section 150, as regards persons undergoing sentence in a civil prison or any other place, shall be the Director-General or the Inspector-General or Deputy Inspector-General Range, with in the area of whose command, the prisoner subject to such punishment may for the time being be.

202. Authorised deductions.— The following deductions may be made from the pay and all other emoluments payable to a person subject to the Act, namely—

(a) upon the general or special order of the Central Government, any sum required to meet any public claim there may be against him;

(b) any sum required to meet compulsory contributions to any provident fund, welfare fund or any other fund approved by the Central Government or to meet any debt that may be due from him towards any Force institutions such as messes, canteens and the like.

Explanation. (i) public claim means any public debt or disallowance including over issue, or a deficiency or irregular expenditure of public money or store of which, after due investigation, no explanation satisfactory to the Central Government, is given by the person who is responsible for the same.

(ii) the aforesaid deductions shall be in addition to those specified in the Act.

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203. Repeal and savings.— (1) All rules and orders relating to the matters covered by these rules shall stand repealed in so far as they are inconsistent with any of the provisions of these rules.

(2) Notwithstanding such repeal any thing done or any action taken under the provisions of the rules or orders so repealed shall, in so far as such thing or action is not inconsistent with the provisions of these rules, be deemed to have been done or taken under the provisions of these rules as if the said provisions were in force when such thing was done or such action was taken and shall continue in force accordingly until superseded by anything done or any action taken under these rules.

204. Transitory provision.— Any rule or order applicable to the Force on commencement of these rules shall, unless repugnant to these rules, continue to apply unless and until abrogated or modified by the Central Government or any other competent authority.

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PART-I

APPENDIX-I

(See rule 15)

(Assam Rifles recruiting form)

Blood Group……..General No……..

Battalion……

1. Name ……..2. Religion……

3. Caste/Tribe*…….. 4. Father's name……

*(In case of Scheduled Castes and Tribes only).

5. Heir…….

6. Date of Birth by Christian Era……..

(As nearly as can be ascertained).

7. Height ……cms 8. Chest……cms

9. Identification Marks……

10. Residence, Village……Thana……

District……State……

11. Character and antecedents verified by……..

……

12. Occupation prior to enlistment……..

13. Educational qualifications, if any……

14. Date of enrolment……..

15. Enrolled as……

Photograph

Date of Photograph…….

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FORM OF ENROLMENT

Enrolment of

No.....Name (In Block Letters)..... as a.....in Assam Rifles.

Part –I

(Question to be put before enrolment)

You are warned that if after enrolment, it is found that you have given a wilfully false answer to any of the first twelve of the following questions you will be liable to be punished as provided in Assam Rifles Act, 2006. (47 of 2006).

(ALL THE ANSWERS ARE TO BE WRITTEN IN BLOCK LETTERS)

Question

1. What is your Name?
   (Underline Surname)

2. (a) What is your place of birth?
   State Village/Town, District
   and State of Birth

   (b) What is your date of birth?

   (State in Christian era)

N.B.— to support the date of birth the person being enrolled will be required to produce in original, together with an attested copy, one of the certificates specified in Government orders from time to time.

3. What is your permanent Home address?

   (a) Village/Town
   (b) Thana
   (c) Pargana/Tehsil
   (d) District/Taluka
   (e) State

4. (a) What is your religion?
   (b) Are you a member of a Scheduled Caste or Scheduled Tribe?
   If so state Caste or Tribe?

5. (a) Are you a citizen of India? If so,
   whether by birth or descent or registration
   or naturalisation or otherwise?

   (b) Are you a subject of Nepal or Bhutan? If so, state
   of which of the two?

   (c) If you are not a citizen of India
   or a subject of Nepal or Bhutan,

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what is your Nationality?

N.B.— In the case of foreign nationals other than subjects of Nepal or Bhutan, consent of the Central Government signified in writing, if any, should be produced before a person is enrolled.

(d) Have you migrated from areas now in Pakistan? If so, State the date of your migration.

6. What are your educational qualifications? (Original Certificates, with one attested copy of each, are to be produced)

7. Are you married?*
If so State
(i) Date of marriage(s)
(ii) Name (s) of wife/wives.
(iii) Nationality of wife/wives.
*(This does not include widower/divorced).

8. (a) What is your father's name and address? If dead, state last address District and State.

(b) What is or was the nationality of your father? If he is or was an Indian Citizen, state whether by birth, descent, registration, naturalisation or otherwise.

9. Are you or have you ever been a member of a party or organisation or a political, communal or cultural nature? If so, state the name of the party or organisation with the period/periods of your membership therein.

10 (a) Are you in Government Service or have you been a Government servant? If so, state full particulars and the reason for discharge and confirm that you were never dismissed from any Government service.

(b) Are you in receipt of any allowance from the Government? If so, on what account?

11. (a) Do you now belong to any of the Armed Forces of India, the Reserves of any of the three services, the Auxiliary Air Force, the Territorial Army, any Police Force in India or the Nepal State Army or any of the Forces of a Foreign Country?

(b) Have you ever served in any of the Armed Forces in India, the Reserves of any of the three Services, the auxiliary Air Force, the Territorial Army, or any Police Force in India or Nepal State Army or any of the Forces of a Foreign Country? If so, state in which and the cause of discharge. If you have served in more than one of the above named forces, or if you have served the same Force in two or more distinct periods,

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state the cause of discharge separately in each case.
(c) Do you desire your former service in the Indian Armed Force or any Police Force to count for the purpose of calculation of Pay and/or Pension, if admissible? If so, do you agree to recovery being effected of any gratuity you may have received for your former services in not more than thirty six monthly instalments from your pay commencing from the date of this enrolment and undertake to refund to the Government through such recoveries or otherwise the above gratuity in full within thirty six months of the date of your present enrolment?

12. Have you ever been arrested, prosecuted, imprisoned, bound over, interned, externed or otherwise dealt with under any law in force in India or outside? If so, state particulars.

13. Are you willing to be inoculated or re inoculated and vaccinated?

14. Are you willing to be enrolled as a combatant in the Assam Rifles?

15. Are you willing to go wherever ordered by land, sea or air and not to allow any caste or social usages to interfere with the duties for which you are enrolled?

16. Are you willing to serve in the Assam Rifles until discharged, in accordance with the conditions of service as specified in Part-II of this form of enrolment?

17. Do you have any objections to take the following or to make the following affirmation at the time of your attestation?

FORM OF OATH

I, ...do swear in the name of God that I will bear true faith and allegiance to the Constitution of India as by law established and that I will, as in duty bound, honestly and faithfully serve in the Assam Rifles, and go wherever ordered, by air, land or sea and that I will observe and obey all commands of the President of the Union of India and the commands of any officer set over me even to the peril of my life.

FORM OF AFFIRMATION

I,.....do solemnly, sincerely and truly declare and affirm that I will bear true faith and allegiance to the Constitution of India by law established and that I will as in duty bound, honestly and faithfully serve in the Assam Rifles and go wherever ordered by air, land or sea and that I will observe and obey all commands of the President of the Union of India and the commands of any officer set over me even to the peril of my life.

CERTIFICATE

I,.....do solemnly declare that the answers furnished by me above are true.

Place.....

(_____)*

Date..... Signature of the person enrolled

Left thumb impression of the person enrolled taken in the presence of the enrolling officer.

----------Signature
----------Name of witness
----------Address

----

*Name in Block Letters

indiacode

Part –II

CONDITIONS OF SERVICE

*1. On enrolment, you shall be subject to the Assam Rifles Act, 2006 and the rules made there under.

*2. You are liable to be discharged during the first two years of the service if you are not likely to become an efficient member of the Force.

*3. You will also be liable to be discharged if the Central Government decides to disband the Force or a portion of it.

CERTIFICATE BY THE PERSON TO BE ENROLLED

I have understood the above conditions and agree to abide by them.

( )
Signature of the person enrolled

Place.....
Date.....

The above conditions have been read/explained to the person being enrolled by me.

Place.....
Date.....

( )
Signature of the Enrolling Officer

Part –III

HEALTH CERTIFICATE

1. I do hereby certify that I have examined_____-candidate for employment in the Assam Rifles. He fulfils medical standards laid down for the Assam Rifles and I cannot discover that he has any disease, constitutional affliction or bodily infirmity. His age according to his own statement is.....years and by appearance is.....years.

Height.....cms
Chest (a) Maximum.....cms
(b) Minimum.....cms

Signature of the Medical Officer
Designation

Place.....

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Date.....

APPENDIX – II

(See rule – 41)

FORM OF DELAY REPORT

CONFIDENTIAL

No._____Rank_____Name_____
Unit address_____
Date _____

To _____
(Convening Officer)

Subject: - 1st (2nd), (3rd), (4th), etc. etc., eight-day delay report pursuant to AR Act section 81 and AR rule 41.

1. No._____ Rank _____ Name _____

2. Offence _____

3. Date of offence _____

4. Date offence was discovered _____

5. Date of (open/close) arrest _____

6. Date of release to open arrest/release _____ without prejudice to re-arrest
(If not released, reasons) _____

7. Summary of Evidence recorded on _____

(if not recorded, reasons) _____

8. Application for trial made on _____

9. Date due to be tried _____

10. Reason for delay _____

(Commandant)

Copy to:-

1. Inspector General (in case of the 8th and subsequent reports).
2. Chief Law Officer, DGAR (in case of the 8th and subsequent reports).
3. Director General (Special report in case the accused is under close arrest for more than 3 months without a trial).

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APPENDIX – III

Form of representation by person under arrest

[See rule – 42 (2)]

Sl No	Date	Name of the accused	Name of the officer or subordinate officer to whom request or representation made.	Particulars of the request or representation	Order of the Comman-dant	Signature with date of the officer or subordinate officer who conveys the orders of the Commandant to the accused	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

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APPENDIX–IV

[See rules 46 and 54(3)]

(*TENTATIVE) CHARGE SHEET

The accused, No.....(if applicable) Rank .....
Name.....battalion or unit.....
is charged with :-

DISOBEYING THE LAWFUL COMMAND OF HIS SUPERIOR OFFICER

A R Act
Sec 28 (2)

in that he,

at .....on....., disobeyed the lawful command of his superior officer, Rank.....Name.....
of the same battalion, to turn out for Commandant's parade, by not turning out.

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Place.....
Date..... (Commandant)
__ xx _____battalion

** (To be tried by a general or petty Assam Rifles court)

Place.....
Date..... Inspector-General or Dy Inspector-General

* The word 'Tentative' to be included only in cases of hearing of charge under AR rule 47, and not to be included for charge sheets under AR rule 54 (3) which is prepared for trial by Assam Rifles courts and summary trials of officers, subordinate officers and warrant officers.

** These entries are to be made in charge sheet specified in AR rule 54 (3) when sanction is accorded for the trial of grave offences as provided under AR Act section 96 (2).

APPENDIX – V

(FORM OF HEARING OF THE CHARGE)

(See rule – 47)

Appendix _____

This form is to be filled by the Commandant at the time of hearing of a charge against a person subject to the Assam Rifles Act, 2006.

RECORD OF PROCEEDINGS BEFORE COMMANDANT
UNDER ASSAM RIFLES RULE 47

In the case of No._____Rank _____ Name _____of ____ unit (parent unit), attached to _____(Unit to which attached), vide _____(quote authority).

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PROCEEDINGS

1. The charge (s) against the accused has/have been read out, explained to him and attached as Annexure I.

or

2. Calling and hearing of witness, in terms of AR rule 47 (1), have been dispensed with, since provisions of AR rule 183 (8) have been complied with at the Court of Inquiry, in respect of the accused.

Signature of accused

Date _____

(Note: Where the Commandant dispenses with the calling and hearing of witnesses, in terms of Assam Rifles rule 47 (1), columns 4 to 6 of the Appendix, being inapplicable, may be scored out. The Commandant will pass appropriate orders in column 7 of the Appendix).

3. Hearing of the charge (s) commenced on _____(Date) at _____ hrs.

4. The following prosecution witnesses were heard by me, in the presence of the accused who was given full liberty to cross-examine each of them—

Date (s) on which the witness was heard orally by Commandant	Personal particulars of prosecution witness (es)	Description of documentary evidence produced, if any	Whether accused cross-examined the witness or declined to cross-examine (only state 'yes' or 'declined' before each witness, as applicable)
(1)	(2)	(3)	(4)

5. The accused was informed by me that he was at liberty to make any statement and call any witness in defence. A brief of the statement made by the accused is attached as Annexure-II to this form.

or

The accused declines to make a statement.

6. The following defence witnesses were heard/no witnesses were produced by the accused—

Date (s)	Personal particulars of witnesses in defence	Description of documentary evidence, if any, produced

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7. On conclusion of the hearing of the charge(s) or after going through the whole of evidence in the court of inquiry and the statement of the accused, I have given the following orders—

Date of order	Order

8. The above proceedings under Assam Rifles rule 47(1) were held by me in the presence of the following independent witnesses: -

(a)

(b)

Signature

(Name :)

Place :

Commandant

Dated :

Unit:

Note.☐ Strike out inapplicable portion.

Instructions

(a) It is the personal responsibility of the Commandant of the accused to fill this form in every disciplinary case dealt with by him including a summary trial under Assam Rifles Act, 2006.

(b) Except as provided in proviso to Assam Rifles rule 47 (1) hearing of prosecution witness (es) is mandatory with due opportunity of cross-examination to the accused notwithstanding his pleading guilty or accepting his complicity/guilt in any manner. Even in a case where prima facie case is made out by documentary evidence, it is a legal necessity to examine the prosecution witness (es), may be he/they produce only the relevant documents. The particulars of such witness (es) MUST be recorded in column 4 of this form.

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(c) At the close of hearing, orders of the Commandant will be conveyed to the accused in para 7 as also recorded in Annexure-I to this form. Said orders may be recorded as follows—"evidence to be reduced to writing", or "to be tried summarily" or "I hereby dismiss the charge" etc.

(d) This form, together with the original charge (s) or accusation (s) bearing the orders of the Commandant will invariably accompany the application for trial.

(e) In the case of a trial by summary Assam Rifles court, it will be ensured that the form is attached with the proceedings while submitting the same to the Chief Law Officer for review.

(f) Similarly, in the case of summary trial of officers, subordinate officers, warrant officers and under officers, this form will be attached to the summary trial proceedings while forwarding the same for review by superior authority.

(g) A court of inquiry, except as provided by proviso to Assam Rifles rule 47 (1), cannot be used for the purpose of preliminary hearing of the charge.

(h) The words, "and the statement of the accused", appearing in para 7 should be deleted where there is no such statement.

APPENDIX – VI

[See rule 47(2) and (4)]

Form for use at summary proceedings of under officers and other enrolled persons under section 62 of the Assam Rifles Act.

*OFFENCE REPORT _____

Company _____

Serial No._____

For week ending _____

Last report submitted on _____

Charge against No._____ Rank _____ Name _____

Place and date of offence	Offence	Plea	Name of witnesses	Findings	Punishment awarded	Signature, rank and designation of the officer by whom awarded and date of award	Date of entry in conduct sheet.	Remarks
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

Signature of Commandant
of the battalion

Instructions

Col. 1 In cases of absence without leave or desertion the date of offence will be the first day of absence.

Col.2 The section and sub-section of the Assam Rifles Act under which the charge is preferred will be inserted above the statement of offence.

Col.3 An officer cannot deal summarily with a case in which he is the sole prosecution witness.

Col.4 Must be completed strictly in accordance with the heading.

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Note: - 1. *Offence report shall be as per the tentative charge sheet on which hearing of charge will invariably be conducted.

2. This will be prepared in duplicate. A copy alongwith a précis or abstract of evidence where made shall be sent to the Deputy Inspector-General.

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APPENDIX – VII

(See rule 52)

FORM OF APPLICATION FOR A FORCE COURT

Battalion or unit

Station Dated.....

Application for a Force Court

Sir,

I have the honour to submit charge(s) against No.....Rank..... Name..... of the ..... unit, under my command, and request you to accord or obtain sanction, of .....that a Force Court may be assembled for his trial at .....

The case was investigated by (a).....

A court of inquiry was held on (b).....date.....

at.....(station).

Presiding officer.....Rank, Name and unit.

Members.....

The accused is now at..... His general character is .....(c). I enclose the following documents (d).

1. Charge sheet (.....copies) (e).
2. Summary of evidence (original) and 5 copies.
3. Original exhibits.
4. List of witnesses for the prosecution and defence (with their present address).
5. List of exhibits.
6. Correspondence.
7. Statement as to character and the conduct sheet of the accused.
8. Statement by accused as to whether or not he desires to have an officer assigned by the convening officer to represent him at the trial (rule 60).

Signature of Commandant

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Instructions

(a) Here insert name of .....

(i) Officer who investigated the charges.

(ii) Company or equivalent Commander or Commandant who made preliminary hearing into the case (rule 47).

(iii) Officer who made the record of summary of evidence (rule 49).

(b) To be filled in if there has been a court of inquiry respecting any matters connected with the charges; otherwise to be struck out [rule 64 (c)].

(c) To be filled in by the Commandant, personally.

(d) Any item not applicable to be struck out.

(e) 3,4,5, 6, 7 and 8 to be returned to the Commandant of the unit of the accused with the notice of trial.

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APPENDIX – VIII

(See rule 53(3))

FORM 1

Form for use at summary trials of officers, subordinate officers and warrant officers under sections 64 to 66 of the Assam Rifles Act.

ACCUSED.....
NO, RANK AND NAME.....
UNIT.....

When the authority dealing summarily with the case decides (with the written consent of the accused) to dispense with the attendance of witnesses.

Questions to the accused –

1. Have you received a copy of the charge-sheet and summary of evidence? ANSWER.....

2. Have you had sufficient time to prepare your defence?

ANSWER.....

The charge-sheet is read.

3. Are you guilty or not guilty of the charge(s) against you which you heard read? ANSWER.....
The summary of evidence is read aloud or the authority dealing summarily with the case informs the accused that he has already perused it.

4. Do you wish to make a statement? ANSWER.....
If the accused desires to make a statement, he should do so now.

If at the conclusion of the hearing, the authority dealing summarily with the case considers that the charge should not be dismissed, he is to examine the accused's record of service or conduct sheet.

If the authority dealing summarily with the case proposes to award punishment other than a reprimand, severe reprimand, or penal deductions, in the case of an officer, a subordinate officer or a warrant officer, he shall put the following questions to the accused:-

5. Do you elect to be tried by an Assam Rifles court or will you accept my award?

ANSWER.....

FINDING.....
AWARD.....
STATION
DATE Signed.....

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Note 1.— The oral statement of the accused made in answer to question 4 will be either recorded or a gist thereof prepared and attached.

Note 2.— After disposal of a charge, the proceedings alongwith relevant documents shall be forwarded for review in accordance with rule 53 (3) to (5)

FORM 2

Form for use at summary trials of officers, subordinate officers and warrant officers under sections 64 to 66 of the Assam Rifles Act.

ACCUSED.....
RANK AND NAME.....
UNIT.....

When the authority dealing summarily with the case does not decide to dispense with the attendance of witnesses or when the accused requires their attendance.

Questions to the accused—

1. Have you received a copy of the charge-sheet and summary of evidence? ANSWER.....

2. Have you had sufficient time to prepare your defence? ANSWER.....

The charge-sheet is read.

3. Are you guilty or not guilty of the charge (s) against you which you heard read? ANSWER.....

The witnesses give their evidence, accused being permitted to cross-examine.

4. Do you wish to make a statement? ANSWER.....

5. Do you desire to call any witnesses? ANSWER.....

The accused makes a statement and his witnesses give evidence.

If at the conclusion of the hearing, the authority dealing summarily with the case considers that the charge should not be dismissed, he is to examine the accused's record of service or conduct sheet.

If the authority dealing summarily with the case proposes to award a punishment other than a reprimand, severe reprimand or penal deductions, in the case of an officer, a Subordinate Officer or a Warrant Officer, he shall put the following question to the accused:-

6. Do you elect to be tried by an Assam Rifles Court or will you accept my award?

ANSWER.....

FINDING.....
AWARD.....
STATION:
DATE: Signed.....

Note 1.— The oral statement of the accused made in answer to question 4 will be either recorded or a gist thereof prepared and attached.

Note 2.— After disposal of a charge, the proceedings alongwith relevant documents shall be forwarded for review in accordance with rule 53 (3) to (5)

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APPENDIX – IX

(See rule 67(3))

FORM TO CONVENE FORCE COURT

Form of order for the assembly of a general or petty Assam Rifles court under the Assam Rifles Act, 2006.

Orders by.....

(Place.....date.....)

No.....

Rank.....

Name.....

Unit .....

The details of officers as mentioned below will assemble at ..... on the ..... day of ..... for purpose of trying by a ..... Force Court, the accused person (persons) named in the margin (and such other person or persons as may be brought before them).*

The senior officer to sit as presiding officer

MEMBERS

.....

.....

.....

.....

.....

WAITING MEMBERS

.....

.....

.....

LAW OFFICER

.....is appointed Law Officer.

INTERPRETER

.....is appointed interpreter.

PROSECUTOR

.....is appointed prosecutor.

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@ The accused will be warned, and all witnesses duly required to attend.

The proceedings (of which only three copies are required) will be forwarded through the Chief Law Officer to .....

Signed this ..... day of .....20—...

#

( )

Convening officer

* Any opinion of the convening officer with respect to the composition of the court (see rule 66) should be added here, thus:-

"In the opinion of the convening officer it is not practicable to appoint officers of different battalions or units".

"In the opinion of the convening officer, officers of equal or superior rank to the accused are not available, having due regard to the exigencies of public service".

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@ Add here any order regarding counsel. [See rule 67(g)].

The convening order must be signed by the convening officer personally. The date of the convening order must not be prior to the date on which the order for trial was endorsed by the convening officer on the charge sheet.

APPENDIX – X

[See rule 114 (1)]

[Order of disposal of property regarding which offence is committed]

In exercise of the powers conferred on me by section 127 of the Assam Rifles Act, 2006, I.....hereby order that ..... be delivered or paid to ..... (be confiscated or destroyed).

Signature

(Confirming authority)

Date.....

Place.....

APPENDIX – XI

[See rule 116 (2)]

[Form for promulgation of finding and sentence of Force Court]

The finding(s) and sentence of the general or petty Assam Rifles court held at ..... (place) from.....day of.....to .....day of..... for the trial of the accused (particulars)..... were promulgated to the accused by me at .....(place) on .....day of ..... 20.

Extracts for battalion or unit records have been taken or *No record has been kept of the finding(s).

Signature

(Commandant)

Date.....

Place.....

* To be used in case of acquittal on all charges.

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APPENDIX –XII

(See rule 174)

WARRANTS UNDER SECTIONS 143 AND 147 OF THE

ASSAM RIFLES ACT, 2006

FORM A

Warrant of commitment for use when a prisoner is sentenced to imprisonment for life (section 143)

To

The Superintendent
of the (a).....Prison.

Whereas at a general Assam Rifles court, held at.....on the ..... day of ..... 20 .(No.....Rank..... Name.....Unit.....) was convicted of (the offence to be briefly stated here, as " desertion on active duty", "correspondence with the enemy" or as the case may be).

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And whereas the said general Assam Rifles court on the .....day of ..... 20 ., passed the following sentence upon the said (Name.....) that is to say.....

(Sentence to be entered in full, but without signature).

And whereas the said sentence had been duly confirmed by (b) .....as required by law (c).

This is to require and authorise you to receive the said (Name.....) into your custody in the said prison as by law is required, together with this warrant, until he shall be delivered over by you with the said warrant to the proper authority and custody for the purpose of undergoing the aforesaid sentence of imprisonment for life. The aforesaid sentence has effect from the (d).

The period spent by (Name)..... in civil custody/Force custody during the investigation, inquiry or trial of the same case is (e)..... and the said period (e)..... shall be set off against the aforesaid sentence of imprisonment.

Given under my hand at .....this the ..... day of .....20 .....

Signature (f)

(a) Enter name of civil prison.

(b) Name and description of confirming authority.

(c) Add if necessary "with a remission of .....".

(d) Enter date on which the original sentence was signed.

(e) Enter the exact period (years, months and days) spent in civil/Force custody during investigation, inquiry or trial in the same case.

(f) Signature of Commandant of the prisoner or other prescribed officer.

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FORM B

Warrants of commitment for use when a prisoner is sentenced to imprisonment which is to be undergone in a civil prison (section 143)

To

The Superintendent
of the (a)..... Prison.

Whereas at a (b).....Force Court held at .....
on the .....day of .....20 .
(No.....Rank.....Name.....Unit.....
.....) was duly convicted of .....(the offence to be briefly stated here as 'desertion', 'theft', 'receiving stolen goods', 'fraud' , 'disobedience of lawful command' or as the case may be).

And whereas the said (b).....Force Court on the .....day of ....., 20 . , passed the following sentence upon the said (Name.....) that is to say.....

(Sentence to be entered in full, but without signature).

And whereas the said sentence (c)..has been duly confirmed by (d)..... as required by law (e) or is by law valid without confirmation.

This is to required and authorise you to receive the said (Name.....) into your custody together with the warrant and there carry the aforesaid sentence of imprisonment into execution according to law. The sentence has effect from the (f).....

The period spent by (Name)..... in civil custody or Force custody during the investigation, inquiry or trial of the same case is (g)..... and the said period (g)..... shall be set off against the aforesaid sentence of imprisonment.

Given under my hand at ..... this the ..... day of ..... 20.

Signature (h)

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(a) Enter name of civil prison.

(b) General, petty or summary.

(c) Strike out inapplicable words.

(d) Name and description of confirming authority.

(e) Add if necessary "with a remission of .....".

(f) Enter date on which the original sentence was signed.

(g) Enter the exact period (years, months and days) spent in civil or Force custody during investigation, inquiry or trial in the same case.

(h) Signature of Commandant of the prisoner or other prescribed officer.

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FORM C

Warrant for use when a sentence of imprisonment for life is reduced by superior authority to one of a shorter period (section 147).

To

The Superintendent
of the (a)..... Prison.

Whereas (No.....Rank.....Name..... of the .....unit is confined in the (a).....prison under a warrant issued by (b) in pursuance of a sentence of (c).....passed upon him by a general Assam Rifles court held at .....on..... and whereas (d)..... has, in the exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence; that is to say :-

(e).....
.....

This is to require and authorise you to keep the said (name)..... in your custody together with this warrant in the said prison as by law is required until he shall be delivered over by you with the said warrant to the proper authority and custody, for the purpose of his undergoing the punishment of imprisonment for life under the said order. And this is further to require and authorise you to return to me the original warrant of commitment in lieu where of this warrant is issued.

* The period of such imprisonment will reckon from the (f).

The period spent by (Name)..... in civil custody or Force custody during the investigation, inquiry or trial of the same case is (g)..... and the said period (g)..... shall be set off against the aforesaid sentence of imprisonment.

Given under my hand at .....this the.....day of .....20 .

Signature (h)

(a) Enter name of civil prison.

(b) Enter name or designation of officer who signed original warrant.

(c) Enter original sentence (if this was reduced by the confirming officer or other superior authority, the sentence should be entered thus— "Life Imprisonment reduced by confirming officer to 10 years").

(d) Name and designation of authority varying the sentence.

(e) Order to be set out in full.

(f) Enter date on which original sentence was signed.

(g) Enter the exact period (years, months and days) spent in civil or Force custody during investigation, inquiry or trial in the same case.

(h) Signature of prescribed officer.

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FORM D

Warrant for use when prisoner is to be delivered into

Force custody

To

The Superintendent

of the (a)..... Prison.

Whereas (No.....Rank.....Name..... of the .....unit is confined in the (a).....prison under a warrant issued by (b) in pursuance of a sentence of (c).....passed upon him by a (d)..... Force Court held at .....on..... and whereas(e)..... has, in the exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence; that is to say :-

(f).....

This is to require and authorize you to deliver forthwith the said (name) in your custody to the officer or subordinate officer bringing this warrant.

Given under my hand at ..... this the .....day

of.....20 .

Signature (g)

(a) Enter name of civil prison.

(b) Enter name or designation of officer who signed original warrant.

(c) Enter original sentence (if this was reduced by the confirming officer or other superior authority the sentence should be entered thus :- "2 years rigorous imprisonment reduced by confirming officer to 1 year rigorous imprisonment").

(d) General, petty or summary.

(e) Name and designation of authority issuing the order.

(f) Order to be set out in full.

(g) Signature of prescribed officer.

APPENDIX –XIII

[See rule 175(1)]

FORM E

Warrant committing to civil prison custody

a person sentenced to death

To

The Superintendent

of the (a)…….. Prison.

Whereas a general Assam Rifles court held at……on the…….. day of ……..20 , (No……Rank…… Name……..) of the ……..unit was convicted of ……(Offence to be briefly stated).

And whereas the said general Assam Rifles court on the…….. day of ……20 , passed sentence of death on the said NAME—

This is to require and authorise you to receive and hold the said (Name) ……into your custody in the said prison as by law required, together with this warrant, until such time as a further warrant in respect of the said (Name) …….. shall be issued to you.

Given under my hand at……this the……day of...20 .

Signature (b)

(a) Enter name of civil prison.

(b) Signature of the Commandant.

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FORM F

Warrant of execution of sentence of death in civil prison

PART - I

To

The Superintendent

of the (a)..... Prison.

Whereas No..... Rank ..... Name ..... of ..... (unit) having been sentenced to suffer death on the ..... day of ..... 20..... by a General Assam Rifles Court held at .....(b), has been by a warrant issued by(c) ..... committed to your custody;

AND whereas, the said sentence having been confirmed by the Central Government, a copy of the order of the Central Government certifying the confirmation of the sentence of death being annexed hereto;

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This is to authorise and require you to carry out the said sentence into execution by causing the said..... (Name) TO BE HANGED BY THE NECK UNTIL HE BE DEAD AT (d) ..... and to return this warrant to (e)..... with an endorsement certifying that the sentence has been executed.

Given under my hand at..... this... day of .....20 .

Signature (f)

(a) Enter name of civil prison.

(b) Enter the place of trial.

(c) Enter name and designation of officer who signed the original warrant.

(d) Time, date and place of execution.

(e) Director-General, Assam Rifles.

(f) Signature of the Director-General.

PART - II

Return of warrant

The above sentence passed on (No)..... (Rank)..... (Name)..... was carried into effect at (d) ..... hours on the ..... day of.....

Signature

Superintendent of Prison.

IndiaCode

FORM G

Warrant to obtain person sentenced to death from civil custody in order to carry out such sentence

To

The Superintendent

of the (a)…….. Prison.

Whereas, No……Rank……Name……of the …… unit having been sentenced to suffer death on the ……day of……..20 , by a general Assam Rifles court held at…… is held in the said prison under a warrant issued by (b).

And whereas, the said sentence having been duly confirmed by (c)……as by Law required, an order to carry out the said sentence has been issued to me (d)……..(Name & Rank)…….

This is to require and authorize you to deliver forthwith said (Name)…… to the officer or subordinate officer under officer bringing this warrant.

Given under my hand at…… this… day of ……..20 .

Signature (e)

(a) Enter name of civil prison.

(b) Enter name or designation of officer who signed original warrant.

(c) Name and description of confirming authority.

(d) Name and designation of the officer to whom the order is issued.

(e) Signature of the officer by whom the warrant is issued.

FORM H

Warrant to carry out sentence of death by Assam Rifles authorities

PART – I

To

The Inspector-General or Deputy Inspector-General

.....

Whereas, No ..... Rank..... Name..... of the .....battalion or unit having been sentenced to suffer death on the ..... day of .....20... by a general Assam Rifles court held at ..... (a), is held in the (b) prison under a warrant issued by (c),

AND WHEREAS, the said sentence, having been confirmed by the Central Government, a copy of the order of the confirming authority certifying the confirmation of the sentence being annexed hereto, this is to authorise and require you to carry the said sentence into execution by causing the said ....(person) to be shot to death at (d)..... and to return this warrant to (e) with an endorsement certifying that the sentence has been executed.

Given under my hand at.....this the.....day of..... 20 .

Signature (f)

PART – II

Return of warrant

The above sentence passed on (Number) _____(Rank)_____(Name)_____was carried into effect at (d)_____hours on the _____day of _____20.

Signature (g)

PART – III

CERTIFICATE OF MEDICAL OFFICER

I, _____ (Number, Rank, Name) hereby certify that I have examined the body of Number _____Rank_____Name_____upon whom the sentence of death was carried into effect at (d) _____and that on such examination I found that the said person was dead.

Signed at (Place)_____this the _____day of _____20 .

Signature
(Rank and Unit)
Medical Officer of Armed Forces of the Union

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(a) Enter the place of trial.

(b) Enter the name of the prison.

(c) Enter name and designation of officer who signed the original warrant.

(d) Time, date and place of execution.

(e) Officer by whom the warrant is issued.

(f) Signature of the officer by whom the warrant is issued.

(g) Signature of the officer executing the sentence.

APPENDIX–XIV

(See rule 176)

FORM I

Warrant for use when the sentence of a person under sentence of death and committed to custody in a civil prison is commuted to a sentence of imprisonment for life.

To

The Superintendent of the

(a).....Prison

Whereas No.....Rank.....Name..... of the unit is held in the (a).....prison under a warrant issued by (b).....in pursuance of a sentence of death passed upon him by general Assam Rifles court held at..... on.....and whereas (c).....has, in exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence; that is to say (d).....

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This is to require and authorise you to keep the said (Name.....) in your custody together with this warrant in the said prison as by law is required until he shall be delivered over by you with the said warrant to the proper authority and custody for the purpose of his undergoing the punishment of imprisonment for life, under the said order. And this is further to require and authorise you to return to me the original warrant of commitment in lieu whereof this warrant is issued. The period of such imprisonment for life will reckon from the (e).....

Given under my hand at .....this the .....day of.....20 .

Signature (f)

(a) Enter name of civil prison.

(b) Enter name or designation of the officer who signed original warrant.

(c) Name and designation of authority commuting the sentence.

(d) Order to be set out in full.

(e) Enter date on which original sentence was signed.

(f) Signature of Commandant.

FORM J

Warrant for use when the sentence of a person under sentence of death and committed to custody in a civil prison is commuted to a sentence of imprisonment to be served in the same prison.

To

The Superintendent of the (a).....Prison.

Whereas (No.....Rank.....Name.....) of the .....unit is held in the (a) ...prison under a warrant issued by (b)..... in pursuance of a sentence of death passed upon him by a general Assam Rifles court held at..... on....., and whereas (c)..... has in exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence, that is to say :- (d).....

This is to require and authorise you to keep the said (Name)..... in your custody together with this warrant, and there to carry into execution the punishment of imprisonment under the said order according to law.

And this is further to require and authorise you to return to me the original warrant of commitment in lieu where-of this warrant is issued. The period of such imprisonment will reckon from the (e).....

The period spent by (Name)..... in civil custody or Force custody during the investigation, inquiry or trial of the same case is (f)..... and the said period (f)..... shall be set off against the aforesaid sentence of imprisonment for life.

Given under my hand at .....this the .....day of.....20 .

Signature (g)

(a) Enter name of civil prison.

(b) Enter name or designation of the officer who signed original warrant.

(c) Name and designation of authority commuting the sentence.

(d) Order to be set out in full.

(e) Enter date on which original sentence was signed.

(f) Enter the exact period (years, months and days) spent in civil or Force custody during investigation, inquiry or trial in the same case.

(g) Signature of Commandant.

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FORM K

Warrant for use when a person who, after having been sentenced to death, has been committed to custody in a civil prison, is to be delivered into Force custody for a purpose other than carrying out the sentence of death.

To

The Superintendent of the (a).....Prison.

Whereas (No.....Rank.....Name.....) of the .....Unit is held in the (a).....Prison under a Warrant issued by (b)..... in pursuance of a sentence of death passed upon him by a General Assam Rifles Court held at..... on....., and whereas (c)..... has in exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence; that is to say (d).....

This is to require and authorise you to forthwith deliver the said (name)..... to the officer/subordinate officer or under officer bringing this warrant.

Given under my hand at .....this the .....day of.....20 .

Signature (e)

(a) Enter name of civil prison.

(b) Enter name or designation of the officer who signed original warrant.

(c) Name and designation of authority issuing order.

(d) Order to be set out in full.

(e) Signature of Commandant.

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FORM L

Warrant for use when a prisoner is pardoned or his trial set aside, or when the whole sentence or the unexpired portion is remitted (section 147).

To

The Superintendent

of the (a).....Prison.

Whereas, (No.....Rank.....Name.....) of the .....unit is confined in the (a)... prison under a warrant issued by (b).....in pursuance of a sentence of (c).....passed upon him by a (d).... Assam Rifles court held at..... on....., and whereas (e)..... has in exercise of the powers conferred upon him by the Assam Rifles Act, passed the following order regarding the aforesaid sentence; that is to say (f).....

This is to require and authorise you to forthwith discharge the said (Name)..... from your custody unless he is liable to be detained for some other cause, and for your so discharging him this shall be your sufficient warrant.

Given under my hand at .....this the .....day of.....20 .

Signature (g)

(a) Enter name of civil prison.

(b) Enter name or designation of the officer who signed original warrant.

(c) Enter original sentence (if this was reduced by the confirming officer or other superior authority, the sentence should be entered thus: '2 years rigorous imprisonment reduced by confirming officer to 1 year').

(d) General, petty and (or) summary.

(e) Name and designation of authority pardoning prisoner, mitigating sentence or setting aside trial.

(f) Order to be set out in full.

(g) Signature of prescribed officer.

APPENDIX –XV

[See rule 185 (2) (a)]

REPORT ON UNNATURAL DEATH

1. Place of death, or the place where dead body was found (give details).

2. Date and time at which information of death was received.

3. Name and description of two or more persons who identify the dead body.

4. Name and particulars of the deceased and his status.

5. Condition of clothes worn by deceased.

Note: - In case, examination by Doctor is awaited, above details should be collected without removing the clothes etc. of the deceased. The other details should be completed after the Doctor's examination.

6. Condition of limbs, eyes and mouth.

7. Expression of face.

8. Marks of struggle on the dead body if any, injuries and abrasions should be recorded showing their size and location.

Note— Depth of injury should be recorded but injuries should not be touched. If examination by Doctor is awaited the above information should be recorded after his examination.

9. Whether blood is fluid or coagulated. The place from which it came out and its quantity.

10. By which means, weapon or instrument, the injury or marks of struggle appear to have been caused?

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11. Was any rope tied around the neck or is there any marks of it being tied by anything?

12. Was the rope or any other thing used to strangle or hang dead body, was it strong enough to sustain the weight and whether its other end was tied to anything?

13. Was any external article like grass etc. sticking to hairs or held in his hands or sticking to any other part of the body?

14. Is the dead body that of a strong and well built man or is it that of a weak or old man?

15. Is the dead body strong or weak or is it in decomposed state?

16. Length of the dead body from head to feet.

17. Identification marks and location and appearance of the wound.

18. Apparent cause of death.

19. Is there any rumour or other circumstances showing that it is a case of suicide?

Details of articles found on the dead body or lying near it.

20. Those found on the dead body (a slip will be affixed on each article which will be stamped).

21. Those found lying near the dead body (a slip duly stamped will be affixed on each article).

Description of seal

22. Map of the place where the dead body was found.

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Brief history of the case.

Signature of two or more respectable witnesses of the locality in whose presence investigation was carried out.

Place ----------

Signature of the officer investigating the case

Name

Date----------

Rank ----------

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PART - II

(SPECIMENS OF FORCE COURTS PROCEEDINGS)

(Specimen - 1)

FORM OF PROCEEDINGS FOR GENERAL AND PETTY ASSAM RIFLES COURTS UNDER THE ASSAM RIFLES ACT, 2006

A

Proceedings of a general Assam Rifles court held at _____ on the _____ day of _____ by order of _____ Inspector-General or Deputy Inspector-General Assam Rifles _____ dated the _____ day of _____.

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Presiding officer

No. _____ Rank. _____ Name _____ Unit _____

Members

No. _____ Rank. _____ Name _____ Unit _____

No. _____ Rank. _____ Name _____ Unit _____

No. _____ Rank. _____ Name _____ Unit _____

No. _____ Rank. _____ Name _____ Unit _____

Law Officer

No. _____ Rank. _____ Name _____ Unit_____

Interpreter

No. _____ Rank. _____ Name _____ Unit_____

Trial of No. _____ Rank. _____ Name _____ Unit _____(attached to__unit)

The order convening the court, the charge sheet and the summary of evidence are laid before the court.

The court satisfies itself that No._____Rank_____Name _____ Unit_____is not available to serve owing to (insert reasons) _____.

No._____Rank_____Name_____ Unit_____, Waiting member takes his place as a member of the court.

The court satisfies itself as provided by Assam Rifles rule 68.

Note.— Before satisfying that the court has satisfied itself as provided by Assam Rifles rule 68, the presiding officer will, in every case where a court of inquiry has been held respecting a matter upon which a charge against the accused is founded, insert an asterisk after the words "Assam Rifles rule 68" and sign a footnote at the bottom of the first page of the proceedings, to the following effect:-

"I have satisfied myself that none of the officers detailed as members of this court has previously served upon any court of inquiry respecting the matters forming the subject of the charge (charges) before this court."

Place:

Date : (Signature of presiding officer)

The accused is brought before the court.

Prosecutor _____(legal qualification to be stated)

Prosecution counsel (if any) Name..... (qualification).....advocate...(court in which practicing)

Defending officer (legal qualification to be stated)

Defence counsel, if any, Name....(qualification).....advocate...(court in which practicing).

At_____hrs the trial commences.

The order convening the court is read and is marked _____ signed by the Law Officer (presiding officer) and attached to the proceedings. The names of the presiding officer and members of the court are read over in the hearing of the accused, and they severally answer to their names.

$ Q-1 Do you object to be tried by me as presiding officer, or any of the officers whose names you have heard/read over?

A-1 _____.

Q-2 What is your objection to ..... (the junior most officer objected to)?
The accused in support of his objection to ..... requests permission to call .....etc. No. _____ Rank _____ Name _____ is called into court, and is questioned by accused.

The member (objected to) in reply states.

The court is closed to consider the objection in the absence of (the challenged officer).
The court decides to disallow/allow the objection.

The court is re-opened and the accused is again brought before it. The above decision is announced in the open court.
@ Waiting Member ..... takes his place as a member of the court.

@ (This only applies in the case of there being a waiting member of the court).

The court satisfies itself that No..... Rank ..... Name ..... Unit ..... is eligible and not disqualified to serve on this court.
Q-3 Do you object to be tried by ..... (the waiting member)?
A-3 _____

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(If he objects, the objection will be dealt with in the same manner as the former objection.)

Note— * All printed matter not applicable to the particular court being held should be struck out and initialled by the officer responsible for the record (rule 130).

All questions and answers will be numbered serially through-out the proceedings.

$ This question will be asked by the presiding officer to the accused (rule 70).

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B (Fresh page)

The presiding officer, members and Law Officer are duly sworn or affirmed.

Q-4 Do you object to Shri (or No. ____Rank ___Name _____Unit ____) as interpreter?

A-4 _____

No._____Rank_____Name_____

Unit_____ is duly sworn or affirmed as interpreter.

Q-5 Do you object to Shri____(or No. ____Rank ___Name _____Unit ____) as shorthand writer?

A-5_____

No._____ Rank_____ Name_____

Unit_____ is duly sworn or affirmed as shorthand writer.

@CHARGE SHEET

B-2 The charge sheet is signed by the Law Officer (presiding officer) marked B-2 and annexed to the proceedings. The accused is arraigned upon each charge in the above mentioned charge sheet.

Q-6 Are you guilty or not guilty of the (first) charge against you, which you have heard or read?

A-6_____

Q-7 Are you guilty or not guilty of the second charge against you, which you have heard or read?

A-7_____

Note: - 1. If the accused pleads guilty to the charge (s), the provisions of Assam Rifles rule 85 are to be complied with.

2. If the trial proceeds on more than one charge sheet, the trial on each charge sheet, from arraignment to finding, will be kept separate and distinct.

3. If the trial proceeds upon any charge to which there is a plea of not guilty the court will not proceed upon the record of plea of guilty until after the finding on that other charge [rule-87 (2)].

VARIATIONS

OBJECTION TO CHARGE (Assam Rifles rule 78)

The accused objects to the charge on the ground that (set out).

(Instructions.—Provisions of Assam Rifles rule 128 will be followed on all such incidental matters as shown below.)

The prosecutor answers (set out).

The accused (or defending officer) replies (set out).

The court is closed to consider its decision.

The court decides to disallow the objection (or the court decides to allow the objection and agrees to report to the convening authority).

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The court being re opened, the accused is again brought before it and the above decision is announced in the open court.

The court proceeds with the trial (or adjourns).

AMENDMENT TO CHARGE (Assam Rifles rules 79/80)

The court, being satisfied that the name (or description) of the accused is ..... and not as stated in the charge sheet, amend the charge sheet accordingly.

The court, before any witnesses are examined, considers that, in the interest of justice, the following addition to (or omission from or alteration in) the charge is required (set out), and adjourns to report its opinion to the convening authority.

PLEA TO THE JURISDICTION (Assam Rifles rule 77)

The accused pleads to the general jurisdiction of the court on the ground that (set out).

Q-8 Do you wish to produce any evidence in support of your plea? (Set out)

Witness is examined on oath (or affirmation). (Set out)

(Instructions.— The examination, etc, of the witnesses called by the accused and of any witness called by the prosecutor in reply, will proceed as directed below in the case of witnesses to the facts of the trial. Provisions of Assam Rifles rule 128 will be complied with.)

The prosecutor answers (set out).

The accused (or defending officer) replies (set out).

The court is closed to consider its decision.

The court (a) decides to overrule the plea and to proceed with the trial;

or

(b) decides to allow the plea and to report to the convening authority and adjourn;

The court is re opened, the accused is brought before it and the above decision is announced in open court.

The court proceeds with the trial (or adjourns).

PLEA IN BAR OF TRIAL (Assam Rifles rule 81)

Accused besides the plea of guilty (or, not guilty) offers a plea in bar of trial on the ground that (set out).

Q-9 Do you wish to produce evidence in support of your plea?

(Set out)

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(Instructions.— The examination, etc, of the witnesses called by the accused, and of any witness called by the prosecutor in reply, will proceed as directed below in the case of witnesses to the facts of the trial. Provisions of Assam Rifles rule 128 will be complied with.)

The prosecutor answers (set out).

The accused (or defending officer) replies (set out).

The court is closed to consider its decision.

The court decides to allow the plea and resolve to adjourn and report to the convening officer (or to proceed with the trial on another charge, or the court decides to overrule the plea).

The court is re opened, the accused is brought before it and the above decision is announced in the open court, as being subject to the approval of the convening officer.

The court adjourns (or proceeds with the trial on another charge) (or proceeds with the trial).

REFUSAL TO PLEAD [Rule 85 (5)]

As the accused does not plead intelligibly (or refuses to plead) to the above charge, the court enters a plea of not guilty

---

The accused having pleaded guilty to the ..... charge the provisions of Assam Rifles rule 84 are here complied with.

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@ C (Fresh page)

PROCEEDINGS ON PLEA OF NOT GUILTY

Q-10 (*rule 90) *Do you wish to apply for an adjournment on the ground that any of the rules relating to procedure before trial have not been complied with and that you have been prejudiced thereby or on the ground that you have not had sufficient opportunity for preparing your defence?

A-10 _____

(Instruction.— In case of request for an adjournment the accused's statement together with the decision of the court is to be recorded).

The prosecutor hands in a written opening address which is read, marked "_____" signed by the Law Officer (presiding officer) and attached to the proceedings.

The prosecutor proceeds to call witnesses.

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First witness for prosecution

PW-1 No._____Rank_____Name_____ Unit_____ being duly sworn or affirmed is examined by the prosecutor (or prosecution counsel).

Cross examined by the accused (or defending officer or defence counsel)

Re examined by the prosecutor (or prosecution counsel)

Questioned by the court

Notes:

1. At the end of each witness's evidence, provisions of Assam Rifles rule 98 will be complied with and a record made.
2. In case the presiding officer, Law Officer or a member address any question to the witness, Assam Rifles rule 97 should be complied with and the fact recorded.
3. For form of oath or affirmation see Assam Rifles rule 96 (4).

VARIATIONS

POSTPONEMENT OF CROSS- EXAMINATION (Assam Rifles rule 96)

The court, at the request of the accused, allows the cross examination of the witness to be postponed.

OBJECTIONS TO EVIDENCE OR PROCEDURE
(Assam Rifles rule 128)

The accused (or counsel or defending officer, or the prosecutor) objects to the following question on the ground that (set out).

The prosecutor (or counsel or defending officer, or accused, as the case may be) answers that (set out).

The accused (or counsel or defending officer or the prosecutor) in reply states that (set out).

The court is closed to consider its decision.

The court decides to over rule (allow) the objection.

The court is re opened, the accused is brought before it and the above decision is announced in open court.

The court proceeds with the trial.

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EXPLANATION OR CORRECTION OF EVIDENCE

(Assam Rifles rule 98)

The witness, on his evidence being read to him, makes the following explanation or correction (set out).

Examined by the prosecutor as to the above explanation or correction.

Examined by (or on behalf of) the accused as to the above explanation or correction.

The prosecutor and accused (or counsel or defending officer) decline to examine him respecting the above explanation or correction.

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PW-2 Second witness for prosecution.

.....*being duly sworn (or affirmed) is examined by the prosecutor. (The examination, etc., of this and every other witness proceeds as in the case of the first witness).

---

*Here insert his No, Rank, Name, unit and appointment or any other description.

VARIATIONS

ADJOURNMENT

At ..... hrs, on..... the court adjourn until ..... hrs. on .....

At ..... hrs, on ..... the court re assemble, pursuant to the adjournment; present the same members and the Law Officer as on .....

[Instructions.—(1) If upon re-assembly a member is absent and his absence will reduce the court below the legal minimum and, it appears to the members present that the absent member cannot attend within a reasonable time, the presiding officer or senior member present will thereupon report the case to the convening authority (Assam Rifles rule 123).

(2) If the Law Officer is absent, and cannot attend within a reasonable time, the court will adjourn and the presiding officer will thereupon report the case to the convening authority (Assam Rifles rule 136)].

ABSENCE OF MEMBER

(No.....Rank.....Name ..... unit .....) being absent, a medical certificate (or letter, or as the case may be) is produced, read marked ..... and attached to the proceedings.

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The court adjourns until.....

or

There being present .....(not less than the legal minimum) members, the trial is proceeded with.

Examination (cross-examination) of ..... continued.

@ D (Fresh page)

The prosecution is closed.

DEFENCE

QUESTIONS TO THE ACCUSED

[Rule 101 (1)]

The Law Officer (presiding officer) reads and explains the provisions of Assam Rifles rule 101. Having ascertained that the accused understands the provisions read over to him, the court (Law Officer) proceed -(s) to ask the following questions.

Q-11 It has been stated in the evidence of _____that _____. Do you wish to say anything about the same?

A-11 _____

Q-12

A-12 _____

Q-13

A-13 _____

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Instructions to the court

1. The accused must be questioned only to afford an opportunity of offering an explanation, if he so wishes, where absence of such explanation, would affect him adversely.

2. Questions put to him should be such as will enable him to explain any circumstances appearing against him, which if unexplained, may lead to conviction.

3. Questions must not be put to the accused in order to supplement the case for the prosecution.

4. Questions to the accused and his answers will be recorded verbatim as far as possible.

[Rule-101 (3)]

Q-14 Do you intend to give evidence on oath as a witness or make a statement without being sworn?

A-14 _____

*The accused in his defence says ..... or hands in a written address which is read, marked ..... signed by the Law Officer (presiding officer) and attached to the proceedings or the accused declines to make any statement.

Note: - *In case the accused wishes to give evidence on oath, he will be examined as any other witness.

[Rule-101 (4)]

Q-15 Do you intend to call any witness in your defence?

A-15 _____

Q-16 Is he a witness to character only?

A-16 _____

Instructions to the court

When the answers to the above questions have been recorded, the court shall comply with the provisions of Assam Rifles rule 101.

The evidence of the witnesses for the defence (including witnesses as to character) will be taken after the questions, if any, to the accused have been addressed.

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@ D2 (Fresh page)

The accused (counsel or defending officer) makes an opening address, or hands in a written opening address which is read, marked..... signed by the Law Officer (presiding officer) and attached to the proceedings.

The accused calls the following witness* (as to character).

* DW-I

First witness for the defence (as to character)*

Shri No...Rank...Name....unit... _____ being duly sworn (or affirmed), is examined by the accused (or by counsel or defending officer).

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Note.☐ At the end of each witness's evidence, provisions of Assam Rifles rules 97 and 98 as applicable will be complied with and the fact recorded.

*If witnesses are called excepting as to character, these words are to be struck out.

RECALLING WITNESS

(Assam Rifles rule 99)

(1) At the request of the prosecutor (or the accused) ..... is recalled and examined on his former oath or affirmation through the presiding officer (or Law Officer) and states as follows—

(set out).

or

(2) The prosecutor with leave of the court, calls (or recalls) ..... for the purpose of rebutting material statement made by a witness for the defence. The witness being duly sworn (or affirmed) is (or on his former oath or affirmation) being examined by the prosecutor states as follows—

(Set out with any cross-examination, re examination etc) or

(3) The prosecutor calls (or recalls) ..... In reply to the witness (es) as to character called by the accused. The witness being duly sworn (or affirmed) is (or on his former oath/affirmation) being examined by the prosecutor states as follows -

(Set out any cross-examination, re-examination etc.) or

(4) The court in accordance with Assam Rifles rule 99 calls (or recalls) _____ who being duly sworn (or affirmed), (or his former oath/affirmation) states in reply to the questions by presiding officer (or Law Officer) as follows—

(set out)

[Instructions.— In (1), (2) and (3) witnesses must be called or recalled before the closing address of or on behalf of the accused. In (4) witnesses may be called or recalled by the court at any time before the finding. In this case the accused or counsel or defending officer and the prosecutor should be given the opportunity of asking further question through the court.]

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(ADJOURNMENT TO PREPARE ADDRESSES, ETC)

The court, at the request of the accused (counsel or defending officer) adjourn until ..... to enable him to prepare his address.

The court at the request of the prosecutor adjourn until ..... to enable him to prepare his reply.

The court at the request of Law Officer adjourn until ..... to enable him to prepare his summing up.

The prosecutor makes the following reply (or hands in a written reply) which is read (orally translated) marked ..... signed by the presiding officer (or Law Officer) and attached to the proceedings.

The accused (counsel or defending officer) makes the following closing address (or hands in a written closing address) which is read (orally translated) marked..... signed by the presiding officer (or Law Officer) and attached to the proceedings.

SUMMING UP

The Law Officer hands in a written summing up which is read (orally translated) marked..... signed by the presiding officer and attached to the proceedings.

Note.□1. All addresses by prosecutor, accused, counsel, or defending officer, whether recorded by the court or handed in writing (and written summing up by Law Officer) will be attached to the proceedings in the order in which they are made. Written addresses (and summing up) will be read to the court, marked and signed by the presiding officer (Law Officer except summing up).

2. If any person who is entitled to make an address, declines to do so, a record will be made to that effect.

3. For order of addresses see Assam Rifles rule 104 and 105.

IndiaCode

@ CC (Fresh page)

PROCEEDINGS ON PLEA OF GUILTY

*(The court having been re-opened, the accused is again brought before it, and the charge(s) to which the accused pleaded guilty is or are read to him again).

---

* to be struck out in case no plea of not guilty has been proceeded with.

The accused No_____ Rank_____Name _____ unit _____ is found guilty of the charge (all the charges) or is found guilty of the _____ charge and not guilty of the _____ charge.

ANNOUNCEMENT OF FINDING(S)

The finding (s) is or are read in open court and is or are announced as being subject to confirmation.

IndiaCode

** The summary of evidence is read, marked _____signed by the Law Officer (presiding officer) and attached to the proceedings.

** If there is no summary of evidence, the court shall record sufficient evidence to enable it to determine the sentence.

Q-17 Do you wish to make any statement in mitigation of punishment?

A-17 The accused, in mitigation of punishment, says (or hands in a written statement which is read, marked _____ signed by the Law Officer (presiding officer) and attached to the proceedings.

(Instructions.— If counsel or defending officer addresses the court on behalf of the accused the material portions of his address should be recorded.)

VARIATIONS

ALTERATION OF PLEA (Assam Rifles rule 89)

#. The court being satisfied from the statement of the accused or summary of evidence or otherwise that the accused did not understand the effect of the plea of guilty, alters the same and enters a plea of not guilty.

#.Instructions.— (1) To be struck out if not applicable [rule 89 (2)].

(2) The court will then proceed in respect of the charge as on a plea of not guilty.

IndiaCode

@ DD (Fresh page)

WITNESSES FOR DEFENCE ON PLEA OF GUILTY

The court permits the accused to call witnesses to prove his above statement that (set out the statement which is to be proved).

(Instructions.—The examination, etc, of witnesses called in pursuance of this permission will proceed in the same manner as on a plea of not guilty.)

Q-18 Do you wish to call any witness as to character?

A-18 _____

Q-19 Do you wish to call any witness in mitigation of punishment?

A-19 _____

IndiaCode

Evidence as to character and or in mitigation of punishment.

Shri No...Rank...Name...unit... being duly sworn or affirmed is examined by the accused or by counsel or defending officer.

Note:- At the end of each witness's evidence, provisions of Assam Rifles rules 97 and 98, as applicable, be complied with and the fact recorded.

@ E (Fresh page)

*FINDING(S)

The court is closed for the consideration of the finding.

---

* to be omitted except in case of a plea of not guilty having been proceeded with.

---

(1) Acquittal on all charges.

The court find that the accused (No._____Rank_____ Name _____ unit _____) is not guilty of the charge (or, of all the charges).

IndiaCode

ANNOUNCEMENT OF FINDING(S)

The court being reopened the accused is again brought before it. The finding (s) is or are read in open court, and is/are announced as being subject to confirmation.

Signed at _____ this _____ day of _____

(Signature)
Law Officer

(Signature)
Presiding officer

(2) Acquittal on some but not all charges.

is not guilty of the _____ charge(s) but guilty of the _____ charge(s).

(3) Conviction on all charges.

is guilty of the charge (or all the charges).

(4) Special finding.

(a) is guilty of the _____charge(s) and guilty of the _____ charge with the exception of the words (set out) (or, with the exception of the words that (set out)).

or

(b) is not guilty of deserting the service but is guilty of absenting himself without leave.

or

(c) is guilty of the charge with the variation that figures and words "Rs.4200.00 (Rupees four thousand two hundred only)" shall read as "Rs.3200.00 (Rupees three thousand two hundred only)".

[Instructions.— Any special finding permitted by Assam Rifles rule 107 (4) and (5) will be recorded as far as possible in accordance with (a) or (c). Any special finding allowed by Assam Rifles Act section 107 may be expressed in accordance with (b).]

INSANITY (Assam Rifles rule 138)

The court find that the accused (No_____ Rank_____Name _____ unit _____) is of unsound mind and consequently incapable of making his defence.

or,

committed the act (acts) alleged as constituting the offence (offences) specified in the charge (charges) but was by reason of unsoundness of mind incapable of knowing the nature of that act (or those acts) (or) but was by reason of unsoundness of mind incapable of knowing that the act was wrong (or those acts were wrong) (or contrary to law).

ANNOUNCEMENT OF FINDING(S)

The court being reopened, the accused is again brought before it. The finding(s) is or are read in open court, and is or are announced as being subject to confirmation.

Signed at _____ this _____ day of _____

(Signature)
Law Officer

(Signature)
Presiding officer

@ F (Fresh page)

PROCEEDINGS ON CONVICTION

No._____ Rank_____ Name_____

Unit or battalion _____ is duly sworn or affirmed.

Q-20 What records have you to produce in proof of former convictions against the accused and his character?

A-20 I produce a statement certified under the hand of the officer having custody of the battalion or unit records.

The statement is read, marked _____ signed by the Law Officer (presiding officer) and attached to the proceedings.

IndiaCode

Q-21 Is the accused, the person named in the statement you have, heard or read?

A-21 _____

Q-22 Have you compared the contents of the above statement with the battalion or unit records?

A-22 _____

Q-23 Are they true extracts from the battalion or unit records, and is the statement of entries in the defaulter sheet, a fair and true summary of these entries?

A-24 _____

Cross examined by the accused (or by counsel or defending officer).

Re examined. or

The accused declined to cross examine the witnesses.

Note: - Provisions of Assam Rifles rule 97 and 98, as applicable, will be complied with and the fact recorded.

Q-25 Do you wish to address the court in mitigation of sentence?

A-25 _____

_____

The court is closed for the consideration of the sentence.

SENTENCE

The court sentence the accused _____ No. _____Rank_____ Name _____ unit or battalion _____

[Instructions.— The sentence is to be marginally noted in every case.)

(a) to suffer death by being hanged by the neck until he be dead (or to suffer death by being shot to death).

(b) to suffer imprisonment for life.

(c) to suffer rigorous (or simple) imprisonment for _____ .

(Note.— Sentences of imprisonment, unless for one or more years exactly, should, if for one month or upwards, be recorded in months. Sentences consisting partly of months and partly of days should be recorded in months and days).

IndiaCode

(d) to be dismissed from service.

(e) (in case of an officer, subordinate officer or under officer)—to take rank and precedence as if his appointment as* _____ bore date the _____ day of _____. or

to take precedence in the rank of _____ held by him, as if his name had appeared (to specified number of places) lower in the Assam Rifles list in case of officers and subordinate officers and list of his rank in the case of under officers.

or

to forfeit _____ service for the purpose of promotion.

(Instructions.— This applies, only in case of a person whose promotion depends upon length of service and a sentence can be inflicted in respect of all or any part of his service.)

(f) to forfeit (all or _____ year's or _____ months) past service for the purpose of increased pay (or pension).

(g) (In case of an officer, subordinate officer and under officer) to be severely reprimanded (or reprimanded).

(h) to forfeit pay and allowances for a period of (not exceeding three months for an offence committed on active duty).

(i) to forfeit all arrears of pay and allowances and other public money due to him at the time of his dismissal.

(j) to be put under stoppage of pay and allowances until he has made good the sum of _____ in respect of or (and) until he has made good the value of the following articles, viz—

RECOMMENDATIONS TO MERCY

The court recommend the accused to mercy on the ground that (set out).

IndiaCode

ANNOUNCEMENT OF SENTENCE

The court being reopened, the accused is brought before it. The sentence is announced in open court as being subject to confirmation.

Signed at _____ this _____ day of _____

Law Officer Presiding officer

REVISION

At _____ on the _____ day of _____ at _____ hrs the court re assembles by order of _____ for the purpose of reconsidering its _____.

Present the same members and the Law Officer as on the _____.

[Instructions.— If a member is absent and the absence will reduce the court below the legal minimum, and it appears to the members present that such absent member cannot attend within a reasonable time, the presiding officer, or in his absence, the senior member present shall thereupon report the case to the convening authority.

The order directing the reassembly of the court for the revision, and giving reasons of the confirming authority for requiring a revision is read, marked ..... , signed by the presiding officer (or Law Officer) and attached to the proceedings.]

IndiaCode

[Instructions.— (1) If the confirming authority so orders, additional evidence may be taken on revision.

(2) If a new Law Officer has been appointed, he should be sworn or affirmed and a record to that effect made before the revision order is read.

(3) If the accused or counsel or defending officer wishes to address the court, gist of his address should be taken down or his written address be read, marked and attached to the proceedings as usual (Assam Rifles rule 113 refers.)

(4) If the Law Officer wishes to clear any points, he may make an additional summing-up which should be read, marked and attached to the proceedings as usual.]

The court is closed to reconsider its finding (s) and sentence.

The court having attentively considered the observations of the confirming authority and the whole of the proceedings-

(a) do now revoke its finding and sentence and find the accused guilty/not guilty of the charge(s) and sentence him to....

or

(b) do now revoke its sentence and now sentence the accused to...

or

(c) do now respectfully adhere to its earlier sentence (or finding and sentence) or (finding).

[Instructions.— (1) In case the revision pertains to court's finding on some of the charges only record at (a) above should be made accordingly. If the court does not adhere to its former finding (s) it must revoke its former finding (s) and the sentence, and pass a fresh sentence if revised finding (s) involve (s) a sentence.

(2) If the new finding entails sentence, normal proceedings on conviction should be followed, if necessary and form at (a) above amended accordingly.

(3) All the decisions of the court with respect to the finding and sentence should be announced in open court as being subject to confirmation and a record made to that effect in normal manner.]

Signed at .....this .....day of .....20.....

(Signature)
Law Officer

(Signature)
Presiding officer

G (Fresh Page)

CONFIRMATION

1. Confirmed.

* I direct that the sentence of (rigorous or simple) imprisonment shall be carried out by confinement in Force custody (or in civil prison).

The accused is recommended division A or C (or III) while undergoing sentence in the civil prison. If there are only two divisions of prisoners, the accused is recommended division A (or I) or B (or II). (In cases of imprisonment in civil prison).

or

2. I vary the sentence (s) so that it shall be as follows and confirm the finding and the sentence as so varied.

or

3. I confirm the finding and sentence of the court, but mitigate (or remit or commute).

or

4. (Where the finding is not confirmed).

Not confirmed.

5. Where the court finds that the accused is of unsound mind and consequently incapable of making his defence or that he 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.

"Confirmed (or not confirmed)". or

6. "I confirm the finding of the court on the first charge but do not confirm the finding on the second charge."

I confirm the sentence but mitigate (remit or commute).

Signed at _____ this _____ day of _____.

(Signature of confirming authority)

(Instructions.— Any remark of the confirming authority should be separate and form no part of proceedings.)

IndiaCode

PROMULGATION

(Rule 116)

The finding (s) and sentence of the general or petty Assam Rifles court held at _____ (place) _____ from _____ day to _____day of_____for the trial of the accused (particulars) _____ were promulgated to the accused by me at _____ (place) on _____day of _____. Extracts for battalion or unit records have been taken or *No record has been kept of the findings.

Place _____ Signature

Date _____ (Commandant)

---

*To be used in case of acquittal on all charges.

IndiaCode

(Specimen - 2)

FORM OF PROCEEDINGS FOR SUMMARY ASSAM RIFLES COURT UNDER THE ASSAM RIFLES ACT, 2006

A

Proceedings of a summary Assam Rifles court held at _____ on the _____ day of _____ by _____ Commandant _____ battalion or unit for the trial of all such accused persons as he may duly have brought before him.

PRESENT

_____

COMMANDANT_____

ATTENDING THE TRIAL

_____

_____

INTERPRETER

_____

FRIEND OF THE ACCUSED

_____

The officers assemble at the _____ and the trial commences at _____ hrs.

The accused No._____Rank _____ Name _____ of _____ is brought (called if an under officer) into court.

*_____ the court, is duly sworn or affirmed _____ is sworn or affirmed as interpreter.

IndiaCode

(Instructions.— If the Commandant of the accused (i.e. the court) acts as interpreter, he must take the interpreter's oath in addition to the oath prescribed for the court.)

All witnesses are directed to withdraw from the court.

---

*1. Enter rank and name of the officer holding the trial.

2. Throughout these proceedings he is referred to as the court.

3. Inapplicable portions be deleted and initialled by the court.

IndiaCode

B (Fresh page)

The charge sheet is read (translated) and explained to the accused, marked B-2, signed by the court and attached to the proceedings.

[Instructions.— The sanction of superior authority for trial by summary Assam Rifles court should be entered with the date and signature of that authority, at the foot of the charge sheet (Assam Rifles rule 95 (2).]

ARRAIGNMENT

*Q-1 How say you No. _____ Rank _____ Name _____ Unit _____ are you guilty or not guilty of the first charge or_____ charge?

Ans-1 _____

Note.— If the accused pleads guilty to any charge the provisions of Assam Rifles rule 153 (2) must be complied with.

**The accused having pleaded guilty to _____ charge, the court explains to the accused the meaning of the charge (s) to which he has pleaded guilty and ascertains that the accused understands the nature of the charge (s) to which he has pleaded guilty. The court also informs the accused the general effect of that plea and the difference in procedure which will be followed consequent to the said plea. The court having satisfied itself that the accused understands the charge (s) and the effect of his plea of guilty accepts and records the same. The provisions of rule 161 (2) are complied with.

---

* In case of more than one charge accused should be questioned separately.

** In cases where on arraignment, an accused pleads guilty to a charge, rule 153 (2) should be explained to the accused and the above minute should be recorded in the proceedings before recording a finding of guilty.

C (Fresh page)

PROCEEDINGS ON PLEA OF GUILTY

The accused No_____ Rank _____ Name _____ of _____ is found guilty of the charge (all the charges).

The summary of evidence is read (translated), explained, marked _____ signed by the court and attached to the Proceedings.

*Question to the accused.

*Q- Do you wish to make any statement in reference to the charge or in mitigation of punishment?

Ans- _____

Q- Do you wish to call any witness as to character?

Ans- _____

IndiaCode

[Instructions.— If the trial proceeds upon any charge to which there is a plea of not guilty, the court will not proceed upon the record of the plea of guilty until after the finding on those other charges; and in that case the charge on which the record is guilty must be read to the accused again. Assam Rifles rule 153 (1) refers.)]

$VARIATIONS

The court being satisfied from the statement of the accused (or the summary of evidence, or otherwise) that the accused did not understand the effect of the plea of guilty alters the record and enters a plea of not guilty.

$ Applicable in cases where a plea of guilty offered by the accused is negated by his statement in S of E or by other circumstances as mentioned in Assam Rifles rule 154 (4) (a).

D (Fresh page)

PROCEEDINGS ON A PLEA OF NOT GUILTY

PROSECUTION

First witness for prosecution

PW-1 No_____ Rank _____ Name _____ of _____ being duly sworn or affirmed is examined by the Court.

Cross examined by the accused.

Re examined by the Court.

Note.— If the accused declines to cross examine witness for the prosecution, the fact must be recorded. The fact that the provisions of Assam Rifles rule 106 have been complied with must be recorded at the conclusion of the evidence of each witness.

IndiaCode

D-2 (Fresh page)

Second witness for prosecution

PW-2 No_____ Rank _____ Name _____ of _____ being duly sworn or affirmed is examined by the court.

Cross examined by the accused.

Re examined by the court.

Note.— If the accused declines to cross examine a witness for the prosecution, the fact must be recorded. The fact that the provisions of Assam Rifles rule 98 have been complied with, must be recorded at the conclusion of the evidence of each witness.

E (Fresh page)

The prosecution is closed.

DEFENCE

QUESTIONS TO THE ACCUSED

[Rule 156 (3)]

The court reads and explains the provisions of Assam Rifles rule 156 (3). Having ascertained that the accused understands the provisions read over to him, the court proceed (s) to ask the following questions to the accused.

Q- It has been stated in the evidence of _____that _____. Do you wish to say anything about the same?

A- _____

Q-

A- _____

(Instructions to the court

1. The accused must be questioned only to afford an opportunity of offering an explanation, if he so wishes, where absence of such explanation, would affect him adversely.

2. Questions put to him should be such as will enable him to explain any circumstances appearing against him, which if unexplained, may lead to conviction.

3. Questions must not be put to the accused in order to supplement the case for the prosecution.

4. Questions to the accused and his answers will be recorded verbatim as far as possible.)

5. No oath shall be administered to the accused.

[Question to the accused under AR rule 156 (2)]

Q. Do you wish to say anything in your defence?

A. _____

[Question to the accused under AR rule 156 (2)]

Q. Do you intend to call any witness in your defence?

A. _____

IndiaCode

F (Fresh page)

First witness for defence

DW-1 No_____ Rank _____ Name _____ of _____ being duly sworn or affirmed is examined by the court.

Cross examined by the court.

Re examined by the accused.

Notes.— 1. The fact that the provisions of Assam Rifles rule 98 have been complied with must be recorded at the conclusion of the evidence of each witness.

2. If there are more than one defence witness, their statements shall be recorded on subsequent pages as F-2, F-3 etc.

IndiaCode

Defence is closed.

G (Fresh page)

REPLY (Rule 157)

No_____ Rank _____ Name _____of _____ being duly sworn or affirmed is examined by the court.

H (Fresh page)

VERDICT OF THE COURT

(Acquittal on all charges)

I am of the opinion on the evidence before me that the accused

No_____ Rank_____ Name _____

of _____ is not guilty of the charge (all the charges) and acquit him of the same.

The verdict is read out and the accused released _____

Signed at _____ this _____ day of _____.

(Commandant)
Officer holding the trial

The trial closes at _____ hrs.

Note.— This page is to be used only in cases where the accused is found "not guilty" of all the charges.

IndiaCode

I (Fresh page)

VERDICT OF COURT

I am of the opinion on the evidence before me that the accused No_____ Rank_____ Name _____ of _____ is (guilty of the charge or not guilty of the first charge and guilty of the second charge or or is guilty of all the charges).

(Special finding)

(a) is guilty of the _____charge (s) and guilty of the _____ charge with the exception of the words (set out) or, with the exception of the words that (set out).

or

(b) is not guilty of deserting the service but is guilty of absenting himself without leave.

or

(c) is guilty of the charge with the variation that figures and words Rs.4200.00 (Rupees four thousand two hundred only) shall read as Rs.3200.00 (Rupees three thousand two hundred only).

[Instructions.— Any special finding permitted by Assam Rifles rule 159 (3) will be recorded as far as possible in accordance with (a) or (c). Any special finding allowed by Assam Rifles Act section 115 may be expressed in accordance with (b).]

PROCEEDINGS BEFORE SENTENCE

The following minutes by the court are read and explained.

[Instruction.— If the court does not record the accused person's convictions and character of its own knowledge, evidence as to these matters will be taken.]

It is within my own knowledge from the records of the _____ that the accused has _____ been previously convicted by Force Court or criminal court (a separate statement giving full particulars of any previous conviction to be annexed when necessary).

That the following is a fair and true summary of entries in his defaulter sheet exclusive of convictions by a Force Court or a criminal court.

	Within last 12 months	Since enrolment
For _____	times_____	times_____
For _____	times_____	times_____
For _____	times_____	times_____

That he is at present undergoing _____ sentence. That, irrespective of this trial, his general character has been _____. That his age is _____. His service is _____ and his rank is _____(date since held).

That he has been in arrest/confinement for ____ days.

* That he is in possession of the following decorations and rewards—_____.

* Any recognized acts of gallantry or distinguished conduct should also be entered here.

IndiaCode

J (Fresh page)

SENTENCE BY THE COURT

Taking all these matters into consideration, I now sentence the accused No_____ Rank _____ Name _____ of _____ to _____. (for format of sentence refer specimen of general or petty Assam Rifles court at page F).

Signed at _____ this _____ day of _____.

(Commandant)
Officer holding the trial

IndiaCode

The trial closes at _____ hrs.

Remarks by the reviewing officer (Assam Rifles Act section 137)

No_____ of _____

Trial by summary Assam Rifles court under the Assam Rifles Act.

No_____ of _____at _____

on the _____ day of _____.

Registered No._____ of

_____

CHIEF LAW OFFICER

PROFORMA FOR THE STATEMENT OF PREVIOUS CONVICTIONS AND GENERAL CHARACTER OF THE ACCUSED PERSON AS REQUIRED UNDER ASSAM RIFLES RULE 109

1.	Name and number of the accused	:
2.	Present rank	:
3.	Date of enrolment or appointment in Assam Rifles	:
4.	Date of promotion in the present rank	:
5.	Total length of service	:
6.	Date of birth and age	:
7.	The period of arrest or confinement till the date of commencement of trial	:
8.	The decorations and awards (any recognised act of gallantry or distinguished conduct should also be entered here)	:
9.	The details of convictions by Assam Rifles Court and Criminal Court as per annexure	:
10.	Punishment awarded by an officer exercising authority under section 62, 64, 65 or 66 of the Assam Rifles Act	:

Within last 12 months		Since enrolment or appointment	
(a)	u/s____ for____ times	(a)	u/s____ for____ times
(b)	u/s____ for____ times	(b)	u/s____ for____ times
(c)	u/s____ for____ times	(c)	u/s____ for____ times

11. That he is at present undergoing _____ sentence.

IndiaCode

12. That irrespective of this trial, his general character has been _____.

(It should be assessed on the basis of his record as it stood prior to the present trial).

(Signature)
Commandant or the officer
Having the custody of service
Records or confidential dossiers

Annexure

STATEMENT OF CONVICTIONS BY ASSAM RIFLES COURT
OR CRIMINAL COURT

IndiaCode

Verdict of the Court

Sl No	Date of trial	Particulars of the charge	By Force Court or criminal court	Finding	Sentence	Remarks

PART - III

FORMS OF SUMMONS TO WITNESS

(a) In the case of summary of evidence

To,

Whereas a charge of having committed an offence triable by Force Court has been preferred before me, against (No_____ Rank _____ Name _____ unit _____), and whereas I have directed a summary of the evidence to be taken in writing at _____ (place) on the _____ day of _____ at _____ hrs; I do hereby summon and require you (name)_____ to attend as a witness at the said place and hour and to bring with you the documents hereinafter mentioned, namely _____.

Whereof you shall fail at your peril.

Given under my hand at _____ on the _____ day of _____.

Commandant of the accused.
(Signature)

IndiaCode

(b) In the case of a trial by Force Court

To,

Whereas an Force Court has been ordered to assemble at _____ on the _____ day of _____ for trial of _____ of the _____ battalion, I do hereby summon and require you A _____ B _____ to attend, as a witness at the sitting of the said court at _____(place) on the _____ day of _____ hrs. (and to bring with you the documents hereinafter mentioned, namely _____), and so to attend from day to day until you shall be duly discharged, whereof you shall fail at your peril.

Given under my hand at _____ on the _____ day of _____.

(Signature)
Convening officer or Law Officer or
presiding officer of the court or
Commandant of the accused.

(c) In the case of a court of inquiry

To,

Whereas a court of inquiry has been ordered to assemble at _____ on the _____ day _____ for investigating into _____ . I do hereby summon and require you A _____ B _____ to attend as a witness at the sitting of the said court at _____(place) on the _____ (day), at _____ hrs and to bring with you the documents hereinafter mentioned, namely _____ and so to attend from day to day until you shall be duly discharged, whereof you shall fail at your peril.

Given under my hand at _____ on the ____day of _____.

(Signature)

Officer assembling the
court of inquiry

IndiaCode

PART - IV
WARRANTS

Warrants for convening general Assam Rifles court under the Assam Rifles Act, 2006

To

The (Inspector-General or Additional Director-General) Assam Rifles

In pursuance of the provisions of the AR Act, 2006, I do hereby empower you, or the officer on whom your command may devolve during your absence, not under the rank of Commandant, from time to time, as occasion may require, to convene general Assam Rifles court for the trial, in accordance with the said Act and the rules made thereunder, of any person under your command who is subject to AR Act and is charged with any offence mentioned in the said Act, and is liable to be tried by a general Assam Rifles court.

And for so doing, this shall be, as well to you as to all others whom it may concern, a sufficient warrant.

Given under my hand at _____ this ____ day of _____.

Director-General Assam Rifles

IndiaCode

Warrant for confirming findings and sentences of general Assam Rifles courts under the Assam Rifles Act, 2006

To

The Director-General Assam Rifles

In pursuance of the provisions of the AR Act 2006, the Central Government is pleased to hereby empower you, or the officer on whom your command may devolve during your absence, not under the rank of Commandant, to receive the proceedings of general Assam Rifles courts held for the trial, in accordance with the said Act and the rules made thereunder, of any person subject to AR Act, and confirm the findings and sentences thereof, and to exercise, as respects these courts and the persons tried by them, the powers vested by the said Act in the confirming officer, in such manner as may be best for the good of the Force;

Provided always that if by the sentence of any general Assam Rifles court, a person subject to AR Act has been sentenced to suffer death, you shall in such case, as also in the case of any other general Assam Rifles court in which you shall think fit so to do, reserve confirmation and transmit the proceedings to the Central Government.

And for so doing, this shall be, as well to you as to all others whom it may concern, a sufficient warrant.

Given under my hand at _____ this ____ day of _____.

By order of the Central Government

Secretary, Ministry of Home Affairs

Warrant for confirming findings and sentences of general Assam Rifles courts under the Assam Rifles Act, 2006

To

The (Inspector-General or Additional Director-General) Assam Rifles

In pursuance of the provisions of the AR Act, 2006, the Central Government is pleased to hereby empower you, or the officer on whom your command may devolve during your absence, not under the rank of Commandant, to receive the proceedings of general Assam Rifles court held for trial, in accordance with the said Act and the rules made thereunder, of any person under your command who is subject to AR Act, and confirm the findings and sentences thereof, and to exercise, as respects these courts and the persons tried by them, the powers created by the said Act in the confirming officer, in such manner as may be best for the good of the Force:

Provided always that if by the sentence of any general Assam Rifles court a person subject to AR Act has been sentenced to suffer death, you shall in such case, as also in the such cases as specified in annexure attached herewith, reserve confirmation and transmit the proceedings to superior authority.

And for so doing, this shall be, as well to you as to all others whom it may concern, a sufficient warrant.

Given under my hand at _____ this ____ day of _____.

By order of the Central Government
Secretary, Ministry of Home Affairs

Annexure

1. The proceedings of general Assam Rifles courts where any of the sentences specified under column I below, is passed, will be reserved for confirmation by the authority specified opposite under column II below:-

I	II
(i) Death Sentences.	Central Government
(ii) All sentences passed on officers.	DGAR

2. In the event of finding of not guilty by a general Assam Rifles court, in all cases of officers, powers to confirm or non confirm the proceedings will be with the DGAR.

Warrant for convening and confirming petty Assam Rifles courts under the Assam Rifles Act, 2006

To

The (Deputy Inspector-General) Assam Rifles

Whereas I have power to convene general Assam Rifles courts under the AR Act, 2006, and whereas under that Act, any officer having power to convene general Assam Rifles courts may, empower any officer to convene a petty Assam Rifles court for the trial under that Act of any person subject to AR Act under the command of such last mentioned officer and to confirm the findings and sentence thereof.

By virtue of the power vested in me under the said Act, I do hereby empower you, or the officer on whom your command may devolve during your absence, not under the rank of Commandant, from time to time, as occasion may require, to convene petty Assam Rifles courts for the trial, in accordance with the said Act and the rules made thereunder, of any person under your command, who is subject to AR Act and is charged with any offence mentioned in the said Act, and is liable to be tried by a petty Assam Rifles court.

And I do hereby further empower you, or the officer on whom your command may devolve during your absence, not under the rank of Commandant, to receive the proceedings of such courts, and the person tried by them, the powers created by the said Act in the confirming officer, in such manner as may be best for the good of the Force.

And for so doing, this shall be, as well to you as to all others whom it may concern, a sufficient warrant.

Given under my hand at _____ this ____ day of _____.

Signature of the Staff Officer

Signature of officer having power to Convene general Assam Rifles courts

PART - V

SPECIMEN CHARGES

No. 1

Assam Rifles Act
Section 21(a)

SHAMEFULLY ABANDONING A POST COMMITTED TO HIS CHARGE,

in that he,

at .....on.....when in charge of post No.....in Sector.....and attacked by the enemy, shamefully abandoned the said post, without any attempt to resist the enemy.

No. 2

Assam Rifles Act
Section 21(b)

INTENTIONALLY USING MEANS TO INDUCE A PERSON SUBJECT TO ASSAM RIFLES ACT TO ABSTAIN FROM ACTING AGAINST THE ENEMY,

in that he,

at .....on.....when both he and No..... Rank.....Name.....of his battalion were on duty at the forward post No.....of his unit, under enemy fire, said to the said No.....Rank.....Name.....

*" We are likely to be killed. Think of your wife and children. Let us run away from the post and hide in the nallah nearby", or words to that effect.

Note*— Insert actual words spoken or words to that effect.

No. 3

Assam Rifles Act
Section 21(c)

IN THE PRESENCE OF THE ENEMY MISBEHAVING IN SUCH MANNER AS TO SHOW COWARDICE,

in that he,

at .....,on.....,when Rfn .....of....., one of the sentries at the battalion quarter guard, had mortally wounded one sepoy of the said guard and seriously wounded another and was firing his rifle in all directions, showed cowardice by abandoning the said quarter guard and hiding himself.

No. 4

Assam Rifles Act Section 21(d)

TREACHEROUSLY COMMUNICATING INTELLIGENCE TO THE ENEMY,

in that he,

at .....on.....with intent to assist the enemy, communicated with the enemy (specify enemy agency) by letter dated.....concerning the deployment of troops of B company of 3 AR battalion at _____ .

No. 5

Assam Rifles Act Section 21(e) read with Section 34 of Indian Penal Code

ASSISTING THE ENEMY WITH AMMUNITION,

in that they together,

while on active duty, at ..... on ....., in pursuance of a common intention, sold.....rounds of .303 ball ammunition, the property of the Government, to the enemy, to wit,.....hostiles up in arms against the Union through two persons, namely.....and .....

No. 6

Assam Rifles Act Section 21(g)

IN TIME OF ACTION LEAVING HIS PICKET WITHOUT LEAVE,

in that he,

at .....,on.....,in time of action, between 2000 hrs and 2200 hrs, being on duty at picket....., left the said picket without leave.

No. 7

Assam Rifles Act Section 21(g)

IN TIME OF ACTION LEAVING HIS POST, WITHOUT LEAVE,

in that he,

at field, on ....., when Second-in-Command.....company....., while his company was in contact with and under fire of the enemy in the area of ....., left his post without leave from about 0900hrs till about 2000 hrs the same day.

No. 8

Assam Rifles Act
Section 21(j)

WHEN A SENTRY, INTIME OF WAR, SLEEPING UPON HIS POST,

in that he,

at ……on…….between…..and …..hrs when sentry, in time of war on No…..(post of magazine guard) was found sleeping.

No. 9

Assam Rifles Act
Section 23 (a)

FORCING A SENTRY,

in that he,

when on active duty, at……., on…….after being warned by No……Rank……Name……of…..regiment, a sentry on post No…..not to pass, passed the said sentry.

IndiaCode

No. 10

Assam Rifles Act
Section 23 (b)

BREAKING INTO A HOUSE IN SEARCH OF PLUNDER,

in that he,

when on active duty, at ……., on……. broke into the house of Shri ……of …..in search of plunder.

No. 11

Assam Rifles Act
Section 23 (c)

WHEN A SENTRY, SLEEPING UPON HIS POST,

in that he,

when on active duty, at……..on…….between 0200 and 0300 hrs when sentry on No……post of……guard, was asleep.

No. 12

Assam Rifles Act
Section 23 (d)

LEAVING HIS GUARD WITHOUT ORDERS FROM HIS SUPERIOR OFFICER,

in that he,

at.....when sentry of the Assam Rifles guard on.....between 0500 and 0600 hrs, quit the said guard without orders from his superior officer.

No. 13

Assam Rifles Act
Section 23 (e)

INTENTIONALLY OCCASIONING A FALSE ALARM IN CAMP,

in that he,

when on active duty, at camp.....on.....by intentionally exploding two grenades 36 HE, caused a false alarm in the said camp.

IndiaCode

No. 14

Assam Rifles Act
Section 24 (a)

CONSPIRING WITH OTHER PERSONS TO CAUSE A MUTINY IN THE ASSAM RIFLES,

in that they together,

at.....on.....agreed together to cause a mutiny in .....company .....battalion to wit, to cause the said company to refuse to march on the date to.....(place), to which place the said company was under orders to march.

No. 15

Assam Rifles Act
Section 24 (b)

JOINING IN A MUTINY IN THE ASSAM RIFLES,

in that they together,

at....., on....., in company with a number of other sepoys of the .....company, ...(unit), in a mutinous spirit entered the premises of quarter guard for removal of kote keys from the battalion key box, fired a round from a rifle in the unit ground and shouted".....” or words to that effect.

No. 16

Assam Rifles Act
Section 24 (b)

JOINING IN A MUTINY IN THE ASSAM RIFLES,

in that they together,

at.....on the night....., when serving with....., in company with a number of other personnel of the said unit, left the unit in a mutinous spirit, with arms and ammunition belonging to the Government.

No. 17

Assam Rifles Act
Section 24 (c)

BEING PRESENT AT A MUTINY IN THE ASSAM RIFLES NOT USING HIS UTMOST ENDEAVOURS TO SUPPRESS THE SAME,

in that he,

at.....on..... being present when sepoy ....., sepoy..... and other soldiers of the same battalion together refused to go on a route march when ordered to do so by the Company Commander, failed to use his utmost endeavours to suppress the said mutiny.

No. 18

First Charge
Assam Rifles Act
Section 25 (1)

DESERTING THE SERVICE,

in that he,

at.....on..... absented himself from the battalion until apprehended by the civil police, at ....., on.....

Second Charge
Assam Rifles Act
Section 39 (a)

COMMITTING THEFT IN RESPECT OF PROPERTY BELONGING TO THE GOVERNMENT,

in that he,

when absenting himself from his battalion at the place and on the day aforesaid, committed theft by dishonestly taking with him one rifle (give description) value..... and twenty rounds of .303 ball ammunition value....., the property belonging to the Government.

(Note 1.- As a rule, proof of the date and circumstances in which the period of absence terminated is necessary to enable the court to decide whether the absence constituted desertion or merely absence without leave. Occasionally however, these facts are not material, and proof of them cannot be obtained without inconvenience to the public service and great delay. In such cases, they need not be proved, and should, therefore, not be averred in the particulars of the charge.

Note.2- It is immaterial whether the rifle is the one issued to the accused or to a comrade. See IPC S-27 and illustration (d) to IPC.S. 378.)

No. 19

Assam Rifles Act
Section 25(1)

DESERTING THE SERVICE,

in that he,

at.....on....., deserted from the battalion.

(Note. - This form may be used when the date and circumstances of the termination of the absence are not material facts, and proof of them cannot be obtained without an unreasonable amount of delay or expense.)

No. 20

Assam Rifles Act
Section 25(1)

DESERTING THE SERVICE,

in that he,

at.....on....., having been placed under orders for active duty and having been granted leave of absence from .....to..... to proceed to....., did not rejoin at .....on the expiry of the said leave but absented himself with intent to avoid such active duty.

(Note. – It will often be advisable to frame an alternate charge for without sufficient cause overstaying leave granted to him.)

No. 21

Assam Rifles Act
Section 25(1)

ATTEMPTING TO DESERT THE SERVICE,

in that he,

at.....on....., attempted to quit the lines of his battalion disguised as a woman, with the intention to desert the service.

No. 22

Assam Rifles Act
Section 25(2)

HARBOURING A PERSON SUBJECT TO THE ASSAM RIFLES ACT KNOWING HIM TO BE A DESERTER,

in that he,

at.....on.....,concealed in his house, No....., Rank....., Name....., Battalion whom he knew to be a deserter from the said.....Battalion.

IndiaCode

No. 23

Assam Rifles Act
Section 25(3)

BEING COGNIZANT OF THE DESERTION OF A PERSON SUBJECT TO THE ASSAM RIFLES ACT NOT GIVING NOTICE FORTHWITH TO HIS OWN OR OTHER SUPERIOR OFFICER,

in that he,

at.....on.....,when cognizant of the desertion of No....., Rank....., name....., of the same unit, did not give notice thereof forthwith to his own or other superior officer.

No. 24

Assam Rifles Act
Section 26(a)

ABSENTING HIMSELF WITHOUT LEAVE,

in that he,

at.....absented himself without leave from the unit lines from ....., to .....

No. 25

Assam Rifles Act
Section 26(b)

WITHOUT SUFFICIENT CAUSE OVERSTAYING LEAVE GRANTED TO HIM,

in that he,

at.....on.....,having been granted leave of absence from.....to..... to proceed to....., failed without sufficient cause, to rejoin at....., on....., on the expiry of the said leave.

No. 26

Assam Rifles Act
Section 26(c)

BEING ON LEAVE OF ABSENCE HAVING RECEI - VED INFORMATION FROM PROPER AUTHORITY THAT BATTALION TO WHICH HE BELONGS HAS BEEN ORDERED ON ACTIVE DUTY, FAILING WITHOUT SUFFICIENT CAUSE TO REJOIN WITHOUT DELAY,

in that he,

on.....,while on leave of absence at....., having received information from .....that the .....battalion had been ordered on active duty, failed, without sufficient cause, to rejoin the said battalion without delay.

No. 27

Assam Rifles Act
Section 26(d)

WITHOUT SUFFICIENT CAUSE FAILING TO APPEAR, AT THE TIME FIXED, AT THE PLACE APPOINTED FOR DUTY,

in that he,

at.....on.....,failed without sufficient cause to appear at .....hrs at....., the place appointed for PT (Commandant's) parade.

No. 28

Assam Rifles Act
Section 26(e)

QUITTING THE LINE OF MARCH WITHOUT LEAVE FROM HIS SUPERIOR OFFICER,

in that he,

at.....on.....,when on the line of march from .....to....., fell out without leave from the Officer Commanding his Company.

No. 29

Assam Rifles Act
Section 27(a)

USING CRIMINAL FORCE TO HIS SUPERIOR OFFICER,

in that he,

at.....on.....,struck with a stick on the head of No....., Rank....., name.....of the same battalion.

IndiaCode

No. 30

Assam Rifles Act
Section 27(a)

ASSAULTING HIS SUPERIOR OFFICER,

in that he,

while on active duty, at....., on....., when ordered by his superior officer No....., Rank.....,Name..... of the same unit to report to him at .....hrs that day, picked up a stone and threatened to throw it at the said.....

No. 31

Assam Rifles Act
Section 27(c)

USING INSUBORDINATE LANGUAGE TO HIS SUPERIOR OFFICER,

in that he

at....., on....., said to his superior officer, No....., Rank....., Name....., of the same unit, "You know only how to get drunk everyday. You are good for nothing", or words to that effect.

No. 32

Assam Rifles Act
Section 28(1)

DISOBEYING IN SUCH MANNER AS TO SHOW WILFUL DEFIANCE OF AUTHORITY, A LAWFUL COMMAND GIVEN PERSONALLY BY HIS SUPERIOR OFFICER IN THE EXECUTION OF HIS OFFICE,

in that he,

at.....,on....., when ordered by No....., Rank....., Name....., the guard commander to proceed to sentry post, said "I shall not go, do what you feel like" and did not proceed to the sentry post from the guard room.

No. 33

Assam Rifles Act
Section 28(2)

DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER,

in that he,

at....., on....., when ordered by No....., Rank....., Name....., of the same Battalion to eat his food, did not do so.

IndiaCode

No. 34

Assam Rifles Act
Section 28(2)

DISOBEYING A LAWFUL COMMAND GIVEN BY HIS SUPERIOR OFFICER,

in that he,

at....., on....., when ordered by No....., Rank...., Name....., of the same battalion to fall in for PT parade, did not do so.

No. 35

Assam Rifles Act
Section 29(b)

USING CRIMINAL FORCE TO A PERSON IN WHOSE CUSTODY HE WAS LAWFULLY PLACED,

in that he,

at.....,on....., when placed by No..... Rank....., Name....., unit...., with custody of No... Rank*.....Name..... of the same unit struck with his web belt, on the head, the said*.....

No. 36

Assam Rifles Act
Section 29(b)

USING CRIMINAL FORCE TO A PERSON IN WHOSE CUSTODY HE WAS LAWFULLY PLACED,

in that he,

at……..,on……., struck on the head Civil Police Constable No……, Name…….of…….Police Station, in whose custody he was lawfully placed.

No. 37

Assam Rifles Act
Section 29(e)

NEGLECTING TO OBEY BATTALION ORDERS,

in that he,

at……., on……., neglected to obey battalion daily order Part I No….., dated ……. by entering Meena Bezar which had been placed out of bounds by the said order.

No.38

Assam Rifles Act
Section 29(f)

WHEN CALLED UPON REFUSING TO ASSIST THE FORCE POLICE, IN THE EXECUTION OF HIS DUTY,

in that he,

at……, on……, when called upon by No……., Rank……, Name……, Assistant Force Police of HQ…….to assist him in arresting No……, Rank……, Name……..unit , an offender , refused to do so.

No. 39

Assam Rifles Act
Section 31

MAKING AT THE TIME OF ENROLMENT A WIL - FULLY FALSE ANSWER TO A QUESTION SET FORTH IN THE PRESCRIBED FORM OF EN -ROLMENT WHICH WAS PUT TO HIM BY THE ENROLLING OFFICER BEFORE WHOM HE APPEARED FOR THE PURPOSE OF BEING ENROLLED,

in that he,

at....., on....., when appeared before No..... .....Rank.....Name....., an enrolling officer, for the purpose of being enrolled for service in the Assam Rifles, to the question put to him "Have you ever been convicted by a criminal court" answered "No", whereas he well knew that he had been convicted by Chief Judicial Magistrate, Imphal West on ..... for committing an offence under Sec ___ of IPC.

No. 40

Assam Rifles Act
Section 32

BEING AN OFFICER BEHAVING IN A MANNER UNBECOMING HIS POSITION AND THE CHARACTER EXPECTED OF HIM,

in that he,

at....., on....., when answering 'TACTICS' paper at promotion examination Part 'Z' was improperly found reading a précis on the subject "Mountains favour the defender" for the purpose of answering question No.1

No. 41

Assam Rifles Act
Section 32

BEING AN OFFICER BEHAVING IN A MANNER UNBECOMING HIS POSITION AND THE CHARACTER EXPECTED OF HIM,

in that he,

at....., on....., in payment of his outstanding dues towards the CSD(I) Canteen of his unit, gave to Capt... ....., the Canteen Officer, a cheque for Rs.....(Rupees .....and .....only) drawn on the State bank of India....., which was dishonoured when presented, well knowing that he did not have sufficient funds in the said bank to meet the said cheque.

No. 42

Assam Rifles Act
Section 33(a)

DISGRACEFUL CONDUCT OF AN INDECENT KIND,

in that he,

at....., on....., at about .....2330 hrs, with indecent intent got into bed with No....., Rank.....,Name....., of the same battalion.

No. 43

Assam Rifles Act
Section 33(b)

MALINGERING,

in that he,

at....., on....., falsely pretended to Capt....., Medical Officer, that he (the accused) was suffering from a sprained ankle.

IndiaCode

No. 44

Assam Rifles Act
Section 33(b)

MALINGERING,

in that he,

at....., on....., between.....and .....hrs, with the intention of evading his duties as a member of the Quarter Guard counterfeited dumbness.

No. 45

Assam Rifles Act
Section 33(b)

FEIGNING DISEASE IN HIMSELF,

in that he,

at....., on....., pretended to ....., Medical Officer, that he was suffering violent pain in the head and down his back, whereas he was not so suffering.

No. 46

Assam Rifles Act
Section 33(b)

INTENTIONALLY DELAYING HIS CURE,

in that he,

at....., on....., when under medical treatment for a wound in his leg removed the bandages from the said wound with intent thereby to delay his cure and did thereby delay his cure.

No. 47

Assam Rifles Act
Section 33(c)

VOLUNTARILY CAUSING HURT TO A PERSON WITH INTENT TO RENDER THAT PERSON UNFIT FOR SERVICE,

in that he,

at....., on....., at the request of No....., Rank...., Name....., cut off the trigger finger of the said .....with intent to render him unfit for service.

IndiaCode

No. 48

Assam Rifles Act
Section 34

USING CRIMINAL FORCE TO A PERSON SUBJECT TO THE ASSAM RIFLES ACT BEING HIS SUBORDINATE IN RANK,

in that he,

at....., on....., when drilling a squad of Sepoys, struck Sepoy.....of the same unit on the shoulder with a pacestick.

No. 49

Assam Rifles Act
Section 34

ILL-TREATING A PERSON SUBJECT TO THE ASSAM RIFLES ACT BEING HIS SUBORDINATE IN RANK,

in that he,

at....., on....., ill- treated No....., Rank..., Name....., of the same unit, by making him stand in the sun between 10 a.m. and 3 p.m. and not allowing him to drink water during the said period.

No. 50

Assam Rifles Act
Section 35

INTOXICATION,

in that he,

at....., on....., when on duty (specify duty) was intoxicated.

No. 51

Assam Rifles Act
Section 36(a)

WHEN IN COMMAND OF A GUARD WILFULLY RELEASING WITHOUT PROPER AUTHORITY A PERSON COMMITTED TO HIS CHARGE,

in that he,

at....., on....., when in command of the Quarter Guard of the .....Battalion, wilfully released, without proper authority, No....., Rank....., Name....., unit....., who was confined in the said Quarter Guard and committed to his charge.

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No. 52

Assam Rifles Act
Section 36(b)

WITHOUT REASONABLE EXCUSE ALLOWING TO ESCAPE A PERSON WHOM IT WAS HIS DUTY TO GUARD,

in that he,

at....., on....., when posted as sentry over No ....., Rank....., Name....., of .....Unit, allowed the said .....to escape without reasonable excuse.

No. 53

Assam Rifles Act
Section 37(a)

UNNECESSARILY DETAINING A PERSON IN CONFINEMENT WITHOUT BRINGING HIM TO TRIAL,

in that he,

at....., on....., when officiating Commandant..... Battalion unnecessarily detained No....., Rank....., Name....., of the same Unit in confinement from..... to..... without bringing the said ..... to trial.

No. 54

Assam Rifles Act
Section 38

WHEN IN LAWFUL CUSTODY ESCAPING,

in that he,

at....., on....., when under close arrest in the unit Quarter Guard escaped there from.

No. 55

Assam Rifles Act
Section 39(a)

COMMITING THEFT OF PROPERTY BELONGING TO THE GOVERNMENT,

in that he,

at....., on....., committed theft in respect of one rifle 7.62 SLR Registered No ....., value....., the property of the Government.

No. 56

Assam Rifles Act
Section 39(a)

COMMITING THEFT OF PROPERTY BELONGING TO A PERSON SUBJECT TO ASSAM RIFLES ACT,

in that he,

at....., on....., committed theft in respect of a watch, the property of No....., Rank....., Name.....,of the same Battalion.

No. 57

Assam Rifles Act
Section 39(b)

DISHONESTLY MISAPPROPRIATING PROPERTY BELONGING TO THE GOVERNMENT,

in that he,

at....., between.....and..... dishonestly misappropriated ____ rounds of 7.62 SLR ammunition, the property of the Government value.....which had been entrusted to his charge for the target practice of ..... Company.

No. 58

Assam Rifles Act
Section 39(c)

COMMITING CRIMINAL BREACH OF TRUST IN RESPECT OF PROPERTY BELONGING TO THE GOVERNMENT,

in that he,

at....., on....., dishonestly misappropriated a sum of Rs..... the property belonging to the Government, which was entrusted to him as OC Field Workshop.

No. 59

First Charge
Assam Rifles Act
Section 39 (d)

DISHONESTLY RECEIVING THE PROPERTY BELONGING TO THE GOVERNMENT KNOWING THAT THEFT HAD BEEN COMMITTED IN RESPECT OF THE SAME BY A PERSON SUBJECT TO ASSAM RIFLES ACT,

in that he,

at....., on....., dishonestly received 2 jerricans of 70 MT, the property belonging to the Government, which he knew to have been stolen by No....., Rank....., Name....., of ..... Unit.

Second Charge
Assam Rifles Act
Section 49
(Alternative to the first charge)

AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., was in unauthorized possession of 2 jerricans of 70 MT, the property belonging to the Government

No. 60

Assam Rifles Act
Section 39(e)

WILFULLY DESTROYING PROPERTY OF THE GOVERNMENT ENTRUSTED TO HIM,

in that he,

at....., on....., wilfully destroyed one prismatic compass valued....., the property of the Government, which had been entrusted to him.

No. 61

Assam Rifles Act
Section 39(f)

SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 39 OF THE ASSAM RIFLES ACT, WITH INTENT TO DEFRAUD,

in that he,

at....., on....., with intent to defraud, obtained from Shri....., a shopkeeper, three packets of Gold Flake Cigarettes valued at Rs.....by falsely pretending that he, the accused, was an orderly to Capt...of ....unit, and that he had been sent by the said Capt..... for the said cigarettes.

No. 62

Assam Rifles Act
Section 39(f)

SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 39 OF THE ASSAM RIFLES ACT, WITH INTENT TO CAUSE WRONG-FUL LOSS TO A PERSON,

in that he,

at....., on....., with intent to cause wrongful loss to No.....Rank*....., Name....., debited the said* .....in the acquittance roll for Rs.....of .....Coy.....Battalion, with a deduction of Rs.....on account of clothing, which deduction he did not credit to the said*.....clothing account.

No. 63

Assam Rifles Act
Section 39(f)

SUCH AN OFFENCE AS IS MENTIONED IN CLAUSE (f) OF SECTION 39 OF THE ASSAM RIFLES ACT, WITH INTENT TO CAUSE WRONG-FUL GAIN TO A PERSON,

in that he,

at....., on....., while being the Detachment Clerk of 'B' and 'C' Coys of his unit, with intent to cause wrongful gain to himself, altered the entries of payment in the Acquittance Roll Serial No .....for April 20-- against his name from figure Rs.3000/- (Rupees three thousand only) to figure Rs.2000/- (Rupees two thousand only).

No. 64

Assam Rifles Act
Section 40(a)

COMMITTING EXTORTION,

in that he,

at....., on....., by threatening to make a false report to the Officer Commanding their Coy to the effect that No....., Rank....., Name....., and No....., Rank....., Name....., had committed an unnatural offence together, extorted Rs.....from each of the said .....persons.

No. 65

Assam Rifles Act
Section 40 (b)

EXTRACTING WITHOUT PROPER AUTHORITY MONEY FROM A PERSON,

in that he,

at....., on....., extracted, without proper authority Rs.....from No.....Rank....., Name..... of the same unit.

IndiaCode

No. 66

Assam Rifles Act
Section 41(a)

MAKING AWAY WITH CLOTHING, THE PROPERTY OF THE GOVERNMENT ISSUED TO HIM FOR HIS USE,

in that he,

at....., on....., sold his coat combat (Value Rs.....) property of the Government, issued to him for his use, to Shri.....for Rupees.....

No. 67

Assam Rifles Act
Section 41(b)

LOSING BY NEGLECT IDENTITY CARD, THE PROPERTY OF THE GOVERNMENT ISSUED TO HIM FOR HIS USE,

in that he,

at....., on....., lost by neglect Identity Card No....., the property of the Government, issued to him for his use.

No. 68

Assam Rifles Act
Section 41(b)

LOSING BY NEGLECT IDENTITY CARD THE PROPERTY OF THE GOVERNMENT ISSUED TO HIM FOR HIS USE,

in that he,

at....., on....., was deficient of Identity Card No....., the property of the Government, issued to him for his use.

(Note:- Ordinarily proof of the date and circumstances of the loss of the property is necessary. Occasionally, proof of them cannot be obtained. In such cases the particulars of the charge need to aver that the accused was deficient of the property in question on a specific date.)

IndiaCode

No. 69

Assam Rifles Act
Section 42(a)

WITHOUT REASONABLE EXCUSE DESTROYING AMMUNITION, THE PROPERTY OF THE GOVERNMENT ENTRUSTED TO HIM,

in that he,

at....., on....., when i/c of the ammunition dump, without reasonable excuse, destroyed 1000 rounds of 7.62 SLR ammunition, the property of the Government entrusted to him.

No. 70

Assam Rifles Act
Section 43(a)

MAKING FALSE ACCUSATION AGAINST A PERSON SUBJECT TO THE ASSAM RIFLES ACT KNOWING SUCH ACCUSATION TO BE FALSE,

in that he,

at....., on....., when appearing before Commandant A....B.... Commanding the ...Battalion to answer for an offence, used language to the following effect, that is to say, "Assistant Commandant.... the Coy Commander takes no interest in his work and is entirely in the hands of the Platoon Commanders, who, in their turn, take bribes all round and allow no one without a bribe to approach the Assistant Commandant Sahib", well knowing the said statement to be false.

No. 71

Assam Rifles Act
Section 43(b)

IN MAKING A COMPLAINT UNDER SECTION 16 OF THE ASSAM RIFLES ACT, MAKING A STATEMENT AFFECTING THE CHARACTER OF A PERSON SUBJECT TO THE SAID ACT KNOWING SUCH STATEMENT TO BE FALSE,

in that he,

at....., on....., in a complaint under Section 16 of the Assam Rifles Act addressed to the Central Government, made the following statement "The Commandant is indulging in all sorts of malpractices in spending the money received by the unit out of the Annual Training Grant," well knowing the said statement to be false.

No. 72

Assam Rifles Act
Section 44 (a)

IN A CERTIFICATE SIGNED BY HIM KNOWINGLY MAKING A FALSE STATEMENT,

in that he,

at....., on....., in a certificate signed by him in the TA/DA claim for his temporary duty from his unit to ..... for the duration from .....to ....., stated that he was not provided with free messing at the outstation well knowing the said statement to be false.

No. 73

Assam Rifles Act
Section 44(c)

KNOWINGLY AND WITH INTENT TO DEFRAUD DESTROYING A DOCUMENT WHICH IT WAS HIS DUTY TO PRESERVE,

in that he,

at....., on....., when accounts officer of his unit, knowingly and with intent to defraud destroyed the cash book pertaining to the Regimental Accounts of the unit, a document which it was his duty to preserve.

No. 74

Assam Rifles Act
Section 44(d)

WHERE IT WAS HIS OFFICIAL DUTY TO MAKE A DECLARATION RESPECTING A MATTER, KNOWINGLY MAKING A FALSE DECLARATION,

in that he,

at....., on....., when being the custodian of classified documents of his unit, rendered a quarterly certificate that he checked and found correct all the said documents, well knowing that a secret document No.....had been lost by him.

No. 75

Assam Rifles Act
Section 44(e)

OBTAINING FOR A PERSON A PENSION BY MAKING A FALSE STATEMENT WHICH HE KNEW TO BE FALSE,

in that he,

at....., on....., when examined by Deputy Commandant AB ...of ...Unit who was investigating a claim to family pension preferred by Shri C, inhabitant of ...., stated that he knew the said Shri C to be the father of late Rfn.....of .....Battalion well knowing such statement to be false, and consequent to which a family pension of Rs.....p.m. was sanctioned to the said Shri C.

No. 76

Assam Rifles Act
Section 45(a)

WHEN SIGNING A DOCUMENT RELATING TO SUPPLIES, FRAUDULENTLY LEAVING IN BLANK A MATERIAL PART FOR WHICH HIS SIGNATURE IS A VOUCHER,

in that he,

at....., on....., when Officer Commanding 4 MGAR.....and when signing the Receipt of articles supplied by contractor for the month of ....., fraudulently left in blank the columns wherein the total quantity of fresh rations received from the contractor were to be shown.

No. 77

Assam Rifles Act
Section 46(c)

REFUSING TO PRODUCE A DOCUMENT IN HIS CONTROL LEGALLY REQUIRED BY AN ASSAM RIFLES COURT TO BE PRODUCED BY HIM,

in that he,

at....., on....., when a witness, refused to produce a letter dated.....in his control written to him by No...Rank...Name..., ...unit, when legally required by the Summary Assam Rifles Court trying the said.....to be produced by him (accused).

No. 78

Assam Rifles Act
Section 46(e)

CONTEMPT OF COURT BY USING INSULTING LANGUAGE,

in that he,

at....., on....., when being tried by a General Assam Rifles Court, said in a loud tone "It is no use my making any defence, the Court has been told by the convening officer to convict me and of course they will" or words to that effect.

IndiaCode

No. 79

Assam Rifles Act
Section 47

HAVING BEEN DULY AFFIRMED BEFORE AN ASSAM RIFLES COURT, MAKING A FALSE STATEMENT WHICH HE KNEW TO BE FALSE,

in that he,

at....., on....., when examined as a witness before a Petty Assam Rifles Court stated on solemn affirmation that Rfn....., ... unit, the person charged before the said Court was in his (the witness's) company in the lines at .....between 0200 hrs and 0500 hrs on ....., which statement was, as he well knew, false.

No. 80

Assam Rifles Act
Section 48

HAVING RECEIVED THE PAY OF A PERSON SUB-JECT TO THE ASSAM RIFLES ACT, UNLAWFULLY REFUSING TO PAY THE SAME WHEN DUE,

in that he,

at....., on....., having received Rs.....as an advance of pay for the month of .....in respect of No....., Rank....., Name.....of the same unit, unlawfully refused to pay the same to the said ..... on.....

No. 81

Assam Rifles Act
Section 49

AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., improperly wrote and sent to his Commandant No....., Rank....., Name....., an anonymous letter in which he made use of the following words "....." .

IndiaCode

No. 82

Assam Rifles Act
Section 49

AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., so negligently drove vehicle No._____ 3 X Ton, the property of the Government, as to cause the said vehicle to be damaged to the amount of Rs._____.

No. 83

Assam Rifles Act
Section 49

AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., while concerned with the care of public money, so negligently performed his duties as to be unable to account for Rs._____ part of the said money.

No. 84

Assam Rifles Act
Section 49

AN OMISSION PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., so negligently handled a rifle as to cause it to be discharged and thereby injuring No._____, Rank_____, Name _____, of the same Unit.

No. 85

Assam Rifles Act
Section 49

AN ACT PREJUDICIAL TO GOOD ORDER AND DISCIPLINE OF THE FORCE,

in that he,

at....., on....., when appearing at part Z promotion examination for paper II-Tactics, was in improper possession of a précis on Tactics.

IndiaCode

No. 86

Assam Rifles Act
Section 50 (b)

BY DEFILING A PLACE OF WORSHIP INTENTIONALLY WOUNDING THE RELIGIOUS FEELINGS OF A PERSON,

in that he,

at....., on....., entered the Mandir at _____ village with his boots on, and spat around, thereby intentionally wounding the religious feelings of the persons of the said village.

No. 87

Assam Rifles Act
Section 50 (c)

ATTEMPTING TO COMMIT SUICIDE AND IN SUCH ATTEMPT DOING AN ACT TOWARDS THE COMMISSION OF THE SAME,

in that he,

at....., on....., attempted to commit suicide by drinking a bottle of TIK-20.

No. 88

Assam Rifles Act
Section 50 (e)

OBTAINING FOR HIMSELF A GRATIFICATION AS A REWARD FOR PROCURING LEAVE OF ABSENCE FOR A PERSON IN THE SERVICE,

in that he,

at....., on....., while performing the duties of CHM of 'A Coy', obtained for himself Rs.500/- from No._____, Rank _____, Name* _____ of his Coy, a gratification, as a reward for having procured leave of absence for the said* _____ from _____to _____.

No. 89

Assam Rifles Act
Section 50 (e)

ATTEMPTING TO OBTAIN FOR HIMSELF A GRATIFICATION AS A MOTIVE FOR PROCURING THE ENROLMENT OF A PERSON,

in that he,

at....., on....., while working as a clerk in the recruitment rally of Assam Rifles, attempted to obtain Rs.2000/-, a gratification, as a motive for procuring the enrolment of Shri A B, by demanding the said sum from the said Shri AB,

No. 90

Assam Rifles Act
Section 50 (f)

COMMITTING AN OFFENCE AGAINST THE PROPERTY OF A RESIDENT IN THE COUNTRY IN WHICH HE WAS SERVING,

in that he,

at....., on....., maliciously damaged a motor car belonging to _____ of _____, a resident in _____ by thrusting a knife into one of the tyres.

No. 91

Assam Rifles Act
Section 51

ATTEMPTING TO INCITE A MUTINY IN THE FORCE AND IN SUCH ATTEMPT DOING AN ACT TOWARDS THE COMMISSION OF THE SAME,

in that he,

at....., on....., attempted to incite the under officers and men of his Company to combine together and refuse to eat their rations next day and to demand from No._____, Rank _____, Name _____, commanding the said unit that No._____, Rank _____, Name _____, be removed from his employment as _____ i/c of ration issue, and to this end addressed the Company personnel in the following words "_____" (set out the language used).

IndiaCode

No. 92

Assam Rifles Act
Section 52

ABETMENT OF AN OFFENCE SPECIFIED IN SECTION 27 OF THE ASSAM RIFLES ACT, IN CONSEQUENCE OF WHICH ABETMENT SUCH OFFENCE WAS COMMITTED,

in that he,

at....., on....., abetted by instigating No._____, Rank_____, Name _____, of the same Unit to strike Nb Sub... of the same Unit, in consequence of which the said _____ struck the said subordinate officer on the head with a stick.

No. 93

Assam Rifles Act
Section 53

ABETMENT OF AN OFFENCE PUNISHABLE WITH DEATH UNDER SECTION 25 OF THE ASSAM RIFLES ACT, IN CONSEQUENCE OF WHICH ABETMENT SUCH OFFENCE WAS NOT COMMITTED,

in that he,

at....., on....., when on active duty, instigated No.____, Rank____, Name*_____, of the same Unit to desert the service which offence was not committed by the said* _____.

No. 94

Assam Rifles Act
Section 54

ABETMENT OF AN OFFENCE SPECIFIED IN SECTION 39 OF THE ASSAM RIFLES ACT, AND PUNISHABLE WITH IMPRISONMENT IN CONSEQUENCE OF WHICH ABETMENT, SUCH OFFENCE WAS NOT COMMITTED,

in that he,

at....., on....., instigated No._____, Rank_____, Name _____, who was working as a batmen to No._____, Rank_____, Name* _____, of the same unit to commit theft of the Transistor belonging to the said* _____, which offence was not committed by the said Rifleman.

No. 95

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, CAUSING DEATH BY A RASH OR NEGLIGENT ACT NOT AMOUNTING TO CULPABLE HOMICIDE PUNISHABLE UNDER SECTION 304-A OF THE INDIAN PENAL CODE,

Indiacode

in that he,

at....., on....., by rashly or negligently driving vehicle No._____ caused the death of Shri _____, a civilian.

No. 96

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, MURDER , PUNISHABLE UNDER SECTION 302 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., by causing the death of No._____, Rank _____, Name _____ of his unit committed murder.

No. 97

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, RIOTING, PUNISHABLE UNDER SECTION 147 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., was a member of an unlawful assembly, which, in prosecution of the common object of such assembly to use criminal force to the Civil Police, beat the Civil Police with lathis, thereby committing the offence of rioting.

No. 98

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, ATTEMPT TO MURDER, PUNISHABLE UNDER SECTION 307 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., fired two shots from a rifle at No._____, Rank_____, Name*_____, of the same unit with intent to murder him and thereby wounded the said*_____ in the right ear and left thigh.

No. 99

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, VOLUNTARILY CAUSING GRIEVOUS HURT, PUNISHABLE UNDER SECTION 325 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., voluntarily caused grievous hurt to No._____, Rank_____, Name _____, of the same unit by fracturing his left arm with an iron rod.

No. 100

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, THEFT, PUNISHBALE UNDER SECTION 379 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., committed theft of a tin of ghee, of value of Rs._____ from the shop of Shri _____ in the Sadar Bazar, the property of the said Shri _____.

No. 101

Assam Rifles Act
Section 55

COMMITTING A CIVIL OFFENCE, THAT IS TO SAY, USING CRIMINAL FORCE TO A WOMAN WITH INTENT TO OUTRAGE HER MODESTY, PUNISHABLE UNDER SECTION 354 OF THE INDIAN PENAL CODE,

in that he,

at....., on....., used criminal force to Smt _____ wife of Shri _____, by putting his right hand on her thigh intending thereby to outrage her modesty.

IndiaCode

File No. L-11011/1/2010/Pers.III

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