

Assam Rifles Act, 1920

01 of 1920

[23 June 1920]

CONTENTS

1. Title, extent and commencement
2. Repeal
3. Definitions
4. Appointment and discharge
5. Classes and rank
6. Heinous offences
- 7 . Other offences including acts prejudicial to good order and discipline
8. Minor offences and punishments
9. Manner imprisonment
- 10 . Powers of Commandants and Assistant Commandants for enquiring into offences under this and other Acts
11. Privileges of Commandants and Assistant Commandants
12. Power of the Provincial Government to make rules

Assam Rifles Act, 1920

01 of 1920

[23 June 1920]

PREAMBLE

An Act for the regulation of the Assam Rifles.

Whereas it is expedient to amend the law in force in Assam relating to the maintenance of discipline among Assam Riflemen;

And whereas the previous sanction of the Governor General has been obtained under section 79(2) of the Government of India Act, 1915, to the passing of this Act;

It is hereby enacted as follows:--

* For Statement of Objects and Reasons see Assam Gazette, 1920, Part V, page 6; for proceedings in Council see *ibid*, Part VI, pages 19 and 70.

This Act has been extended under section 5 of the Scheduled Districts Act, 1874, to the Tract added to the Sadiya Frontier Tract by Notification No. 7281-A.P., dated the 8th December 1921, see Notification No. 293-A.P., dated the 24th January 1925, the Tract

added to the Balipara Frontier Tract by Notification No. 7281-A.P., dated the 8th December 1921, see Notification No. 297-A.P., dated 24th January 1925, the Tract added to the Balipara Frontier Tract by Notification No. 1470-A.P., dated the 26th February 1931, see Notification No. 1172-P., dated the 26th February 1931.

1. Title, extent and commencement :-

(1) This Act may be called the Assam Rifles Act, 1920.³

(2) It extends to the whole of Assam including the districts of the Garo Hills, the Khasi and Jaintia Hills, the Naga Hills and the Lushai Hills, the North Cachar subdivision of the Cachar district, the Mikir Hill Tracts in the Nowgong and Sibsagar districts, the Lakhimpur Frontier Tract and the Sadiya and Balipara Frontier Tracts; and

(3) It shall come into force on such day⁺ as the [Provincial Government]¹ may, by notification in the [official Gazette]² appoint in this behalf.

+ 7th August 1920, see Notification No. 7340-J., dated the 7th August 1920.

1 Substituted by the A.O. for " L.G.".

2. Substituted by the A.O. for " Gazette ".

3. Ceased to apply to the Assam Rifles and to riflemen. See S. 13 of Act 5 of 1941.

2. Repeal :-

The Eastern Bengal and Assam Military Police Act, 1912 (Act III of 1912), is hereby repealed.

3. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,--

(1) "active service" means service at outposts, or against hostile tribes, or other persons in the field;

(2) "Commandant" or "Assistant Commandant" means a person appointed by the [Provincial Government]¹ to be a Commandant, or an Assistant Commandant, of the Assam Rifles;

(3) "District Magistrate" includes a Deputy Commissioner, the Superintendent of the Lushai Hills, the Political Agent in Manipur, and the Political Officers, Sadiya and Balipara Frontier Tracts;

(4) "Rifleman" means a Police Officer appointed under section 7 of

Act V of 1861, who has signed the statement in the Schedule to this Act, in accordance with the provisions of this Act, and includes a Military Police Officer appointed under the Bengal Military Police Act, 1892 (Act V of 1892), the Assam Military Police Regulation, 1890 (Regulation IV of 1890), or the Eastern Bengal and Assam Military Police Act, 1912 (Act III of 1912);

(5) "Superior Officer" means, in relation to any rifleman,--

(a) any officer of a higher class than, or of a higher grade in the same class as, himself, and

(b) any Assistant Commandant, Commandant or District Magistrate;

(6) the expressions "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meaning assigned to them respectively in the Indian Penal Code.

1 Substituted by the A.O. for " L.G.".

4. Appointment and discharge :-

(1) Before a police officer appointed under section 7 of Act V of 1861 is appointed to be a rifleman, the statement in the schedule shall be read and, if necessary, explained, to him, in the presence of a Magistrate. Commandant or Assistant Commandant, and shall be signed by him in acknowledgment of its having been so read to him.

(2) Notwithstanding section 9 of Act V of 1861, a rifleman shall not be entitled to be discharged except in accordance with the terms of the statement which he has signed under this Act.

5. Classes and rank :-

There may be all or any of the following classes of riflemen who shall take rank in the order mentioned, namely: --

(i) Subadars-Major,

(ii) Subadars,

(iii) Jamadars,

(iv) Havildars-Major,

(v) Havildars,

(vi) Naiks,

(vii) Buglers and riflemen,

and such grades in each class as the [Provincial Government]¹ may from time to time direct.

6. Heinous offences :-

A rifleman who--

(a) begins, excites, causes or joins in any mutiny or sedition, or being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or, knowing or having reason to believe in the existence, of any mutiny or sedition, does not without delay give information thereof to his Commanding or other superior officer; or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty; or

(c) shamefully abandons or delivers up any garrison, fortress, post, or guard, which is committed to his charge, or which it is his duty to defend; or

(d) in the presence of an enemy or of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other rifleman to abstain from acting against the enemy, or to discourage any other rifleman from acting against the enemy, or who otherwise misbehaves; or

(e) directly or indirectly holds correspondence with or communicates intelligence to, or assists, or relieves, any person in arms against the State, or omits to discover immediately to his Commanding or other superior officer any such correspondence or communications coming to his knowledge; or

(f) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State: or

who, while on active service,--

(g) disobeys the lawful command of his superior officer; or

(h) deserts or attempts to desert the service; or

(i) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(j) without authority leaves his Commanding Officer, or his post or party, to go in search of plunder; or

(k) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(l) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or without authority, breaks into any house or any other place for plunder, or plunders, destroys damages any

property of any kind; or

(m) intentionally causes or spreads a false alarm in action, camp, garrison or quarters;

shall be punished with transportation for life, or with imprisonment which may extend to fourteen years to which a fine not exceeding five hundred rupees may be added, or with a fine not exceeding five hundred rupees.

7. Other offences including acts prejudicial to good order and discipline :-

A rifleman who--

(a) is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march; or

(b) strikes, or forces or attempts to force, any sentry; or

(c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoner to escape; or

(d) being deputed to any guard, picquet or patrol, quits it without being regularly relieved or without leave; or

(e) being in command of a guard, picquet or patrol, permits gambling or other behaviour prejudicial to good order and discipline; or

(f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(g) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(h) refuses to superintend or assist in the making of any field work or other military work of any description ordered to be made either in quarters or in the field; or

(i) strikes or otherwise ill-uses any rifleman subordinate to him in rank or position; or

(j) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority; or

(k) designedly or through neglect injures or loses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunitions accoutrements or other necessities, or

any such article, entrusted to him or belonging to any other person; or

(l) malingers, feigns or produces diseases or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or

(m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(n) commits extortion, or without proper authority exacts from any person, carriage, portage, or provision; or

(o) designedly or through neglect kills, injures, makes away with, ill-treats or loses his horse; or any animal used in the public service; or

who, while not on active service,--

(p) disobeys the lawful command of his superior officer; or

(q) plunders, destroys or damages any property of any kind; or

(r) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(s) deserts or attempts to desert the service;

(t) neglects to obey any battalion or their orders, or commits any act or omission prejudicial to good order and discipline, such act or omission not constituting an offence under the Indian Penal Code (Act XLV of 1860) or other Act in force in Assam,

shall be punished with imprisonment for a term which may extend to one year, or with a fine not exceeding two hundred rupees, or with both.

8. Minor offences and punishments :-

(1) A District Magistrate or a Commandant, or subject to the control of the Commandant, and Assistant Commandant, and, subject to the same control, an officer not below the rank of a Jamadar commanding a separate detachment or an outpost or in temporary command of the Rifles at the headquarters of a district during the absence of the District Magistrate, Commandant, and Assistant Commandant, may, without a formal trial, award to any rifleman below the rank of Naik, who is subject to his authority, any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which, is not of a sufficiently serious nature to call for prosecution before a Criminal Court, that is to say:--

(a) imprisonment in the Quarter Guard, or such other place as may be considered suitable, for a term that may extend to 28 days

when the order is passed by a District Magistrate or a Commandant or to seven days when it is passed by any other officer;

(b) punishment drill, extra guard, fatigue or other duty, not exceeding twenty-eight days in duration, with or without confinement to lines;

(c) forfeiture of pay and allowances for a period not exceeding twenty-eight days.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or in combination with any one or more of the others, but no award or awards including imprisonment and confinement to the lines shall exceed twenty-eight consecutive days.

9. Manner imprisonment :-

Any rifleman sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Assam Rifles, be imprisoned in the nearest or such other jail as the [Provincial Government]¹ may, by general or special order, direct, but, when he is not also dismissed from that force, he may, if the convicting court or the District Magistrate so directs, be confined in the Quarter Guard or such other place as the Court or Magistrate may consider suitable.

1. Substituted by the A.O. for " Local Government"

10. Powers of Commandants and Assistant Commandants for enquiring into offences under this and other Acts :-

Notwithstanding anything in the Police Act, 861, or in any other enactment for the time being in force, the [Provincial Government]¹ may invest any Commandant or Assistant Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by a rifleman and punishable under the Police Act, 1861 (Act V of 1861), or this Act, and any offence committed by a rifleman against the person or property of another rifleman and punishable under any section of the Indian Penal Code (Act XLV of 1860) or of any other Act in force in Assam.

1. Substituted by the A.O. for " Local Government"

11. Privileges of Commandants and Assistant Commandants

:-

A Commandant or Assistant Commandant shall be entitled to all the privileges which a Police Officer has under sections 42 and 43 of the Police Act, 1861 (Act V of 1861), section 125 of the Indian Evidence Act, 1872 (Act I of 1872) and any other enactment for the time being in force; and shall, subject to such rules as the [Provincial Government] shall from time to time make in this behalf, exercise all the powers of a District Superintendent of Police within the meaning of the Police Act, 1861 (Act V of 1861).

12. Power of the Provincial Government to make rules :-

The [Provincial Government]¹ may, as regards the Assam Rifles, make such orders and rules consistent with this Act, as it thinks expedient, relative to the several matters respecting which the Inspector General of Police, with the approval of the [Provincial Government]¹ may, as regards the Police Force, frame orders and rules under section 12 of the Police Act, 1861 (Act V of 1861).

1. Substituted by the A.O. for " Local Government"