

**20. Dismissal, removal or reduction by (Chief of the Army Staff)<sup>1</sup> and by other officers.—**(1) The (Chief of the Army Staff)<sup>1</sup> may dismiss or remove from the service any person subject to this Act other than an officer.

(2) The (Chief of the Army Staff)[Substituted by Act No. 19 of 1955.], may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer.

(3) An officer having power not less than a brigade or equivalent commander or any prescribed officer may dismiss or remove from the service any person serving under his command other than an officer or a junior commissioned officer.

(4) Any such officer as is mentioned in sub-section (3) may reduce to a lower grade or rank or the ranks, any warrant officer or any non-commissioned officer under his command.

(5) A warrant officer reduced to the ranks under this section shall not, however, be required to serve in the ranks as a sepoy.

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

(7) The exercise of any power under this section shall be subject to the said provisions contained in this Act and the rules and regulations made there under.

**NOTES**

1. For the date an order of dismissal or removal under this section takes effect, see [AR.18](#), and for the date a sentence of dismissal awarded by a court-martial takes effect, see [AR.168](#).

2. The difference between dismissal and discharge is that the former! does, while the latter does not, imply culpability. (Further dismissal involves the forfeiture of claim to any pension or gratuity which may have been earned. Discharge does not involve such forfeiture. See Regs Pension Part II Regs 14 and 195)

3. All persons sentenced to imprisonment (except persons sentenced by court-martial whose sentences are suspended) and such persons sentenced to imprisonment, as it is not desired to retain in the service will, if not dismissed by the sentence of a court-martial, be dismissed under this section or under [AA.s.19](#); see [Regs Army paras167 and 423](#) also. COs will use their discretion in applying for the dismissal and the higher authorities their discretion in ordering it. Such a dismissal should not be applied for, or at any rate should not be put into effect, until the convict's prisoner sentenced by court-martial has been committed to a civil prison ([AR 168](#)). In the case of a sentence passed by a civil court, the application should, if the dismissal is desired, be made as soon as possible after the sentence has been passed by the civil court. In special cases, a prisoner whom it is not desired to retain in the service may be discharged instead of being dismissed.

4. As to furnishing a JCO, WO or OR who is dismissed with a discharge certificate, [see AA.s.23 and AR.12 and Regs Army para 169](#).

5. A WO or NCO can be reduced in rank under sub-sec (4), but if the ground is some misconduct which is an offence against the Act, he should, as a rule, be brought to trial by a court-martial.

6. For ranks see [Regs Army para.131](#). Lance and acting rank is a matter to be dealt with by the CO.

7. When an acting NCO has been punished by court-martial for an offence, and such punishment does not involve reduction or reversion, his CO can revert him to his permanent grade, not as further punishment, but because the proceedings show him to be unfit to hold his appointment.

8. For CO [see AA.s.3\(v\)](#).