

**64. Miscellaneous offences.**— Any person subject to this Act who commits any of the following offences, that is to say, —

- (a) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or
- (b) by defiling any place, of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or
- (c) attempts to commit suicide, and in such attempt does any act towards the commission of such offence; or
- (d) being below the rank of warrant officer, when off duty, appears, without proper authority, in or about camp or cantonments, or in or about, or when going to or returning from, any town or bazar, carrying a rifle, sword or other offensive weapon; or
- (e) directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or
- (f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving;  
shall, on conviction by court-martial, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

NOTES

1. Clause(a)-The offence under this clause can only be committed by a person who is in command.
2. For definition of riot and trespass, see [IPC.ss.146](#) and [441](#) respectively.
3. Clause (b). —The offence under this clause, which is similar to offence under chapter XV of the IPC is based on the Fundamental Right to freedom of religion conferred by Art.27 of the Constitution.
4. Intentionally.—A person is presumed to intend the natural and probable consequences, of his act and the court may infer intention from the circumstances. See [note 4 to AA.s.34](#).
5. Clause (c). —(a) This offence is the same as the civil offence under [IPC.s.309](#).  
 (b) A person should not be charged with attempted suicide unless the circumstances of the case make it clear that he seriously intended to take his life.  
 (c) Where the action falls short of a deliberate intent to end his life, the accused could be charged under [AA.s.46\(c\)](#) or [63](#) (if appropriate); the charge alleging that the accused rendered himself temporarily unfit for duty by reason of his conduct.  
 (d) At the summary of evidence and the trial evidence must be given by a medical officer as to the probable effect of the action which the accused took and he should also express his opinion as to the state of mind of the accused at the time of the commission of the alleged offence.
6. Clause (d).—(a) This offence can only be committed by NCO or sepoy.  
 (b) Camp. —[See note 13 to AA. s.34](#).  
 'Cantonment' is not restricted to those stations which have been declared to be "cantonments" for the purposes of the Cantonments Act,1924 (II of 1924). Troops are considered to be in a cantonment for the purposes of AA when they are quartered in any Station or locality as a permanent, or semi-permanent, arrangement.  
 (c) Without proper authority. —[See note 3 \(a\) to AA. s.49](#).
7. Clause (e). —(a) Gratification. —This term is not restricted to a pecuniary gratification or a gratification estimable in money. The offence is complete if the gratification is given with the intention indicated, and it is not necessary that the enrolment or other object should be actually procured. An attempt to obtain a gratification (e.g., by asking for it) is punishable equally with the actual receipt of one. An attempt to give a gratification (e.g., an offer of a bribe) is an abetment of the offence by way of instigation and is punishable under [AA.s.66](#) or; [68](#) as the case may be.  
 (b) Any other advantage or indulgence.—Such advantage etc., must be ejusdem generis.
8. Clause (f). —(a) Offence. —For definition see [AA.s.3\(xvii\)](#). The word "offence" here means an offence which would be punishable, if committed in India as a civil offence.  
 (b) See [note 11 to AA.s.42](#). It is frequently of the highest importance to conciliate the inhabitants of the country where the troops happen to be, and to induce them to bring provisions and supplies. From this point of view an offence, which in other circumstances would be trivial, may require severe punishment, as for instance, if a trifling theft has the effect of disturbing the confidence of the inhabitants and endangering the supplies of the Army. A person should not be charged under this clause when the offence is committed in India. Elsewhere it is better that a charge should be preferred under [AA.s.69](#) and not under this clause. The charge must set out the specific acts of violence or the specific offence alleged to have been done or committed.