

45. Unbecoming conduct- Any officer, junior commissioned officer or warrant officer who behaves in a manner unbecoming his position and the character expected of him shall, on conviction by court-martial, if he is an officer, be liable to be cashiered or to suffer such less punishment as is in this Act mentioned; and, if he is a junior commissioned officer or a warrant officer, be liable to be dismissed or to suffer such less punishment as is in this Act mentioned.

NOTES

1. *An offence under this section should not be dealt with summarily under [AA.s.83](#) or [84](#).*
2. *For behaviour to be blameworthy under this section, it must be unbecoming both the accused's position and the character expected of him as an officer/JCO/WO i.e., his refusal to be swayed by considerations other than duty to the service does not, as the word is commonly understood, admit of different degrees or standards at any rate in that class and cannot therefore vary with his position i.e., the rank or appointment held by him except when the behaviour complained of is of a social character i.e., it offends the accepted rules of social behaviour and thus is unbecoming the character from a moral view point, in which case the culpability would depend upon the position held by the accused. Where behaviour complained of is not punishable under this section, a charge may lie under [AA.s.63](#), if such conduct is prejudicial both to good order and military discipline.*
3. *The offence under this section must be distinguished from the offence of disgraceful conduct of a cruel, indecent or unnatural kind under [AA.s.46\(a\)](#). As a rule a charge should not be preferred under this section where such behaviour amounts to a specific offence under any other section of AA. The conduct is not brought within the scope of this section by merely applying to it the statutory language; and a court is not warranted in convicting unless of the opinion that the conduct proved was unbecoming of the accused's position and the character expected of him as an officer etc., having regard to its nature and to the circumstances in which it took place.*
4. *This section is not applicable to civilians with relative rank and subject to AA under sec. [2\(l\)\(i\)](#).*
5. *This section is frequently invoked in cases where an officer has given stumer cheques. Such a charge should only be preferred where it is clear from the evidence from the bank that the officer acted in such reckless manner as is tantamount to fraud.*
6. *There can be no attempt to commit this offence as unbecoming conduct would include the act as well as an attempt to do such act.*