

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

- (a) begins, incites, causes, or conspires with any other persons to cause any mutiny in the military, naval or air forces of India or any forces co-operating therewith; or
- (b) joins in any such mutiny; or
- (c) being present at any such mutiny, does not use his utmost endeavours to suppress the same; or

(b) Words in the plural include the singular (s. 13 General Clauses Act, 1897). Therefore a person can be charged under clause (a) with conspiracy with one other person to cause a mutiny.

(c) A person cannot be charged generally with mutiny, or with an act of mutiny, but only with some one or more of the specified offences laid down in this section. If (d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his commanding or other superior officer; or

(e) endeavours to seduce any person in the military, naval or air forces of India from his duty or allegiance to the Union;  
shall, on conviction by court-martial, be liable to suffer death or such less punishment as is in this Act mentioned.

### NOTES

1. Offences under this section should not be dealt with summarily under [AA.s.80, 83](#) or [84](#).  
2. (a) The limitation of time for the commencement of trial (three years) prescribed by [AA.s.122](#) does not apply to the offence of mutiny.

- (b) As the maximum punishment for offences under this section is death ;—
- (i) a summary of evidence must be taken.
- (ii) a plea of guilty cannot be accepted [[AR 52\(4\)](#)].
- (iii) the trial should not take place before a summary or district court-martial.

3. (a) Mutiny implies collective insubordination, or a combination of two or more persons to resist, or to induce others to resist, lawful military authority.

(b) Words in the plural include the singular (s. 13 General Clauses Act, 1897). Therefore a person can be charged under clause (a) with conspiracy with one other person to cause a mutiny.

(c) A person cannot be charged generally with mutiny, or with an act of mutiny, but only with some one or more of the specified offences laid down in this section. If he has not brought himself within the terms of the section, his offence, however much it may tend towards mutiny, must be dealt with as insubordination and the provisions of [AA.s.40](#) or [41](#) will usually afford ample powers for the purpose. Thus, where there is an actual mutiny or a conspiracy to mutiny, all concerned in the mutiny or conspiracy can be tried under this section for causing or conspiring to cause, or joining in, the mutiny, as the case may be. If no mutiny or conspiracy exists, a person can only be tried under this section if the charge is one of being present at a mutiny not using his utmost endeavours to suppress the same or of failing to inform his commanding or other superior officer of an intent to cause mutiny or such conspiracy or of endeavouring to seduce any person in the forces from his duty or allegiance to the Union.

(d) In framing a charge under this section the specific act or acts which are alleged to have constituted the offence must always be averred; and the offence is so grave that a charge for it should only be brought on very clear evidence. Cases of insubordination, even on the part of two or more persons, should unless there appears to be a combined design on their part to resist authority, be charged jointly under [AA. s. 40\(a\)](#) with using criminal force, assaulting, or separately under [AA.s.40\(b\)or\(c\)](#) with using threatening or insubordinate language, or under [AA.s.41](#), or, if these sections are inapplicable jointly or separately under [AA.s.63](#). Provocation by a superior or the existence of grievances, is no justification for mutiny or insubordination though such circumstances would be given due weight in considering the question of punishment.

(e) Collective petitions/representations or the submission of a petition through the medium of any association in respect of military matters are forbidden on this ground.

4. If there is evidence that a person caused, or conspired with others to cause a mutiny, but a doubt exists as to whether he took such an active part as to have actually joined, in the mutiny, he may be charged under clause (b) with an alternative charge under clause (a). On the other hand, doubts may arise whether the persons who appear to be taking an active part are actually acting in combination, and in such cases it is desirable to prefer separate charges in the alternative under [AA.s.40](#) or [AA.s.41](#) .as appropriate.

5. *Persons present on, parade or present accidentally or induced by false pretences to attend a meeting where a mutiny is being contrived may still be guilty of an offence under clause (c) although they took no active part in the proceedings.*

6. (a) *Not using his utmost endeavour in clause (c) does not necessarily mean the utmost of which a person is capable, but such endeavours as person might reasonably and fairly be expected to make, and every person in a squad not marching or not coming from their barrack room when duly ordered, is guilty of mutiny.*

(b) *In clause (d), it will be noticed that the person who comes to know of an existing or intended mutiny will have performed his duty under this clause if he gives information without delay either to his CO or any other superior officer. Such information would naturally be given to the immediate superior of the person, who would, in his turn, be bound to transmit it to higher authority.*

(c) *Commanding officer: see [AA.s.3\(v\)](#).  
Superior officer: see [AA.s.3\(xxiii\)](#)*

7. *Endeavours to seduce etc. the attempt itself is punishable. It is immaterial whether the attempt succeeds or not.*