

47. Ill-treating a subordinate. —Any officer, junior commissioned officer, warrant officer or non-commissioned officer who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, 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. (a) *An offence under this section should not be dealt with summarily under [AA s.80 83](#) or [84](#).*
- (b) *A sepoy cannot commit an offence under this section.*
- (a) *For definitions of 'force' and 'criminal force': see [IPC.ss.349](#) and [350 \(Part III\)](#)*

(b) An accused charged under this section with using criminal force may be convicted of an attempt to use criminal force or assault as a special finding under [AA.s.139\(3\)](#) and [\(8\)](#).

3. Using criminal force or ill-treatment provided for by this section need not necessarily be consequent on or connected with the superior status of the accused. The only essentials necessary to constitute an offence under this section are—

(a) that the accused used criminal force to or ill-treated a person subject to AA. subordinate to him in rank or position; and

(b) that the accused was acquainted with the identity of the person against Whom he used criminal force or whom he ill-treated.

4. It is an offence under this section for one NCO to use criminal force or ill-treat another who is not his superior in rank or position. Where two NCOs of equal rank are concerned, evidence must be led to prove that the person against whom criminal force was used was junior to the accused. Where the two are of equal seniority or where one sepoy strikes another, the charge should be laid under [AA.s.63](#) or [69](#).

5. Where the person against whom criminal force is alleged to be used in a sentry, the charge should be preferred under [AA.s.36\(a\)](#) and not under this section.