**80. Punishments of persons other than officers,Junior commissioned officers and warrant officers.—** Subject to the provisions of section [81](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81), a commanding officer or such other officer as is, with the consent of the Central Government specified by the (Chief of the Army Staff)2, may, in the prescribed manner proceed against a person subject to this Act otherwise than as an officer, junior commissioned officer or warrant officer who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say, —

(a) imprisonment in military custody upto twenty-eight days;

(b) detention up to twenty-eight days;

(c) confinement to the lines up to twenty-eight days;

(d) extra guards or duties;

(e) deprivation of a position of the nature of an appointment or of corps or working pay, and in the case of non-commissioned officers, also deprivation of acting rank or reduction to a lower grade of pay;

(f) forfeiture of good service and good conduct pay;

(g) severe reprimand or reprimand;

(h) fine up to fourteen days' pay in any one month;

(i) penal deductions under clause (g) of section [91](file:///F:\work_on_nlp\CHAPTER-08\192.htm#AA91);

(j) Omitted

**NOTES**

*1. "Subject to the provisions of Section* [*81*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81)*". —* [*AA.s.81*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81) *imposes certain limitations or restrictions on the powers granted to the Commanding or other officer under this section,*

*2. For the definition of CO; see* [*AA.s.3(v)*](file:///F:\work_on_nlp\CHAPTER-01\115.htm#AA3v)*.*

*A JCO commanding a unit or detachment, not being an officer, within the meaning of* [*AA.s.3(xviii)*](file:///F:\work_on_nlp\CHAPTER-01\116.htm#AA3xviii)*, cannot award any of the punishments under this section.*

*3. In the prescribed manner— see 'offence report' in Part II of Appendix III to AR.*

*For the duties of a CO as to investigation of a charge for an offence and disposal of the charge; see* [*AA.s.102*](file:///F:\work_on_nlp\CHAPTER-09\199.htm#AA102) *and,* [*ARs 22*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\272.htm#AR22) *to* [*24*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\275.htm#AR24)*.*

*Every charge must be heard in the presence of the accused; except a charge against an officer, as to which see* [*AR.25.(1)*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\275.htm#AR25)*. Witnesses are not sworn or affirmed, but the accused must have full liberty to cross-examine, to call witnesses and to make any statement.*

*A CO may dismiss the charge, and he should do so if, in his opinion, the evidence does not show that some offence under AA has been committed, or if, in his discretion, he thinks that the charge ought not to be proceeded with. See* [*AR 22(2)*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\272.htm#AR22)*.*

*4. (a) Where a person has been convicted or acquitted of an offence by a court-martial or by a criminal court or summarily dealt with or the charge has been dismissed he is not liable to be summarily punished or tried by court-martial for the same offence or for an offence which is substantially the same;* [*AA.s.121*](file:///F:\work_on_nlp\CHAPTER-10\210.htm#AA121)*. If, for example, he has been acquitted or convicted of, or summarily punished for, absence without leave, and the absence amounted to desertion, he cannot afterwards be tried for desertion.*

*(b) A person convicted by a court-martial of an offence cannot afterwards be sentenced under this section by his CO to stoppages for damage caused by that offence.*

*(c) A person is also not liable to be tried for an offence which has been pardoned or condoned by competent military authority, or which was committed more than three years before the date of his trial, unless the offence was mutiny, desertion or fraudulent enrolment; see* [*AA.s.122*](file:///F:\work_on_nlp\CHAPTER-10\211.htm#AA122) *and* [*AR 53.*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\297.htm#ARS3)

*5. (a) 'To the extent prescribed' —A CO or other officer specified in this section, if below field rank, cannot award, imprisonment or detention for a period exceeding seven days unless empowered to do so by an officer having power not less than an officer commanding a division.* [*AR 192*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~7\358.htm#AR192)*.*

*(b) For officers specified by the Chief of the Army Staff, with the consent of the Central Government, under this section; see* [*Regs Army para.443*](file:///F:\DSR_VOLUME_1\CHAPTER_09\156.htm#ARP443)*.*

*6. The following combined punishments under this section are legal;*

*(a) In the case of a NCO—*

*One or more of the punishments specified in clauses (d) to (i).*

*(b) In the case of a Sepoy —*

*(i) Imprisonment, detention and confinement to the lines if the total period does not exceed 42 days, but the confinement to the lines will take effect on the expiry of imprisonment and or detention; or*

*(ii) Field punishment up to 28 days on active service.*

*In addition to the punishments mentioned in clauses (i) and (ii) above, the CO may award one or more of the following punishments e.g., extra guard or duties, deprivation of corps or working pay, reduction to a lower class of pay, forfeiture of good service and good conduct pay, fine and stoppages.*

*7. A CO cannot increase a punishment after he has once made his award, which is considered complete when the person has quitted his presence. But a CO can at any time before the punishment has been completed, mitigate or remit such punishment .As to entry of his award, see* [*Regs Army para 387 (b)*](file:///F:\DSR_VOLUME_1\CHAPTER_08\138.htm#ARP387_b)*.*

*8. Awards by a CO which appear to be illegal, unjust or excessive can be reviewed by superior military authority as defined in clause (a) of* [*AA.s.88*](file:///F:\work_on_nlp\Downloads_nlp\187.htm#AA88)*:see* [*AA.s.87*](file:///F:\work_on_nlp\Downloads_nlp\186.htm#AA87) *and* [*Regs Army para442*](file:///F:\DSR_VOLUME_1\CHAPTER_09\156.htm#ARP442) *also.*

*9. Clause (a) —(a) Imprisonment may be rigorous or simple. See s.3 (27)of the General Clauses Act, 1897. The term 'rigorous' or 'simple' should always be used in the award, see* [*note 8(a)to AA.s.71*](file:///F:\work_on_nlp\Downloads_nlp\176.htm#AA71_8a)*.*

*(b)Imprisonment, detention, confinement to the lines or field punishment will not be awarded to a person who is of the rank of NCO or was of such rank at the time of committing the offence for which he is punished:* [*AA.s.81(4)*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81)*.The term 'Non-commissioned officer' as defined in* [*AA.s.3 (xv)*](file:///F:\work_on_nlp\CHAPTER-01\116.htm#AA3xv) *includes an acting NCO.*

*(c) Imprisonment will be reserved for serious and repeated offences.*

*(d) Imprisonment or detention commences from the date of award and ends at sunset of the day the sentence expires.*

*(e) An award of imprisonment, rigorous or simple, carries with it a minimum of two hours of military instruction daily;* [*Regs Army para 508(a).*](file:///F:\DSR_VOLUME_1\CHAPTER_11\175.htm#508)

*(f) As to deduction from pay and allowances entailed by an award of imprisonment or field punishment or for absence without leave, see* [*AA.s.91(a)*](file:///F:\work_on_nlp\CHAPTER-08\192.htm#AA91) *and P and A Regs (OR).*

*(g) Imprisonment, detention, confinement to the lines and extra guards or duties may be awarded separately or conjointly but the carrying out of imprisonment and detention will precede confinement to the lines and extra guards or duties:* [*AA.s.81(2)*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81_2)*.*

*(h) No award or awards including imprisonment, detention and confinement to the lines shall exceed in the aggregate forty two days,* [*AA.s.81(3)*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81)*. Also see* [*AA.s.81(2)*](file:///F:\work_on_nlp\Downloads_nlp\184.htm#AA81_2) *and note (g) above.*

*10. Clause (b). —For detention in military custody: See* [*Regs Army para509*](file:///F:\DSR_VOLUME_1\CHAPTER_11\175.htm#509)*. Also see* [*notes 9(b),(d) (g) and (h)*](#9b) *above.*

*11. Clause (c).—(a) Defaulter's will be required to answer to their names at uncertain hours throughout the day, and will be employed on working parties to the fullest practicable extent with a view to relieving well-conducted soldiers therefrom. Defaulters will attend parades, and take all duties in regular turn. When the working parties required are not sufficient to keep the defaulters fully employed, the CO may order them to attend extra drill, which will be limited to one hour a day, and will include some form of useful instructions. (See item I, column 4 of the Table appended to* [*Regs Army para 443*](file:///F:\DSR_VOLUME_1\CHAPTER_09\156.htm#ARP443)*.*

*(b) Confinement to the lines is not 'custody' for the purpose of* [*AA.s.51*](file:///F:\work_on_nlp\CHAPTER-06\157.htm#AA51)*,*

*(c) See notes* [*9 (b)*](#9b)*,*[*(g)*](#9g) *and* [*(h)*](#9h) *above.*

*12. clause (d) — (a) This punishment is awarded for minor offences on those duties,*

*(b) See* [*note9(g)*](#9g) *above.*

*13. Clause(e).—(a)For ranks and appointments; see* [*Regs Army para.131*](file:///F:\DSR_VOLUME_1\CHAPTER_04\53.htm#131)*.*

*(b) Lower grade of pay includes lower class of pay.*

*(c) The maximum period for which such forfeiture can be ordered has not been prescribed, but see P&A Regs (OR).*

*14. Clause (f). —The CO or other specified officer can forfeit at a time one rate of such pay: see P and A Regs (OR).*

*15. Clause (g). — (a) This punishment can be awarded only to a NCO or an acting NCO.* [*AA.s.81(5)*](#AA81)*. A lance Naik is a NCO for the purpose of this clause.*

*(b) An award of severe reprimand constitutes a red ink entry;* [*Regs Army para 387(b)*](file:///F:\DSR_VOLUME_1\CHAPTER_08\138.htm#ARP387_b)*.*

*16. Clause (h), — (a) This punishment may be awarded alone or in conjunction with any other punishment under this section.*

*(b) Recovery can be effected under* [*AA.s.91(h)*](file:///F:\work_on_nlp\CHAPTER-08\193.htm#AA91_h)*.*

*17. Clause (i). — Under this clause the CO or specified officer is authorised to award stoppages to meet any expenses, loss, damage or destruction caused by the offender to the Central Government or to any building or property: but the deductions so ordered shall not exceed in any month one half of his pay and allowances for that month,*[*AA.SS.91(g)*](file:///F:\work_on_nlp\CHAPTER-08\193.htm#AA91-g) *and* [*94*](file:///F:\work_on_nlp\CHAPTER-08\196.htm#AA94)*.*

*18. Clause (j)—(a) For prescribed forms of field punishment see* [*ARs 172*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\349.htm#AR172) *to* [*176*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\350.htm#AR176)*.*

*(b) This award can only be made for an offence committed on active service.*

*(c) This punishment cannot be awarded conjointly with that of imprisonment, detention or confinement to the lines;* [*AA.s.81(1).*](#AA81)

*(d) Field punishment cannot be awarded to a person who is or was, at the time of committing the offence, a NCO; see* [*note 9(b)*](file:///F:\work_on_nlp\Downloads_nlp\183.htm#9b) *above,*

*(e) As to forfeiture of pay and allowances; and* [*note 9(f)*](file:///F:\work_on_nlp\Downloads_nlp\183.htm#9-f) *above,*