**Punishment of officers, junior commissioned officers and warrant officers by area commanders and others.** — An officer having power not less than an area commander or an equivalent commander or an officer empowered to convene a general court-martial or such other officer as is, with the consent of the Central Government, specified by the Chief of the Army Staff1 may, in the prescribed manner proceed against an officer below the rank of lieutenant colonel, a junior commissioned officer or a warrant officer, who is charged with an offence under this Act, and award one or more of the following punishments, that is to say, —

(a) forfeiture of seniority, or in the case of any of them whose promotion depends upon length of service, forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused previous to the award to elect to be tried by a court-martial;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

## *NOTES*

*1. See generally notes to* [*AA.s.83*](file:///F:\work_on_nlp\Downloads_nlp\185.htm#AA83) *and* [*AR 26*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\276.htm#AR26)*,*

2. An officiating area or; equivalent commander or other officer specified in this section, irrespective of his rank, can exercise the powers under this section.

*3. As to the 'prescribed manner, see* [*AR 26*](file:///F:\THE_ARMY_RULES,1954_WITH_APPENDICES_AND_NOTE\CHAPTER~5\276.htm#AR26)*, Form 1 and 2 in Part I of Appendix IV to AR and* [*Regs Army para 444*](file:///F:\DSR_VOLUME_1\CHAPTER_09\1581.htm#444)*.*

4. Charges against an officer, who at the time of the commission of offence or disposal held the rank of Lt Col (actg or substantive) should not be dealt with summarily, even if he has ceased, to hold that rank at the time the case has been referred to the superior authority by his CO. He should be brought to trial by a court-martial or dealt with administratively depending on the merits of the case.

*5. Forfeiture of seniority of rank or service: see* [*note11 to AA.s.71*](file:///F:\work_on_nlp\Downloads_nlp\177.htm#AA71_11)*. If the authority dealing summarily with the case proposes to award this punishment he shall ask the accused "Do you elect to be tried by court-martial or will you accept my award? "*

*6. For period of limitation for trial see* [*AA.s.122*](file:///F:\work_on_nlp\CHAPTER-10\211.htm#AA122) *and notes thereto.*