

## THE INDIAN PENAL CODE

### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

[s 131] Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.

Whoever abets the committing of mutiny by an officer, soldier, <sup>1</sup>[sailor or airman], in the Army, <sup>2</sup>[Navy or Air Force] of the <sup>3</sup>[Government of India] or attempts to seduce any such officer, soldier, <sup>4</sup>[sailor or airman] from his allegiance or his duty, shall be punished with <sup>5</sup>[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

<sup>6</sup>[*Explanation.*—In this section the words "officer", <sup>7</sup>["soldier", <sup>8</sup>["sailor"] and "airman"] include any person subject to <sup>9</sup>[the Army Act, <sup>10</sup>[the Army Act, 1950<sup>11</sup>.], <sup>12</sup>[the Naval Discipline Act, <sup>13</sup>[\*\*\*] the Indian Navy (Discipline) Act, 1934 (34 of 1934)<sup>14</sup>.], <sup>15</sup>[the Air Force Act or <sup>16</sup>[the Air Force Act, 1950]], as the case may be].]

#### COMMENT—

**Aiding mutiny, seduction from duty.**—The first part of this section relates to the offence of abetting mutiny. The offence contemplated is an abetment which is not followed by actual mutiny, or which, supposing actual mutiny follows, is not the cause of that mutiny.

The offence of 'mutiny' consists in extreme insubordination, as if a soldier resists by force, or if a number of soldiers rise against or oppose their military superiors, such acts proceeding from alleged or pretended grievances of a military nature. Acts of a riotous nature directed against the government or civil authorities rather than against military superiors seem also to constitute mutiny.<sup>17</sup>

1. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor"

2. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

3. Subs. by the A.O. 1950, for "Queen".

4. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

5. Subs. by Act 26 of 1955, section 117 and Sch., for "transportation for life" (w.e.f. 1-1-1956).

6. Ins. by Act 27 of 1870, section 6.

7. Subs. by Act 10 of 1927, section 2 and Sch. I, for "and soldier".

8. Ins. by Act 35 of 1934, section 2 and Sch.

9. Subs. by Act 10 of 1927, section 2 and Sch. I, for "Articles of War for the better government of Her Majesty's Army, or to the Articles of War contained in Act No. 5 of 1869".

10. Subs. by Act 3 of 1951, section 3 and Sch., for "the Indian [Army Act, 1911](#)" (w.e.f. 1-4-1951).
11. Now see the [Navy Act, 1957](#) (62 of 1957).
12. Ins. by Act 35 of 1934, section 2 and Sch.
13. The words "or that Act as modified by" omitted by the A.O. 1950.
14. Now see the [Navy Act, 1957](#) (62 of 1957).
15. Subs. by Act 14 of 1932, section 130 and Sch., for "or the [Air Force Act](#)".
16. Subs. by Act 3 of 1951, section 3 and Sch., for "the Indian [Air Force Act, 1932](#)" (w.e.f. 1-4-1951).
17. M&M 112.

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### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**[s 132] Abetment of mutiny if mutiny is committed in consequence thereof.**

**Whoever abets the committing of mutiny by an officer, soldier, <sup>18.</sup>[sailor or airman] in the Army, <sup>19.</sup>[Navy or Air Force] of the <sup>20.</sup>[Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or with <sup>21.</sup>[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.**

<sup>18.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>19.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>20.</sup> Subs. by the A.O. 1950, for "Queen".

<sup>21.</sup> Subs. by Act 26 of 1955, section 117 and Sch., for "transportation for life" (w.e.f. 1-1-1956).

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### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**[s 133] Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.**

Whoever abets an assault by an officer, soldier, <sup>22.</sup>[sailor or airman], in the Army, <sup>23.</sup>[Navy or Air Force] of the <sup>24.</sup>[Government of India], on any superior officer being in the execution of his office, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

#### COMMENT—

**Abetment of assault, etc.**—This section punishes the abetment of an assault which is not committed. The next section punishes similar abetment where the offence is committed.

<sup>22.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>23.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>24.</sup> Subs. by the A.O. 1950, for "Queen".

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## CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

[s 134] Abetment of such assault, if the assault is committed.

Whoever abets an assault by an officer, soldier, <sup>25</sup>[sailor or airman], in the Army, <sup>26</sup>[Navy or Air Force] of the <sup>27</sup>[Government of India], on any superior officer being in the execution of his office, shall, if such assault be committed in consequence of that abetment be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

### COMMENT—

**Where abetted assault committed.**—This section punishes the abetment of an assault when such assault is committed in consequence of that abetment. It stands in the same relation to section 133 as section 132 does to section 131.

<sup>25</sup>. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>26</sup>. Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>27</sup>. Subs. by the A.O. 1950, for "Queen".

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## CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

[s 135] Abetment of desertion of soldier, sailor or airman.

Whoever abets the desertion of any officer, soldier, <sup>28.</sup>[sailor or airman], in the Army, <sup>29.</sup>[Navy or Air Force] of the <sup>30.</sup>[Government of India], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

### COMMENT—

**Abetment of desertion.**—The desertion abetted under this section need not take place. Mere abetment is made punishable.

<sup>28.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>29.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>30.</sup> Subs. by the A.O. 1950, for "Queen".

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### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

#### [s 136] Harbouring deserter.

Whoever, except as hereinafter expected, knowing or having reason to believe that an officer, soldier, <sup>31.</sup>[sailor or airman], in the Army, <sup>32.</sup>[Navy or Air Force] of the <sup>33.</sup>[Government of India], has deserted, harbours such officer, soldier, <sup>34.</sup>[sailor or airman], shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

**Exception.**—This provision does not extend to the case in which the harbour is given by a wife to her husband.

#### COMMENT—

**Harbouring deserter.**—A person harbouring a deserter is an 'accessory after the fact'. The gist of the offence is concealment of a deserter to prevent his apprehension. Exception is made only in the case of a wife.

The word 'harbour' is defined in section 52A.

<sup>31.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>32.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>33.</sup> Subs. by the A.O. 1950, for "Queen".

<sup>34.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

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### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**[s 137] Deserter concealed on board, merchant vessel through negligence of master.**

The master or person in charge of a merchant vessel, on board of which any deserter from the Army, <sup>35.</sup>[Navy or Air Force] of the <sup>36.</sup>[Government of India] is concealed, shall, though ignorant of such concealment, be liable to a penalty not exceeding five hundred rupees, if he might have known of such concealment but for some neglect of his duty as such master or person in charge, or but for some want of discipline on board of the vessel.

#### COMMENT—

**Concealment on board.**—This section punishes the master or person in charge of a merchant ship on board of which a deserter has concealed himself. The master is liable even though he is ignorant of such concealment. But some negligence or laxity in the maintenance of discipline on the part of the master has to be made out.

<sup>35.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>36.</sup> Subs. by the A.O. 1950, for "Queen".



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### CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**[s 138] Abetment of act of insubordination by soldier, sailor or airman.**

Whoever abets what he knows to be an act of insubordination by an officer, soldier, <sup>37.</sup> [sailor or airman], in the Army, <sup>38.</sup> [Navy or Air Force] of the <sup>39.</sup> [Government of India], shall, if such act of insubordination be committed in consequence of that abetment, be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both.

#### COMMENT—

**Abetment of insubordination.**—In this section it is expressed as part of the definition of the offence that the abettor knows the quality of the act abetted, that is, he knows it to be an act of insubordination.

<sup>37.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or sailor".

<sup>38.</sup> Subs. by Act 10 of 1927, section 2 and Sch. I, for "or Navy".

<sup>39.</sup> Subs. by the A.O. 1950, for "Queen".

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## CHAPTER VII OF OFFENCES RELATING TO THE ARMY, NAVY AND AIR FORCE

**[s 138A] *[Repealed]***

**[Application of foregoing sections to the Indian Marine Service.] Repealed by s. 2 and  
Sch. of Act XXXV of 1934.**