

THE ASSAM RIFLES ACT. 1941

(ACT V OF 1941)

(17 March, 1941)

An act to provide for the regulation of and the maintenance of discipline in the Assam Rifles.

WHEREAS it is expedient to provide for the regulations of and the maintenance of discipline in the Assam Rifles.

1. Short title, extent and application :-

(1) This Act may be called THE ASSAM RIFLES ACT, 1941.

(2) It extends to @ (the whole of India) and applies to all members of the Assam Rifles wherever they may be serving.

@ Substituted for the words “the whole of Assam” by the Assam Rifles (Amendment) Act, 1962 S.1 (11-9-1962).

2. Definitions. In this Act unless there is anything repugnant in the subject or context.

(1) “active service” means service at outposts or against hostile tribes or other persons in the field.

(2) “Commandant” or “Assistant Commandant” means a person appointed by the Central government to be Commandant or an Assistant Commandant of the Assam Rifles.

(3) @ (“District Magistrate” includes a Deputy Commissioner”).

@Substituted by N.E.A. (Reorganisation) A.L.O 1974 (21-1-1972).

(4) “Rifleman” means a person appointed as such under section 4 after he has signed the statement in the Schedule in accordance with the provision of sub section (2) of Section 4, and includes a rifleman appointed under the Assam Rifles Act 1920@ and a Military Police Officer appointed under the Eastern Bengal and Assam Military Police Act, 1912#, \$(and non-combatant appointed as such, whether before or after the commencement % of the Assam Rifles (Amendment) Act 1951).

@ Assam Act of 1920.

Eastern Bengal and Assam Act III of 1912.

\$ Added by the Assam Rifles (Amendment) Act, 1951 (XXXIV of 1951), Sec 2 (17-5-1951).

% That is, 17th May 1951.

(5) “Superior Officer” means, in relation to any rifleman :-

(a) An officer of higher class than, or of a higher grade in the same class as, himself and

(b) Any Assistant Commandant or Commandant.

(6) The expressions “reason to believe”, “criminal force” “assault” “fraudulently” and “voluntarily causing hurt” have the meaning assigned to them respectively in the Indian Penal Code.

3. General Superintendence and Control of the Force :- General superintendence and control of the Assam Rifles shall be exercised by such person or authority as the Central Government may appoint in this behalf, and, in the exercise of such superintendence and control, the person or authority so appointed shall be governed by such rules and orders as the Central Government may make in this behalf.

4. Appointment and Discharge :-

(1) The appointment of all riflemen shall rest with the Commandant.

(2) Before any person is appointed to be a rifleman, the statement in the Schedule shall be read if necessary explained to him in the presence of a Magistrate, Commandant or Assistant Commandant, and shall be signed by him in acknowledgment of its having been so read to him.

(3) A rifleman shall not be entitled to be discharged except in accordance with the terms of statement which he has signed under this Act or under the Assam Rifles Act, 1920. @

@ Assam Rifles Act 1 of 1920.

@5. Class and Rank.

(1) There may be all or any of the classes of riflemen specified in the table hereunder namely :-

TABLE

1. Combatants

- (i) Subedars Major
- (ii) Subedars
- (iii) Jemadars and Transport Jemadars
- (iv) Havildars-Major
- (v) Havildars and Dafadars
- (vi) Nalbands
- (vii) Naiks
- (viii) Lance Naiks
- (ix) Buglers riflemen and mule drivers

2. Non-Combatants

- (i) Hospital attendants
- (ii) Cooks
- (iii) Water Carriers
- (iv) Cart man
- (v) Range warders
- (vi) Barbars
- (vii) Washer men
- (viii) Sweepers

And such grades in each class as the Central Government may from time to time d_____.

(2) The person specified in column 1 of the table in sub-section (1) shall take rank in order mentioned in that column.

@ substituted for the former section by the Assam Rifles (Amendment Act, 1951 (XXXIV of 1951), S, 3 (17-5-1951).

6. Heinous offences. A rifleman who :-

(a) Begine, exces, causes or joins in any mutiny or being present at any mutiny does not use his ulmost endeavours dto suppress it, or knowing or having reason to believe in the existence of any mutiny does not without delay give information thereof to his commencing or other superior officer, or

(b) Uses, or attempts to use, criminal force to, or commits an assault on his superior officer, knowing or having reason to believe him to be such, whether on or off duty, or

© Shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend, or

(d) In the presence of an enemy or of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition, or intentionally uses words or any other means to induce any other rifleman to abstain from acting against the enemy, or to discourage any other rifleman from acting against the enemy, or

(e) Directly or indirectly holds correspondence with, or communicates intelligence to, or assists or relieves any person in arms against the State, or omits to discover immediately to his Commanding or other superior officer any such correspondence or communications coming to his knowledge, or

(f) Directly or indirectly assists or relieve with money, victuals or ammunition, or knowing harbours or protects, any enemy or person in arms against the State, or who while on active service,

(g) Disobeys the lawful command of his superior, or

(h) Deserts or attempts to desert the service, or

(i) Being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave, or

(j) Leaves his Commanding Officer, or his post or party, to go in search of plunder, or

(k) Quits his guard, piquet, party or patrol without being regularly relieved or without leave, or

(l) Uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard, or breaks into any hours or other place for plunder, or plunders, destroys or damages any property of any kind, or

(m) Intentionally causes or spreads a false alarm in action or in camp, garrison or quarters,

shall be punished with transportation for life@ or with imprisonment which may extend to fourteen years, or with fine which may extend to five hundred rupees, or with both such imprisonment and fine

@ For the construction of the expression, see the Penal Code, 1860, S. 53-A

7. Other offences including acts prejudicial to good order and discipline :-

A rifleman who :-

- (a) Is in a state of intoxication when on or detailed for any duty, or on parade, or on the line of march, or
- (b) strikes, or forces or attempts to force, an sentry, or
- © being in command of a guard, piquet or patrol, refuses to receive any prisoner duty committed to his charge, or whether in such command or not, releases any prisoner without proper authority or negligently suffers any prisoner to escape, or
- (d) being deputed to any guard, piquet or patrol, quite it without being regularly relieved or without leave, or
- (e) being in command of a guard, piquet or patrol, permits gambling or other behavior prejudicial to good order and discipline, or
- (f) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority, or
- (g) is grossly insubordinate or insolent to his superior officer in the execution of his office, or
- (h) refuses to superintend or assist in the making of any field work or other military work or any description ordered to be made either in quarters or in the field, or
- (i) strikes or otherwise ill uses any rifleman subordinate to him in rank or position, or
- (j) being in command at any post or on the march and receiving a complaint that the one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority, or
- (k) designecty or through neglect injures or losses or fraudulently or without due authority disposes of his arms, clothes, tools, equipment, ammunition, accoutrements or other necessaries, or any such articles entrusted to him or belonging to any other person, or
- (l) malingers, resigns or produces disease or infirmity in himself, intentionally delays his care, or aggravates his disease or infirmity, or
- (m) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or
- (n) commits extortion, or without proper authority exacts from any person carriage, porterage or provisions, or
- (o) designecty or through neglect kills, injures, makes away with ill treats or loses his horse, or any animal used in the public service, or who, while not on active service :-
- (p) disobeys the lawful command of his superior officer, or
- (q) Plunders, destroys or damaged any property of any kind, or
- (r) being a sentry, sleeps upon his post, or quite it without being regularly relieved or without leave, or
- (s) deserts or attempts to desert the service, or
- (t) neglects to obey any battalion or other orders, or commits any act or omission prejudicial to good order and discipline such act of omission not

constituting an offence under the Indian Penal Code or other Act in force in Assam.

Shall be punished with imprisonment for a term which may extend to one year, or with the fine which may extend to two hundred rupees, or with both.

Note :- The next section makes provision for punishment for minor offences against discipline which are not otherwise provided for or which are not of a sufficiently serious nature to call for prosecution before a Criminal Court.

8. **Minor Offences and Punishment :-**

(1) District Magistrate or a Commandant, or subject to the control of the Commandant, an Assistant Commandant, or subject to the control of the Commandant an officer not below the rank of a Jemadar commanding a separate detachment or an outpost or in temporary command at the headquarters of a District during the absence of the District Magistrate, Commandant and Assistant Commandant, may, without a formal trial, award to any rifleman below the rank of Naik, who is subject to his authority, any of the following punishments for the commission of any petty offence against the discipline, which is not otherwise provide for in this Act, or which is not of a sufficiently serious nature to call for prosecution before a criminal court, that is to say :-

(a) Imprisonment in the Quarter Guard, or such other place as maybe considered suitable, for a term which may extend to twenty eight days when the order is passed by a District Magistrate or a Commandant @(or an Assistant Commandant) or to seven days when it is passed by any other officer.

(b) punishment drill, extra guard, fatigue or other duty, not exceeding twenty-eight days in duration, with or without confinement to lines,

(c) forfeiture of pay and allowances for a period not exceeding twenty eight days.

(2) Any of the punishments specified in sub section (1) may be awarded separately or in combination with any one or more of the others, but no award or awards including imprisonment and confinement to lines shall exceed twenty eight consecutive days.

#Explanation :- For the purposes of this section, every non-combatant shall be deemed to be below the rank of a Naik).

@ Inserted by the Assam Rifles (Amendment) Act, 1958 (XLVII of 1958), S.2 (26-12-1958).

inserted, ibid, 1951 (XXXIV of 1951),S.4(17-5-1951).

9. **Manner of imprisonment.** Any rifleman sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Assam Rifles, be imprisoned in a civil jail, but when his not also dismissed from the Assam Rifles he, may, if the convicting court of the District Magistrate so directs, be confined in the Quarter Guard or such other place as the Court of Magistrate may consider suitable.

@10. Privileges of, and protection for acts done by, Commandant, Assistant Commandant etc,

(1) A Commandant, Assistant Commandant or rifleman shall be entitled to all the privileges which a police officer has under section 125 of the Indian Evidence Act, 1872, and any other enactment for the time being in force.

(2) In any suit or proceeding against Commandant, Assistant Commandant or rifleman for any act done by him in pursuance of a warrant or order of a

competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(3) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the Commandant, Assistant Commandant or rifleman, as the case may be, act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(4) Notwithstanding anything contained in any other law for the time being in force, any legal proceedings (whether civil or criminal) which may lawfully be brought against a Commandant, Assistant Commandant or a rifleman for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the orders or rules made there under, shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given, where the defendant is a rifleman, to his superior officer, and in other cases, to the defendant, at least one month before the commencement of such proceedings)

@Ss. 10 and 10A were substituted for the original section 10, by the Assam Rifles (Amendment) Act, 1962 (30 of 1962), S.2(11.9.1962).

@10-A Powers and duties that may be conferred or imposed by the Central Government on Commandant, Assistant Commandant, etc.

(1) The Central Government may, by general or special order, confer or impose upon any Commandant, Assistant Commandant or rifleman, any of the powers or duties conferred or imposed on police officer of any class or grade by any law for the time being in force.

(2) Notwithstanding anything contained in the Code of Criminal Procedure 1898, the Central Government may invest any Commandant or Assistant Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by a rifleman and punishable under the Act or any offence committed by a rifleman against the person or property of another rifleman or of any person acting with or assisting the Assam Rifles.

@ See note (a) under S.10.

11. Members of the Assam Rifles to be deemed part of the Indian Army for certain purposes. For the purposes of Ss 128, 130 and 131 of the Code of Criminal Procedure, 1898, a Commandant, Assistant Commandant, Subedar Major, Subedar or Jemadar of the Assam Rifles shall be deemed to be an officer, a Havildar Major, Havildar or Naik shall be deemed to be a non-commissioned officer and a bugler or rifleman shall be deemed to be a soldier of the Indian Army.

12. **Power of Central Government to make rules.** The central Government may, as regards the Assam Rifles, make such orders and rules consistent with this Act, as it thinks expedient, relative to the several matters respecting which the Inspector General of Police, with the approval of the State Government, may, as regards the Police Force, frame orders and rules under Section 12 of the Police Act 1861.

13. **Cesser of Assam Rifles Act 1 of 1920 and of appointment of rifleman as Police Officers.** The Assam Rifles Act, 1920 shall cease to apply to the Assam Rifles and to riflemen, and all riflemen shall, on the commencement of this Act cease to be police officers under the Police Act, 1861.

THE SCHEDULE

STATEMENT

[See Section 2(4) and 4 (2)]

1. After you have served for four years in the first instance in the Assam Rifles you have the option of extending the term of your service in the Assam Rifles indefinitely, so long as the Commandant is satisfied with your service, or of claiming your discharge at any time, making your application through the officer to whom you may be subordinate, to a Commandant of the Assam Rifles or to the Magistrate of the District in which you may be serving, and you will be granted your discharge after two months from the date of your application, unless you are on active service or unless your discharge would cause the vacancies in the Assam Rifles to exceed one tenth of the sanctioned strength. In either of the above cases you must continue to serve in the Assam Rifles until the objection is waived by competent authority or removed.

2. On your enlistment, appointment or training as a musician (piper, drummer, or bandsman), bugler, signaler, writer, soldier, clerk, havildar-componder or as an artificer (armourer, mochi carpenter, stone-mason, or motor driver) @[or as a hospital attendant, cook, water carrier, cart man, range warder, barber, washer-man or sweeper] you must inspite of the provisions of paragraph 1 above, serve in the Assam Rifles for eight years from the date of your enlistment or the completion of your training, as the case may be

@ Inserted by the Assam Rifles (Amendment) Act 1951(XXXIV of 1951), S.3 (17.5.1951).

3. On you deputation for a specialist course at any Army Training Centre you must sign an undertaking, before leaving the battalion to proceed on the course, that you will not, inspite of the provisions of paragraph 1 above, apply for discharge during the eight years following your attendance at the Course.

4. On you deputation to the Educational or Veterinary course you must sign as undertaking, before leaving the battalion to proceed on the course, that you will not, inspite of the provisions of paragraph 1 above, apply for discharge during the eight years following your attendance at the Course.

5. In the event of your re-enlistment after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

Signature of Rifleman in acknowledgement of the above having been rea _____to him
A.B

Signature in my presence after I had ascertained that A.B understood _____the purport of what he signed
C.D

Magistrate, Commandant or Assistant Commandant