

ASSAM RIFLES ACT, 1941

5 of 1941

[17th Much,1941]

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SCHEDULE 1 :- STATEMENT

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STATEMENT OF OBJECTS AND REASONS Act 34 of 1941.- In pre-war days, there were two classes of followers in the Assam Rifles, public and private. Public followers comprised menial establishments; and private followers included barbers, washermen, cooks, water-carriers, etc. The former were paid by Government and the latter by subscription from the members of the Assam Rifles. During the period of the war, followers of both classes were enrolled as non-combatants and paid by Government. When the

Indian Army Act ceased to be applicable to the Assam Rifles at the end of the war, the terms of enrolment were no longer available for private followers, there being no provision for their enrolment as non-combatants in the Assam Rifles Act, 1941 (5 of 1941). The local authorities feel that it will become extremely difficult to secure the services of private followers for the Assam Rifles in the absence of enrolment facilities. In order to remove this difficulty it has been decided that all followers, private as well as public, should be enrolled in the Assam Rifles as u) done in the Indian Army. In order to give effect to this decision it is proposed to amend the Assam Rifles Act, 1941, as proposed in the Bill. - See Gaz. of India, 7-11-1950, Pt. II-S. 2, Ext., p. 3 (No. 1). Act 48 of 1958.- While clause (a) of sub-section (1) of section 8 of the Assam Rifles Act, 1941 (5 of 1941), confer* on a District Magistrate and a Commandant of the Assam Rifles powers to award imprisonment extending to twenty-eight days in respect of petty, offences against discipline, it confers on an Assistant Commandant in similar cases powers of punishment extending to seven days. The relative status of the authorities no doubt varies, but the differentiation was made more on the basis of the conditions previously obtaining in the administration of the North-Eastern Frontier Agency when a major portion of the area was not administered and the Assam Rifles outposts were rarely situated beyond fifty miles from the plains and were easily accessible. The necessity for conferring equal powers on an Assistant Commandant was, therefore, not felt at that time. The position has now undergone a radical change and the outposts and wing headquarters of the Assam Rifles have now moved into the interior. For some of the outposts, the normal line of communications is by air lift. Since the punishing power of an Assistant Commandant is limited, a breach of discipline in remote outposts is dealt with at present either by the award of a light punishment within the powers of Assistant Commandant or by subjecting the offender to a long march to the headquarters for trial by a Commandant. In the former case, a disproportionately light punishment is apt to create a sense of laxity in the ranks of riflemen and in the latter case, the effect of the punishment is lost due to delayed award of sentence. Moreover, in certain cases where witnesses have to be examined, they often refuse to go too far from their homes. In the circumstances, it is necessary that Assistant Commandants should also have the same powers as Commandants. The Bill gives effect to this object. - See Gaz. of India, 19-11-1958, Pt. II-S. 2. Ext., p. 1118 (No. 46). Act 30

of 1962.- The Assam Rifles Act, 1941, extends to the whole of Assam and is applicable to members of the Assam Rifles wherever they may be. Since the Assam Rifles are required to serve in areas outside the State of Assam, the restricted application of the Act to that State raises legal difficulties as regards exercise of powers under the Act by magistrates and other authorities outside the State. To remove these difficulties it is proposed to extend the Act to the whole of India. Under section 10 of the Act, only the Commandants and Assistant Commandants are entitled to all the privileges which a police officer has under sections 42 and S.43 of the Police Act, 1861, S.125 of the Indian Evidence Act, 1872 and any other enactment for the time being in force. It is considered necessary to confer such privileges on the riflemen also. It is also considered that the Commandants, Assistant Commandants and riflemen should have the same protection for acts done by them in the discharge of police duties as has been conferred on the members of the Central Reserve Police Force. The riflemen are posted for duty in the N.E.F.A., Nagaland and other border areas where there are no regular police forces. During the discharge of their duties, it is necessary for them to make searches, arrests, etc. To enable them to make searches, arrests, etc., it is proposed to confer on them the powers of a police officer. To facilitate the inquiry and trial of offences committed by riflemen, it is also proposed to confer magisterial powers on the Commandants and Assistant Commandants. The Bill seeks to achieve the above objects. - Sec Gaz. of India, 22-6-1962, Pt. II, S. 2, Ext" p. 505 (No. 22).

1. Short title, extent and application. :-

(1) This Act may be called the Assam Rifles Act, 1941:

(2) It extends to ¹ [the whole of India] and applies to all members of the Assam Rifles wherever they may be serving.

1. Substituted for the words "the whole of Assam" by the Assam Rifles (Amendment) Act, 1962 (30 of 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) ¹["District Magistrate" includes a Deputy Commissioner;]

(4) "rifleman" means a person appointed as such under Section 4 after he has signed the statement in the Schedule in accordance with the provisions of sub-section (2) of Section 4 , and includes a rifleman appointed under Assam Rifles Act, 1920 and a Military Police Officer appointed under Eastern Bengal and Assam Military Police Act, 1912, ²[and a non-combatant appointed as such, whether before or after the commencement³ of the Assam Rifles (Amendment) Act, 1951;]

(5) "superior officer" means, in relation to any rifleman.-

(a) an officer of a 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 meanings assigned to them respectively in Indian Penal Code, 1860 .

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

2. Added by the Assam Rifles (Amendment) Act, 1951 (34 of 1951), Section 2 (17-5-1951).

3. That is, 17th May, 1951.

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 and 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 the statement which he has signed under this Act or under the Assam Rifles Act, 1920.

5. Classes and rank. :-

(1) There may be all or any of the classes of riflemen specified in the table hereunder, namely:- \ \ \ \ \TABLE \ \ \ \ 1. Combatants (i) Subadars-Major. (ii) Subadars. (iii) Jemadars and Transport Jemadars. (iv) Havildars-Major. (v) Havildars and Defadars. (vi) Nalbands. (vii) Naiks. (viii) Lance Naiks. (ix) Buglers, riflemen and mule drivers. 2. Non-combatants (i) Hospital attendants. (ii) Cooks. (iii) Water-earners. (iv) Cart-men. (v) Range-warders. (vi) Barbers. (vii) Washermen. (viii) Sweepers. and such grades in each class as the Central Government may from time to time direct.

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

6. Heinous offences. :-

A rifleman who-

(a) begins, excites, causes or joins in any mutiny or being present at any mutiny does not use his utmost endeavours to suppress it, or knowing or having reason to believe in the existence of any mutiny does not without delay give information thereof to his Commanding 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

(c) 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, 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 relieves with money, victuals or ammunition, or knowingly 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 officer; 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, picquet, 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 house 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.

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, any sentry; or

(c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly 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, picquet or patrol, quits it without being regularly relieved or without leave, or

(e) being in command of a guard, picquet or patrol, permits gambling or other behaviour 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 of any description ordered to be made either in quarters or in the field, or

(i) strikes or otherwise illuses 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 any 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) designedly or through neglect injures or loses 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, feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity;

(

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, portage, or provisions; or

(o) designedly 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 any lawful command of his superior officer; or
- (q) plunders, destroys or damages any property of any kind; or
- (r) being a sentry, sleeps upon his post, or quits 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 or omission not constituting an offence under Indian Penal Code, 1860 or other Act in force in Assam. shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to two hundred rupees, or with both.

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 a 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 provided 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 may be considered suitable, for a term which may extend to twenty-eight days when the order is passed by a District Magistrate or a Commandant ¹ [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 twentyeight consecutive days.

1. Inserted by the Assam Rifles (Amendment) Act, 1958 (48 of 1958), S. 2 (26-12-1958).

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 he is not also dismissed from the Assam Rifles he may, if the convicting Court or the District Magistrate so directs, be confined in the Quarter Guard or such other place as the Court or Magistrate may consider suitable.

10. Privileges of, and protection for acts done by, Commandant, Assistant Com- :-

mandant, etc.-

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

(2) In any suit or proceeding against a 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, shall thereupon be discharged from liability in respect of the 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 proceeding (whether civil or criminal) which may lawfully be brought against a Commandant, Assistant Commandant or 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 thereunder, 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 proceeding.]

10A. 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 a police officer of any class or grade by any law for the time being in force.

(2) Notwithstanding anything contained in 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 this 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.]

11. Members of the Assam Rifles to be deemed part of the Indian Army for certain purposes. :-

For the purposes of sections 128, S.130 of the Code of Criminal Procedure, 1898 and S.131 of the Code of Criminal Procedure, 1898, a Commandant, Assistant Commandant, Subadar Major, Subadar 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. :-

¹[(1)] The Central Government may, ²[by notification in the official Gazette,] 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 S.12 of the Police Act, 1861

³ [(2) Every order and every rule made under this section shall be laid, as soon as may be after it is made, before each House of

Parliament, while it is in session, for a total period of thirty days which may be comprised on one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or rule, or both Houses agree that the order or rule should not be made, the order or rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order or rule.]

1. Section 12 renumbered as sub-section (1), and after sub-section (1) so renumbered, sub-section (2) inserted by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 2, Sch. (15-5-1986).
2. Inserted, by the Delegated Legislation Provisions (Amendment) Act (4 of 1986).
3. For Assam Rifle Rules, 1985 - See Gaz. of Ind., 17-10-1985, Pt. II, S. 3(i), Ext" p. 7 (No. 467).

13. Cesser of Assam Act 1 of 1920 and of appointment of riflemen as police officers. :-

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 Police Act. 1861.

SCHEDULE 1
STATEMENT

[See section 2(4) and Rule 4(2).] I. 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 services, 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, signaller, writer, soldier, clerk, havildar-compounder 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, washerman or sweeper] you must, in spite of the provisions of paragraph I 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. 3. On your deputation for a specialist course at an Army Training Centre you must sign an undertaking, before leaving the battalion to proceed on the

course, that you will not, in spite of the provisions of paragraph I above, apply for discharge during the four years following your attendance at the Army Training Course. 4. On your deputation to the Educational or Veterinary Course you must sign an undertaking, before leaving the battalion to proceed on the Course, that you will not, in spite of the provisions of paragraph I 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 acknowledgment of the above having been readto him. A. B. Signed in my presence after I had ascertained that A, B, understoodthe purport of what he signed. C. D. Magistrate, Commandant or Assistant Commandant.