

Chapter VII.—Of Offences relating to the Army, Navy and Air Force.)

CHAPTER VII.

OF OFFENCES RELATING TO THE ARMY, ¹[NAVY AND AIR FORCE].

131. Whoever abets the committing of mutiny by an officer, soldier, ²[sailor or airman], in the Army, ³[Navy or Air Force] of the ⁴[Government of India] or attempts to seduce any such officer, soldier, ²[sailor or airman] from his allegiance or his duty, shall be punished with ¹¹transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetting mutiny, or attempting to seduce a soldier, sailor or airman from his duty.

⁵[Explanation.—In this section the words “officer”, ⁶[“soldier”, ⁷[“sailor”] and “airman”] include any person subject to the ⁸[Army Act, the ~~Indian~~ Army Act, 1956, ⁷[the Naval Discipline Act, * * * Indian Navy (Discipline) Act, 1934], ¹⁰[the Air Force Act or the ~~Indian~~ Air Force Act, 1932], as the case may be.]

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VIII of 1911.
XXXIV of
1934.
XIV of 1932.

132. Whoever abets the committing of mutiny by an officer, soldier, ²[sailor or airman], in the Army, ³[Navy or Air Force] of the ⁴[Government of India], shall, if mutiny be committed in consequence of that abetment, be punished with death or ¹¹with transportation for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Abetment of mutiny, if mutiny is committed in consequence thereof.

133. Whoever abets an assault by an officer, soldier, ²[sailor or airman], in the Army ³[Navy or Air Force] of the ⁴[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.

Abetment of assault by soldier, sailor or airman on his superior officer, when in execution of his office.

¹ Subs. by the Repealing and Amending Act, 1927, (10 of 1927), s. 2 and Sch. I, for “and Navy”.

² Subs., *ibid*, for “or sailor”.

³ Subs., *ibid*, for “or Navy”.

⁴ Subs. by the A. O. 1950 for “Queen”.

⁵ Ins. by the Indian Penal Code Amendment Act, 1870 (27 of 1870), s. 6.

⁶ Subs. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I, for “and ‘soldier’”.

⁷ Ins. by the Amending Act, 1934 (35 of 1934), s. 2 and Sch.

⁸ Subs. by s. 2 and Sch., *ibid*, 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”.

⁹ The words “or that Act as modified by” rep. by the A. O. 1950.

¹⁰ Subs. by the Indian Air Force Act, 1932 (14 of 1932), s. 130 and Sch., for “or the Air Force Act”.

¹¹ Subs. by I.A. 26/55, s. 117 & Sch. & S.No. 11.

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Abetment of such assault, if the assault is committed.

134. Whoever abets an assault by an officer, soldier, ¹[sailor or airman], in the Army, ²[Navy or Air Force] of the ³[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.

Abetment of desertion of soldier, sailor or airman.

135. Whoever abets the desertion of any officer, soldier, ¹[sailor or airman], in the Army, ²[Navy or Air Force] of the ³[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.

Harbouring deserter.

136. Whoever, except as hereinafter excepted, knowing or having reason to believe that an officer, soldier, ¹[sailor or airman], in the Army, ²[Navy or Air Force] of the ³[Government of India], has deserted, harbours such officer, soldier, ¹[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.

Deserter concealed on board merchant vessel through negligence of master.

137. The master or person in charge of a merchant vessel, on board of which any deserter from the Army, ²[Navy or Air Force] of the ³[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.

Abetment of act of insubordination by soldier, sailor or airman.

138. Whoever abets what he knows to be an act of insubordination by an officer, soldier, ¹[sailor or airman], in the Army, ²[Navy or Air Force], of the ³[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.

138A. [Application of foregoing sections to the Indian Marine Service.] Rep. by the Amending Act, 1934 (XXXV of 1934), s. 2 and Sch.

¹ Subs. by the Repealing and Amending Act, 1927 (10 of 1927), s. 2 and Sch. I, for "or sailor".

² Subs. by s. 2 and Sch. I, *ibid*, for "or Navy".

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

(Chapter VII.—Of Offences relating to Army, Navy or Air Force.
Chapter VIII.—Of Offences against the Public Tranquility.)

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Persons
subject to
certain Acts.

1956

II of 1911.
CXIV of
1931.
IV of 1932.

139. No person subject to ¹[the Army Act], the ~~Indian Army Act,~~
1911, the Naval Discipline Act ²[* * * the Indian Navy (Discipline)
Act, 1934] ³[the Air Force Act or the ~~Indian Air Force Act,~~ 1932]
is subject to punishment under this Code for any of the offences
defined in this Chapter.

Wearing garb
or carrying
token used
by soldier,
sailor or
airman.

140. Whoever, not being a soldier, ⁵[sailor or airman] in the
Military, ⁶[Naval or Air] service of the ⁷[Government of India], wears
any garb or carries any token resembling any garb or token used by
such a soldier ⁵[sailor or airman] with the intention that it may be
believed that he is such a soldier, ⁵[sailor or airman], shall be punish-
ed with imprisonment of either description for a term which may
extend to three months, or with fine which may extend to five
hundred rupees, or with both.