

THE ASSAM RIFLES (AMENDMENT) ACT, 1962

No. 30 OF 1962

[11th September, 1962]

An Act further to amend the Assam Rifles Act, 1941.

BE it enacted by Parliament in the Thirteenth Year of the Republic of India as follows:—

1. This Act may be called the Assam Rifles (Amendment) Act, 1962.

5 of 1941.

2. In section 1 of the Assam Rifles Act, 1941 (hereinafter referred to as the principal Act), in sub-section (2), for the words "the whole of Assam", the words "the whole of India" shall be substituted.

Amendment of section 1.

3. For section 10 of the principal Act, the following sections shall be substituted, namely:—

Substitution of new sections for section 10.

"10. (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.

1 of 1872.

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

(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.

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

10A. (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 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 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".