

TO BE INTRODUCED IN LOK SABHA

AS INTRODUCED IN LOK SABHA

**Bill No. 111 of 2015**

## THE BOSE REGIMENT BILL, 2015

By

SHRI DEEPENDER SINGH HOODA, M.P.

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### ARRANGEMENT OF CLAUSES

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#### CLAUSES

#### CHAPTER I

##### PRELIMINARY

1. Short title and commencement.
2. Definitions.
3. Persons subject to this Act.

#### CHAPTER II

##### CONSTITUTION OF THE REGIMENT AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE REGIMENT

4. Constitution of the Regiment.
5. Control, direction, etc.
6. Enrolment.
7. Liability for service of members.
8. Resignation and withdrawal from the post.
9. Tenure of service under the Act.
10. Termination of service by Central Government.
11. Dismissal, removal or reduction by the Director-General and by other officers.
12. Certificate of termination of service.
13. Restrictions respecting right to form association, freedom of speech, etc.

#### CHAPTER III

##### OFFENCES

14. Offences in relation to the enemy and punishable with death.
15. Offences in relation to the enemy and not punishable with death.
16. Offences punishable more severely on active duty than at other times.
17. Mutiny.
18. Desertion and aiding desertion.
19. Absence without leave.
20. Striking or threatening superior officers.
21. Disobedience to superior officer.
22. Insubordination and obstruction.
23. False answers on enrolment.
24. Certain forms of disgraceful conduct.
25. Ill-treating a subordinate.
26. Intoxication.

(ii)

27. Permitting escape of person in custody.
28. Irregularity in connection with arrest or confinement.
29. Escape from custody.
30. Offences in respect of property.
31. Extortion and corruption.
32. Injury to property.
33. False accusations.
34. Falsifying official documents and false declaration.
35. Signing in blank and failure to report.
36. Offences relating to Security Regiment Court.
37. False evidence.
38. Unlawful detention of pay.
39. Violation of good order and discipline.
40. Miscellaneous offences.
41. Attempt.
42. Abetment of offences that have committed.
43. Abetment of offences punishable with death and not committed.
44. Abetment of offences punishable with imprisonment and not committed.
45. Civil offences.
46. Civil offences not triable by a Security Regiment Court.

#### CHAPTER IV

##### PUNISHMENTS

47. Punishments awardable by Security Regiment Courts.
48. Alternative punishments awardable by Security Regiment Courts.
49. Combination of punishments.
50. Retention in the Regiment of a person convicted on active duty.
51. Punishments otherwise then by Security Regiment Courts.
52. Minor punishments.
53. Limit of punishments under section 53.
54. Punishment of persons of and below the rank of subordinate officers by Deputy Inspectors-General and others.
55. Collective fines.

#### CHAPTER IV

##### MISCELLANEOUS

57. Application of certain provisions of the Border Security Act, 1968 (47 of 1968) to apply to this Act with modifications.
58. Power to make rules.

**Bill No. 111 of 2015**

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**BILL**

*to provide for the constitution and regulation of a new army regiment to be known as the Bose Regiment for ensuring the security of the Indo-Myanmar, Indo-Nepal and Indo-Bangladesh borders, ensuring the security of India's north-eastern frontiers and for other matters connected therewith.*

BE it enacted by Parliament in the Sixty-sixth Year of the Republic of India as follows:—

**CHAPTER I**

**PRELIMINARY**

1. (1) This Act may be called the Bose Regiment Act, 2015.

5 (2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title  
and  
commencement.

## Definitions

2. (I) In this Act, unless the context otherwise requires,—

(a) “active duty”, in relation to a person subject to this Act, means any duty as a member of the Regiment during the period in which such person is attached to, or forms part of, a unit of the Regiment —

(i) which is engaged in operations against an enemy, or 5

(ii) which is operating at a picket or engaged on patrol or other guard duty along the Indo-Myanmar, Indo-Nepal, Indo-Bangladesh borders and/or securing India's North-Eastern frontiers and includes duty by such person during any period declared by the Central Government by notification in the Official Gazette as a period of active duty with reference to any area in which any person or class of persons subject to this Act may be serving; 10

(b) “battalion” means a unit of the Regiment constituted as a battalion by the Central Government;

(c) “Chief Law Officer” and “Law Officer” mean, respectively, the Chief Law Officer and a Law Officer of the Regiment appointed by the Central Government; 15

(d) “civil offence” means an offence which is triable by a criminal court;

(e) “civil prison” means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894, or under any other law for the time being in force; 9 of 1894.

(f) “Commandant”, when used in any provision of this Act with reference to any unit of the Regiment, means the officer whose duty it is under the rules to discharge with respect to that unit, the functions of a Commandant in regard to matters of the description referred to in that provision; 20

(g) “criminal court” means a court of ordinary criminal justice in any part of India; 25

(h) “Deputy-Inspector General” means a Deputy-Inspector General of the Regiment appointed under section 5;

(i) “Director-General” means the Director-General of the Regiment appointed under section 5;

(j) “enemy” includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to this Act to take action; 30

(k) “enrolled person” means an under-officer or other person enrolled under this Act;

(l) “Regiment custody” means the arrest or confinement of a member of the Regiment according to rules; 35

(m) “Inspector-General” means the Inspector-General of the Regiment appointed under section 5;

(n) “member of the Regiment” means an officer, a subordinate officer, an under-officer or other enrolled person; 40

(o) “notification” means a notification published in the Official Gazette;

(p) “offence” means any act or omission punishable under this Act and includes a civil offence;

(q) “officer” means a person appointed or in pay as an officer of the Regiment, but does not include a subordinate officer or an under-officer; 45

(r) "prescribed" means prescribed by rules made under this Act;

(s) "Regiment" means the Bose Regiment constituted under section 4;

(t) "rule" means a rule made under this Act;

5 (u) "subordinate officer" means a person appointed or in pay as a Subedar-Major, a Subedar or a Sub-Inspector of the Regiment;

(v) "superior officer", when used in relation to a person subject to this Act, means,—

(i) any member of the Regiment to whose command such person is for the time being subject in accordance with the rules; and

10 (ii) any officer of higher rank or class or of a higher grade in the same class

And includes when such person is not an officer, a subordinate officer or an under-officer of higher rank, class or grade;

(w) "under-officer", means a Head Constable, Naik and Lance Naik of the Regiment;

15 45 of 1860. (x) "All words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 shall have the meanings assigned to them in that Code.

(2) In this Act, references to any law not in force in the State of Jammu and Kashmir shall be construed as references to the corresponding law in Regiment in that State.

20 3. (1) The following persons shall be subject to this Act, wherever they may be, namely:—

Persons  
subjects to  
this Act.

(a) officers and subordinate officers; and

(b) under-officers and other persons enrolled under this Act.

25 (2) Every person subject to this Act shall remain so subject until retired, discharged, released, removed or dismissed from the Regiment in accordance with the provisions of this Act and the rules.

## CHAPTER II

### CONSTITUTION OF THE REGIMENT AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE REGIMENT

30 **4. (1) There shall be an armed Regiment of the Union called the Bose Regiment for ensuring the security Indo-Myanmar, Indo-Nepal, Indo-Bangladesh borders and/or securing India's North-Eastern frontiers.**

Constitution  
of the Bose  
Regiment.

(2) Subject to the provisions of this Act, the Regiment shall be constituted in such manner as may be prescribed and the conditions of service of the members of the Regiment shall be such as may be prescribed.

35 **5. (1) The general superintendence, direction and control of the Regiment shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules, the command and supervision of the Regiment shall vest in an officer to be appointed by the Central Government as the Director-General of the Regiment.**

Direction and  
Control of  
the  
Regiment.

40 (2) The Director-General shall, in the discharge of his duties under this Act, be assisted by such number of Inspectors-General, Deputy Inspectors-General, Commandants and other officers as may be prescribed by the Central Government.

Enrolment.	<p><b>6. (1) The persons to be enrolled to the Regiment, the mode of enrolment, and the procedure for enrolment shall be such as may be prescribed by the Central Government.</b></p> <p><b>(2) Notwithstanding anything contained in this Act and the rules, every person who has, for a continuous period of three months, been in receipt of pay as a person enrolled under this Act and borne on the rolls of the Regiment shall be deemed to have been duly enrolled.</b></p>	5
Liability for service outside India.	<p><b>7.</b> Every member of the Regiment shall be liable to serve in any part of India as well as outside India as and when required by the Government during their term of engagement.</p>	
Resignation and withdrawal from the post.	<p><b>8.</b> No member of the Regiment shall be at liberty,—</p> <p>(a) to resign his appointment during the term of his engagement; or</p> <p>(b) to withdraw himself from all or any of the duties of his appointment, except with the previous permission in writing of the prescribed authority.</p>	10
Tenure of Service under the Act.	<p><b>9.</b> Every person subject to this Act shall hold office during the pleasure of the President.</p>	
Termination of service by Central Government.	<p><b>10.</b> Subject to the provisions of this Act and the rules, the Central Government may dismiss or remove from the service any person subject to this Act.</p>	15
Dismissal, removal or reduction by the Director-General and by other officers.	<p><b>11. (1)</b> This Director-General or any Inspector-General may dismiss or remove from the service or reduce to a lower grade or rank or the ranks any person subject to this Act other than an officer.</p> <p>(2) An officer not below the rank of Deputy Inspectors-General or any prescribed officer may dismiss or remove from the service any person under his command other than an officer or a subordinate officer of such rank or ranks as may be prescribed.</p> <p>(3) Any such officer as is mentioned in sub-section (2) may reduce to a lower grade or rank or the ranks any person under his command except an officer or a subordinate officer.</p> <p>(4) The exercise of any power under this section shall be subject to the provisions of this Act and the rules.</p>	20
Certificate of termination of service.	<p><b>12.</b> A subordinate officer, or an under-officer or other enrolled person who is retired, discharged, released, removed or dismissed from the service shall be furnished by the officer, to whose command he is subject, with a certificate in the language which is the mother tongue of such person and also in Hindi or English language setting forth—</p> <p>(a) the authority terminating his service;</p> <p>(b) the cause for such termination; and</p> <p>(c) the full period of his service in the Regiment.</p>	25
Restrictions respecting right to form association, freedom of speech etc.	<p><b>13. (1)</b> No person subject to this Act shall, without the previous sanction in writing of the Central Government or of the prescribed authority,—</p> <p>(a) be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or</p> <p>(b) be a member of, or be associated in any way with, any society, institution, association or organization that is not recognised as part of the Regiment or is not of a purely social, recreational or religious nature; or</p> <p>(c) communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the</p>	30

*bona fide* discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

*Explanation.*— If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Central Government thereon shall be final.

(2) No person subject to this Act shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purposes or for such other purposes as may be prescribed.

### CHAPTER III

#### OFFENCE

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**14.** Any person subject to this Act who commits any of the following offences, that is to say:—

Offences in relation to the enemy and punishable with death.

(a) shamefully abandons or delivers up any post, place or guard, committed to his charge or which it is his duty to defend; or

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(b) intentionally uses any means to compel or induce any person subject to this Act or to military, naval or air force law to abstain from acting against the enemy or to discourage such person from acting against the enemy; or

(c) in the presence of the enemy, shamefully casts away his arms, ammunition, tools or equipment or misbehaves in such manner as to show cowardice; or

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(d) treacherously holds correspondence with or communicates intelligence to, the enemy or any person in arms against the Union; or

(e) directly or indirectly assists the enemy with money, arms, ammunition, stores or supplies or in any other manner whatsoever; or

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(f) in time of active operation against the enemy, intentionally occasions a false alarm in action, camp, quarters, or spreads or causes to be spread reports calculated to create alarm or despondency; or

(g) in time of action leaves his Commandant or other superior officer or his post, guard, picket, patrol or party without being regularly, relieved or without leave; or

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(h) having been captured by the enemy or made a prisoner of war, voluntarily serves with or aids the enemy; or

(i) knowingly harbours or protects an enemy not being a prisoner; or

(j) being a sentry in time of active operation against the enemy or alarm, sleeps upon his post or is intoxicated; or

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(k) knowingly does any act calculated to imperil the success of the Regiment or the military, naval or air forces of India or any forces co-operating therewith or any part of such forces,

shall, on conviction by a Security Regiment Court, be liable to suffer death or such less punishment as is in this Act mentioned.

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**15.** Any person subject to this Act who commits any of the following offences, that is to say,—

Offences in relation to the enemy and not punishable with death.

(a) is taken prisoner or captured by the enemy, by want of due precaution or through disobedience of orders, or willful neglect of duty, or having been taken prisoner or so captured fails to rejoin his service when able to do so; or

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(b) without due authority holds correspondence with, or communicates intelligence to, the enemy or any person in league with the enemy or having come by the knowledge of any such correspondence or communication, willfully omits to discover it immediately to his Commandant or other superior officer,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

Offences punishable more severely on active duty than at other times.

**16.** Any person subject to this Act who commits any of the following offences, that is to say,—

(a) forces a safeguard, or Regiments or forces criminal force to a sentry; or

(b) breaks into any house or other place in search of plunder; or

(c) being a sentry sleeps upon his post, or is intoxicated; or

(d) without orders from his superior officer leaves his guard, picket, patrol or post; or

(e) intentionally or through neglect occasions a false alarm in camp or quarters, or spreads or causes to be spread reports calculated to create unnecessary alarm or despondency; or

(f) makes known the parole, watchword or countersign to any person not entitled to receive it; or knowingly gives a parole, watchword or countersign different from what he received,

shall, on conviction by a Security Regiment Court,—

(A) If he commits any such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(B) If he commits any such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Mutiny.

**17.** Any person subject to this Act who commits any of the following offences, that is to say:—

(a) begins, incites, causes or conspires with any other person to cause any mutiny in the Regiment or in the military, naval or air forces of India or any forces co-operating therewith; or

(b) joins in any such mutiny; or

(c) being present at any such mutiny, does not use his utmost endeavour to suppress the same; or

(d) knowing or having reason to believe in the existence of any such mutiny, or of any intention to mutiny or of any such conspiracy, does not, without delay, give information thereof to his Commandant or other Superior officer; or

(e) endeavors to seduce any person in the Regiment or in the military, naval or air forces of India or any forces co-operating therewith from his duty or allegiance to the Union;

shall, on conviction by a Security Regiment Court, be liable to suffer death or such less punishment as is in this Act mentioned.

Desertion and aiding desertion.

**18.** (I) Any person subject to this Act who deserts or attempts to desert the service shall, on conviction by a Security Regiment Court,—

(a) if he commits the offence when on active duty or when under order for active duty, be liable to suffer death or such less punishment as is in this Act mentioned; and

(b) if he commits the offence under any other circumstances, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

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(2) Any person subject to this Act who knowingly harbours any such deserter shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

5 (3) Any person subject to this Act who, being cognizant of any desertion or attempt at desertion of a person subject to this Act, does not forthwith give notice to his own or some other superior officer, or take any steps in his power to cause such person to be apprehended, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.

10 **19.** Any person subject to this Act who commits any of the following offences, that is to say:—

Absence  
without leave.

(a) absents himself without leave; or

(b) without sufficient cause overstays leave granted to him; or

15 (c) being on leave of absence and having received information from the appropriate authority that any battalion or part thereof or any other unit of the Regiment, to which he belongs, has been ordered on active duty, fails, without sufficient cause, to rejoin without delay; or

(d) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

20 (e) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer, quits the parade or line of march; or

(f) when in camp or elsewhere, is found beyond any limits fixed, or in any place prohibited, by any general, local or other order, without a pass or written leave from his superior officer; or

25 (g) without leave from his superior officer or without due cause, absents himself from any school when duly ordered to attend there,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

30 **20.** Any person subject to this Act who commits any of the following offences, that is to say,—

Striking or  
threatening  
superior  
officers.

(a) uses criminal force to or assaults his superior; or

(b) uses threatening language to such officer; or

(c) uses insubordinate language to such officer;

shall, on conviction by a Security Regiment Court,—

35 (A) if such officer is at the time in the execution of his office or, if the offence is committed on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(B) in other cases, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned:

40 Provided that in the case of an offence specified in clause (c), the imprisonment shall not exceed five years.

45 **21.** (1) Any person subject to this Act who disobeys in such manner as to show a willful defiance of authority any lawful command given personally by his superior officer in the execution of his office whether the same is given orally, or in writing or by signal or otherwise, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

Disobedience  
to superior  
officer.

(2) Any person subject to this Act who disobeys any lawful command given by his superior officer shall, on conviction by a Security Regiment Court,—

(a) if he commits such offence when on active duty, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and

(b) if he commits such offence when not on active duty, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

Insubordination  
and  
Obstruction.

**22.** Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being concerned in any quarrel, affray or disorder, refuses to obey any officer, though of inferior rank, who orders him into arrest, or uses criminal force to or assaults any such officers; or

(b) uses criminal force to, or assaults any person, whether subject to this Act or not, in whose custody he is lawfully placed, and whether he is or is not his superior officer; or

(c) resists an escort whose duty it is to apprehend him or to have him in charge; or

(d) breaks out of barracks, camp or quarters; or

(e) neglects to obey any general, local or other order; or

(f) impedes the Regiment Police or any person lawfully acting on his behalf, or when called upon, refuses to assist in the execution of his duty a Regiment Police or any person lawfully acting on his behalf,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend, in the case of the offences specified in clauses (d) and (e), to two years, and in the case of the offences specified in the other clauses, to ten years, or in either case such less punishment as is in this Act mentioned.

False answers  
on enrolment.

**23.** Any person having become subject to this Act who is discovered to have made at the time of enrolment a willfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.

Certain forms  
of disgraceful  
conduct.

**24.** Any person subject to this Act who commits any of the following offences, that is to say,—

(a) is guilty of any disgraceful conduct of a cruel, indecent or unnatural kind; or

(b) malingers, or feigns, or produces disease or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or

(c) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or that person,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

Ill-treating a  
subordinate.

**25.** Any officer, subordinate officer or under-officer, who uses criminal force to or otherwise ill-treats any person subject to this Act, being his subordinate in rank or position, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

- 26.** Any person subject to this Act who is found in a state of intoxication, whether on duty or not, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to six months or such less punishment as is in this Act mentioned. Intoxication.
- 27.** Any person subject to this Act who commits any of the following offences, that is to say,— Permitting escape of person in custody.
- (a) when in command of a guard, picket, patrol or post, releases without proper authority, whether willfully or without reasonable excuse, any person committed to his charge, or refuses to receive any prisoner or person so committed; or
- (b) willfully or without reasonable excuse allows to escape any person who is committed to his charge, or whom it is his duty to keep or guard,
- shall, on conviction by a Security Regiment Court, be liable, if he has acted willfully, to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned; and if he has not acted willfully, to suffer imprisonment for a term which may extend to two years or such less punishment as is in this Act mentioned.
- 28.** Any person subject to this Act who commits any of the following offences, that is to say,— Irregularity in connection with arrest or confinement.
- (a) unnecessarily details a person in arrest or confinement without bringing him to trial, or fails to bring his case before the proper authority for investigation; or
- (b) having committed a person to Regiment custody fails without reasonable cause to deliver at the time of such committal, or as soon as practicable, and in any case within forty-eight hours thereafter, to the officer or other person into whose custody the person arrested is committed, an account in writing signed by himself of the offence with which the person so committed is charged,
- shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to one year or such less punishment as in this Act mentioned.
- 29.** Any person subject to this Act who, being in lawful custody, escapes or attempts to escape, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned. Escape from custody.
- 30.** Any person subject to this Act who commits any of the following offences, that is to say,— Offences in respect of property.
- (a) commits theft of any property belonging to the Government, or to any Regiment mess, band or institution, or to any person subject to this Act; or
- (b) dishonestly misappropriates or converts to his own use any such property; or
- (c) commits criminal breach of trust in respect of any such property; or
- (d) dishonestly receives or retains any such property in respect of which any of the offences under clauses (a), (b) and (c) has been committed, knowing or having reason to believe the commission of such offence; or
- (e) willfully destroys or injures any property of the Government entrusted to him; or
- (f) does any other thing with intent of defraud, or to cause wrongful gain to one person or wrongful loss to another person,
- shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.



(c) knowingly and with intent to injure any person, or knowingly and with intent to defraud, suppresses, defaces, alters or makes away with any document which it is his duty to preserve or produce; or

5 (d) where it is his official duty to make a declaration respecting any matter, knowingly makes a false declaration; or

(e) obtains for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record, or by making any document containing a false statement, or by  
10 omitting to make a true entry or document containing a true statement,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to ten years or such less punishment as is in this Act mentioned.

36. Any person subject to this Act who commits any of the following offences, that is to say,—

Signing in blank and failure to report.

15 (a) when signing any document relating to pay, arms, ammunition, equipment, clothing, supplies or stores, or any property of the Government fraudulently leaves in blank any material part for which his signature is a voucher; or

(b) refuses or by culpable neglect omits to make or send a report or return which it is his duty to make or send,

20 shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

37. Any person subject to this Act who commits any of the following offences, that is to say,—

Offences relating to Security Regiment Court.

25 (a) being duly summoned or ordered to attend as a witness before a Security Regiment Court, willfully or without reasonable excuse, makes default in attending; or

(b) refuses to take an oath or make an affirmation legally required by a Security Regiment Court to be taken or made; or

30 (c) refuses to produce or deliver any document in his power or control legally required by a Security Regiment Court to be produced or delivered by him; or

(d) refuses, when a witness, to answer any question which he is by law bound to answer; or

35 (e) is guilty of contempt of the Security Regiment Court by using insulting or threatening language, or by causing any interruption or disturbance in the proceedings of such court,

shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to three years or such less punishment as is in this Act mentioned.

40 38. Any person subject to this Act who, having been duly sworn or affirmed before any Security Regiment Court or other Court competent under this Act to administer an oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.

False evidence.

Unlawful detention of pay.	<p><b>39.</b> Any officer, subordinate officer or an under-officer who, having received the pay of a person subject to this Act unlawfully detains or refuses to pay the same when due, shall, on conviction by a Security Regiment Court be liable to suffer imprisonment for a term which may extend to five years or such less punishment as is in this Act mentioned.</p>	
Violation of good order and discipline.	<p><b>40.</b> Any person subject to this Act who is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline of the Regiment shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.</p>	5
Miscellaneous offences.	<p><b>41.</b> Any person subject to this Act who commits any of the following offences, that is to say,—</p> <p>(a) being in command at any post or on the march, and receiving a complaint that anyone under his command has beaten or otherwise maltreated or oppressed any person, or has disturbed any fair or market, or committed any riot or trespass, fails to have due reparation made to the injured person or to report the case to the proper authority; or</p> <p>(b) by defiling any place of worship, or otherwise, intentionally insults the religion, or wounds the religious feelings of, any person; or</p> <p>(c) attempts to commits suicide, and in such attempt does any act towards the commission of such offence; or</p> <p>(d) being below the rank of subordinate officer, when off duty, appears without proper authority, in or about camp, or in or about, or when going to, or returning from, any town or bazaar, carrying a rifle, sword or other offensive weapon; or</p> <p>(e) directly or indirectly accepts or obtains or agrees to accept, or attempts to obtain, for himself or for any other person, any gratification as a motive or reward for procuring the enrolment of any person, or leave of absence, promotion or any other advantage or indulgence for any person in the service; or</p> <p>(f) commits any offence against the property or person of any inhabitant of, or resident in, the country in which he is serving,</p> <p>shall, on conviction by a Security Regiment Court, be liable to suffer imprisonment for a term which may extend to seven years or such less punishment as is in this Act mentioned.</p>	10 15 20
Attempt.	<p><b>42.</b> Any person subject to this act who attempts to commit any of the offences specified in sections 14 to 41 (both inclusive) and in such attempt does any act towards the commission of the offence; shall, on conviction by a Security Regiment Court, where no express provision is made by this Act for the punishment of such attempt, be liable,—</p> <p>(a) if the offence attempted to be committed is punishable with death, to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned; and</p> <p>(b) if the offence attempted to be committed is punishable with imprisonment, to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in the Act mentioned.</p>	25 30
Abetment of offences that have been committed.	<p><b>43.</b> Any person subject to this Act who abets the commission of any of the offences specified in sections 14 to 41 (both inclusive) shall, on conviction by a Security Regiment Court, if the Act abetted is committed in consequence of the abetment and no express provision is made by this Act for the punishment of such abetment, be liable to suffer the punishment provided for that offence or such less punishment as is in this Act mentioned.</p>	35 40
Abetment of offences punishable with death and not committed.	<p><b>44.</b> Any person subject to this Act who abets the commission of any of the offences punishable with death under sections 14, 17 and sub-section (1) of section 18 shall, on conviction by a Security Regiment Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such</p>	45

abetment, be liable to suffer imprisonment for a term which may extend to fourteen years or such less punishment as is in this Act mentioned.

5 **45.** Any person subject to this Act who abets the commission of any of the offences specified in sections 14 to 41 (both inclusive) and punishable with imprisonment shall, on conviction by a Security Regiment Court, if that offence be not committed in consequence of the abetment, and no express provision is made by this Act for the punishment of such abetment, be liable to suffer imprisonment for a term which may extend to one-half of the longest term provided for that offence or such less punishment as is in this Act mentioned. Abetment of offences punishable with imprisonment and not committed.

10 **46.** Subject to the provisions of section 47, any person subject to this Act who at any place in, or beyond India, commits any civil offence shall be deemed to be guilty of an offence against this Act and, if charged therewith under this section shall be liable to be tried by a Security Regiment Court and, on conviction, be punishable as follows, that is to say,— Civil offences.

15 (a) if the offence is one which would be punishable under any law in force in India with death, he shall be liable to suffer any punishment, assigned for the offence, by the aforesaid law and such less punishment as is in this Act mentioned; and

(b) in any other case, he shall be liable to suffer any punishment, assigned for the offence by the law in force in India, or imprisonment for a term which may extend to seven years, or such less punishment as is in this Act mentioned.

20 **47.** A person subject to this Act who commits an offence of murder or of culpable homicide not amounting to murder against, or of rape in relation to, a person not subject to this Act shall not be deemed to be guilty of an offence against this Act and shall not be tried by a Security Regiment Court, unless he commits any of the said offences,— Civil offences not tribal by a Security Regiment Court.

(a) while on active duty; or

(b) at any place outside India; or

25 (c) at any place specified by the Central Government by notification in this behalf.

## CHAPTER IV

### PUNISHMENT

30 **48.** (1) Punishments may be inflicted in respect of offences committed by persons subject to this Act and convicted by Security Regiment Courts according to the scale following, that is to say,— Punishments awardable by Security Regiment Courts.

(a) death;

(b) Imprisonment which may be for the term of life or any other lesser term but excluding imprisonment for a term not exceeding three months in Regiment custody;

35 (c) dismissal from the service;

(d) imprisonment for a term not exceeding three months in Regiment custody;

(e) reduction to the ranks or to a lower rank or grade or place in this list of their rank in the case of an under-officer;

40 (f) forfeiture of seniority of rank and forfeiture of all or any part of the service for the purpose of promotion;

(g) forfeiture of service for the purpose of increased pay, pension or any other prescribed purpose;

(h) fine, in respect of civil offences;

45 (i) severe reprimand or reprimand except in the case of persons below the rank of an under-officer;

(j) forfeiture of pay and allowances for a period not exceeding three months for an offence committed on active duty;

(k) forfeiture in the case of person sentenced to dismissal from the service of all arrears of pay and allowances and other public money due to him at the time of such dismissal; and

(l) stoppage of pay and allowances until any proved loss or damage occasioned by the offence for which he is convicted is made good.

(2) Each of the punishments specified in sub-section (1) shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

Alternative punishments awardable by Security Regiment Courts.

**49.** Subject to the provisions of this Act, a Security Regiment Court may, on convicting a person subject to this Act of any of the offences specified in sections 14 to 45 (both inclusive) award either the particular punishment with which the offence is stated in the said section to be punishable or, in lieu thereof, any one of the punishments lower in the scale set out in section 48 regard being had to the nature and degree of the offence.

Combination of punishments.

**50.** A sentence of a Security Regiment Court may award in addition to, or without any one other punishment, the punishment specified in clause (c) of sub-section (1) of section 48, and any one or more of the punishments specified in clauses (e) to (l) (both inclusive) of that sub-section.

Retention in the Regiment of a person convicted on active duty.

**51.** When on active duty any enrolled person has been sentenced by a Security Regiment Court to dismissal or to imprisonment whether combined with dismissal or not, the prescribed officer may direct that such person may be retained to serve in the ranks, and such service shall be reckoned as part of his term of imprisonment if any.

Punishments otherwise than by Security Force Courts.

**52.** Punishment may also be inflicted in respect of offences committed by persons subject to this Act without the intervention of a Security Regiment Court in the manner stated in sections 53 and 55.

Minor punishments.

**53.** Subject to the provisions of section 54, a Commandant or such other officer as is, with the consent of Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person subject to this Act, otherwise than as an officer or a subordinate officer, who is charged with an offence under this Act and award such person, to the extent prescribed, one or more of the following punishments, that is to say,—

(a) imprisonment in Regiment custody up to twenty-eight days;

(b) detention up to twenty-eight days;

(c) confinement to the lines up to twenty-eight days;

(d) extra guards or duties;

(e) deprivation of any special position or special emoluments or any acting rank or reduction to a lower grade of pay;

(f) forfeiture of good service and good conduct pay;

(g) severe reprimand or reprimand;

(h) fine up to fourteen day's pay in any one month; and

(i) deductions from his pay of any sum required to make good such compensation for any expense, loss, damage or destruction caused by him to the Central Government or to any building or property as may be awarded by his Commandant.

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54. (1) In the case of an award of two or more of the punishments specified in clauses (a), (b), (c) and (d) of section 53, the punishments specified in clause (c) or clause (d) shall take effect only at the end of the punishment specified in clause (a) or clause (b).

Limit of punishments under Section 53.

5 (2) When two or more of the punishments specified in the said clauses (a), (b) and (c) are awarded to a person conjointly, or when already undergoing one or more of the said punishments, the whole extent of the punishments shall not exceed in the aggregate forty-two days.

10 (3) The punishments specified in the said clauses (a), (b) and (c) shall not be awarded to any person who is of the rank of an under-officer or was, at the time of committing the offence for which he is punished, of such rank.

(4) The punishment specified in clause (g) of section 53 shall not be awarded to any person below the rank of an under-officer.

15 55. (1) An officer not below the rank of the Deputy Inspector-General or such other officer as is, with the consent of the Central Government, specified by the Director-General may, in the prescribed manner, proceed against a person of or below the rank of a subordinate officer who is charged with an offence under this Act and award one or more of the following punishments, that is to say,—

Punishment of persons of and below the rank of subordinate officers by Deputy Inspectors General and others.

20 (a) forfeiture of seniority, or in the case of any of them whose promotion depends upon the length of service forfeiture of service for the purpose of promotion for a period not exceeding twelve months, but subject to the right of the accused person to the award to elect to be tried by a Security Regiment Court;

(b) severe reprimand or reprimand;

(c) stoppage of pay and allowances until any proved loss or damage occasioned by the offence of which he is convicted is made good.

25 (2) In every case in which punishment has been awarded under sub-section (1), certified true copies of the proceedings shall be forwarded, in the prescribed manner, by the officer awarding the punishment to the prescribed superior authority who may, if the punishment awarded appears to him to be illegal, unjust or excessive, cancel, vary, or remit the punishment and make such other direction as may be appropriate in the circumstances of the case.

30 56. (1) Whenever any weapon or part of a weapon, or ammunition, forming part of the equipment of a unit of the Regiment, is lost or stolen, an officer not below the rank of the Commandant of a battalion may, after making such enquiry as he thinks fit and subject to the rules, impose a collective fine upon the subordinate officers, under-officers and men of such unit, or upon so many of them as, in his judgement, should be held responsible for such loss or theft.

Collective fines.

35 (2) Such fine shall be assessed as a percentage on the pay of the individuals on whom it falls.

CHAPTER V

MISCELLANEOUS

47 of 1968. 40 57. The following provisions of the Border Security Force Act, 1968 shall apply to this Act with modifications hereunder referred—

(A) in sections 57 to 63,—

(i) the terms 'Force' is to be replaced with the term 'Regiment';

45 (ii) the terms 'Security Force Court' and 'Force Court' are to be replaced with the terms 'Security Regiment Court' and 'Regiment Court', respectively;

(iii) the term 'General Security Force Courts' to be replaced with the term 'General Security Regiment Courts';

Application of certain provisions of the Border Security Force Act, 1968 (47 of 1968) to apply to this act with modification.

(iv) the term 'Petty Security Force Courts' to be replaced with the term 'Petty Security Regiment Courts';

(v) the term 'Summary Security Force Courts' to be replaced with the term 'Summary Security Regiment Courts';

(vi) the term 'Force Custody' to be replaced with the term 'Regiment Custody'; 5

(B) in sections 64 to 81,—

(i) the terms 'Security Force Court' and 'Force Court' are to be replaced with the terms 'Security Regiment Court' and 'Regiment Court', respectively;

(ii) the term 'General Security Force Courts' to be replaced with the term 'General Security Regiment Courts'; 10

(iii) the term 'Petty Security Force Courts' to be replaced with the term 'Petty Security Regiment Courts';

(iv) the term 'Summary Security Force Courts' to be replaced with the term 'Summary Security Regiment Courts'; 15

(C) in sections 82 to 106,—

(i) the term 'Force', is to be replaced with the term 'Regiment';

(ii) the terms 'Security Force Court' and 'Force Court' are to be replaced with the terms 'Security Regiment Court' and 'Regiment Court', respectively;

(iii) the term 'General Security Force Courts' to be replaced with the term 'General Security Regiment Courts'; 20

(iv) the term 'Petty Security Force Courts' to be replaced with the term 'Petty Security Regiment Courts';

(v) the term 'Summary Security Force Courts' to be replaced with the term 'Summary Security Regiment Courts'; 25

(D) in sections 107 to 118,—

(i) the terms 'Security Force Court' and 'Force Court' are to be replaced with the terms 'Security Regiment Court' and 'Regiment Court', respectively;

(ii) the term 'General Security Force Courts' to be replaced with the term 'General Security Regiment Courts'; 30

(iii) the term 'Petty Security Force' to be replaced with the term 'Petty Security Regiment Courts';

(iv) the term 'Summary Security Force Courts' to be replaced with the terms 'Summary Security Regiment Courts';

(E) in sections 119 to 138,— 35

(i) the term 'Force' is to be replaced with the term 'Regiment';

(ii) the terms 'Security Force Court' and 'Force Court' are to be replaced with the terms 'Security Regiment Court' and 'Regiment Court', respectively;

(iii) the term 'General Security Force Courts' to be replaced with the term 'General Security Regiment Courts'; 40

(iv) the term 'Petty Security Force Courts' to be replaced with the term 'Petty Security Regiment Courts';

(v) the term 'Summary Security Force Courts' to be replaced with the term 'Summary Security Regiment Courts';

5 (vi) the term 'Force Custody' to be replaced with the term 'Regiment Custody';

**58.** (1) The Central Government may, by notification, make rules for carrying out the purposes of this Act.

Power to  
make Rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for:—

10 (a) the Constitution, governance, command and discipline of the Regiment;

(b) the enrolment of persons to the Regiment and the recruitment of other members of the Regiment;

(c) the conditions of service (including deductions from pay and allowances) of members of the Regiment;

15 (d) the rank, precedence, powers of command and authority of the officers, subordinate officers, under-officers and other persons subject to this Act;

(e) the removal, retirement, release or discharge from the service of persons subject to this Act;

(f) the purposes and other matters required to be prescribed under section 13;

20 (g) the convening, Constitution, adjournment, dissolution and sittings of Security Regiment Courts, the procedure to be observed in trials by such courts, the persons by whom an accused may be defended in such trials and the appearance of such persons there at;

25 (h) the confirmation, revision and annulment of, and petitions against, the finding and sentences of Security Regiment Courts;

(i) the forms or orders to be made under the provisions of this Act relating to Security Regiment Courts and the awards and infliction of death, imprisonment and detention;

(j) the carrying into effect of sentences of Security Regiment Courts;

30 (k) any matter necessary for the purpose of carrying this Act into execution, as far as it relates to the investigation, arrest, custody, trial and punishment of offences triable or punishable under this Act;

(l) the ceremonials to be observed and marks of respect to be paid in the Regiment;

35 (m) the convening of, the Constitution, procedure and practice of, Courts of inquiry, the summoning of witnesses before them and the administration of oaths by such Courts;

(n) the recruitment and conditions of service of the Chief Law Officer and the Law Officers;

40 (o) any other matter which is to be, or may be prescribed or in respect of which this Act makes no provision or makes insufficient provision and provision is, in the opinion of the Central Government, necessary for the implementation of the Act.

(3) Every rule made under this Act 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 in one session or in two 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 rule or both Houses agree that the rule should not be made, the 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 rule.

## STATEMENT OF OBJECTS AND REASONS

Shri Subash Chandra Bose, fondly referred to as Netaji, is an iconic figure to Indians. He was a Congress student leader who participated in Gandhi's Civil Disobedience Movement, served as the Mayor of Calcutta in 1930, and later rose to the rank of Congress President in 1938 and 1939. A staunch Indian Nationalist gifted with great drive and charisma, Bose gave Indians everywhere a rallying cry 'Jai Hind' and is credited with reviving and leading the Indian National Army (INA), which sought to secure India's freedom from British Rule through armed resistance.

The INA under Bose was a model of diversity by region, ethnicity, religion and even gender. The INA was also at the forefront of women's equality and the formation of a women's regiment, the 'Rani of Jhansi Regiment' was formed to fight the British Raj as well as provide medical services to the INA. The efforts of INA in their fight for Indian independence played a big role in hastening the end of British rule in India.

Many members of the INA have been instrumental in shaping our country's destiny such as Shah Nawaz Khan, who served as a Minister of State for Rail in the First Indian cabinet, Lakshmi Sahgal, a well known and widely respected public figure in India and R.S. Benegal, who joined the Indian Air Force in 1952 and later rose to the rank of Air Commodore. So, it is now time we appropriately honour the man responsible for all this, by raising a regiment in his name to be known as the Bose Regiment.

Many of the battles INA engaged in were confined to the north-east frontiers of India, including regions of Bangladesh, Nepal and Myanmar. India faces many challenges along the border such as insurgency and cross-border terrorism, influx of illegal migrants, smuggling of arms, money laundering and fake currency, as well as a black-market of narcotics from across the border.

A Bose Regiment would ideally strengthen the security of the border. The Bose Regiment will be given the single mandate of guarding India's north-eastern frontiers and the porous border we share with China, Nepal, Myanmar & Bangladesh. A highly trained Regiment would be able to overcome problems of insurgency as well as check the terrorist activities, illegal migrants and smuggling of arms, narcotics and fake currency into India.

Hence this Bill.

NEW DELHI;  
*March* 12, 2015.

DEEPENDER SINGH HOODA

## FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of the Bose Regiment. Clause 5 provides for appointment of certain officers of the Regiment. Clause 6 provides for enrolment of persons to the Regiment.

The Bill, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a sum of about rupees one thousand crore will be involved as recurring expenditure.

A non-recurring expenditure of about five hundred crore is also likely to be involved.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 58 of the Bill empowers the Central Government to make rules for carrying out the provisions of the proposed legislation. The matters in respect of which such rules may be made include the constitution, governance, command and discipline of the Regiment, the enrolment of the persons to the Regiment and the recruitment of other members to the Regiment, the conditions of service (including deductions from pay and allowances) of members of the Regiment, the rank, precedence, powers of command and authority of the officers, subordinate officers and other members of the Regiment.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

LOK SABHA

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to provide for the constitution and regulation of a new army regiment to be known as the Bose Regiment for ensuring the security of the Indo-Myanmar, Indo-Nepal and Indo-Bangladesh borders, ensuring the security of India's north-eastern frontiers and for other matters connected therewith.

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*(Shri Deepender Singh Hooda, M.P.)*