

ACT No. XVIII OF 1918.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 20th September, 1918.)

An Act to amend the Indian Army (Suspension of Sentences) Act, 1917.

WHEREAS it is expedient to amend the Indian Army (Suspension of Sentences) Act, 1917; It IV of 1917 is hereby enacted as follows:—

Short title.

1. This Act may be called the Indian Army (Suspension of Sentences) Amendment Act, 1918.

Amendment of section 2, Act IV of 1917.

2. In clause (5) of section 2 of the Indian Army (Suspension of Sentences) Act, 1917 (hereinafter referred to as the said Act), for the words "in which the offender, at the time of his conviction, was serving," the words "in which an offender is for the time being serving, or within the limits of whose command an offender who has been committed is for the time being undergoing his sentence" shall be substituted.

Amendment of section 3, Act IV of 1917.

3. In section 3 of the said Act,—

(1) in sub-section (1) the words "or dismissed from the service (if liable to such dismissal)" shall be omitted;

(2) in sub-section (5) after the words "may be required," the words "by a superior military authority" shall be inserted;

(3) in sub-section (6) for the word "three" the word "four" shall be substituted;

(4) in sub-section (7), the words "and the prisoner, if liable to be dismissed from the service under

section

section 15 of the principal Act, shall be forthwith dismissed from the service," shall be omitted;

(5) for sub-section (8), the following sub-section shall be substituted, namely:—

“(8) Where an offender, whilst a sentence on him is suspended under this Act, is sentenced for any other offence, then—

(a) if the further sentence is also suspended under this Act, the authority ordering such suspension may direct that the two sentences shall run either concurrently or consecutively; provided that the aggregate term of imprisonment to be served under two or more sentences shall not exceed fourteen consecutive years;

(b) if the further sentence exceeds three months and is not suspended under this Act, the offender shall be deemed to have been committed on the previous sentence from the date on which the further sentence was passed unless a superior military authority otherwise directs;

(c) where the sentence for such other offence is a sentence of transportation, then whether or not that sentence is suspended, any previous sentence of imprisonment which has been suspended shall be avoided so far as the period of such imprisonment does not exceed that of the transportation.”

(6) in sub-section (9) for the figures “99,” the figures “112” shall be substituted;

(7) after sub-section (9) the following sub-sections shall be added, namely:—

“(10) Sentences which are suspended under this Act when this Act ceases to be in force shall be deemed to be remitted.

(11) Where a punishment of dismissal has been awarded by a court-martial in addition to a sentence

to.

to which this Act applies, then, notwithstanding anything contained in the principal Act or in any rules made thereunder, such dismissal shall not take effect until the completion of the sentence or until this Act ceases to be in force, whichever is the earlier event:

Provided that, if a sentence is remitted under this Act, the punishment of dismissal shall also be remitted."