

ACT NO. XLVIII OF 1920.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

*(Received the assent of the Governor General on the 22nd
September, 1920.)*

An Act to constitute an Indian Territorial Force, and to provide for the enrolment therein of persons other than European British subjects.

WHEREAS it is expedient to provide for the constitution of an Indian Territorial Force, and for the enrolment therein of persons other than European British subjects who may offer themselves therefor; it is hereby enacted as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Indian Territorial Force Act, 1920.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force on the first day of October, 1920.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

“Advisory Committee” means an Advisory Committee constituted under section 12 for the Province within which a person subject to this Act for the time being resides or is serving, as the case may be;

“enrolled” means enrolled or re-enrolled in the Indian Territorial Force under this Act;

“European

V of 1898.

“European British subject” means any person who is a European British subject as defined in the Code of Criminal Procedure, 1898, or is a British subject of European descent in the male line;

“prescribed” means prescribed by rules made under this Act; and

“University Corps” means any corps of the Indian Territorial Force constituted for the appointment thereto of students of, and other persons connected with, a University established by law in British India or colleges affiliated to such a University.

3. There shall be raised and maintained in the manner hereinafter provided a force to be designated the Indian Territorial Force: Constitution of Indian Territorial Force.

Provided that the Governor General in Council shall establish all or any of the branches of the Force as circumstances may permit from time to time.

4. The Governor General in Council may constitute for any Province one or more corps or units of the Indian Territorial Force and may disband any corps or unit so constituted. Constitution and disbandment of units.

5. (1) Any British subject (not being a European British subject) or any subject of a State in India may offer himself for enrolment in the Indian Territorial Force, and any such person who satisfies the prescribed conditions may be enrolled in the prescribed manner for such period, not exceeding six years, as may be prescribed. Enrolment.

(2) An applicant for enrolment may apply to be enrolled for service in any particular branch, corps or unit constituted for the Province within which he for the time being resides.

6. (1) Every person enrolled shall without unnecessary delay be appointed in the prescribed manner to a corps or unit constituted under section 4 for the Province in which he for the time being resides. Appointment to corps or unit.

(2) Any

(2) Any person who has been enrolled for service in any particular branch, corps or unit shall be appointed to a corps or unit of that branch or to that corps or unit, as the case may be.

Transfer and attachment.

7. (1) Any person appointed to a corps or unit under section 6 may be transferred, whether on disbandment of the corps or unit or otherwise, to another corps or unit of the Indian Territorial Force, in such manner as may be prescribed.

(2) Nothing contained in sub-section (1) shall be deemed to authorise the transfer without his own consent of any person enrolled to a corps or unit constituted for a Province other than that in which he for the time being resides, or of a person enrolled for service in a particular branch to a corps or unit of another branch, or of a person enrolled for service in a particular corps or unit to any other corps or unit.

(3) Any person enrolled may be attached at his own request to any corps or unit of the Indian Territorial Force or to any regular forces.

Discharge.

8. Every person enrolled shall be entitled to receive his discharge from the Indian Territorial Force on the expiration of the period for which he was enrolled, and any such person may, prior to the expiration of that period, be discharged from the said Force by such authority and subject to such conditions as may be prescribed, and shall be so discharged on a recommendation of the Advisory Committee in this behalf:

Provided that no person enrolled who is for the time being engaged in military service under the provisions of this Act shall be entitled to receive his discharge before the termination of such service.

Liability to serve and perform military service.

9. (1) Every person enrolled shall, subject to such conditions as may be prescribed, be bound to serve in any corps or unit of the Indian Territorial Force to which he has been appointed or transferred or is for the time being attached, and shall be subject to all rules and regulations that may be made under this Act relating to such corps or unit.

(2) Every

(2) Every person enrolled shall be liable to perform military service—

- (a) when called out with any portion of the Indian Territorial Force by an order of the senior military officer present either to act in support of the civil power or to provide guards which, in the opinion of such officer, are essential; or
- (b) when any portion of the Indian Territorial Force to which he belongs has been embodied to support or supplement His Majesty's regular forces in India in the event of an emergency by a notification directing such embodiment issued by the Governor General in Council and published in the Gazette of India; or
- (c) when attached at his own request to any regular forces.

10. (1) No person embodied under section 9 shall be required to perform military service beyond the limits of India save under a general or special order of the Governor General in Council.

Territorial limits of liability to, and duration of, military service.

(2) Any portion of the Indian Territorial Force which, having been called out or embodied under section 9, is performing military service shall be replaced by regular troops or otherwise as soon as circumstances permit, and shall not be required to perform such service after such replacement has been effected to the satisfaction of the senior military officer in charge or after the cancellation of the order or notification under clause (a) or (b), as the case may be, of section 9.

11. (1) Every commissioned officer of the Indian Territorial Force when doing duty as a commissioned officer and every non-commissioned officer and man of the said Force—

Application of Act VIII of 1911.

- (a) when called out or embodied for military service under section 9, or
- (b) when attached to, or otherwise acting as part of or with, any regular forces,

shall

shall be subject to the Indian Army Act, 1911, and the rules made thereunder, whereupon the said Act and rules shall apply to him as if he held the same rank in His Majesty's Indian forces as he holds for the time being in the Indian Territorial Force. VIII of 1911.

(2) Every commissioned officer, non-commissioned officer and man of the said Force when embodied for, or otherwise undergoing, military training in the prescribed manner shall be subject to the Indian Army Act, 1911, and the rules made thereunder: VIII of 1911.

Provided that the said Act and rules shall in their application to such persons be modified to such extent and in such manner as may be prescribed:

Provided further that officers, non-commissioned officers and men of a University Corps shall, when undergoing military training, be subject only to such disciplinary and other rules as may be prescribed in this behalf.

Advisory
Committees.

12. (1) The Local Government of each Province for which any unit of the Indian Territorial Force has been constituted shall constitute an Advisory Committee consisting of three members, of whom one shall be a military officer appointed in the prescribed manner and the others shall be persons who are British subjects (other than European British subjects) not in the service of Government, appointed annually by, or under the orders of, the Local Government.

(2) The duties, powers and procedure of Advisory Committees shall be such as may be prescribed.

Power to
make rules.

13. (1) The Governor General in Council may, after previous publication, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may—

(a) prescribe the manner in which, the period for which and the conditions subject to which, persons may be enrolled under section 5;

(b) prescribe the manner in which persons enrolled may be appointed to corps and units

units under section 6 or transferred under section 7 ;

(c) prescribe the authorities by which and the conditions subject to which persons enrolled may be discharged under section 8 ;

(d) prescribe the preliminary and periodical training to be undergone by any persons or class of persons enrolled and provide for the embodiment of any corps or unit for that purpose ;

(e) prescribe the military or other obligations to which members of a University Corps shall be liable when undergoing military training and provide generally for the maintenance of discipline in such cases ;

(f) provide for the medical examination of persons offering themselves for enrolment under section 5 ;

(g) provide for and regulate the remuneration, allowances, gratuities or compensation (if any) to be paid to any person or class of persons enrolled or to their dependants ; and

(h) provide for any other matter which under this Act is to be or may be prescribed.

(3) All rules made under this Act shall be published in the Gazette of India, and on such publication shall have effect as if enacted in this Act.

14. (1) The Commander-in-Chief of His Majesty's forces in India may make regulations consistent with this Act and the rules made thereunder providing generally for all details connected with the organization and personnel of the Indian Territorial Force and for the duties, military training, clothing, equipment, allowances and leave of persons enrolled. Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may specify the courses of training or instruction to be followed by any person or class of persons enrolled.

15. For

Certain persons subject to this Act to be deemed part of His Majesty's Army for certain purposes.

Exemption from local taxation.

15. For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men of the Indian Territorial Force who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers, respectively, of His Majesty's Army. ^{v of 1898.}

16. No person shall be liable to pay any municipal or other tax in respect of any horse, bicycle, motor bicycle, motor car, or other means of conveyance which he is authorised by regulations made under section 14 to maintain in his capacity as a member of the Indian Territorial Force.