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THE INDIAN NAVAL RESERVE FORCES (DISCIPLINE) ACT, 1939.

(Made by the Governor General under the provisions of section 67B of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935, and received the assent of His Majesty signified on His Majesty's behalf by an Order in Council, dated the 25th May, 1939, and published in the Gazette of India, dated the 3rd June, 1939.)

An Act to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty,

WHEREAS it is expedient to provide for the discipline of members of the Indian Naval Reserve Forces raised in British India on behalf of His Majesty, and in furtherance of that purpose to amend the First Schedule to the Indian Navy (Discipline) Act, 1934;

XXXIV of
1934.

It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Naval Reserve Forces (Discipline) Act, 1939.

Short title, extent and commencement.

(2) It extends to the whole of British India, and applies to members of the Indian Naval Reserve Forces wherever they may be.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint in this behalf.

2. The Indian Naval Reserve Forces shall consist of the Royal Indian Fleet Reserve, the Royal Indian Naval Reserve, the Royal Indian Naval Volunteer Reserve and the Royal Indian Naval Communications Reserve.

The Indian Naval Reserve Forces.

3. The Central Government may make rules for the government, discipline and regulation of the Indian Naval Reserve Forces.

Power to make rules for regulation of Naval Reserve Forces.

4. Every

Indian Naval Reserve Forces (Discipline). [1939.

Liability to Naval Discipline Act.

4. Every member of the Indian Naval Reserve Forces, while undergoing training on board any vessel or otherwise, in pursuance of rules made under section 3, or when called into actual service in the Royal Indian Navy, on board any vessel or otherwise, in pursuance of the said rules, shall be subject to the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934, in the same manner as a person in or belonging to the Indian Navy and shall continue to be so subject until duly released from such training or service, as the case may be.

XXXIV of 1934.

XXXIV of 1934.

Penalty for failure to attend when required or called.

5. (1) If any member of the Indian Naval Reserve Forces, when required, in pursuance of rules made under section 3, to attend on board any vessel or at any place for the purpose of undergoing training, fails without reasonable excuse to attend in accordance with such requirement, he shall be punishable with fine which may extend to two hundred rupees.

(2) If any member of the Indian Naval Reserve Forces, when called into actual service in the Royal Indian Navy and required by such call to join any vessel or attend at any place, fails without reasonable excuse to comply with such requirement at or within such time as the Central Government may, by order, direct, he shall be liable to be apprehended and punished in the same manner as a person in or belonging to the Indian Navy deserting or improperly absenting himself from duty, except that the punishment shall not exceed imprisonment which may extend to two years.

Rule of evidence.

6. Where any member of the Indian Naval Reserve Forces is required, in pursuance of rules made under section 3, to attend on board any vessel or at any place for the purpose of undergoing training, or is called into actual service in the Royal Indian Navy, a certificate purporting to be signed by an officer appointed in this behalf under the said rules and stating that the said member failed to attend in accordance with such requirement or call shall, without proof of the signature or appointment of such officer, be evidence of the matter stated therein.

Jurisdiction.

7. No Court inferior to that of a Presidency Magistrate or Magistrate of the first class shall try an offence punishable under sub-section (1) of section 5.

8. In

1939.] *Indian Naval Reserve Forces (Discipline).*

XXXIV of
1934.

8. In the Naval Discipline Act as set out in the First Schedule to the Indian Navy (Discipline) Act, 1934,—

Modification
of the Naval
Discipline
Act.

(a) in section 86, for the words commencing "a person holding" and ending "in the Indian Navy" the following shall be substituted, namely:—

"an officer holding any such position in the Indian Naval Reserve Forces during and in respect of the time when he is subject to the provisions of this Act";

(b) in section 87, for the words commencing "the Indian Naval Volunteer Reserve" and ending "he is liable" the following shall be substituted, namely:—

"the Indian Naval Reserve Forces to the extent specified in section 4 of the Indian Naval Reserve Forces (Discipline) Act, 1939".