

## ACT No. III OF 1916.

PASSED BY THE INDIAN LEGISLATIVE COUNCIL.

[Received the assent of the Governor General on the 8th March, 1916.]

An Act to provide for the trial, by Court-martial, of foreigners for offences against the Defence of India Rules.

WHEREAS it is expedient to provide for the trial, by Court-martial, of foreigners for offences against the Defence of India Rules; It is hereby enacted as follows:—

1. (1) This Act may be called the "Foreigners' (Trial by Court-martial) Act, 1916."

Short title,  
extent and  
duration.

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

(3) It shall be in force during the continuance of the present war, and for a period of six months thereafter:

Provided that the expiration of this Act shall not affect the validity of anything done in pursuance of it, and any person convicted under this Act may be punished as if it had continued in force, and all prosecutions and other legal proceedings pending under this Act at the time of the expiration thereof may be completed and carried into effect and the sentences carried into execution as if this Act had not expired.

2. In this Act—

(a) "British subject" has the same meaning as in section 27 of the British Nationality and Status of Aliens Act, 1914:

1 & 5 Geo.  
V., c. 17.

Definitions.

Provided that any person who holds a certificate of naturalization as a British subject granted under any Act of the Governor General in Council for the time being in force shall, for the purposes of this Act, be deemed to be a British subject.

(b) "Defence

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(b) "Defence of India Rules" means any rules for the time being in force made under section 2 of the Defence of India (Criminal Law Amendment) IV of 1915. Act, 1915.

(c) "Foreigner" means any person who is not a British subject.

Trial of  
foreigners  
contravening  
rules under  
section 2 of  
the Defence  
of India Act,  
1915.

3. (1) The Governor General in Council may, by order in writing, direct that a foreigner accused of anything which is an offence in virtue of the Defence of India Rules shall be tried by Court-martial.

(2) An order made under sub-section (1) may be made in respect of all foreigners or any particular foreigner or any class of foreigners, and in respect of all offences against the said rules or any particular offence or any class of offences.

(3) An order made under sub-section (1) may be made in respect of, or include, any foreigner so accused whether such offence was committed before or after the commencement of this Act.

Procedure on  
making of  
order under  
section 3.

4. When an order under section 3 has been made in respect of, or includes, any foreigner, such foreigner, when so accused, may be taken into military custody, and shall, if he is already in other custody, be handed over to military custody, and shall be proceeded against and dealt with as if he was a person subject to military law in accordance with the Army Act, and as if the offence of which he is accused was an offence against military law; and may, on conviction, be sentenced to, and shall be liable to suffer, any punishment assigned by the Defence of India Rules for the offence of which he is found guilty. 44 & 45  
Vict., c. 58.

Procedure on  
trial.

5. The trial and all matters precedent thereto and attendant thereon shall be held and carried out in accordance with the provisions of the Army Act and the rules for the time being in force thereunder: 44 & 45  
Vict., c. 58.

Provided that the Governor General in Council may, by general or special order, modify, in such way as he may direct, any of the said provisions.

Repeal of  
Ordinance  
III of 1916.

6. The Foreigners (Trial by Court-martial) Ordinance, 1916, is hereby repealed. III of 1916.