

Army Act, 1950

Preamble 1 - Army Act, 1950

ARMY ACT, 1950 ARMY ACT, 1950 46 of 1950 "The need for a general revision of the three Acts, namely, Army Act, 1911, Navy Discipline Act, 1934 and Air Force Act, 1932, has been felt for some time past. Some of the provisions of the existing Acts were already becoming out of date and insufficient for modern requirements, but after the 15th August 147, the need for revision became imperative for obvious reasons. It was, therefore, decided to revise all the three Acts with a view to making them self-sufficient and complete codes in themselves. The object was to make them as closely similar in form and arrangement of matter as the special requirements of each service might demand. 2, Although the revision of the Army and the Air Force Acts has been completed, this has not been possible in the case of the Naval Act. The present Naval Discipline Act is modelled on the corresponding British Act which one mainly to the peculiar traditions of the British Navy, is materially different in many respects from the British Army Act and Air Force Acts. The revision of the Naval Discipline Act has, therefore, proved a more difficult problem. In the United Kingdom, a special committee has been appointed to examine the question of revision of the British Naval Act It was felt that it would be an advantage to await the report of that committee and benefit by its recommendations, The revision of the Naval Discipline Act has, therefore, been suspended for the present. It is expected that the Committee's report will be available within the next few months, after which the revision of the Naval Discipline Act will be taken up. It is, however, not considered necessary to delay the revision of the Army and Air Force Acts any longer and they are therefore being introduced during this session of the Legislature. 3. The main objects of the revision of the Army Act are (a) to make it self-sufficient by incorporating the relevant provisions from certain other related enactments; (b) to adapt the existing provisions to suit the new constitutional set up and present day requirements; and (c) on the one hand, to bridge the gap between the army and Civil Laws as far as possible in the matter of punishments for offences and, on the other, to eliminate the disparity between the corresponding provisions of the law governing the Army and the Air Force. 4. The following are some of the more important objects sought to be achieved: (1) The Chapter on punishments required to be rationalised. Army Act, 1911, is on the one hand unduly severe in certain punishments and on the other, inadequate in its enumeration of offences. It also differs considerably from Air Force Act, 1932 in regard to the scale of punishments for a number of offences. The maximum punishment as now prescribed in the draft Bills varies with each offence or group of offences as in the Indian Penal Code and other penal laws of the country is in keeping with the gravity of the offence or offences. An attempt has also been made in the Bill to grade punishments according to the gravity of the offences in different conditions, punishments being naturally more severe, for instance, in the case of offences committed wilfully or while on active service. (2) Provision has been made in the bill for the Indian States forces becoming subject to the Army Act. exclusion of aliens from service except with the consent of the Central Government; grant of commissions to officers; tenure of service at the pleasure of the Governor-General: and safeguards against improper arrest and detention of accused persons before trial. Provisions have been made for minimising chances of injustice at Court-martial and, at the same time., for enhancing the status and thereby the responsibility of these Courts. (3) While absolute uniformity is neither possible nor desirable, glaring inequalities have been removed where possible, from the Army and the Air Force Acts. The Bills have been made identical in form, arrangement and matter with necessary variations in terminology and with such special provisions as were found essential. (4) The provisions of subsidiary enactments like the Indian Army (Suspension of Sentences) Act, 1920, and Ordinances Nos. XXXVI of 1943 and XXXVII of 1945 relating to penal deductions of pay and allowances of prisoners of war have been incorporated in the Army bill. (5) Sections relating to the estates of deceased persons deserters and lunatics in the Army and Air Force Acts have been omitted. These will form the subject of a separate bill, common to both the Services." Gaz. Ind., 1949. Pt. V, page 602. An Act to consolidate and amend the law relating to the government of the regular Army. Be it enacted by Parliament as follows : CHAPTER 1: PRELIMINARY:

