

Army Act, 1950

Chapter I - Preliminary

(1) This Act may be called the Army Act, 1950.

(2) It shall come into force on such date¹as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

1 . Came into force on 22 - 7 - 1950 . Vide S.R.O. 120. d ated 22 nd July, 1950 , published in the Gazelle of India, Pt. II, Sec. 4 , p. 86 .

Section 2 - Persons subject to this Act

(1) The following persons shall be subject to this Act wherever they may be, namely:--

(a) officers, junior commissioned officers and warrant officers of the regular Army;

(b) persons enrolled under this Act;

(c) persons belonging to the Indian Reserve Forces;

(d) persons belonging to the Indian Supplementary Reserve Forces when called out for service or when carrying out the annual test;

(e) officers of the Territorial Army, when doing duty as such officers, and enrolled persons of the said Army when called out or embodied or attached to any regular forces, subject to such adaptations and modifications as maybe made in the application of this Act to such persons under sub-section(1) of section 9 of the Territorial Army Act, 1948 (56 of 1948);

(f) persons holding commissions in the Army in India Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces:

(g) officers appointed to the Indian Regular Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;

¹ [***]

(i) persons not otherwise subject to military law who, on active service, in camp, on the march or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the regular Army.

(2) Every person subject to this Act under clauses (a) to² [(g)] of sub-section(1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

1. Clause(h) omitted by the Adaptation of Laws (No. 3) Order, 1956.

2. Substituted by the Adaptation of Laws (No. 3) Order, 1956, for "(b)".

Section 3 - Definitions

In (his Act, unless the context otherwise requires,--

(i) "active service", as applied to a person subject to this Act, means the time during which such person--

(a) is attached to, or forms part of, a force which is engaged in operations against an enemy, or

(b) is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or

(c) is attached to or forms part of a force which is in military occupation of a foreign country;

(ii) "civil offence" means an offence which is triable by a criminal court;

(iii) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (9 of 1894), or under any other law for the time being in force;

¹ [(iv) "Chief of the Army Staff" means the officer commanding the regular army;]

(v) "commanding officer", when used in any provision of this Act, with reference to any separate portion of the regular army or to any department thereof, means the officer whose duty it is under (he regulations of the

regular Army, or in the absence of any such regulations, by the custom of the service, to discharge with respect to that portion of the regular Army or that department, as the case may be, the functions of a commanding officer in regard to matters of the description referred to in that provision;

(vi) "corps" means any separate body of persons subject to this Act, which is prescribed as a corps for the purposes of all or any of the provisions of this Act;

(vii) "court-martial" means a court-martial held under this Act;

(viii) "criminal court" means a court of ordinary criminal justice in any part of India, ² [***]

(ix) "department" includes any division or branch of a department;

(x) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of any person subject to military law to act;

(xi) "the Forces" means the regular Army, Navy and Air Force or any part of any one or more of them;

(xii) "junior commissioned officer" means a person commissioned, gazetted or in pay as a junior commissioned officer in the regular Army or the Indian Reserve Forces, and includes a person holding a junior commission in the Indian Supplementary Reserve Forces, or the Territorial Army, ³ [***] who is for the time being subject to this Act;

(xiii) "military custody" means the arrest or confinement of a person according to the usages of the service and includes naval or air force custody;

(xiv) "military reward" includes any gratuity or annuity for long service or good conduct, good service pay or pension, and any other military pecuniary reward;

(xv) "non-commissioned officer" means a person holding a non-commissioned rank or an acting non-commissioned rank in the regular Army or the Indian Reserve Forces, and includes a non-commissioned officer or acting noncommissioned officer of the Indian Supplementary Reserve Forces or the Territorial Army, ⁴ [***] who is for the time being subject to this Act;

(xvi) "notification" means a notification published in the Official Gazette;

(xvii) "offence" means any act or omission punishable under this Act and includes a civil offence as hereinbefore defined;

(xviii) "officer" means a person commissioned, gazetted or in pay as an officer in the regular Army, and includes--

(a) an officer of the Indian Reserve Forces;

(b) an officer holding a commission in the Territorial Army granted by the President with designation of rank corresponding to that of an officer of the regular Army who is for the time being subject to this Act;

(c) an officer of the Army in India Reserve of Officers who is for the time being subject to this Act;

(d) an officer of the Indian Regular Reserve of Officers who is for the time being subject to this Act;

⁵[(e) ***]

(f) in relation to a person subject to this Act when serving under such conditions as may be prescribed, an officer of the Navy or Air Force;

but does not include a junior commissioned officer, warrant officer, petty officer or non-commissioned officer;

(xix) "prescribed" means prescribed by rules made under this Act;

(xx) "provost-marshal" means a person appointed as such under section 107 and includes any of his deputies or assistants or any other person legally exercising authority under him or on his behalf;

(xxi) "regular Army" means officers, junior commissioned officers, warrant officers, non-commissioned officers and other enrolled persons who, by their commission, warrant, terms of enrolment or otherwise are liable to render continuously for a term military service to the Union in any part of the world, including persons belonging to the Reserve Forces and the Territorial Army when called out on permanent service;

(xxii) "regulation" includes a regulation made under this Act;

(xxiii) "superior officer", when used in relation to a person subject to this Act, includes a junior commissioned officer, warrant officer and a non-commissioned officer, and, as regards persons placed under his orders, an officer, warrant officer, petty officer and non-commissioned officer of the Navy or Air Force;

(xxiv) "warrant officer" means a person appointed, gazetted or in pay as a warrant officer of the regular Army or of the Indian Reserve Forces, and includes a warrant officer of the Indian Supplementary Reserve Forces or of the Territorial Army ⁴ [***] who is for the time being subject to this Act;

(xxv) ⁶ [all words (except the word "India")] and expressions used but not defined in this Act and defined in the Indian Penal Code (45 of 1860) shall be deemed to have the meanings assigned to them in that Code.

1. Substituted by Act 19 of 1955. sec. 2 and Sch., for the original clause.

2. The words "other than the State of Jammu and Kashmir" omitted by Act 13 of 1975, sec. 3.

3. The words "or a junior or equivalent commission in the land forces of a Part B State" omitted by the Adaptation of Laws

(No. 3) Order, 1956.

4. The words "or the land forces of a Part B State" omitted by the Adaptation of Laws (No. 3) Order, 1956

5. Sub-clause (e) omitted by the Adaptation of Laws (No. 3) Order, 1956.

6. Substituted by Act 13 of 1975, sec. 3. for "all words".
