

## Army Act, 1950

### Chapter II - Special Provisions for the Application of Act in Certain Cases

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(1) The Central Government may, by notification, apply, with or without modifications, all or any of the provisions of this Act to any force raised and maintained in India under the authority of that Government 1 [\*\*\*] and suspend the operation of any other enactment for the time being applicable to the said force.

(2) The provisions of this Act so applied shall have effect in respect of persons belonging to the said force as they have effect in respect of persons subject to this Act holding in the regular Army the same or equivalent rank as the aforesaid persons hold for the time being in the said force.

(3) The provisions of this Act so applied shall also have effect in respect of persons who are employed by or are in the service of or are followers of or accompany any portion of the said force as they have effect in respect of persons subject to this Act under 2 [clause (i) of sub-section (1) of section 2].

(4) While any of the provisions of this Act apply to the said force, the Central Government may, by notification, direct by what authority any jurisdiction, powers or duties incident to the operation of these provisions shall be exercised or performed in respect of the said force.

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1. The words "including any force maintained by a Part B State" omitted by the Adaptation of Laws (No. 3) Order, 1956.

2. Substituted by Act 56 of 1974. sec.3 and Sch. II, for "clause (i) of section 2".

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### Section 5 - Application of Act to forces of Part B States [Repealed]

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[Rep. by the Adaptation of Laws (No.3) Order, 1956.]

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### Section 6 - Special provision as to rank in certain cases

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(1) The Central Government may, by notification, direct that any person or class of persons subject to this Act under 1 [clause (i) of sub-section (1) of section 2] shall be so subject as officers, junior commissioned officers, warrant officers or non-commissioned officers and may authorise any officer to give a like direction and to cancel such direction.

(2) All persons subject to this Act other than officers, junior commissioned officers, warrant officers and non-commissioned officers shall, if they are not persons in respect of whom a notification or direction under sub-section (1) is in force, be deemed to be of rank inferior to that of a non-commissioned officer.

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1. Substituted by Act 56 of 1974, sec. 3 and Sch. II, for "clause (i) of section 2".

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### Section 7 - Commanding officer of persons subject to military law under clause (i) of section 2

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( 1) Every person subject to this Act under 1[clause (i) of sub-section ( 1) of section 2] shall, for the purposes of this Act, be deemed to be under the commanding officer of the corps, department or detachment, if any, to which he is attached, and, if he is not so attached, under the command of any officer who may for the time being be named as his commanding officer by the officer commanding the force with which such person for the time being is serving, or any other prescribed officer, or, if no such officer is named or prescribed, under the command of the said officer commanding the force.

( 2) An officer commanding a force shall not place a person subject to this Act under<sup>1</sup>[clause (i) of sub-section ( 1) of section 2] under the command of an officer of rank inferior to that of such person, if there is present at the place where such person is any officer of a higher rank under whose command he can be placed.

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1. Substituted by Act 56 of 1974, sec. 3 and Sch. II, for "clause (i) of section 2".

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## **Section 8 - Officers exercising powers in certain cases**

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(1) Whenever persons subject to this Act are serving under an officer commanding any military organisation, not in this section specifically named and being in the opinion of the Central Government not less than a brigade, that Government may prescribe the officer by whom the powers, which under this Act may be exercised by officers commanding armies, army corps, divisions and brigades, shall, as regards such persons, be exercised.

(2) The Central Government may confer such powers, either absolutely or subject to such restrictions, reservations, exceptions and conditions, as it may think fit.

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## **Section 9 - Power to declare persons to be on active service**

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Notwithstanding anything contained in clause (i) of section 3, the Central Government may, by notification, declare that any person or class of persons subject to this Act shall, with reference to any area in which they may be serving or with reference to any provision of this Act or of any other law for the time being in force, be deemed to be on active service within the meaning of this Act.

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