

# ACT No. IX OF 1928.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 27th  
March, 1928.)

## An Act further to amend the Indian Territorial Force Act, 1920, for certain purposes.

XLVIII of 1920.

WHEREAS it is expedient further to amend the Indian Territorial Force Act, 1920, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Territorial Force (Amendment) Act, 1928. Short title and commencement.

(2) It shall come into force on such date, not later than the 1st day of January, 1929, as the Governor General in Council may, by notification in the Gazette of India, appoint.

XLVIII of 1920.

2. (1) In the long title of the Indian Territorial Force Act, 1920 (hereinafter referred to as the said Act), the words “and to provide for the enrolment therein of persons other than European British subjects” shall be omitted. Amendment of long title and preamble to Act XLVIII of 1920.

(2) In the preamble to the said Act, the words “and for the enrolment therein of persons other than European British subjects who may offer themselves therefor” shall be omitted.

3. In section 2 of the said Act,—

(a) the definition of “Advisory Committee” shall be omitted; Amendment of section 2, Act XLVIII of 1920.

(b) between the definitions of “European British subject” and “prescribed” the following definitions shall be inserted, namely:—

“‘non-commissioned officer’ means a person holding non-commissioned rank in the Indian Territorial Force, and includes an acting non-commissioned officer;

‘officer’ means a senior officer or a junior officer;” and

(c) the definition of “University Corps” shall be omitted.

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*Indian Territorial Force (Amendment).* [ACT IX

Amendment of  
section 4, Act  
XLVIII of  
1920.

4. In section 4 of the said Act,—

(a) after the word “more,” the word “provincial” shall be inserted;

(b) after the word “disband” the words “or re-constitute” shall be inserted; and

(c) section 4, as so amended, shall be re-numbered as sub-section (1), and the following sub-sections shall be added, namely:—

“(2) The Governor General in Council may constitute for any town or group of towns in a Province one or more urban corps or units of the Indian Territorial Force, to be recruited from persons residing in or near such town or towns, and may disband or re-constitute any corps or unit so constituted.

(3) The Governor General in Council may constitute for any Province a University Corps consisting of one or more units of the Territorial Force, for the appointment thereto of students of, and other persons connected with, a University established by law in British India, or colleges affiliated to such a University, and may disband or reconstitute any unit so constituted.”

Insertion of new  
section 4A in  
Act XLVIII of  
1920.  
Classes of  
officers.

5. After section 4 of the said Act, the following section shall be inserted, namely:—

“4A. (1) There shall be the following classes of officers in the Indian Territorial Force, namely:—

(a) senior officers, holding commissions granted by the Governor General in the name of His Majesty, with British designation of rank, and

(b) junior officers, holding commissions granted by the Governor General, with Indian designation of rank.

(2) An officer shall be deemed to be enrolled in the Indian Territorial Force for so long as he holds a commission in that Force.”

Amendment of  
section 5, Act  
XLVIII of  
1920.

6. In sub-section (1) of section 5 of the said Act,—

(a) the words and brackets “(not being a European British subject)” shall be omitted; and

(b) the following proviso shall be added, namely:—

“Provided that no European British subject shall be enrolled in any corps or unit of the Indian Territorial Force other than a University Corps.”

7. (1) In

7. (1) In sub-section (2) of section 5, in sub-section (1) of section 6, and in sub-section (2) of section 7 of the said Act, after the word "Province", the words "or town or group of towns" shall be inserted.

Amendment of sections 5, 6 and 7, Act XLVIII of 1920.

(2) In sub-section (2) of section 7 of the said Act, the words "or of a person enrolled in an urban corps or unit to a provincial corps or unit" shall be added at the end.

8. After section 7 of the said Act, the following section shall be inserted, namely:—

Insertion of new section 7A in Act XLVIII of 1920.

"7A. (1) Any enrolled person who leaves his place of residence for the time being and thereby leaves the Province in which the corps or unit in which he is serving is constituted shall, if he does not intend to return to that Province, notify the prescribed authority in that Province of his change of residence.

Change of residence.

(2) If such person having intended to return does not return within three months, he shall notify the prescribed authority as aforesaid immediately on the expiry of that period.

(3) The prescribed authority on being notified of a change of residence under sub-section (1) or sub-section (2) may, subject to the provisions of section 7, transfer such person from the corps or unit in which he is serving to another corps or unit."

9. In sub-section (2) of section 9 of the said Act,—

Amendment of section 9, Act XLVIII of 1920.

(a) after the word "enrolled" the words "who has attained the age of eighteen years" shall be inserted; and

(b) the following proviso shall be added, namely:—

"Provided that nothing in this sub-section shall apply to persons enrolled in a University Corps."

10. In sub-section (1) of section 10 of the said Act, the following words shall be added at the end, namely:—

Amendment of section 10, Act XLVIII of 1920.

"and no person for the time being serving in an urban corps or unit shall at any time be required to perform military service beyond the limits of the Province in which the corps or unit in which he is serving is located, save when it is, in the opinion of the senior military officer present, necessary to proceed beyond those limits in the course of the military operations upon which the corps or unit or any portion thereof is for the time being engaged."

11. For

*Indian Territorial Force (Amendment).* [ACT IX.]

Substitution of  
new section  
for section 11,  
Act XLVIII of  
1920.  
Application of  
the Army Act  
and of the  
Indian Army  
Act, 1911.

11. For section 11 of the said Act, the following section shall be substituted, namely:—

“ 11. (1) Every senior officer of the Indian Territorial Force, when doing duty as such officer, shall be subject to the Indian Army Act, and any orders or regulations made thereunder, whereupon the said Act, orders and regulations shall apply to him as if he held the same rank in His Majesty's Army as he holds for the time being in the said Force, subject to the terms of his commission and the orders of His Majesty. <sup>44 & 45 Vict.,  
C. 58.</sup>

(2) Every junior officer of the Indian Territorial Force, when doing duty as such officer, shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in His Majesty's Indian Forces as he holds for the time being in the said Force, subject to the terms of his commission and the orders of the Governor General. <sup>VIII of 1911.</sup>

(3) Every non-commissioned officer and man of the Indian Territorial Force,—

- (a) when called out or embodied for military service under section 9,
- (b) when attached to, or otherwise acting as part of, or with, any regular force, or
- (c) when embodied for, or otherwise undergoing, military training in the prescribed manner.

shall be subject to the Indian Army Act, 1911, and the rules and regulations made thereunder, whereupon the said Act, rules and regulations shall apply to him as if he held the same rank in His Majesty's Indian Forces as he holds for the time being in the said Force, subject to the orders of the Governor General. <sup>VIII of 1911.</sup>

Provided that the said Act, rules and regulations shall, in their application to such non-commissioned officers and men when embodied for or otherwise undergoing military training, be modified to such extent and in such manner as may be prescribed:

Provided further that non-commissioned officers and men of an urban corps or unit, when undergoing military training without having been embodied for that purpose, and non-commissioned officers and men of a University Corps when under-  
going

going training, shall, in respect of such training, be subject only to such disciplinary and other rules as may be prescribed.

VIII of 1911.

(4) Where an offence punishable under the Indian Army Act, 1911, or, as the case may be, under that Act as modified under sub-section (3), has been committed by any person whilst subject to that Act under the provisions of this section, such person may be taken into and kept in military custody and tried and punished for such offence, although he has ceased to be so subject as aforesaid, in like manner as he might have been taken into and kept in military custody, tried or punished, if he had continued to be so subject:

Provided that no such person shall be kept in military custody after he has ceased to belong to the Indian Territorial Force, unless he has been taken into or kept in military custody on account of the offence before the date on which he ceased so to belong; nor shall he be kept in military custody or be tried or punished for the offence after the expiry of two months from that date, unless his trial has already commenced before such expiry."

12. After section 11 of the said Act, the following sections shall be inserted, namely:—

Insertion of new sections 11A and 11B in Act XLVIII of 1920.

Summary trial and punishments.

VIII of 1911.

" 11A. In addition to, or in substitution for, any punishment or punishments to which he may be liable under the Indian Army Act, 1911, a junior officer, non-commissioned officer or man of the Indian Territorial Force not being a member of a University Corps, may be punished, either by a Criminal Court or summarily by order of the prescribed authority, for any offence under that Act, or for the contravention of any rule or regulation under this Act, with fine which may extend to fifty rupees, to be recovered in such manner and by such authority as may be prescribed:

Provided that no fine shall be summarily inflicted by order of the prescribed authority in any case in which the accused claims to be tried by a Criminal Court:

Provided further that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence made punishable by or under this Act.

11B. Where a junior officer, non-commissioned officer or man of the Indian Territorial Force is required, by or in pursuance of any rule, regulation or order made under this Act,

Presumption as to certain documents.

*Indian Territorial Force (Amendment).* [ACT IX OF 1928.]

Act, to attend at any place, a certificate purporting to be signed by the prescribed officer, stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein."

Substitution of  
new section for  
section 12, Act  
XLVIII of 1920  
Advisory  
Committees.

**13.** For section 12 of the said Act, the following section shall be substituted, namely:—

"12. (1) The Local Government of each Province in which any unit or units of the Indian Territorial Force has or have been constituted shall constitute a Provincial Advisory Committee for all such units, and a Unit Advisory Committee for each of such units.

(2) The Governor General in Council shall constitute a Central Advisory Committee to advise him on matters connected with the Indian Territorial Force generally.

(3) The constitution, powers and procedure of the Advisory Committees shall be such as may be prescribed."

Amendment of  
section 13, Act  
XLVIII of  
1920.

**14.** In clause (b) of sub-section (2) of section 13 of the said Act, after the word and figure "section 7" the words, figure and letter "or section 7A" shall be added.