

## ACT No. XX OF 1869.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

*(Received the assent of the Governor General on the 10th September 1869).*

AN ACT to provide for the good order and discipline of Volunteer Corps, and to invest them with certain powers.

Preamble. WHEREAS many loyal subjects of Her Majesty have volunteered their services for the protection of life and property and the preservation of the peace, and have with the sanction of Government associated and enrolled themselves as Military Corps under the command of officers appointed for that purpose; and it is expedient to provide for the good order and discipline of such corps, and to invest their members with certain powers; It is hereby enacted as follows:—

### *Preliminary.*

Short title. 1. This Act may be called “The Indian Volunteers’ Act, 1869.”

Extent of Act. 2. This Act shall extend to the whole of British India and (so far as regards British subjects) to the dominions of Native Princes and States in alliance with Her Majesty.

Repeal of Act XXIII of 1857. 3. Act No. XXIII of 1857 (*to provide for the good order and discipline of certain Volunteer Corps, and to invest them with certain powers*) is hereby repealed.

“Magistrate.” 4. In this Act “Magistrate” means, within the limits of the Presidency Towns, a Magistrate of Police and, without those limits, a person exercising the full powers of a Magistrate.

### *Formation and Dissolution of Volunteer Corps.*

Formation of corps. 5. Corps of Volunteers may, with the sanction of the Governor General of India in Council, or of the Local Government, be formed in any part of British India or of the said dominions.

6. A

Certificate of Commanding Officer to be evidence of enrolment.

6. A certificate of enrolment in such corps, signed by the Commanding Officer thereof, shall be *prima facie* evidence of such enrolment.

Power to disband corps or remove members.

7. The Governor General of India in Council or the Local Government may disband any corps formed or enrolled under the provisions of this Act, or of Act No. XXIII of 1857, or remove from such corps any member thereof.

*Application of Articles of War.*

Volunteers subjected to Articles of War so far as they apply to officers.

8. Every member of a corps of Volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or on parade, be subject to the Articles of War for the time being in force for the better government of Her Majesty's Army, so far as the same are applicable to officers and consistent with the provisions of this Act :

Proviso.

Provided that no such member shall for any offence against the said Articles be subject to the punishment of death.

*Courts Martial.*

Appointment of and sentences by General Courts Martial.

9. General Courts Martial shall be convened and appointed by the Commanding Officer of the corps, with the sanction of the Local Government, for the trial of military offences of which any member of such corps shall be guilty whilst on actual duty.

No sentence of such Court Martial shall be put into execution until after a report of the whole proceedings shall have been made to, and the sentence shall have been confirmed by, the Local Government.

The Local Government may commute any such sentence for a less punishment, or pardon the offender.

General Courts Martial of whom to be composed.

10. General Courts Martial shall consist of not less than nine members of the corps, and every member of the corps, whether an officer or not, shall be competent to sit and act as a member of such Court Martial.

11. Regimental

11. Regimental Courts Martial may be convened by the Commanding Officer of the corps, and shall consist of not less than three members of the corps.

12. The proceedings of Courts Martial convened under this Act shall be conducted according to the laws and customs applicable to Courts Martial held under the said Articles of War, except so far as the same are inconsistent with the provisions of this Act.

*Withdrawal from Corps.*

13. Any person enrolled as a member of a corps of Volunteers, whether he shall have been elected or commissioned as an officer in such corps or not, may, except whilst on actual duty, quit the corps upon giving to the Officer Commanding the corps seven days' previous notice in writing of his intention so to do, or without such notice if the Commanding Officer of the corps shall consider it reasonable and allow him so to do.

14. Every commission to any member of a corps of Volunteers appointing him an officer in such corps shall cease upon his retirement or dismissal from the corps.

15. Every member of a corps of Volunteers who shall have received any arms, ammunition, accoutrements, or uniform belonging to Government, or which shall have been furnished from the public stores, or at the public expense, shall, upon his quitting such corps,

or upon his dismissal therefrom,

or whenever he shall be required so to do by the Commanding Officer of the corps,

or whenever the corps shall be disbanded,

deliver up to the Commanding Officer or such person as he shall appoint to receive the same, all such arms, ammunition, accoutrements, and uniform in good order and condition, reasonable wear thereof only excepted;

and in default thereof he shall pay such sum of money as shall be adjudged by a Regimental Court Martial to be assembled for that purpose by the Commanding

manding Officer of the corps. A copy of such adjudication, signed by the President of the Court Martial, shall be sent to the principal Court of original civil jurisdiction in the district in which the adjudication shall have been given, and shall be executed by such Court as if it were a decree for money under the Code of Civil Procedure.

*Local Limits of Service.*

16. No member of a corps of Volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits within which he shall have voluntarily engaged to serve or proceed on duty in accordance with the terms upon which the corps to which he belongs shall have been constituted; and in case no such limits shall have been fixed, he shall not be liable to serve or proceed on duty beyond four miles from the place at which he was enrolled.

No member bound to serve beyond certain distance.

*Rules.*

17. The Commanding Officer of every corps of Volunteers may frame such general rules as he may think fit for regulating the times at which and the manner in which the duties of the corps and of the several members or detachments thereof shall be discharged.

Commanding Officer to frame rules which shall be binding on the members.

Such rules, when sanctioned by the Local Government, shall be binding on the corps and on the several members thereof.

*Penalties.*

18. If any member of a corps of Volunteers, being warned for actual duty other than drill or parade, shall, without reasonable excuse, neglect to attend such duty, he shall be liable, upon conviction by a General Court Martial, to a fine not exceeding one hundred rupees, or to simple dismissal from the corps, or to dismissal from the corps as unworthy to belong to it.

Not attending actual duty other than drill or parade.

19. If any member of such corps shall without reasonable excuse neglect to attend drill or parade at such times as may be appointed for that purpose,

Not attending drill or parade.

or

or shall be guilty of any neglect of duty or other military offence which in the judgment of the Commanding Officer of the corps will be sufficiently punished by a small fine,

Other minor military offence.

he shall be liable to pay such fine, not exceeding fifty rupees, as a Regimental Court Martial shall impose.

**20.** If any member of such corps shall neglect or refuse to pay any fine to which he shall be sentenced by any Court Martial, within such time as shall be fixed by the Commanding Officer of the corps, he may be dismissed by the said Commanding Officer from the said corps; and every such dismissal shall be recorded and reported to the Local Government.

Punishment for non-payment of fine.

**21.** Whoever assaults or resists, or abets within the meaning of the Indian Penal Code any person in assaulting or resisting, any member of such corps in the discharge of his duty, shall be punishable, on conviction before a Magistrate, with fine not exceeding two hundred rupees, or with imprisonment for any term not exceeding six months, or with both.

Penalty for assaulting or resisting Volunteers in discharge of their duty.

**22.** In default of payment of any fine imposed by a Court Martial under this Act, a copy of the sentence of the Court Martial imposing the fine, signed by the President of such Court, may be sent to a Magistrate in the Presidency Town or the District in which the fine shall have been imposed, who shall thereupon cause the fine to be recovered as if he had himself imposed it.

Recovery of fines.

Fines imposed under section twenty-one may be recovered, if for offences committed outside the limits of the Presidency Towns, in the manner prescribed by the Code of Criminal Procedure, and if for offences committed within those limits, in the manner prescribed by any Act regulating the police of such towns in force for the time being.

#### *Powers of Volunteers.*

**23.** Any member of a corps of Volunteers, whenever he may be in discharge of his duty as a member of the corps, and wherever he may then be, may disarm any person not being in Her Majesty's Military or Naval service or a Police officer, found between sunset

Power to disarm persons.

sunset and sunrise in any public street, thoroughfare, or other public place, armed with a sword, spear, gun, or other warlike instrument, without a pass or license for that purpose from the Commissioner of Police or other officer authorized by Government to grant the same ;

and may also disarm any person found armed at any time contrary to law or to any order of Government in any public street, thoroughfare, or other public place ;

and may also apprehend and deliver over to a Police officer any person so found armed in order that he may be dealt with according to law ;

And to apprehend and deliver to police.

and the weapon so seized shall be forfeited to Government or otherwise dealt with according to law, or to the orders of Government.

Forfeiture of weapons seized.

**24.** Any member of such corps, whenever he is on duty, may prevent any disturbance of the public peace, and disperse any persons whom he may find assembled together to the number of five or more without reasonable cause between sunset and sunrise in any public street, thoroughfare, or other public place in which such member of the said corps may be in the discharge of his duty,

Power to prevent disturbances of the public peace.

To disperse unlawful assemblies.

and may also apprehend any person reasonably suspected of having committed, or being about to commit any offence against the State, or of having abetted within the meaning of the Indian Penal Code, or being about to abet, any other person in the commission of such offence ; and deliver him over to some Police officer.

To apprehend certain suspected persons.

*Miscellaneous.*

**25.** Every mounted officer, and every mounted orderly of a corps of Volunteers, and every member of such corps, while he belongs to a troop of cavalry in such corps, shall be at liberty to keep one horse without being liable to pay in respect thereof any municipal or other tax imposed upon horses.

Exemption from horse-tax.

26. No

**26.** No suit or other proceeding shall be commenced or prosecuted against any person for anything done in pursuance of this Act or the said Act No. XXIII of 1857, without giving to such person a month's previous notice in writing of the intended proceeding, and of the cause thereof, nor after tender of sufficient amends, nor after the expiration of three months from the accrual of the cause of suit or other proceeding.

Limitation of suits.