

## ACT No. X OF 1896.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 13th March, 1896.)

An Act to amend the Indian Volunteers Act, 1869.

WHEREAS it is expedient to amend the Indian Volunteers Act, 1869 (hereinafter referred to as XX of the said Act); It is hereby enacted as follows:—

Title, extent and commencement.

1. (1) This Act may be called the Indian Volunteers Act Amendment Act, 1896.

(2) It shall have the same extent as the Indian Volunteers Act, 1869; and XX of

(3) It shall come into force at once.

Substitution of new section for section 4, Act XX, 1869.

2. For section 4 of the said Act the following shall be substituted, namely:—

“(1) ‘Magistrate’ means, within the limits of the Presidency-towns, the Chief Presidency Magistrate, and without those limits a Magistrate of the first class who is a Justice of the Peace:

(2) volunteers shall be deemed to be on ‘actual duty’—

(a) when being trained or exercised either alone or with any portion of the regular forces, or

(b) when attached to or otherwise acting as part of or with any regular forces, or

(c) when serving in aid of the civil power; and

(3) ‘civil district’ means a district as defined in the Code of Civil Procedure.” XIV c

3. For

3. For section 8 of the said Act the following shall be substituted, namely :—

Substitution of new section for section 8.

*Application of Army Act.*

4 & 45 Vict.,  
58. "8. Every member of a corps of volunteers shall, for all military offences of which he shall be guilty whilst on actual duty or actual military service, be subject to the Army Act, so far as the same is applicable to officers and consistent with the provisions of this Act."

Volunteers subjected to Army Act, 1881, so far as it applies to officers.

4. In section 12 of the said Act, for the words "Articles of War" the words "Army Act" shall be substituted.

Amendment of section 12, Act XX of 1869.

5. In section 13 of the said Act, after the words "actual duty" the words "or actual military service" shall be inserted.

Amendment of section 13, Act XX, 1869.

6. Subject to section 9 of this Act, for section 16 of the said Act the following section shall be substituted, namely :—

Substitution of new section for section 16, Act XX, 1869. Local limits of service.

"16. No member of a corps or battalion of volunteers, other than naval volunteers, shall be bound, without his consent, to serve or proceed on duty beyond the limits of the civil district in which he was enrolled, or, where a corps or battalion consists of volunteers enrolled in more civil districts than one, beyond the limits of the territory comprised in those districts : and

no member of a corps of naval volunteers shall be bound, without his consent, to serve or proceed on duty beyond the limits of the port to which the corps belongs, such port being construed to include the city or town after which the corps is named, and its suburbs, and the navigable rivers, channels and fairways leading thereto :

Provided that the Local Government or the Commissioner of the Division, or other authority to whom power in this behalf may be delegated by the Local Government, may exempt from service any particular corps or portion of a corps or any individual member

or

or members or a corps by name. Such exemption may be whole or partial in respect either of time or of area, or of both, as the empowered authority may see fit to prescribe."

Addition of new sections after section 26, Act XX, 1869.

7. Subject to section 9 of this Act, after section 26 of the said Act the following sections shall be added, namely:—

*"Supplemental.*

Calling out of volunteer corps for actual military service.

"27. (1) In case of actual or apprehended emergency (the occasion being first declared by the Governor General in Council and notified in the Gazette of India) the Governor General in Council may call out any corps or any portion of any corps of volunteers for actual military service.

(2) All members of any corps or portion of a corps so called out shall be bound, unless incapacitated by infirmity for military service, to assemble as the Governor General in Council may direct, and to proceed according to orders within the limits hereinbefore specified; and, from the time of their corps or portion thereof being so called out, shall be deemed to be on actual military service:

Provided that the Local Government or the Commissioner of the Division, or other authority to whom power in this behalf may be delegated by the Local Government, may exempt from service any particular corps or portion of a corps or any individual member or members of a corps by name. Such exemption may be whole or partial in respect either of time or of area, or of both, as the empowered authority may see fit to prescribe.

(3) After a corps or portion of a corps of volunteers has been called out for actual military service, the corps or portion of a corps shall be deemed to be released from actual military service only after a notification in the Gazette of India declaring the occasion to have passed, and not sooner or otherwise:

Provided



Provided that the Governor General in Council may at any time discharge any such corps or portion of a corps from actual military service.

(4) Before a corps or portion of a corps of volunteers is released from actual military service, provision shall be made by the Government for the return of the volunteers present therewith to their homes.

“28. (1) The Governor General in Council may make rules for—

Power to make rules as to allowances to volunteers.

- (a) the making of payments to, and the provision of transport and supplies for, volunteers called out on actual military service; and
- (b) the grant of pay, pensions, gratuities, allowances and rewards to them.

(2) The Governor General in Council may apply such rules or any part of them to any volunteers who may have been called out by any Magistrate or other authority in aid of the civil power :

and may in such case direct, any enactment notwithstanding, by whom the cost of the payments to be made and supplies to be provided under the rules shall be borne.

“29. Where a corps consists of volunteers enrolled in territories subject to more Local Governments than one, the Governor General in Council may, by notification in the Gazette of India, declare what Local Government shall for all or any of the purposes of this Act be deemed to be the Local Government with respect to the corps.”

Appointment of Local Government to act with respect to corps having members enrolled in more provinces than one.

8. Whenever military operations are about to be undertaken or are in progress, any member of a volunteer corps may offer himself for actual military service; and if the services of such number of members of any corps as in the opinion of the Governor General in Council is sufficient to enable them to be separately organized are accepted, then those members may be called out either as a corps or as part of a corps, and this Act shall apply to them.

Case of volunteers desiring to join in military operations.

9. Nothing

Saving from  
new sections  
16 and 27 in  
case of  
volunteers  
enrolled  
before com-  
mencement  
of this  
Act.

9. Nothing in the new section 16 substituted by section 6 of this Act or in the new section 27 added by section 7 of this Act shall apply to any volunteer who was enrolled before the commencement of this Act, unless he consents in writing to be bound by such new section 16 instead of by the section for which it is substituted, or by such new section 27, as the case may be.