

ACT NO. X OF 1917.

[PASSED BY THE INDIAN LEGISLATIVE COUNCIL.]

(Received the assent of the Governor General on the 21st March, 1917.)

An Act further to amend the Indian Army Act, 1911.

VIII of 1911. **W**HEREAS it is expedient further to amend the Indian Army Act, 1911; It is hereby enacted as follows:—

1. This Act may be called the Indian Army Short title. (Amendment) Act, 1917.

VIII of 1911. 2. In section 52 of the Indian Army Act, 1911 Amendment of section 52 of Act VIII of 1911. (hereinafter referred to as "the said Act"), after the words "in such manner," the words "and to such extent" shall be inserted.

3. After section 52 of the said Act, the following section shall be inserted, namely:— Insertion of new section 52A in Act VIII of 1911. Provision for dependants of prisoners of war.

"52A. (1) In the case of all persons subject to this Act, being prisoners of war, whose pay and allowances have been forfeited under section 50, but in respect of whom a remission has been made under section 52, it shall be lawful, notwithstanding any provision in any enactment or any rule of law to the contrary, for proper provision to be made by the prescribed authorities out of such pay and allowances for any dependants of such persons, and any such remission shall in that case be deemed to apply only to the balance thereafter remaining of such pay and allowances.

(2) Any payments hitherto made to dependants by way of deductions from pay and allowances which, if this section had been in force, could have been validly made are hereby validated."

4. In

Amendment
of section 76
of Act VIII
of 1911.

4. In section 76 of the said Act, in sub-section (1), the words "held by the Commanding Officer of a Corps or department" and sub-section (2), are hereby repealed.

Substitution
of new section
for section
112 of Act
VIII of 1911.
Pardons and
remissions.

5. For section 112 of the said Act, the following section shall be substituted, namely :—

" 112. When any person subject to this Act has been convicted by a Court-martial of any offence, the Governor General in Council or the Commander-in-Chief in India or, in the case of a sentence which he could have confirmed or which did not require confirmation, the Officer Commanding the Army, Division or Independent Brigade in which such person at the time of his conviction was serving, or the prescribed officer may—

- (1) pardon the person ;
- (2) mitigate or remit the punishment awarded, or commute such punishment for any less punishment or punishments mentioned in this Act ;
- (3) order the restoration to him of any service or other advantage forfeited under his sentence ;
- (4) re-admit him to the service when he has been dismissed therefrom :

Provided that a sentence of transportation shall not be commuted for a sentence of imprisonment for a term exceeding the term of transportation awarded by the Court."

Amendment
of section 113
(2) of Act
VIII of 1911.

6. In section 113 (2) of the said Act, the following sub-head shall be inserted, namely :—

" (ii) the constitution of authorities to decide for what persons, to what amounts and in what manner, provision should be made for dependants under section 52A, and the due carrying out of such decisions."