

ACT No. VII OF 1935.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 28th
September, 1935.)

An Act further to amend the Indian Army Act, 1911, for certain purposes.

WHEREAS it is expedient further to amend the Indian
Army Act, 1911, for the purposes hereinafter appearing;
It is hereby enacted as follows:—

VIII of 1911.

1. This Act may be called the Indian Army (Amendment) Act, 1935. Short title.

2. In sub-section (2) of section 50 of the Indian Army Act, 1911 (hereinafter referred to as the said Act),— Amendment
of section 50,
Act VIII of
1911.

(a) for clause (d) the following clause shall be substituted,
namely:—

“(d) all pay and allowances ordered by a court-martial
under section 43, or by an officer exercising
authority under section 20, to be forfeited;” and

(b) in clause (g) the words and figures “or section 42” shall
be omitted.

3. In the proviso to section 73 of the said Act, for the words,
brackets, letter and figures “the punishment specified in clause
(h) of section 43 or” the following shall be substituted, Amendment
of section 73,
Act VIII of
1911.
namely:—

“the punishments specified in clauses (g), (gg) and (h) of
section 43 or”.

4. After sub-section (5) of section 103A of the said Act the
following sub-sections shall be inserted, namely:— Amendment
of section
103A, Act
VIII of 1911.

“(5A) Where any person is in custody under sub-section
(3) or under detention under sub-section (4),—

(a) if such person is in custody under sub-section (3), on
the report of a medical officer, or

(b) if

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Indian Army (Amendment).

- (b) if such person is detained under sub-section (4), on a certificate from any of the authorities empowered to grant a certificate under section 473 of the Code of Criminal Procedure, 1898,

V of 1898.

that, in the judgment of such officer or authority, such person may be released without danger of his doing injury to himself or to any other person, the Governor General in Council may thereupon order such person to be released, or to be detained in custody, or to be transferred to a public lunatic asylum if he has not been already sent to such an asylum.

- (5B) Where any relative or friend of any person who is in custody under sub-section (3) or under detention under sub-section (4) desires that he shall be delivered to his care and custody, the Governor General in Council may, upon the application of such relative or friend and on his giving security to the satisfaction of the Governor General in Council that the person delivered shall—

- (a) be properly taken care of and prevented from doing injury to himself or to any other person, and
(b) be produced for the inspection of such officer, and at such times and places, as the Governor General in Council may direct,

order such person to be delivered to such relative or friend."