

THE INDIAN RESERVE FORCES ACT, 1888

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THE INDIAN RESERVE FORCES ACT, 1888

ACT NO. 4 OF 1888¹

[2nd March, 1888.]

An Act to regulate ²[the] Indian Reserve Forces.

WHEREAS it is expedient to provide for the Government, discipline and regulation of ²[the] Indian Reserve Fortes; It is hereby enacted as follows: —

1. Title and commencement.—⁽¹⁾ This Act may be called the Indian Reserve Forces Act, 1888; and

⁽²⁾ It shall come into force on such day³ as the Central Government may, by notification in the Official Gazette, appoint in this behalf.

⁴[2. Division of Reserve Forces into Regular and Supplementary Reserves.—The Indian Reserve Forces shall consist of the Regular Reserve and the Supplementary Reserve.]

3. Locality of service of Reserves.—^{5***} A person belonging to the ⁶[Indian Reserve Forces] shall be liable to serve beyond the limits of ⁷[India] as well as within those limits.

^{8*} * * * * *

4. Power to make rules for regulation of Reserve Forces.—⁹[(¹)] The Central Government may ¹⁰[by notification in the Official Gazette,] make rules and orders for the government, discipline and regulation of the Indian Reserve Forces.

¹⁰[(²) Every rule and every order made under sub-section (¹) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or order or both Houses agree that the rule or order should not be made, the rule or order shall thereafter have effect only in such modified form or of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or order.]

5. Liability of Reserve Forces to military law.—Subject to ^{11***} such rules and orders as may be made under section 4, a person belonging to the Indian Reserve Forces shall, as an officer, or soldier, as the case may be, be subject to military law in the same manner and to the same extent as a person belonging to ¹²[the Regular Army].

1. The Act has been extended to and brought into force in Dadra and Nagar Haveli by Reg. 6 of 1963. s. 2 and the First Schedule (w.e.f. 1-7-1965); Lakshadweep by Reg. 8 of 1965. s. 3 and the Schedule (w.e.f. 1-10-1967) and to Pondicherry by Reg. 7 of 1963, s. 3 and the First Schedule (w.e.f. 1-10-1963).

2. Subs. by the A.O. 1950, for “Her Majesty’s”.

3. The Act came into force on the 26th may, 1888, *see* Gazette of India of same date, Pt. I, p. 239

4. Subs. by Act 12 of 1931, s. 2, for section 2.

5. The brackets and figure “(¹)” omitted, by s. 3, *ibid.*

6. Subs. by s. 3, *ibid.*, for “Active Reserve”.

7. Subs. by the Adaptation of Laws (No. 2) Order, 1956, for “the territories comprised within Part A States and Part C Sates”.

8. Sub-section (2) omitted by Act 12 of 1931, s. 3.

9. S. 4 renumbered as sub-section (¹) thereof by Act 20 of 1983, s. 2 and Schedule (w.e.f. 15-3-1984).

10. Ins. by s. 2 and Schedule, *ibid* (w.e.f. 15-3-1984).

11. The words and figure “the provision of section 3 with respect to persons belonging to the Garrison Reserve and to” omitted by Act 12 of 1931, s. 4.

12. Subs. by the A.O. 1950, for “Her Majesty’s Indian Forces”

6. Punishment of certain offences by persons belonging to Reserve Forces.—(1) If a person belonging to the Indian Reserve Forces—

(a) when required by or in pursuance of any rule or order under this Act to attend at any place, fails without reasonable excuse to attend in accordance with such requirement, or

(b) fails without reasonable excuse to comply with any such rule or order, or

(c) fraudulently obtains any pay or other sum contrary to any such rule or order, he shall be liable—

(i) on conviction by a court-martial, to such punishment other than death, transportation or imprisonment for a term exceeding one year as such Court is by the ¹[Army Act, 1950 (46 of 1950)] empowered to award, or

(ii) on conviction by ²[a Presidency Magistrate or] a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

(2) Where a person belonging to the Indian Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and 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.

(3) Any person charged with an offence under this section may be taken into and kept in either military or civil custody, or partly into and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

³[7. Reinstatement in civil employ of persons belonging to Reserve Forces on termination of periods of training, muster or Army service.—(1) If a person belonging to the Indian Reserve Forces is, during the period of his employment under an employer, called up for training, muster or army service in pursuance of his liability under any rule or order under this Act, it shall be the duty of every such employer to reinstate the person in his employment on the termination of the period of his training, muster or army service in an occupation and under conditions not less favourable to him than those which would have been applicable to him had his employment not been so interrupted:

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the authority prescribed in this behalf by rules made under this Act, and that authority shall, after considering all matters which may be put before it and after making such further inquiry into the matter as may be prescribed in the said rules, pass an order—

(a) exempting the employer from the provisions of this section, or

(b) requiring the employer to re-employ such person on such terms as the authority thinks suitable, or

(c) requiring the employer to pay to such person by way of compensation for failure or inability to re-employ, a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer.

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months remuneration at the rate at which his last remuneration

1. Subs. by Act 42 of 1953, s. 4 and the Third Schedule, for "Indian Army Act, 1911".

2. Ins. by Act 12 of 1931, s. 5.

3. Ins. by Act 3 of 1958, s. 2. Section 7 was rep. by s. 6, *ibid.*

was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court.

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period of his training, muster or army service.

(4) The duty imposed by sub-section (1) upon an employer to reinstate in his employment a person such as is described in that sub-section shall attach to an employer who, before such person is actually called up for training, muster or army service, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section, and such intention shall be presumed until the contrary is proved, if the termination takes place after the issue of orders calling him up for training, muster or army service under this Act.

8. Preservation of certain rights of persons belonging to Reserve Forces when called up for training, muster or army service.—When any person belonging to the Indian Reserve Forces and called up for training, muster or army service in pursuance of his liability under any rule or order under this Act has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, so long as he is engaged in training, muster or army service and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme, such rights as may be prescribed by rules made under this Act.]