

The Armed Forces (Emergency Duties) Act, 1947

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The Armed Forces (Emergency Duties) Act, 1947

[Act 15 of 1947]¹

[20th March, 1947]

*An Act to enable duties in connection with vital services to be imposed
in an emergency on the Armed Forces* ²[of the Crown]

Whereas it is expedient to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces ³[of the Crown];

It is hereby enacted as follows:—

Statement of Objects and Reasons.—The Armed Forces (Emergency Duties) Act, 1947 (15 of 1947) was passed early this year to enable the Central Government to authorise the use of persons subject to the Indian Army Act, 1911, the Indian Air Force Act, 1932 or the Naval Discipline Act, as set forth in the First Schedule to the Indian Navy (Discipline) Act, 1934, to maintain essential services in an emergency. This Act applies at present only to the Provinces of India.

With the accession of the most of the States to the Dominion of India, it is desirable that the Central Government should have the power to authorise the employment of the personnel referred to above for the maintenance over the Acceding States of any essential service in an emergency, if so requested by the Government of that State. The Bill is designed to confer this power on the Central Government.

1. Short title and extent.—⁴[* * *] This Act may be called the Armed Forces (Emergency Duties) Act, 1947.

⁵[* * *]

2. Emergency duties of Armed Forces.—(1) The Central Government may, by notifications in the Official Gazette declare any specified service ⁶[in a State] to be a service of vital importance to the community:

Provided that such notification shall remain in force for one month in the first instance, but may be extended, from time to time, by a like notification.

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1. The Act was extended to the new Provinces and merged States by the Merged States (Laws) Act, 1949 (59 of 1949), S. 3 and Schedule; to the States to Manipur, Tripura and Vindhya Pradesh by the Part C States (Laws) Act, 1950 (30 of 1950), S. 3; in Pondicherry on 1-10-1963 *vide* Regulation 7 of 1963, S. 3 and Schedule I; to Lakshadweep (w.e.f. 1-10-1987); *vide* Reg. 8 of 1965, S. 3 and Schedule, to Goa, Daman and Diu with modifications by Reg. 12 of 1962, S. 3 and Schedule and in Dadra and Nagar Haveli (w.e.f. 1-7-1965) by Reg. 6 of 1963, S. 2 and Schedule I.
 2. The words “of the Crown” *omitted* by the A. O. 1950.
 3. The words “of the Crown” *omitted* by the A. O. 1950.
 4. The brackets and figure “(1)” and sub-section (2) *repealed* by Act 4 of 1948, S. 2.
 5. The brackets and figure “(1)” and sub-section (2) *repealed* by Act 4 of 1948, S. 2.
 6. *Subs.* by Act 3 of 1951, S. 3 and Schedule, for “in a Part A State or a Part C State or, if so requested by the Government of a Part B State any specified service in that State”.

(2) Upon a declaration being made under sub-section (1) and until it is rescinded, it shall be the duty of every person subject to ⁷[the Army Act, 1950 (46 of 1950) or the Air Force Act, 1950 (45 of 1950)], or ⁸[the Naval Discipline Act, in the form in which it is set forth in the First Schedule to] ⁹[the Navy Act, 1957 (62 of 1957)], to obey any command given by any superior officer in relation to employment upon or in connection with the service specified in the declaration; and every such command shall be deemed to be a lawful command within the meaning and for the purposes of the said Acts.

3. Validation of certain past commands.—Every command given, after the 30th day of September, 1946, and before the commencement of this Act, to any person referred to in sub-section (2) of Section 2 by any superior officer in relation to employment upon or in connection with any such service as the Central Government may, by notification in the Official Gazette specify in this behalf, shall be deemed to have been a lawful command within the meaning and for the purposes of the Acts referred to in that sub-section, so however that no such person shall be punished by reason only of his not having obeyed any such command.

7. Subs. by Act 3 of 1951, S. 3 and Schedule., for "the Indian Army Act, 1911, or the Indian Air Force Act, 1932".

8. The words "the Naval Discipline Act, in the form in which it is set forth in the First Schedule to" repealed by the A.O. 1950.

9. Subs. by Act 58 of 1960, S. 3 and Schedule II, for "the Indian Navy (Discipline) Act, 1934.