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G.O., No. 442

DATED 4th April 1896.

INDEXED.

[Despatch Abstract.]

GOVERNMENT SERVANTS AS VOLUNTEERS.

Communicating to the Lieutenant-General Commanding the Forces a resolution of the Government of India fixing the pay and the pension to which a servant of Government who is a volunteer, is entitled when called out on actual military service.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

Govt. of {1896} Madras.
PUBLIC.

Issued

Recd.

Encl.

G.O., No. 442, 4th April 1896.

APRIL.

Government Servants as Volunteers.

Communicating to the Lieutenant-General Commanding the Forces a resolution of the Government of India fixing the pay and the pension to which a servant of Government who is a volunteer is entitled when called out on actual military service.

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

READ—the following paper :—

Resolution of the Government of India, Finance and Commerce Department,
dated Calcutta, the 13th March 1896, No. 1145-P.

The Governor-General in Council is pleased to direct that if any officer or servant of Government, being a volunteer, is called out on actual military service under the provisions of Act X of 1896, he shall, while on such actual military service, be entitled to receive—

- (a) if at the time of being called out he was on duty, or on leave on full pay—the same salary and allowances as if he had remained on duty or on such leave, or the military pay and allowances of his rank, whichever is greater;
- (b) if at the time of being called out he was on leave on less than full pay—his leave allowances, and the military pay and allowances of his rank, as provided by the rules under the Act;

and for all purposes of counting service he shall be reckoned as if he had remained on duty or on leave, as the case may be.

2. If any such officer or servant of Government is wounded or killed in such actual military service, and he or his family are, in consequence thereof, entitled, by the rules of the service to which he belongs, to a higher pension, allowance, or gratuity than is provided by the rules under Act X of 1896, than he or his family shall receive such higher pension, allowance, or gratuity in lieu of that provided by the said rules.

3. Provided, in every case, that he has given to the head of his office if he is a member of an office establishment, or to his superior officer in other cases, notice of his having been called out under the Act.

Order—

Ordered, that this Resolution be communicated to the Departments of the Government of India; to the several Local Governments and Administrations; to the Heads of Departments under the Finance Department; to the Comptroller and Auditor General; and to all Accountants General and Comptrollers.

Ordered also, that the Resolution be published in the *Gazette of India*.

(Signed) R. NATHAN,
Offg. Under Secy. to the Govt. of India.

ORDER—No. 442, Public, dated 4th April 1896.

Communicated to the Lieutenant-General Commanding the Forces, Madras.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Lieutenant-General Commanding the Forces, Madras
(with copy of Act printed as annexure).

ACT No. X of 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 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
(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 of 1882.

Substitution of new section for section 8.

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

"Application of Army Act."

"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.

44 & 45 Vict., c. 58.

Amendment of section 12, Act XX of 1869.

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

Amendment of section 13, Act XX, 1869.

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

Substitution of new section for section 16, 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:—

"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 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."

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 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.

Power to make rules as to allowances to volunteers.

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

- the making of payments to, and the provision of transport and supplies for, volunteers called out on actual military service; and
- 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.

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

"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."

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.

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.

(Signed) S. HARVEY JAMES,
Secretary to the Government of India.

Ed. A. Raitt.

FORT ST. GEORGE GAZETTE
SUPPLEMENT.

TUESDAY EVENING,
MARCH 24, 1896.



ACT OF THE GOVERNMENT OF INDIA.

The following Act of the Governor-General of India in Council received the assent of His Excellency the Governor-General on the 13th March 1896, and is hereby promulgated for general information:—

ACT No. X of 1896.

An Act to amend the Indian Volunteers Act, 1869.

XX of 1869. WHEREAS it is expedient to amend the Indian Volunteers Act, 1869 (hereinafter referred to as 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.

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

- volunteers shall be deemed to be on 'actual duty'—
 - when being trained or exercised either alone or with any portion of the regular forces, or
 - when attached to or otherwise acting as part of or with any regular forces, or
 - when serving in aid of the civil power; and

XIV of 1882. (3) 'civil district' means a district as defined in the Code of Civil Procedure."

Substitution of new section for section 8.

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

"Application

[PRICE, 9 pias.]

Offg. Under

ACT No. X of 1896.

"Application of Army Act.

"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." 44 & 45 Vict. c. 58.

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

Amendment of section 12, Act XX of 1869.

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

Amendment of section 13, Act XX, 1869.

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

Substitution of new section for section 16, 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:—

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 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."

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.

"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

ACT No. X of 1896.

(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 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.

Power to make rules as to allowances to volunteers.

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

(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 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.

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

S. HARVEY JAMES,
Secretary to the Government of India.

(Republished by order of His Excellency the Governor in Council.)

J. F. PRICE,
Chief Secretary.

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18

No. 1145 P.
GOVERNMENT OF INDIA.
FINANCE AND COMMERCE DEPARTMENT.

RESOLUTION.

131
Calcutta, the 12th March 1896.

RESOLUTION.—The Governor General in Council is pleased to direct that if any officer or servant of Government, being a volunteer, is called out on actual military service under the provisions of Act X of 1896, he shall, while on such actual military service, be entitled to receive—

- (a) if at the time of being called out he was on duty, or on leave on full pay—the same salary and allowances as if he had remained on duty or on such leave, or the military pay and allowances of his rank, whichever is greater;
- (b) if at the time of being called out he was on leave on less than full pay—his leave allowances, and the military pay and allowances of his rank, as provided by the rules under the Act;

and for all purposes of counting service he shall be reckoned as if he had remained on duty or on leave, as the case may be.

2. If any such officer or servant of Government is wounded or killed in such actual military service, and he or his family are, in consequence thereof, entitled, by the rules of the service to which he belongs, to a higher pension, allowance, or gratuity than is provided by the rules under Act X of 1896, then he or his family shall receive such higher pension, allowance, or gratuity in lieu of that provided by the said rules.

3. Provided, in every case, that he has given to the head of his office if he is a member of an office establishment, or to his superior officer in other cases, notice of his having been called out under the Act.

ORDER.—Ordered, that this Resolution be communicated to the Departments of the Government of India; to the several Local Governments and Administrations; to the Heads of Departments under the Finance Department; to the Comptroller and Auditor General; and to all Accountants General and Comptrollers.

Ordered also, that the Resolution be published in the Gazette of India.

Phathan
Offg. Under-Secy. to the Govt. of India.

442 of 4 April 96
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442 of 4 April 96

bound: to the Lieut
beut bound of the
forces, Madras.

30.3.96
31/3/96

I have issued the
original to the
copy of the letter
to be kept in the
file of the
the same paper.

31 Oct.
The 14 April 1896
24/4/96

GOVERNMENT OF INDIA.
Finance and Commerce Department.

RESOLUTION.

To



No. 1145 P.

Dated Calcutta, the 13th March 1896.

Recd. 23-3-96

Encl. 1

Subject

Communicating copy of the
resolution regarding the salary
and allowances of any officer
or servant of Govt., being a volunteer
when called out on actual military
service.

G.I.O.P.O. No. 1882, & C.D. 11896-690-R.S.D.

First copy sent to Press.

Returned for signature.

Despatched in print.

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES to G. No.

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DUTY

DATES NOT FILLED UP, BEING MEANT FOR DEPARTMENT
IN ORIGINAL

N.B.

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