

**ARMED FORCES (EMERGENCY DUTIES)ACT, 1947**

**15 of 1947**

**[20th March, 1947.]**

CONTENTS

1. Short title and extend
2. Emergency duties of Armed Forces
3. Validation of certain past commands

**ARMED FORCES (EMERGENCY DUTIES)ACT, 1947**

**15 of 1947**

**[20th March, 1947.]**

"During the War, Defence of India Rule 81(3) empowered the Central Government to direct the employment of persons subject to the Indian Army Act or the Indian Air Force Act in any undertaking essential to the life of the community. The Defence of India Rules having now expired, it is lawful to order troops or naval or air force personnel to carry out essential services only for a military purpose, or if such a condition of affairs has arisen that the safety of the community and the existence of the Government and its authority is in danger, save the community the Government has decided to entrust such vital to military administration and control. It is doubtful whether the Courts would hold that these very stringent conditions were fulfilled in such cases the use of troops for the maintenance of electric power, water and sewage in a large city or the unloading of ships carrying articles of food. 2 To remove any doubt in the matter and to ensure that Government has powers to enable it to maintain services vital to the community, it is proposed to enact this Bill providing that in an emergency the Central Government may by notification declare that any specified service is a service of vital importance to the community and that commands to members of the armed force in relation to employment in the service shall then be lawful 3. The Bill includes a clause to make valid command of this nature given under the orders of Government between the expiry of the Defence of India

Rules and the passing of this Bill." - Gaz. of Ind. 1947, Pt. V, page 128.

### **1. Short title and extend :-**

<sup>1</sup> [\*]This Act may be called The Armed Forces (Emergency Duties) Act, 1947.

1. Brackets and Figure '(1)' and sub-section (2) were omitted by the Armed forces (Emergency Duties) Act, 1948 (4 of 1948), S. 2(5' 1-1948).

### **2. Emergency duties of Armed Forces :-**

(1) The Central Government may, by notification in the Official Gazette, declare any specified service <sup>1</sup>[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 and like notification.

(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 <sup>2</sup>[Arms Act, 1950, or Air Force Act, 1950], or <sup>3</sup>[ \* \* \* \* \* ] <sup>4</sup> [ Navy Act, 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.

1. Substituted for the words "in a Part A State or Part C State or, if so requested by the Government of a Part B State, any specified service in the State" by the Part B States (Laws) Act, 1951 (3 of 1951), S. 3 and Sch. (1-4-1951).

2. Substituted for the words and figures "the Indian Army Act, 1911. or the Indian Air Force Act. 1932", by the Part B States (Laws) Act, 1951.

3. The words "the Naval Discipline Act, in the form in which it is set forth in the First Schedule to" were omitted by A.L.O. 1950.

4. Substituted for the words "the Indian Navy (Discipline) Act, 1934" by the Repealing and Amending Act, 1960 (58 of 1960), S. 3 and Sch. II (26-12-1960).

### **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 his 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.