

# The Armed Forces (Emergency Duties) Act, 1947

UNION OF INDIA

India

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### Act 15 of 1947

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### 273.

Statement of Objects and Reasons.-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, and to save the community the Government has decided to entrust such vital services to military administration and control. It is doubtful whether the Courts would hold that these very stringent conditions were fulfilled in such cases as 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.<sup>2</sup> 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 forces in relation to employment in that service shall then be lawful.<sup>3</sup> The Bill includes a clause to make valid commands of this nature given under the orders of Government between the expiry of the Defence of India Rules and the passing of this Bill.[20th March, 1947]An Act to enable duties in connection with vital services to be imposed in an emergency on the Armed Forces [\* \* \*] [The words " of the Crown" omitted by A.O. 1950. ].Whereas it is expedient to enable duties in connection with vital services to be imposed in the emergency on the Armed Forces [\* \* \*] [The words " of the Crown" omitted by A.O. 1950. ].It is hereby enacted as follows:--

This Act has been extended to the new Provinces and merged States by the Merged States (Laws) Act, 1949 (59 of 1949), Section 3 (w.e.f. 1.1.1950) and to the Union territories of Manipur and

Tripura (now States) by the Union Territories (Laws) Act, 1950 (30 of 1950), Section 3 (w.e.f. 16.4.1950). This Act has been extended to-(i) the Union Territory of Goa, Daman and Diu by Regn. 12 of 1962 (w.e.f. 3.1.1963). Goa is now a State, see Act 18 of 1987, Section 3 (w.e.f. 30.5.1987).(ii) the Union territory of Dadra and Nagar Haveli by Regn. 6 of 1963 (w.e.f. 1.7.1965);(iii) the Union territory of Pondicherry by Regn. 7 of 1963 (w.e.f. 1.10.1963).(iv) the Union territory of Laccadive, Minicoy and Amindivi Islands by Regn. 8 of 1965, Section 3 and Sch. These islands are now known as Lakshadweep, see Act 34 of 1973, Section 3.(v) Sikkim by S.O. 208(E), 1975 (w.e.f. 1.3.1976).

## **1. Short title and extent .- [\*] This Act may be called The Armed Forces (Emergency Duties) Act, 1947.**

[\* \* \*] [Sub-Section (2) omitted by Act 4 of 1948, Section 2 (w.e.f. 5.1.1948). ]

## **2. Emergency duties of Armed Forces .-(1) The Central Government may, by notification in the Official Gazette, declare any specified service [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.(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 [the Army Act, 1950, or the Air Force Act, 1950] [Substituted by Act 3 of 1951, Section 3 and Sch., for " the Indian Army Act, 1911, or the Indian Air Force Act, 1932" (w.e.f. 1.4.1951). ], or [\* \* \*] [The words " the Naval Discipline Act, in the form in which it is set forth in the First Schedule to" omitted by A.O. 1950. ] [the Navy Act, 1957 ] [ Substituted by Act 58 of 1960, Section 3 and Sch. II, for " the Indian Navy (Discipline) Act, 1934" (w.e.f. 26.12.1960).]to obey any command given by any superior officer in relation to employment upon or in connection with the services 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 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.**