

The Indian Reserve Forces Rules, 1925

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2032.

The following rules and orders have been made by the Governor-General-in-Council for the Government, discipline and regulation of the Indian Reserve Forces under Sec. 4 of the Indian Reserve Forces, Act, 1888;

1.

These rules and orders may be called the Indian Reserve Forces Rules, 1925.

2.

In these rules and orders, "Commanding Officer" means the officer in command of a reserve centre or of the corps or portion of a corps to which a reservist is attached for training or muster: Provided that in the case of a reservist of the Indian Hospital Corps, who is attached for training or muster to a unit of his corps, his Commanding Officer will be (a) when the reservist is not called up for training or muster, the Officer-in-charge, Indian Hospital Corps Records; (b) when the reservist is called up for training or muster, the Commanding Officer of the unit to which he is attached for such training or muster.

3.

-A. The reserve shall consist of—(a) Viceroy's Commissioned Officers commissioned under rules 4A and 4B; (b) Indian Warrant Officers appointed under rule 4B; (c) [persons enrolled under the Indian Army Act, 1911,] [See now the Army Act, 1950 (46 of 1950)] and transferred to the reserve either with their own consent or in pursuance of the conditions of their enrolment; and (d) persons enrolled

under the said Act for service in the reserve.

3.

-B. Every reservist other than a reservist of the Indian Supplementary Reserve, shall be subject to military law until duly discharged or dismissed.

3.

-C. A reservist of the Indian Supplementary Reserve shall be subject to military law only when called out for service or when carrying out the annual trade test.

4.

-A. (a) Commissions as Risaldars or Jemadars in the Reserve of the Indian Army Service Corps may be granted to gentlemen of influence who, being not more than 30 years of age, are pronounced medically fit for service. (b) Such Viceroy's Commissioned Officers will ordinarily be retired on attaining 45 years of age. (c) When called out for army service or for training, such Viceroy's Commissioned Officers will, for the purposes of pay, allowances and other concessions in cash and kind, be on the same footing as Viceroy's Commissioned Officers of corresponding rank serving on the active list in A. T. units when the exception that they will not be entitled to clothing allowance for the period of training in peace. For the purposes of disability and family pensions, they will be governed by the same rules as are applicable to the corresponding ranks mentioned above. (d) Viceroy's Commissioned Officers of the reserve will rank among themselves according to the dates of their commissions and, when employed on army service, will rank with Viceroy's Commissioned Officers of corresponding rank in the Indian Army, but as Juniors of each rank. Viceroy's Commissioned Officers commissioned under Cl. (a) will exercise no military command except over persons belonging or attached to the Indian Army Service Corps. (e) Commissions already granted under the provisions of Military Department Notification No. 112, dated the 10th February, 1905, shall be deemed to have been granted under the provisions of this rule.

4.

-B. (a) Gentlemen possessing the requisite medical and other qualifications may be granted commissions as Jemadars or higher commissioned rank, or may be appointed as warrant officers, in the Indian Medical Department Sub-Assistant Surgeon Reserve. (b) Such Viceroy's Commissioned Officers and warrant officers will serve for a period of five years, which may be further extended by periods of two years at a time, until attaining the age of 55 years. (c) When called up for periodical training such Viceroy's Commissioned Officers and warrant officers will receive pay at the minimum of their rank admissible to regular military sub-assistant surgeons, and when called out for army service they will receive pay at the minimum of their rank as admissible to regular military sub-assistant surgeons, with increments as admissible for each year's completed army service. Pension will be drawn in addition by pensioned military sub-assistant surgeons. For the purpose of

disability and family pensions they will be under the same rules as regular military sub-assistant surgeons. A gratuity at the rate of one month's pay for each year's army service, based on the rate of pay drawn at the time of release, will be admissible on conclusion of army service.(d)Viceroy's Commissioned Officers and warrant officers of the I.M.D., S.A.S. Reserve will rank with regular Viceroy's Commissioned Officers and warrant officers of the sub-assistant surgeon branch of the L.M.D. as follows :Viceroy's Commissioned Officers. - according to the date of joining the Reserve as Viceroy's Commissioned Officers, or from the date of promotion to Viceroy's Commissioned Officer if promoted on a date subsequent to joining the Reserve.Warrant Officers. - from the date of appointment to the Reserve.(e)Appointment to the I.M.D. S.A.S.Reserve already made shall be deemed to have been made under the provisions of this rule.

5.

-A.Every reservist other than a reservist of the Indian Medical Department Sub-Assistant Surgeon Reserve shall come up for service, training or muster, when required to do so by order of his Commanding Officer; or for service when required to do so by order of the Commander-in Chief in India or of any authority empowered by him in this behalf, and shall for this purpose attend at any place specified in such order.

5.

-B. Every reservist of the Indian Medical Department Sub-Assistant Surgeon Reserve shall come up for training when required to do so by order of the Commanding Officer or for service when required to do so by a notification in the Gazette of India, and shall for this purpose attend at any place specified in such order or notification.Note. - A reservist in Civil Government employ will, when called up for periodical training, receive military pay and allowances. He will also receive the excess, if any, of his civil pay over his military pay, provided that this concession is specifically sanctioned by the Department of the Government of India affected, or its attached and subordinate officers, or by the Local Government concerned in whose employ the reservist is serving in his civil capacity; and provided also that (except where his civil pay is also met from the Army Estimate) the extra expenditure involved does not constitute a charge against the Army Estimates. A civil sub-assistant surgeon belonging to the I.M.D., S.A.S.Reserve will, when called up for periodical training, receive civil pay in addition to military pay. Civil pay will not be admissible in addition to military pay for period of mobilized army service.The periods spent in training and on the journey to and from the places of training will be treated as duty for purposes of civil leave, pension and increments of civil pay.

6.

Every reservist shall inform his Commanding Officer of his address, and shall, on any change of such address, at once inform the said Commanding Officer of such change.

7.

A reservist shall not leave India except with the permission of his Commanding Officer, and in the case of Indian Medical Department Sub-Assistant Surgeon Reserve, with the permission of the A.G. in India. For the purpose of this rule, Nepal shall, as regards Gurkha reservists, be deemed to be included in the term "India" except in the case of Gurkha reservist of the ambulance and nursing sections of the Indian Hospital Corps.

8.

A reservist who has, for any reason, failed to attend at any place when required to do so in pursuance of rule 5A or 5B may be required by his Commanding Officer to attend for medical examination at the nearest military station to his home, if so required, shall attend at such military station on the date appointed for such examination.

9.

Notwithstanding anything contained in Sec. 126 of the Indian Army Act, 1911, it shall not be necessary to assemble a Court of Inquiry under that section merely because a reservist has failed to attend when required to do so in pursuance of rule 5A, 5B or 8. Such a Court of Inquiry may, however, at the discretion of the Commanding Officer of the reservist, be assembled in such a case.

10.

A reservist who fails to attend at any place on the date on which required to do so in pursuance of rule 5A or 5B, shall be liable, at the discretion of his Commanding Officer, to forfeit all or a portion of arrears of pay and allowance due to him. In determining the amount of such forfeiture regard shall be had to the length of the reservist's absence and to the cause, whether reasonable or otherwise, to which it is due. The absence continues until the reservist is apprehended or satisfies his Commanding Officer by surrender or otherwise that he is available to fulfil his obligations as a reservist.

11.

(a) A reservist, who is discharged at his own request at any time within three calendar months from the date fixed for the next training or muster, shall forfeit all pay and allowances due to him with effect from the first day of the third calendar month preceeding the date of such training or muster, provided that if a reservist discharged on obtaining permanent civil employment under the Central or a State Government, he shall be eligible for pay and allowances up to the date of discharge. (b) A reservist who is discharged for misconduct shall forfeit pay and allowances due to him with effect from the date of misconduct or the first day of the third calendar month proceeding the date fixed for the next training or muster, whichever is earlier.

12.

The certificate referred to in Cl. (2) of Sec. 6 of the Indian Reserve Force Act, 1888, may be signed by the Commanding Officer of the reservist concerned, or, in respect of a reservist who fails to attend for medical inspection when required to do so in pursuance of rule 8, by the Commanding Officer of the military station at which such reservist was required to attend.

13.

When a person subject to the [Indian Army Act, 1911, is to be transferred to the Reserve, his Commanding Officer shall, previous to such transfer, explain or cause to be explained to him the obligations and restrictions imposed by rules 5A to 8 and the forfeiture which may be incurred under rules 10 and 11. When a person not subject to the said Act is enrolled thereunder for service in a reserve establishment, the officer enrolling him shall explain the aforesaid obligations, restrictions and forfeiture.] [See now the Army Act, 1950 (46 of 1950).]

14. [Prescribed authority under Sec. 7. [Instituted by S.R.O. 228, dated the 10th August, 1959, Part 2, Section 4, page 105.]

- The authority referred to in the proviso to sub-section (1) of Sec. 7 shall (a) in the presidency towns of Bombay, Calcutta and Madras be the Chief Judge of the Court of Small Causes within the local limits of whose jurisdiction the person claiming reinstatement was employed immediately before he was called up for training, muster or army service under these rules; and (b) elsewhere, be the District and Sessions Judge within the limits of whose jurisdiction such person was so employed.

15. Nature of inquiry by prescribed authority.

- Where a reference is made by any party under the proviso to sub-section (1) of Sec. 7 to the authority referred to in rule 14, a copy of such reference shall be served upon the opposite party and said authority shall decide the matter after giving both the parties a reasonable opportunity of being heard and after making such further inquiry, if any, as it thinks fit.

16. Prescribed rights under Sec. 8.

- When any reservist is called up for training, muster or army service under these rules, (a) he may, at his option, continue to subscribe to any provident or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment which he relinquished immediately before he was called up for training, muster or army service, at such rates as were applicable to him under the rules of such fund or scheme; (b) the employer by whom such reservist was employed shall continue to credit his account in the fund or scheme with the amount subscribed and the interest on the amount in such account in accordance with the rules of the fund or scheme; (c) such reservist may, if the rules of the fund or scheme so permit and in accordance with such rules, withdraw sums from the amount standing at his credit in the fund or scheme; and (d) for

the purpose of calculating the amount of contribution or withdrawal admissible, such reservist's salary shall be deemed to be the salary which he would have received had he not been so called up.]