

2. Persons subject to this Act.— (1) The following persons shall be subject to this Act wherever they may be, namely: —

- (a) officers, junior commissioned officers and warrant officers of the regular Army;
 - (b) persons enrolled under this Act
 - (c) persons belonging to the Indian Reserve Forces;
 - (d) persons belonging to the Indian Supplementary Reserve Forces when called out for service or when carrying out the annual test;
 - (e) officers of the Territorial Army, when doing duty as such officers, and enrolled persons of the said Army when called out or embodied or attached to any regular forces, subject to such adaptations and modifications as may be made in the application of this Act to such persons under sub-section (1) of section [9](#) of the Territorial Army Act, 1948 (LVI of 1948);
 - (f) persons holding commissions in the Army in India Reserve of Officers, when ordered on any duty or service for which they are liable as members of such reserve forces;
 - (g) officers appointed to the Indian Regular Reserve of Officers, when ordered on any duty or service for which they are liable as members of such Reserve forces);
 - (h) (Omitted)¹
 - (i) persons not otherwise subject to military law who, on active service, in camp, on the march or at any frontier post specified by the Central Government by notification in this behalf, are employed by, or are in the service of, or are followers of, or accompany any portion of, the regular Army.
- (2) Every person subject to this Act under clauses (a) to (g)², sub-section

1 Omitted by Adaptation of Laws (No. 3) Order, 1956.

2 Substituted by Adaptation of Laws (No. 3) Order, 1956.

- (1) shall remain so subject until duly retired, discharged, released, removed, dismissed or cashiered from the service.

NOTES

1. **Sub-Sec.(1).**—*"Wherever they may be"; The AA which is a special law has extra-territorial application in as much as a person subject to it continues to be so subject at all times irrespective of the place where he is serving e.g. whether he is in India otherwise. His liability to punishment under the Act therefore remains unaffected by the place where he commits the offence.*
2. **Clause (a)**—For the definition of "Officer", 'JCO', 'WO', and 'Regular Army' see [AA.s.3\(xviii\)](#), [\(xii\)](#), [\(xxiv\)](#) and [\(xxi\)](#) respectively.
3. **Clause (b).** —"Persons enrolled": see AA.ss. [13,14](#) and [15](#).
4. **Clause (c).**—(The Indian Reserve forces consist of the Regular Reserve and the Supplementary Reserve). Persons belonging to (The Indian Reserve forces are subject to the AA at all times until duly discharged or dismissed. S.[5](#) of the Indian Reserve Forces Act 1888 and rule [3B](#) of Indian Reserve Forces Rules, 1925 refer.
5. **Clause (d)-** Indian Supplementary Reserve force is no more in existence and there is no class of persons who are subject to the AA under this clause.
Clause (e)-The term 'officers of the Territorial Army' includes JCOs of that Army as well: s.2(b) of TA Act, 1948. For the 'adaptations and modifications' made to AA. see rule 24 of the T.A. Act Rules, 1948 and Schedules II and IIA thereto (Reproduced in Part III).
Clause (f)(*Army in India reserve of officers force is no more in existence and there is no class of officer subject to the AA under this clause*
8. **Clause (g).** —Personnel mentioned in this clause are subject to the AA only when ordered on duty or service for which they are liable as members of such reserve forces. Officers of the regular Army who retire on pension or gratuity have a liability to serve in the Reserve until they reach the specified age limits.
9. **Clause (i).** — Persons commonly known as 'followers' are not ordinarily subject to AA unless they have been enrolled under it, but in the interest of discipline and security it is obviously necessary that they and other civilians who accompany any portion of the regular Army should be subject to military discipline on active service and in certain other circumstances. This clause provides for such subjection. All persons, including civilian officers and subordinates, who are subject to AA under this clause are deemed to be of a rank inferior to that of a non-commissioned officer, unless the Central Government have under AA.s.6(1) issued a notification regarding the manner in which such persons shall be so subject: see AA.s.6 and Government of India Notification [S.R.O.325](#) of 1975, (reproduced in part IV) under which civilian government servants are classified as Officers, JCOs. WOs and NCOs according to their total monthly emoluments; the status so conferred is personal and does not give them power of command over others nor does it make them 'superior officers' within the meaning of the AA. Further, subjection of civilians in government service to AA under this clause does not preclude their being dealt with depart mentally under their civil, disciplinary regulations but if they are dealt with under military law, the procedure must be in accordance with the AA and AR.
10. "Active service :see [AA.s.3\(i\)](#).
Regular Army :see [AA.s.3\(xxi\)](#),
11. **Sub-Sec.(2).**—A person subject to the AA cannot terminate his subjection unilaterally; cessation of such subjection must take place in one of the ways mentioned in this sub sec.

12. Duly retired', 'discharged' etc.— See [chapter IV of the AA](#) and [ARs.13](#) to [18](#). For cashiering and dismissal as a court-martial sentence see [AA.s.71](#) and [AR.168](#), If a sentence of dismissal is combined with a suspended sentence of imprisonment, the dismissal does not take effect until so ordered by the authority or officer specified in [AA.s.182](#), Also see [AA.s.190\(1\)](#).