

24. Discharge or dismissal when out of India.— (1) Any person enrolled under, this Act who is entitled under the conditions of his enrolment to be discharged, or whose discharge is ordered by competent authority, and who, when he is so entitled or ordered to be discharged, is serving out of India, and requests to be sent to India, shall, before being discharged, be sent to India, with all convenient speed.

(2) Any person enrolled under this Act who is dismissed from the service and who, when he is so dismissed, is serving out of India, shall be sent to India with all convenient speed,

(3) When any such person as is mentioned in sub-section (2) is sentenced to dismissal combined with any other punishment, such other punishment, or, in the case of a sentence of imprisonment for life or imprisonment, a portion of such sentence may be inflicted before he is sent to India.

(4) For the purposes of this section, the word "discharge" shall include release, and the word "dismissal" shall include removal.

NOTES

1. *When an enrolled person's entitlement to be discharged or released accrues when he is out of India, he must, if he so requests, be sent to India for being discharged or released; in other words, the discharge/release must then be carried out in India. An enrolled person can however, be dismissed or removed from the service when serving out of India.*

2. *Sub-sec. (3) is permissive and must be read with [AA. ss.168-169](#) and [171](#) which provide for the infliction of sentences of imprisonment passed by courts-martial. The result is that, unless the sentence is one of imprisonment which is to be undergone in military custody or a military prison under [AA.s.169](#) or in regard to which an order for its infliction or partial infliction in local civil custody has been made under [AA.s.171](#) a prisoner cannot legally be kept abroad to undergo his imprisonment, but must be sent to a civil prison in India where it can be inflicted in accordance with this Act. Persons sentenced to imprisonment, which is to be undergone in a civil prison and where no order has been made under [AA.s.171](#) may be kept temporarily in military custody, military prison or other fit place under [AA.s.170](#).*

3. *On active service, however, a sentence of imprisonment may be carried out in such place as the officer commanding, the forces in the field may from time to time appoint : [AA.s.169\(4\)](#).*

4. *Persons sentenced to dismissal and imprisonment can legally be retained in such a place to undergo the whole or any part of their terms of imprisonment before being sent to India under sub-sec (3).*