

HOUSE OF THE PEOPLE

**THE RESERVE AND AUXILIARY AIR
FORCES BILL, 1952**

(Report of the Joint Committee)



**Parliament Secretariat
New Delhi
August, 1952**

**Report of Select/Joint Committees
presented during First
Session, 1952.**

S.No.	Title of Bills	Date of presentation of Report.
1.	The Essential Goods (Declaration and Regulation of Tax on Sale or Purchase) Bill, 1952.	18.7.52
2.	The Notaries Bill, 1952	18.7.52
3.	The Commissions of Inquiry Bill, 1952.	25.7.52
4.	The Preventive Detention (Second Amendment) Bill, 1952	30.7.52
5.	The Reserve and Auxiliary Air Force Bill, 1952	1.8.52
6.	<i>The Delimitation Commission Bill, 1952</i>	
7.	<i>The Constitution (Second Amendment) Bill, 1952</i>	
8.	<i>The Forward Contracts (Regulation) Bill, 1952</i>	
9.	<i>The Administration of Evacuee Property (Amendment) Bill, 1952</i>	

THE RESERVE AND AUXILIARY AIR FORCES BILL, 1952

MEMBERS OF THE JOINT COMMITTEE

HOUSE OF THE PEOPLE

Shri Jagannathrao Krishnarao Bhonsle.
Shri Shahnawaz Khan.
Sardar Surjit Singh Majithia.
Shri P. T. Chacko.
Shri T. S. Avinashilingam Chettiar.
Shri Tekur Subrahmanayam.
Choudhary Raghubir Singh.
Prof. Nibaran Chandra Laskar.
Shri Uma Charan Patnaik.
Shri M. S. Gurupadaswamy.
Shri Hirendra Nath Mukerjee.
Shri Girraj Saran Singh.
Shri Rayasam Seshagiri Rao.
Shri Rameshwar Sahu.
Shri Awadheshwar Prasad Sinha.
Pandit Balkrishna Sharma.
Pandit Krishna Chandra Sharma.
Shri T. R. Neswi.
Shri Jaipal Singh.
Shri Ajit Singh.
Shri S. V. Ramaswamy.

COUNCILS OF STATES

Shri N. Gopalaaswami Ayyangar—Chairman.
Shri Jaspat Roy Kapoor.
Shri Jagannath Das.
Shri Kailash Bihari Lal.
Shri M. Govind Reddy.
Shri Pir Mohammad Khan.
Shri Matangi Moni Hensman.
Shri H. D. Rajah.
Shri K. C. George.
Shri C. G. K. Reddy.

REPORT OF THE JOINT COMMITTEE

The Joint Committee to which the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith was referred have considered the Bill and I now submit this their Report, with the Bill as amended by the Committee annexed thereto.

Upon the changes proposed which are not formal or consequential, the Committee make the following observations:—

Clause 2.—Sub-clause (b) has been amended so that the competent authority may, in appropriate cases, consist of a committee of two or more air officers.

Clause 3.—A slight drafting alteration has been made so as to make it clear that there may be different competent authorities for different areas.

Clause 5.—A new sub-clause has been added to enable members of the Air Defence Reserve and the Auxiliary Air Force to be appointed to the Regular Air Force Reserve.

Clause 7.—A maximum limit of 5 years has been fixed in relation to the extension of the normal period of service in the Regular Air Force Reserve.

Clause 10.—This is a new clause which has been added to provide for classification of officers and airmen in the Air Defence Reserve on the same lines on which such classification is made in the case of the Regular Air Force Reserve under clause 6.

Clause 11 (original clause 10).—A new category of persons has been added in sub-clause (1), in order to bring within the scope of the sub-clause persons who are employed in connection with aerodromes or in connection with the control and movement of aircraft. Other amendments are consequential.

Clause 13 (original clause 12).—In sub-clause (1), the provision relating to the time-limit has been omitted and it is left to the competent authority to fix such time as it may deem fit. Sub-clause (2) has been omitted as being unnecessary.

Clause 16 (original clause 15).—The provision relating to the time-limit has been omitted to bring this clause in conformity with clause 13 [original sub-clause (1) of clause 12] as amended.

Clause 17 (original clause 16).—In this clause a new sub-clause has been added to provide for the termination of membership of the Air Defence Reserve on completion of the age specified in sub-clause (1).

Clause 19 (original clause 18).—The classification has been brought in line with the classification in the Regular Air Force Reserve under clause 6.

Clause 24 (original clause 23).—The Joint Committee is of opinion that there should be an Advisory Committee in every State irrespective of the fact whether any squadrons or units of the Auxiliary Air Force are stationed in that State. Such an Advisory Committee will be helpful in the formation of such squadrons and units and for carrying on general propaganda for recruitment to the Auxiliary Air Force. This clause has been amended accordingly.

Clause 25 (original clause 24).—The Joint Committee think that the period of training should be prescribed under the rules. Sub-clause (a) has been amended accordingly. In sub-clause (c), the words 'in an emergency' have been omitted as being unnecessary.

Clause 29 (original clause 28).—The Joint Committee feel that persons who are already in employment and who join any of the Reserves or the Auxiliary Air Force should not suffer any pecuniary loss in the shape of a reduced remuneration. It has, therefore, been provided that in the public interest the employer should make good the difference, if any, in the remuneration. Such liability of the employer has been restricted to the period of training only which is not likely to exceed a month in any year. The clause has been amended accordingly.

Clause 34 (original clause 33).—A specific clause has been added for rules being made in respect of the period and manner of training of members of any Air Force Reserve and the Auxiliary Air Force. It has also been provided that the rules shall be laid before Parliament.

2. The Bill was published in the Gazette of India, Part II, Section 2, dated the 31st May, 1952.

3. The Joint Committee think that the Bill has not been so altered as to require circulation and they recommend that it be passed as now amended.

N. GOPALASWAMI,

Chairman of the Joint Committee.

NEW DELHI;

The 1st August, 1952.

MINUTES OF DISSENT

I

I am constrained to submit this note of dissent to the majority report of the Joint Select Committee on the Reserve and Auxiliary Air Force Bill, 1952.

2. The purpose of constituting auxiliary forces, according to me, is to give the necessary training in the technique of defence to the people, to enable them to successfully defend their country in any emergency. Provisions in the Bill regarding the liability to be called up for service in clause 25 seems to defeat this purpose.

3. Auxiliary forces should not often be called up for service; otherwise they would practically become one branch of the regular forces, with one advantage to the state that they need not be remunerated when actually not in active service. The liability for service should be as little as possible to give greater encouragement for the people to get themselves enrolled in the Auxiliary Forces.

4. Therefore, I hold that the Auxiliary Air Forces should not be called up for services:—

(i) except in an emergency proclaimed by the President under article 352 of the Constitution;

(ii) abroad; and

(iii) in aid of Civil power.

5. I am strongly of the opinion that clause 24 of the Bill should be amended accordingly.

P. T. CHACKO.

NEW DELHI;

The 1st August, 1952.

II

While welcoming wholeheartedly steps to create Air Force Reserves, I must, in the first instance, say that the Bill appears to have been drafted in a hurry, without first finalising the plans for the creation of the reserves. It would have been well if plans for the reserves had been worked out in detail, before bringing the bill forward.

2. I disagree with the principles underlying the classification of the three reserves. I hold strong views against the creation of reserves to our Armed Forces, in which the personnel would feel uncomfortable, or are made to feel that they are inferior to those in the regular forces, in any way. It is essential that the privileges and the status in all the sections of our forces are uniform. There should be free mobility, so that the finest of our forces, to whatever section they belong, will be able to reach the top. It is my opinion that there should be no im-

pediment, legal or otherwise, in the way of a member of our reserves being absorbed into the regular forces, subject to his proving his capacity.

3. I therefore suggested that just as in our Navy and the Air Forces or other countries, there should be only two reserves: (a) the reserve of qualified men, and (b) the reserve of civilian volunteers. In the former reserve there should be no distinction between the civil aviation pilots who have the necessary flying experience and those who have served in the regular Air Force. I also suggested that as in the Navy, the personnel of the Volunteer Reserve should be eligible for the regular reserve, and ultimately for the regular Air Force, subject to their being found suitable.

4. The Committee accepted the principle of mobility, but I think caricatured it, because they did not see their way to accept the basic principle which would make this mobility real. The Bill, as is being presented, seeks to create a "caste" between the Regular Reserve and the Air Defence Reserve. This, in my opinion would vitiate against the morale of the personnel in the "lower rung" of the reserves.

5. Although the Committee has not accepted my suggestion, perhaps due to the inconvenience of materially changing the Bill, necessitating circulation, I would urge that an amendment may soon be brought to ensure happy and equal relations that ought to exist between one reserve and another and the reserves and the regular forces.

6. Subject to this dissent I welcome the creation of the reserves to our Air Force, and congratulate the Defence Minister on his step.

C. G. K. REDDY.

NEW DELHI;

The 1st August, 1952.

III

We regret to have to add this Minute of Dissent from the majority of our colleagues on the Joint Committee.

2. We take a very serious objection to the conscriptive nature of the Bill, as is clear in clause 15 which says that "the person upon whom the notice is served shall be deemed to be enrolled in the Reserve as from the day so specified." No option is given to such a person. But on the other hand, if the competent authority considers a person fit for enrollment in the Air Defence Reserve, he has no escape. It is wrong in principle to introduce conscription as a general feature and when the situation does not warrant it. We, therefore, suggest that a third Proviso to clause 10 be added exempting those who do not want to serve. We raised this question in Committee, but it was not accepted.

3. We take a very serious view of Clause 24(b) which lays down that every member of an Air Force Reserve or the Auxiliary Air Force shall be liable to be called up for service in aid of the civil power. We welcome, of course, the idea of assistance to the civil power by our Air Force in the sphere of beneficent public work like, for example, quick transport of food to deficit and scarcity areas. But during discussion

in Committee, it was plain that Government contemplates, even when there is no emergency, the requisitioning of the Reserve and Auxiliary Air Forces for quelling civil disturbances. We fear it is wrong in principle. It is wrong to expect members of the Reserve and Auxiliary Air Force who live with their fellow-citizens peacefully to suppress them as members of the Armed Forces. We feel that an exception should have been made in the case of personnel of the Reserve in respect of their liability to aid civil power in the maintenance of what is called 'Law and Order'. We are convinced that many promising entrants to the Auxiliary Air Force will be deterred by this provision in the law, which, in our view, militates against the normal decencies of democratic life. We pressed in Committee for the deletion of Clause 24(b), but in vain.

4. In regard to Clause 24(c), we wanted to retain the words "in an emergency". We feel it is only right that volunteers recruited, as the statement of Objects and Reasons points out, "in order to enable quick expansion (of our Air Forces) in an emergency" shall not be required when there is no emergency to serve abroad. The kind of training which is envisaged for them does not, quite obviously, require their having to collect experience away from India. We wish as many of our citizens as possible to have access to opportunities of learning to defend our country. We see no reason to cloud the issue by insisting on the liability of such citizens for service abroad. We know, of course, that in any emergency the whole picture changes, but that is another story and that does not come within the ambit of this Bill.

HIRENDRA NATH MUKERJEE

M. S. GURUPADASWAMY

K. C. GEORGE.

NEW DELHI;

The 1st August, 1952.

IV

The importance and urgency of the proposed measure can hardly be over-estimated, although the same have been obscured by other matters. The reserve and auxiliary air forces are calculated to augment our limited air strength, to reinforce our meagre air forces with well-trained, part-time, non-regular personnel. The Bill seeks to enlist civilian co-operation in organizing and manning the civilian air defence of the country and providing cheap and efficient second lines of reserves.

2. The Joint Select Committee has considerably improved the provisions of the Bill by providing, *inter alia*, for the laying of the rules on the table of the Houses of the Parliament, for the establishment of Advisory Committee in every State, for due compensation to the skilled personnel in private employ and for opportunities to the auxiliary and air defence reserve officers and men to be absorbed in the regular reserve. While associating myself in general with the report of the Joint Select Committee, I have to make the following observations in the interests of the forces that the Bill seeks to build up:—

(1) It is regretted that this is intended only to be a "permissive piece of legislation". The implementation of the provisions of the bill is an

urgent necessity in view of the requirements of national defence; and funds have to be found for the purpose. It is not known how far the Committee of experts said to be examining the reduction in army expenditure have progressed with their work; they can succeed only if they confer with other departments and obtain facilities for ex-army personnel in other fields of activity. But all such savings from the army budget (to be effected after careful planning so as not to throw out army personnel only to swell the ranks of the unemployed) have to be utilised for the proposed air force reserves and auxiliaries, as also for their navy and army counter parts.

(2) The rules, at least, must make suitable provisions for attracting and training the civilians in national defence. All western nations, including the "Democracies", have adopted Conscription in some form or other for national defence as well as for developing their national resources. Their "National-Security" or "National-Service" Acts and the all-out mobilization and all-round reorganization thereunder, indicate the new approach of the nations which were hitherto having voluntary-recruitment as their policy. We have therefore to adopt, not their present set-up, but the methods they formerly pursued to make the conditions of voluntary recruitment to the civilian forces (Volunteers, Territorials and Auxiliaries), attractive. Suitable "Schemes" have to be formulated for the purpose.

(3) From the view-point outlined in paragraph (2) supra, we could have omitted sub-clause (b) of clause 25 of the Bill as amended by the Joint Select Committee. It is true that compulsory military service has become the order of the day in other countries, thus every conscript during service or when otherwise embodied, being liable for duties as now laid down. Further, clause 26 of this Bill provides for the application of the Air Force Act, 1950, during training or when embodied; the Criminal Procedure Code (Second Amendment) Bill, recently passed in both the Houses, also makes similar provisions. In any case, it is not likely that any popular government with its full array of police and regular armed forces will call forth the civilian volunteers or auxiliaries in aid of civil power. Hence, omission of this sub-clause, or qualifying it by adding "during floods, famines, epidemics or other national emergencies" would have made Auxiliary Air service more attractive.

(4) Very careful planning will be necessary for making the envisaged organization a success. The rules have to provide for close association of representative civilians in building up the national defences. The organization of civil defence units, the reorganization of the N. C. C. with due emphasis upon its air and naval wings, the organization of army territorials for coast guard, anti-air craft and allied duties, the protection of essential and defence industries, the organization of semi military civilian institutions like Flying-clubs, Rifle-clubs, glider-clubs, scouts associations (especially air and sea scouting) have all to be co-ordinated through Unit, State and Central Advisory Committees as envisaged in the Act.

(5) The Air Force Volunteers under the Indian Air Force Volunteer Reserve (Discipline) Act of 1939 (corresponding to the envisaged air force auxiliaries) form the bulk of the Indian Air Force today. But recruitment to the A.I.F.V. Reserve was stopped during the war. The I.A.T.C. (Indian Air Training Corps) attached to Colleges and Universities was also disbanded after the war; the air wing of the N.C.C. is just making a

beginning. The civil defence organizations started during war were also abolished. The Air Defence Reserve Bill was introduced in 1950 and allowed to lapse. It is hoped that the present Bill will be effectively implemented so that it marks a new era in the history of our defence organization.

UMA CHARAN PATNAIK

NEW DELHI;
The 1st August, 1952.

THE RESERVE AND AUXILIARY AIR FORCES BILL, 1952

(AS AMENDED BY THE JOINT COMMITTEE)

(Words *sidelined* or *underlined* indicate the amendments suggested by the Committee; asterisks indicate omissions).

A BILL

to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith.

BE it enacted by Parliament as follows:—

CHAPTER I

PRELIMINARY

1. **Short title, extent and commencement.**—(1) This Act may be called the Reserve and Auxiliary Air Forces Act, 1952. 5

(2) It extends to the whole of India.

(3) This Chapter shall come into force at once, and the remaining provisions shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for different provisions. 10

2. **Definitions.**—In this Act, unless the context otherwise requires,—

(a) “Air Force Reserve” means any of the Air Force Reserves raised and maintained under this Act;

(b) “competent authority” means an air officer or a committee consisting of two or more air officers appointed under section 3; 15

(c) “prescribed” means prescribed by rules made under this Act;

(d) all other words and expressions used herein and defined in the Air Force Act, 1950 (XLV of 1950), and not hereinbefore defined shall have the meanings respectively assigned to them by that Act.

3. **Appointment of competent authority.**—The Central Government 20 may, by notification in the Official Gazette, appoint an air officer or a committee consisting of two or more air officers to perform all or any of the functions of the competent authority under this Act for such area as may be specified in the notification.

CHAPTER II

REGULAR AIR FORCE RESERVE

4. **Constitution of Regular Air Force Reserve.**—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Regular Air Force Reserve which shall consist solely of persons transferred or appointed, to it under section 5. 30

5. Recruitment to the Regular Air Force Reserve.—(1) The competent authority may, by general or special order, transfer to the Regular Air Force Reserve—

(a) any officer or airman of the Air Force who under the terms and conditions of his service is liable to serve in any Air Force Reserve if and when constituted;

(b) any officer or airman of the Air Force whose commission or engagement in the Air Force has been terminated before the commencement of this Act and who under the terms of his commission or engagement was liable to serve in any Air Force Reserve if and when constituted;

(c) any officer or airman who has served in the Air Force and has retired therefrom;

and any officer or airman so transferred shall be deemed to be a member of the said Reserve.

(2) The competent authority may, in such circumstances and subject to such conditions as may be prescribed, by special order, appoint to the Regular Air Force Reserve any member of the Air Defence Reserve or the Auxiliary Air Force raised and maintained under this Act, and where any such member is so appointed, he shall cease to be a member of the Air Defence Reserve or the Auxiliary Air Force, as the case may be, and shall as from the date of such appointment be deemed to be a member of the Regular Air Force Reserve.

(3) The competent authority may, for reasons which in *** its opinion are sufficient, cancel any order made under sub-section (1) or sub-section (2) and on the cancellation of such order the person in respect of whom the order had been made shall cease to be a member of the Regular Air Force Reserve.

6. Classes of persons in the Regular Air Force Reserve.—Members of the Regular Air Force Reserve shall be divided into the following classes, namely:—

- (a) general duties officers,
- (b) ground duties officers, and
- (c) airmen,

and every officer shall be entitled on transfer or appointment to the Reserve to hold the same rank as that which he last held in the Air Force, or the Air Defence Reserve or the Auxiliary Air Force, as the case may be, before such transfer or appointment.

7. Period of service.—(1) Every member of the Regular Air Force Reserve shall be liable to serve in the Reserve—

(a) if he is transferred to the Reserve under sub-section (1) of section 5, for the period of his Reserve liability; and

(b) if he is appointed to the Reserve under sub-section (2) of section 5, for the remainder of the period for which he was liable to serve in the Air Defence Reserve or the Auxiliary Air Force, as the case may be:

Provided that the competent authority may require any such member to serve in the Reserve for such further period or periods not exceeding in the aggregate five years as it may think fit.

Explanation I.—For the purposes of this sub-section, “period of Reserve liability” in relation to any member of the Regular Air Force Reserve means the period for which under the terms and conditions of his service in the Air Force he was liable to serve in any Air Force Reserve if and when constituted. 5

Explanation II.—In computing the period of Reserve liability in relation to any member of the Regular Air Force Reserve whose commission or engagement in the Air Force was terminated before the commencement of this Act, the period which has elapsed between such termination and the date of such commencement shall be included. 10

(2) Notwithstanding anything contained in sub-section (1), no person shall be liable to serve in the Reserve after attaining the prescribed age. 15

8. Termination of service in the Reserve.—Every member of the Regular Air Force Reserve shall, on completion of the period of his service therein, cease to be a member of the Reserve.

CHAPTER III

20

AIR DEFENCE RESERVE

9. Constitution of Air Defence Reserve.—The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force Reserve to be designated the Air Defence Reserve which shall consist of persons deemed under the provisions of section 16 to be enrolled therein. 25

10. Classes of persons in the Air Defence Reserve.—Members of the Air Defence Reserve shall be divided into the following classes, namely:—

(a) general duties officers;

(b) ground duties officers; and

(c) airmen. 30

11. Obligation to register.—(1) Every citizen of India who—

(a) holds or has held a public transport pilot's licence (“B” Licence) issued under the Indian Aircraft Rules, 1937, or

(b) has had not less than two hundred hours' experience of solo flying, including not less than thirty landings, or 35

(c) holds or has held a first class navigator's licence issued under the Indian Aircraft Rules, 1937, or

(d) has had at least four years' aviation experience during which at least six hundred hours shall have been spent in the air, not less than one hundred hours of such experience being experience of navigation in the air, or 40

(e) holds or has held a first class radio telegraph operator's licence issued under the Indian Aircraft Rules, 1937, or

(f) holds or has held a radio telephone operator's licence issued under the Indian Aircraft Rules, 1937, or

(g) holds or has held a licence as ground engineer in any of the categories A, B, C, D or X issued under the Indian Aircraft Rules, 1937, or

(h) is or was at any time employed in connection with any aerodrome or in connection with the control and movement of aircraft, in such capacity as may be prescribed,

shall within the prescribed period correctly fill up, or cause to be filled up, to the best of his knowledge and belief the prescribed form, and sign and lodge it with the competent authority nearest to his usual place of residence or business:

Provided that nothing contained in this sub-section shall apply—

(i) to any person belonging to any of the classes specified in clauses (a) to (f), if he has attained the age of thirty-seven years; or

(ii) to any person belonging to any of the classes specified in clauses (g) and (h), if he has attained the age of fifty years.

(2) Without prejudice to the provisions contained in sub-section (1), the competent authority may, if it is satisfied that the provisions of that sub-section apply to any person, by order in writing, require that person to furnish within such time such particulars as may be specified in the order and such person shall within the specified time furnish correctly to the best of his knowledge and belief the said particulars to the said authority in such form and manner as may be prescribed.

12. Liability to be called up for inquiry.—Every person to whom the provisions of section 11 are applicable shall be liable to be called up for inquiry under section 13—

(a) if he belongs to any of the classes specified in clauses (a) to (f) of sub-section (1) of section 11 until he has completed his thirty-seventh year, and

(b) if he belongs to any of the classes specified in clauses (g) and (h) of the said sub-section, until he has completed his fiftieth year.

13. Calling-up for inquiry.—*** The competent authority may cause to be served on any person for the time being liable to be called up for inquiry under section 12 a written notice stating that he is called up for inquiry regarding his fitness for service in the Air Defence Reserve and requiring him to present himself to such person and at such place and at such time *** as may be specified in the notice and to submit himself to inquiry by the *** said person.

* * *

14. Medical examination.—Every person called up for inquiry under section 13 shall, if and when required by the competent authority, present himself for examination before such medical officer as may be directed by that authority and, for the purposes of such examination, shall comply with the directions of the medical officer.

15. Registration of persons considered fit for enrolment.—If, after such inquiry and medical examination as aforesaid, the competent authority considers a person fit for enrolment in the Air Defence Reserve, it shall inform him accordingly and enter his name and other prescribed particulars in a register maintained in such form and manner as may be prescribed. 5

16. Calling up for service.—The competent authority may cause to be served on any person whose name is entered in the register maintained in pursuance of section 15 a written notice stating that he is called up for service in the Air Defence Reserve and requiring him to present himself at such place and time **** and to such authority as may be specified in the notice; and the person upon whom the notice is served shall be deemed to be enrolled in the Reserve as from the day so specified. 10

17. Period of service.—(1) Every person deemed to be enrolled in the Air Defence Reserve shall be liable for service— 15

(a) if he belongs to any of the classes specified in clauses (a) to (f) of sub-section (1) of section 11, until he has completed his forty-second year;

(b) if he belongs to any of the classes specified in clauses (g) and (h) of the said sub-section, until he has completed his fifty-fifth year. 20

(2) Every such person, on attaining the age specified in sub-section (1), shall cease to be a member of the Air Defence Reserve.

CHAPTER IV

AUXILIARY AIR FORCE

25

18. Constitution of Auxiliary Air Force.—(1) The Central Government may raise and maintain in the manner hereafter in this Chapter provided an Air Force to be designated the Auxiliary Air Force.

(2) The Central Government may constitute such number of squadrons and units of the Auxiliary Air Force as it thinks fit and may disband or reconstitute any squadron or unit. 30

19. Classes of persons in the Auxiliary Air Force.—Members of the Auxiliary Air Force shall be divided into the following classes, namely:—

(a) general duties officers;

(b) ground duties officers; and

(c) airmen. 35

20. Officers of the Auxiliary Air Force.—The President may grant to such person as he thinks fit a commission as an officer in the Auxiliary Air Force with designation of rank corresponding to that of any commissioned officer in the Air Force. 40

21. Persons eligible for enrolment.—Any citizen of India may offer himself for enrolment in the Auxiliary Air Force and may, if he satisfies the prescribed conditions, be so enrolled on such terms as may be prescribed.

22. Period of service.—Every officer and every enrolled person shall, subject to any rules that may be made in this behalf under this Act, be required to serve in the Auxiliary Air Force for a period of five years from the date of his appointment or enrolment but may, after the completion of his period of service, volunteer to serve therein for further periods each of not more than five years' duration.

23. Termination of service.—The service of any officer or enrolled person in the Auxiliary Air Force may, at any time before the completion of his period of service, be terminated by such authority and under such conditions as may be prescribed.

24. Advisory Committees.—(1) The Central Government shall, as soon as may be after the commencement of this Act, constitute—

(a) for the whole of India, a Central Advisory Committee;

(b) for each State, **** a State Advisory Committee; and

(c) for every unit of the Auxiliary Air Force, a Unit Advisory Committee.

(2) It shall be the duty of the Central Advisory Committee to advise the Central Government on matters connected with the Auxiliary Air Force generally, of the State Advisory Committee to advise the Central Government on matters connected with the formation of squadrons or units * in the State and squadrons or units already stationed in the State.

(3) The duties, powers and procedure of Advisory Committees and in particular the matters in respect of which the Advisory Committees may be called upon to give advice shall be such as may be prescribed.

25

CHAPTER V

LIABILITY AND DISCIPLINE OF MEMBERS OF RESERVE AND AUXILIARY AIR FORCES

25. Liability to be called up for service.—Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of his service, be liable to be called up—

(a) for * training for such period as may be prescribed and for medical examination,

(b) for service in aid of the civil power,

(c) for Air Force service in India or abroad. * * * *

26. Application of Air Force Act, 1950.—Every member of an Air Force Reserve or the Auxiliary Air Force shall, when called up for training, medical examination or for service under this Act, be subject to the Air Force Act, 1950 (XLV of 1950), and the rules made thereunder in the same manner as a person belonging to the Air Force and holding the same rank is subject to the said Act and rules and shall continue to be so subject until duly released from such training, medical examination or service, as the case may be.

CHAPTER VI

MISCELLANEOUS

27. Reinstatement in civil employ of persons required to perform service under this Act.—(1) It shall be the duty of every employer by whom a person called up under section 25 is employed to grant him such leave as may be necessary and to reinstate him in his employment on the termination of the period during which he has been so called up in an occupation and under conditions not less favourable to him than those which would have been applicable to him had he not been so called up: 5 10

Provided that if the employer refuses to reinstate such person or denies his liability to reinstate such person, or if for any reason the reinstatement of such person is represented by the employer to be impracticable, either party may refer the matter to the prescribed authority and that authority shall, after considering all matters which may be put before him and after making such further inquiry into the matter as may be prescribed, pass an order— 15

(a) exempting the employer from the provisions of this section, or

(b) requiring him to re-employ such person on such terms as that authority thinks suitable, or 20

(c) requiring him to pay to such person by way of compensation for failure or inability to re-employ a sum not exceeding an amount equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer. 25

(2) If any employer fails to obey the order of any such authority as is referred to in the proviso to sub-section (1), he shall be punishable with fine which may extend to one thousand rupees, and the court by which an employer is convicted under this section shall order him (if he has not already been so required by the said authority) to pay to the person whom he has failed to re-employ a sum equal to six months' remuneration at the rate at which his last remuneration was payable to him by the employer, and any amount so required to be paid either by the said authority or by the court shall be recoverable as if it were a fine imposed by such court. 30 35

(3) In any proceeding under this section it shall be a defence for an employer to prove that the person formerly employed did not apply to the employer for reinstatement within a period of two months from the termination of the period during which he was called up under section 25. 40

(4) The duty imposed by sub-section (1) upon an employer to grant leave to a person such as is described in that sub-section or to reinstate him in his employment shall attach to an employer who, before such person is actually called up under section 25, terminates his employment in circumstances such as to indicate an intention to evade the duty imposed by that sub-section and such intention shall be presumed until the contrary is proved if the termination takes place after the issue of an order relating to that person under section 25. 45

28. Preservation of certain rights of persons called up for service.—

When any person called up under section 25 has any rights under any provident fund or superannuation fund or other scheme for the benefit of employees maintained in connection with the employment he relinquishes, he shall continue, during the period for which he has been so called up and if he is reinstated, until such reinstatement under the provisions of this Act, to have in respect of such fund or scheme such rights as may be prescribed.

29. Pay and allowances.—(1) Every member of an Air Force Reserve or the Auxiliary Air Force shall, during the period of training or active service, receive such pay and allowances as are admissible to an officer or airman, as the case may be, in the corresponding rank, branch or trade of the Air Force.

(2) Where any such member was in any employment immediately before he is called up for training under section 25, the employer shall, during the period of the training, be liable to pay to him the difference, if any, between the pay and allowances which he would have received from the employer if he had not been called up for such training and the pay and allowances which he receives as such member while under training.

(3) If any employer refuses or fails to pay to any such member the difference in pay and allowances as provided in sub-section (2), such difference in pay and allowances may, on application by the member to the prescribed authority, be recovered from the employer in such manner as may be prescribed.

30. Penalties.—(1) If any person refuses or without lawful excuse (the burden of proving which shall lie upon such person) neglects to comply fully with the requirements of sub-section (1) of section 11 or of any order made under sub-section (2) of that section or with the requirements of section 14, he shall be punishable with fine which may extend to five hundred rupees.

(2) If any person wilfully fails to comply with any notice issued under section 13 or section 16, he shall be punishable with imprisonment which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

31. Service of notice.—Any notice or order to be served on any person for the purposes of this Act may be sent by post to that person at his last known address or may be served upon him in such other manner as may be prescribed.

32. Competent authority to be public servant.—For the purposes of this Act every competent authority and where the competent authority consists of a committee of two or more air officers, every member of the committee shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860).

33. Power of Central Government to grant exemptions.—The Central Government may, for special reasons and subject to such conditions as may be prescribed, by order exempt any person from any obligation or liability under this Act or any particular provision thereof.

34. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the composition and strength of any Air Force Reserve;

(b) the circumstances in which and the conditions subject to which any officer or airman may be transferred or appointed to the Regular Air Force Reserve under section 5;

10

(c) the age beyond which persons shall not be liable to serve in the Regular Air Force Reserve;

(d) the form and manner in which the particulars required by sub-section (2) of section 11 shall be furnished;

(e) the form and manner in which registers shall be maintained in pursuance of section 15, the particulars to be entered therein, and the correction or revision of such particulars from time to time;

15

(f) the pay or allowances payable to persons called up for inquiry **** or medical examination **** under this Act;

(g) the terms and conditions subject to which a person may be enrolled as a member of the Auxiliary Air Force;

20

(h) the authority by which and the conditions subject to which the service of any officer or enrolled person in the Auxiliary Air Force may be terminated;

(i) the constitution and the duties, powers and procedure of Advisory Committees to be constituted under section 24;

25

(j) the period and manner of training of members of any Air Force Reserve and the Auxiliary Air Force;

(k) the manner in which and the conditions subject to which the rank of any member of an Air Force Reserve may be determined;

30

(l) the constitution of the authority for the purpose of section 27 and the manner in which such authority may conduct any inquiry under this Act;

(m) the authority to which an application under sub-section (3) of section 29 may be made and the manner in which the difference in the pay and allowances may be recovered under that sub-section;

35

(n) the manner in which any notice or order issued or made under this Act may be served;

(o) the conditions subject to which any person may be exempted from any obligation or liability under this Act or any particular provision thereof;

40

(p) any other matter which under this Act is to be, or may be, prescribed.

(3) Any rule made under this section may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

5 (4) All rules made under this section shall be laid for not less than seven days before Parliament as soon as possible after they are made, and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

35. Amendment of sections 2, 4 and 31, Act XLV of 1950.—In the Air Force Act, 1950—

10 (i) in section 2, for clause (c), the following clause shall be substituted, namely:—

“(c) persons belonging to the Regular Air Force Reserve or the Air Defence Reserve or the Auxiliary Air Force, in the circumstances specified in section 26 of the Reserve and Auxiliary Air Forces Act, 1952”;

15 (ii) in section 4, for the words “the Indian Air Force Volunteer Reserve”, wherever they occur, the words “any Air Force Reserve or the Auxiliary Air Force” shall be substituted;

20 (iii) in section 31, for the words “the Air Force Reserve” the words “any Air Force Reserve or the Auxiliary Air Force” shall be substituted.

36. Repeal of Act XXXVI of 1939.—The Indian Air Force Volunteer Reserve (Discipline) Act, 1939, is hereby repealed.

HOUSE OF THE PEOPLE

Report of the Joint Committee on the Bill to provide for the constitution and regulation of certain Air Force Reserves and also an Auxiliary Air Force and for matters connected therewith.

(As amended by the Joint Committee)