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The Inter-Services Organisations (Command, Control and Discipline) Act, 2023

(ACT NO. 28 OF 2023)

[*As on the* 1*st July*, 2026]

LIST OF ABBREVIATIONS USED

G.S.R.	*for*	General Statutory Rules.
S.O.	,,	Statutory Order.
Notifn.	,,	Notification.

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THE INTER-SERVICES ORGANISATIONS (COMMAND, CONTROL AND DISCIPLINE) ACT, 2023

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THE INTER-SERVICES ORGANISATIONS (COMMAND, CONTROL AND DISCIPLINE) ACT, 2023

ACT NO. 28 OF 2023

[15*th August*, 2023.]

An Act to empower the Commander-in-Chief or the Officer-in-Command of Inter-services Organisations in respect of service personnel who are subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, who are serving under or attached to his command, for the maintenance of discipline and proper discharge of their duties, and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Seventy-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title and commencement.—(*1*) This Act may be called the Inter-services Organisations (Command, Control and Discipline) Act, 2023.

(*2*) It shall come into force on such date[1] as the Central Government may, by notification in the Official Gazette, appoint.

2. Application of Act.—The provisions of this Act shall apply to all persons who are subject to the Air Force Act, 1950, (45 of 1950), the Army Act, 1950 (46 of 1950) and the Navy Act, 1957 (62 of 1957), and to persons of such other forces as the Central Government may specify, by notification, under section 4, who are serving in or attached to an Inter-services Organisation.

3. Definitions.—(*1*) In this Act, unless the context otherwise requires,-

(*a*) "Air Officer" means any officer of the Air Force above the rank of group captain;

(*b*) "Chief of Defence Staff" means an officer of the regular Army, or the Indian Navy, or the Air Force, as the case may be, appointed as such by the Central Government;

(*c*) "Commander-in-Chief" means a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as Commander-in-Chief of a Joint Services Command, and in his absence, the officer on whom the command devolves;

(*d*) "Commanding Officer" means the officer in actual command of the unit, ship or establishment and includes an officer appointed as such by the Commander-in-Chief or the Officer-in-Command, as the case may be, of an Inter-services Organisation;

(*e*) "Flag Officer" means an officer of the rank of Admiral of the Fleet, Admiral, Vice-Admiral or Rear-Admiral;

(*f*) "General Officer" means an officer of the regular Army above the rank of Brigadier;

(*g*) "Inter-services Organisation" means a body of troops including a Joint Services Command consisting of persons, subject to the Air Force Act, 1950, (45 of 1950), the Army Act, 1950 (46 of 1950) and the Navy Act, 1957 (62 of 1957) or any two of the said Acts;

(*h*) "notification" means a notification published in the Official Gazette;

1. 10th May, 2024, *Vide* notification No. S.R.O. 13(E), dated 08th May, 2024, *see* Gazette of India, Part II, sec. 4.

(*i*) "officer", in relation to an Inter-services Organisation, means an officer as defined in clause (*xxiii*) of section 4 of the Air Force Act, 1950, (45 of 1950), or clause (*xviii*) of section 3 of the Army Act, 1950 (46 of 1950), or clause (16) of section 3 of the Navy Act, 1957, (62 of 1957) as the case may be;

(*j*) "Officer-in-Command" of an Inter-services Organisation means either a General Officer of the regular Army, or a Flag Officer of the Indian Navy, or an Air Officer of the Air Force, appointed as the Officer-in-Command of an Inter-services Organisation, other than Joint Services Command, and in his absence, the officer on whom the command devolves;

(*k*) "regulations" means the regulations made under the respective Service Acts;

(*l*) "rules" means the rules made under this Act and under the respective Service Acts, as the case may be;

(*m*) "Service Acts" means the Air Force Act, 1950, (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957) or any two of the said Acts or all the said Acts; and

(*n*) "service personnel" means persons who are subject to any of the Service Acts.

(*2*) Words and expressions used herein and not defined but defined in the Air Force Act, 1950, (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957) shall have the meanings, respectively, assigned to them under the said Acts.

CHAPTER II

SPECIAL PROVISION FOR CERTAIN FORCES

4. Special provision for certain forces under Central Government.—(*1*) The Central Government may, by notification, specify any force or any part thereof, raised and maintained in India under the authority of the said Government, to which all or any of the provisions of this Act shall, with or without modifications, apply and accordingly all the officers referred to in clause (*i*) of sub-section (*1*) of section 3 shall be deemed to be officers within the meaning of the respective Acts relating to the said forces.

(*2*) Upon issuance of a notification under sub-section (*1*), the authority to exercise all the disciplinary and administrative powers under the respective Acts governing such force or any part thereof including the powers conferred by warrants or commissions issued under such Acts governing that force or any part thereof, shall vest in the Commander-in-Chief or the Officer-in-Command, as the case may be, of the Inter-services Organisation.

(*3*) Where any of the provisions of this Act applies to a force or any part thereof as referred to in sub-section (*2*), the Central Government may, by notification, direct that by what authority or which officer, the jurisdiction, powers or duties incidental to the operation of the provisions of this Act shall be exercised or performed in respect of that force or any part thereof.

CHAPTER III

CONSTITUTION OF INTER-SERVICES ORGANISATION AND ITS OFFICERS

5. Constitution of Inter-services Organisation or Joint Services Command.—(*1*) The Central Government may, by notification, constitute an Inter-services Organisation, which may include a Joint Services Command, comprising of units or service personnel who are subject to any of the Service Acts, as may be placed under the command of the Commander-in-Chief or, as the case may be, the Officer-in-Command.

(*2*) The Central Government may, by an order published in the Official Gazette, direct that any power exercisable by the Commander-in-Chief or, as the case may be, the Officer-in-Command may also be exercisable by any other officer specially empowered in this behalf by the said Government.

6. Existing Inter-services Organisations and Commander-in-Chief or Officer-in-Command to continue.—(*1*) Notwithstanding anything contained in this Act,—

(*a*) the Inter-services Organisations constituted by the Central Government and functioning as such immediately before the date of commencement of this Act, shall be deemed to have been constituted under the provisions of this Act;

(*b*) the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter-services Organisation, who has been appointed and functioning as such immediately before the date of commencement of this Act, shall be deemed to have been appointed under the provisions of this Act.

(*2*) Nothing contained in this Act shall render invalid any action taken or acts performed, immediately before the commencement of this Act, by the Inter-services Organisation, or by the Commander-in-Chief or by the Officer-in-Command, as the case may be, of an Inter-services Organisation, while functioning as such under any law applicable at that time.

7. Powers of Commander- in-Chief or Officer-in-Command.—(*1*) The Commander-in-Chief or, as the case may be, Officer-in-Command of an Inter-services Organisation, shall be the head of such Inter-services Organisation and shall exercise command and control over the personnel serving in or attached to that Inter-services Organisation, for the purpose of maintenance of discipline and proper discharge of their duties.

(*2*) For the purposes of sub-section (*1*), the Commander-in-Chief or, as the case may be, the Officer-in-Command of an Inter-services Organisation shall be competent to exercise all the disciplinary and administrative powers vested in and exercised by—

(*a*) the General Officer Commanding the Army;

(*b*) the Flag Officer Commanding-in-Chief of a Naval Command;

(*c*) the Air Officer Commanding-in-Chief of an Air Command;

(*d*) any other officer or authority specified in the Service Acts or in the rules and regulations made thereunder, including the powers conferred by warrants or commissions issued under the provisions of such Service Acts; and

(*e*) any other officer or authority as may be specified in the notification issued under section 4.

8. Commanding Officer.—The Commanding Officer of an Inter-services Organisation shall, in addition to having command over any unit, ship or establishment, also perform such duties as may be assigned to him in respect of such Inter-services Organisation by its Commander-in-Chief or, as the case may be, the Officer-in-Command and shall be empowered to initiate all disciplinary or administrative actions over the personnel appointed, deputed, posted or attached to that Inter-services Organisation.

9. Superintendence of Central Government.—The superintendence of the Inter-services Organisation shall vest in the Central Government, which shall have the power to issue directions to each of such organisations, on any matters concerning national security or general administration, if it considers necessary and expedient so to do in the public interest.

10. Power to declare persons to be on active service.—Notwithstanding anything contained in the Service Acts, the Central Government may, by notification, declare that any service personnel or class of service personnel to whom the Service Acts apply shall, with reference to any Inter-services Organisation in which he or they may be serving in or attached to or with reference to any provision of this Act, be deemed to be on active service within the meaning of this Act and the Service Acts.

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CHAPTER IV

MISCELLANEOUS

11. Power to make rules.—The Central Government may make rules for the purposes of carrying out the provisions of this Act.

12. Overriding effect of this Act.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of any law other than this Act.

13. Protection of action taken in good faith.—No suit, prosecution or any other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

14. Power to remove difficulties.—(*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Act.

(*2*) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

15. Laying of rules before Parliament.—Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in such rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

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STATEMENT OF OBJECTS AND REASONS

Presently, the service personnel of Air Force, Army and Navy are governed by the provisions of the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957 (the Service Acts). Only officers of the respective services are empowered to exercise disciplinary powers over the service personnel under the respective Service Acts. This has a direct impact on command, control and discipline of Inter-services Organisations like Andaman and Nicobar Command or Defence Space Agency, and joint training establishment like National Defence Academy or National Defence College, as the Commander-in-Chief or Officer-in-Command of such Inter-services Organisations are not empowered to exercise disciplinary or administrative powers over the personnel belonging to other services.

2. As a consequence, the personnel serving in Inter-services Organisations need to be reverted to their parent Service units for any disciplinary or administrative action. This is not only time consuming, but also has financial implications relating to movement of the personnel. The problem becomes more cumbersome when the disciplinary or administrative proceedings arise from the same set of facts and circumstances but involves personnel belonging to different services. As a result, multiple sets of proceedings under the respective Service Acts are required to be initiated, which impedes expeditious disposal of cases, thereby affecting the standard of discipline.

3. Accordingly, a need arises to empower the Commander-in-Chief and Officer-in-Command of the Inter-services Organisations to exercise control over the service personnel serving under or attached under their command, for maintenance of discipline and proper discharge of their duties,without disturbing the unique service conditions or amending the Service Acts.

4. The proposed Bill will essentially be an enabling legislation, which empowers the Heads of the Inter-services Organisations to exercise effective command, control and discipline on all personnel of regular Air Force, Army and Navy and to persons of other forces as notified by the Central Government, who are serving in or attached to an Inter-services Organisation, without amending the respective Acts.

5. The salient features of the Inter-services Organisations (Command, Control and Discipline) Bill, 2023, *inter alia*, are as follows:—

(*i*) to empower the Central Government to constitute Inter-services Organisation, by notification, which may include a Joint Services Command, comprising of units or service personnel subject to the Air Force Act, 1950, the Army Act, 1950 and the Navy Act, 1957, as may be placed under the command of the Commander-in-Chief or the Officer-in-Command;

(*ii*) to empower the Commander-in-Chief, Officer-in-Command or any other officer, specially empowered in this behalf by the Central Government, with all the disciplinary and administrative powers in respect of personnel serving in or attached to their Inter-services Organisations, irrespective of the Service to which they belong, for the maintenance of discipline and proper discharge of their duties;

(*iii*) to provide that the service personnel shall continue to be governed by their respective Service Acts for the purposes of disciplinary or administrative action, if any, when serving in or attached to an Inter-services Organisation;

(*iv*) to provide that the Inter-services Organisations, which were constituted by the Central Government and functioning as such immediately before the date of commencement of the proposed legislation, shall be deemed to have been constituted under the provisions of the proposed legislation;

(*v*) to provide that the Commander-in-Chief or the Officer-in-Command of an Inter-services Organisation, who was appointed and functioning as such immediately before the date of commencement of the proposed legislation, shall be deemed to have been appointed under the provisions of the proposed legislation;

(*vi*) to pave way for various other tangible benefits such as expeditious disposal of cases, saving of time and public money by avoiding multiple proceedings and greater integration and jointmanship amongst Armed Forces personnel; and

(*vii*) to provide for overriding effect over anything inconsistent contained in other law for the time being in force or in any instrument having effect by virtue of any other law other than the proposed legislation.

The Bill seeks to achieve the above objectives.

NEW DELHI;
The 3*rd March*, 2023.

RAJNATH SINGH.

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