

THE NORTH-WEST BORDER MILITARY POLICE ACT, 1904 (IV OF 1904).

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THE SCHEDULE.

CONDITIONS OF SERVICE.

ACT No. IV OF 1904.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 4th March, 1904.)

An Act to provide for the Regulation of the Border Military Police Force in the North-West Frontier Province.

WHEREAS it is expedient to provide for the regulation of the Border Military Police Force in the North-West Frontier Province; It is hereby enacted as follows :—

Short title, extent, application and commencement.

1. (1) The Act may be called the North-West Border Military Police Act, 1904.

(2) It extends to the whole of the North-West Frontier Province, and applies also to every member of the Border Military Police Force, wherever he may be serving; and

(3) It shall come into force on such day as the Local Government may, by notification in the official Gazette, appoint in this behalf.

Definitions.

2. In this Act, unless there is anything repugnant in the subject or context,—

(a) "Military Police-officer" means a person who, at the commencement of this Act, is serving in the Border Military Police Force, or who, after the commencement of this Act, has been appointed to the Border Military Police Force under this Act and has signed a recruiting roll on which the conditions of service contained in the schedule are set forth:

(b) "Commandant" means a person appointed by the

(Sections 3-6.)

the Local Government to be a Commandant of the Border Military Police Force under this Act:

- (c) "active service" means service against hostile tribes or raiders or against other persons in the field: and
- (d) the expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Indian Penal Code.

XLV of 1860.

3. The Local Government may maintain a force, to be called the Border Military Police Force, for the better protection and administration of the external frontier of British India within the limits of or adjoining the North-West Frontier Province or any part thereof.

Power to maintain Border Military Police Force.

4. The Border Military Police Force shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such Force shall receive such pay, pension and other remuneration, as shall, from time to time, with the previous sanction of the Governor General in Council, be ordered by the Local Government.

Constitution of Force.

5. (1) The Local Government may appoint any person to be Commandant and may appoint other superior officers of the Border Military Police Force, or of any part thereof, constituted in any one or more districts.

Appointment and powers of superior officers.

(2) The Commandant and every other officer so appointed shall possess, and may exercise, such power and authority over the subordinate officers and members of the Force at any time under his command as is provided by or under this Act.

6. The appointment of subordinate officers and men of the Border Military Police Force shall rest with the Deputy Commissioner and the Commandant, who shall respectively exercise such powers, in such manner,

Appointment of subordinate officers and men.

manner, as may be prescribed by rules made under this Act.

Superintend-
ence,
control
and adminis-
tration of
Force.

7. The superintendence of, and control over, the Border Military Police Force shall vest in the Local Government; and the said Force shall be administered by the Deputy Commissioner and the Commandant, respectively, in accordance with the provisions of this Act and of any rules made thereunder.

More heinous
offences.

8. (1) Every Military Police-officer who—

- (a) begins, excites, causes or joins in any mutiny or sedition, or being present at any mutiny or sedition, does not use his utmost endeavours to suppress it, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention to mutiny, does not, without delay, give information thereof to his commanding or other superior officer; or
- (b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, whether on or off duty; or
- (c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend; or
- (d) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; or

who, while on active service,—

- (e) disobeys the lawful command of his superior officer; or
- (f) deserts the service; or,
- (g) being a sentry, sleeps upon his post, or quits
it

(Section 8.)

it without being regularly relieved or without leave; or

- (h) without authority, leaves his commanding officer, or his post or party, to go in search of plunder; or
- (i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or, without authority, breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or
- (k) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters; or
- (l) displays cowardice in the execution of his duty;

shall be punishable with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

(2) If any Military Police-officer, while on active service with a force beyond the limits of British India, is charged with committing any offence described in clause (c), clause (d), or clause (f), of sub-section (1), or the offence of culpable homicide amounting to murder, he may be summarily tried for such offence by the Political Officer accompanying the force, sitting with two other officers appointed by the Political Officer for this purpose.

(3) Every

28 *North-West Border Military Police.* [ACT IV
(Section 9.)

(3) Every officer appointed under sub-section (2) shall be either—

- (a) a British officer, as defined in the Indian Articles of War, or
- (b) a civil officer of gazetted rank, or
- (c) a Military Police-officer appointed under section 5 :

V of 1869.

Provided that, if circumstances permit, not less than one such officer shall be a Military Police-officer appointed under section 5.

(4) If one or both of the officers sitting with the Political Officer concur with him in finding the accused guilty and the Political Officer so directs, the accused shall be forthwith shot to death.

Less heinous offences.

9. Every Military Police-officer who—

- (a) is in a state of intoxication when on or for any duty, or on parade or on the line of march ; or
- (b) strikes or attempts to force any sentry ; or,
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner duly committed to his charge, or, without proper authority, releases any prisoner, or negligently suffers any prisoner to escape ; or,
- (d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or
- (f) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field ; or
- (g) strikes or otherwise ill-uses any Military Police-officer subordinate to him in rank or position ; or,
- (h) being

(Section 9.)

- (h) being in command at any post or on the march and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and to report the case to the proper authority ; or
- (i) designedly or through neglect injures or loses, or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements or Military Police necessities, or any such articles entrusted to him or belonging to any other person ; or
- (j) malingers, or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or,
- (k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or
- (l) does not, when called upon by his superior officer so to do, or upon ceasing to be a Military Police-officer, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements, appointments or other property issued or supplied to him, or in his custody or possession, as such Military Police-officer ; or

who, while not on active service,—

- (m) disobeys the lawful command of his superior officer ; or
- (n) plunders, destroys or damages any property of any kind ; or,
- (o) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or

(p) deserts

(p) deserts the service ;

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

Minor
punishment.

10. (1) The Deputy Commissioner and the Commandant, respectively, may, subject to any rules made under this Act, award, in lieu of, or in addition to, suspension or dismissal, any of the following punishments to any military Police-officer who is, in the opinion of the Deputy Commissioner or Commandant, as the case may be, guilty of disobedience, neglect of duty, or remissness in the discharge of any duty, or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as such Military Police-officer, that is to say,—

(a) reduction in rank and emoluments ;

(b) fine to any amount not exceeding one month's pay and allowances ;

(c) confinement to quarters for a term not exceeding one month ;

(d) confinement in the quarter-guard for not more than fifteen days, with or without punishment-drill or extra guard, fatigue or other duty ;

(e) removal from any office of distinction or special emolument in the force.

(2) The Deputy Commissioner, or the Commandant, or an officer, not being below the rank of subadar, commanding a separate detachment or an outpost or in temporary command at the head-quarters of a district during the absence of the Deputy Commissioner and Commandant, may, without a formal trial, award to any Military Police-officer who is subject to his authority any of the following punishments for the commission of any petty offence against discipline, which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call

for

for a prosecution before a Criminal Court, that is to say,—

- (a) confinement for not more than seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance ;
 - (b) punishment-drill, or extra guard, fatigue or other duty, for not more than thirty days, with or without confinement to quarters.
- (3) Any one of the punishments described in sub-section (1) or sub-section (2) may be awarded separately or in combination with any one or more of the said punishments respectively.

11. Every person sentenced under this Act to imprisonment for a period not exceeding three months shall, if he is also dismissed from the Border Military Police Force, be imprisoned in the nearest prison or such other prison as the Local Government may, by general or special order, direct ; but, if he is not also dismissed from the said Force, he may, if the Court or the Deputy Commissioner so directs, be confined in the quarter-guard or such other place as the Court or the Deputy Commissioner may consider suitable.

Place of imprisonment.

12. No Military Police-officer shall be at liberty to—

- (a) resign his appointment during the term of his engagement, except before the expiration of the first three months of his service, or
- (b) withdraw himself from all or any of the duties of his appointment,

Resignation and withdrawal from Force.

without the permission in writing (to be previously obtained) of the Deputy Commissioner or Commandant or other officer authorised by the Deputy Commissioner to grant such permission.

13. (1) It shall be the duty of every Military Police-officer promptly to obey and to execute all orders and warrants lawfully issued to him by any competent

General duties of Military Police-officers.

competent authority; to detect and bring offenders to justice, and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(2) Every Military Police-officer shall be liable to serve without and beyond, as well as within, the limits of British India.

Powers and duties conferable and impossible on Military Police-officers.

14. The Local Government may, by general or special order, confer or impose upon any Military Police-officer any of the powers or duties conferred or imposed on a Police-officer of any class or grade by any enactment for the time being in force.

Protection for acts of Military Police-officers.

15. (1) In any suit or proceeding against any Military Police-officer for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Such plea may be proved by the production of the warrant or order directing the act, and, if it is so proved, such Military Police-officer shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) All suits and proceedings (whether civil or criminal) against any person which may lawfully be brought for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder, shall be commenced within three months after the act complained of was committed, and not otherwise; and notice in writing of such suit or proceeding and of the cause thereof shall be given to the defendant or his superior officer one month at least before the commencement of the suit or proceeding.

Authority to confer exclusive

16. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Local Government V of 1898.

(Sections 17-19.)

ernment may declare that the Court of any Deputy Commissioner, and no other Court, shall be deemed to be the Court of Session for the disposal of cases, or of any class of cases, arising under this Act.

powers of Sessions Court on Deputy Commissioner.

V of 1898.

17. Any person invested with any powers under the Code of Criminal Procedure, 1898, for the disposal of any case under this Act within the limits of British India, shall, in relation to any case arising under this Act beyond such limits, have the same powers and be subject to the same conditions as to appeal or otherwise as if such case had arisen within such limits.

Criminal powers conferred within British India to be exercisable beyond British India.

18. The Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, apply, with such modifications (if any) as it may think fit, any of the provisions of this Act and the rules thereunder to the Border Militia or to any persons for the time being enrolled for similar service on the external frontier of British India.

Application of Act to other bodies enrolled for service on frontier.

19. The Local Government may, by notification in the official Gazette, make rules—

Power to make rules.

- (a) regulating the functions and powers of the Deputy Commissioner and Commandant, respectively, under this Act;
- (b) regulating the classes and grades of, and the remuneration to be paid to the officers and men of, and the conditions of service in, the Border Military Police Force;
- (c) fixing the period of service for Military Police-officers in any district or local area;
- (d) regulating the award of minor punishments to Military Police-officers under the powers conferred by section 10, and providing for appeals from, or the revision of, orders under that section; and,
- (e) generally, for the purpose of carrying into effect the provisions of this Act.

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THE SCHEDULE.

CONDITIONS OF SERVICE.

[*See section 2, clause (a).*]

AFTER you have served for (*such period as the Local Government may have prescribed in this behalf*) in the Border Military Police Force maintained under the North-West Border Military Police Act, 1904, you may at any time, when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to the Commandant or to the Deputy Commissioner of the district in which you may be serving, and you will be granted your discharge after three months from the date of your application, unless your discharge would cause the vacancies in the said Force to exceed one-tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived by competent authority or removed. But when on active service you shall have no claim to a discharge and you shall be bound to remain to do your duty until the necessity for retaining you in the said Force ceases, when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment after you have been discharged, you shall have no claim to reckon for pension or other purposes your service previous to your discharge :

Provided that, if you wish to withdraw from the said Force, you may resign at any time before the expiration of the first three months of your service, but not afterwards until the completion of the period prescribed as aforesaid :

Provided, also, that the Commandant or the Deputy Commissioner may, if he thinks fit, allow you to
resign

(The Schedule.—Conditions of service.)

resign at any time on your giving three months' notice of your wish to do so.

Signature of Military Police-officer in acknowledgment of the above having been read to him. } *A. B.*

Signed in my presence after I had ascertained that A. B. understood the purport of what he signed. { *C. D.,
Deputy
Commissioner or
Commandant.*
