

THE PUNJAB BORDER MILITARY POLICE ACT, 1904

(IV of 1904)

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‘THE PUNJAB BORDER MILITARY POLICE ACT, 1904

(IV of 1904)

[5 March 1904]

An

Act

to provide for the Regulation of the Border Military Police Force in the ‘[notified tribal areas of the Dera Ghazi Khan and Rajanpur districts of the Punjab].

‘(Whereas it is expedient to provide for the regulation of Border Military Police Force in the notified tribal areas of Dera Ghazi Khan and Rajanpur districts of the Punjab;]

It is hereby enacted as follows:—

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(1. Short title, extent and commencement.— (1) This Act may be called the Punjab Border Military Police Act, 1904.

(2) It extends to such notified tribal areas of Dera Ghazi Khan and Rajanpur districts as may be notified by the Government.

(3) It shall come into force at once.]

2. Definitions— 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 under section 5:]

(c) “active service” means service against hostile tribes or raiders or against other persons in the field: [*]

ou

[(d) the expressions, “assault”, “criminal force”, “fraudulently”, “reason to believe” and “voluntarily causing hurt” used herein shall have the same meanings as assigned to them in the Pakistan Penal Code 1860 (XLV of 1860):]

[(e) “Government” means the Government of the Punjab: and

‘This Act was published in the Gazette of India, dated: 5 March 1904, pp. 13-17. It was adopted by the Punjab by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671.

Substituted for the words “North West-Frontier Province” by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 2.

SSubstituted *ibid.*, s. 3.

'*Ibid.*, s. 4.

**Ibid.*, s. 5.

The word "and" was omitted *ibid.*

"Substituted *ibid.*

SInserted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 5.

(f) "Senior Commandant" means a person appointed or authorized as Senior Commandant under section 5.]

'B. Power to maintain Border Military Police Force.— The Government may maintain a force to be called the Border Military Police Force for the better protection of the notified tribal areas of Dera Ghazi Khan and Rajanpur districts.]

14. Constitution of the Force— The Border Military Police Force shall consist of such number of officers and personnel, and shall be constituted in such manner and the members of such force shall receive such pay, pension and other remuneration, as may be notified by the Government.]

5. Appointment and powers of superior officers.— (1) The Government may appoint Senior Commandant, Commandant and other superior officers of the Border Military Police Force.

(2) The Senior Commandant shall be an officer of the Government not below the rank of BS-18.

(3) The Senior Commandant, 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 as is provided by or under this Act.]

'6. Appointment of subordinate officers and personnel. (1) The Senior Commandant and Commandant shall appoint subordinate officers and the personnel of the Border Military Police Force on the terms and conditions as may be prescribed in the rules.

(2) The subordinate officers and the personnel of the Border Military Police Force shall perform such functions and exercise such powers as may be prescribed in the rules.]

'7. Superintendence, control and administration— (1) The superintendence and control of the Border Military Police Force shall vest in the Government.

(2) The Border Military Police Force shall be administered by the Senior Commandant and the Commandant respectively in accordance with this Act and the rules made thereunder.]

8. More heinous offences.— (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

'Substituted *ibid.*, s. 6.

**Ibid.*, s. 7.

S*bid.*, s. 8.

'*Ibid.*, s. 9.

*Ibid., s. 10.

(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 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 necessities 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:—

(i) for death or for imprisonment for life or for imprisonment for a term which may extend to seven years for the offence described in clause (a), clause (c) and clause (d); and

(ii) for the offences described in clause (b), clause (e), clause (f), clause (g), clause (h), clause (i), clause (j), clause (k) and clause (l), for imprisonment which may extend to seven years and with such fine which may extend to three months’ pay.]

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[(2) Whoever commits any of the offences described in sub-section (1), shall be tried in such manner as may be prescribed.]

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‘((4) * * * * *]

9. Less heinous offences.— n(G)] 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

‘Substituted for the expression “shall be punishable, with transportation for life or for a term 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 sentence of transportation or imprisonment, as the case may be as may be passed upon him under this section.” by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June

2007, pp. 5667-5671, s. 11.

Substituted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 11.

Omitted *ibid.*

'*Ibid.*

'Renumbered *ibid.*, s. 12.

(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 in command at any post or on the march and receiving a complaint that anyone 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, cloths, 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 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.

[(2) Whoever commits any of the offences described in sub-section (1), shall be tried in such manner as may be prescribed.]

10. Minor punishments. (1) The [Senior Commandant] and the Commandant, respectively, may, subject to any rules made under this Act, award, in lieu of, or in addition to,

‘Inserted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 12.

Substituted *ibid.*, for the words “Deputy Commissioner’ s. 13.

suspension or dismissal, any of the following punishments to any Military Police-officer who is, in the opinion of the [Senior Commandant] 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,—

reduction in rank and emoluments;

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

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

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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 '[Senior Commandant], 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 [Senior Commandant] 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 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. Place of imprisonment.— (1) Any 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 Government may, by general or special order, direct.

(2) Any person sentenced under this Act to imprisonment for a period not exceeding three months but is not dismissed from the Border Military Police Force, he may,

if the court or the Senior Commandant so directs, be confined in the quarter-guard or such other place as the court or the Senior Commandant may consider suitable.]

12. Resignation and withdrawal from Force.— 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

"Ibid.

Substituted for the words "Deputy Commissioner" by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 13.

SIbid.

'Substituted ibid., s.14.

(b) withdraw himself from all or any of the duties of his appointment,

without the permission in writing (to be previously obtained) of the '[Senior

Commandant] or Commandant or other officer authorised by the [Senior Commandant] to grant such permission.

13. General duties of Military Police-officers.— TI 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 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) a 2 +]

'114. Conferment of powers and imposition of duties— The 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.]

15. Protection for acts of Military Police-officers.— (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.

1 6. Jurisdiction of Courts— Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898), the Government may, in consultation with the Chief Justice of the Lahore High Court, by notification in the official Gazette, establish a court or confer jurisdiction on a court of Sessions or Judicial Magistrate of the First Class to try cases or any class of cases under this Act.]

'Substituted for the words "Deputy Commissioner" by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 15.

* Ibid.

Subsection (1) was renumbered as section 13 *ibid.*, s. 16.

'Omitted *ibid.*

"Substituted *ibid.*, s. 17.

°Substituted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette

(Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 18.

‘17. Appeal etc. — (1) Any person convicted by the court established or conferred with powers under this Act, may within thirty days from the date of such order, prefer an appeal in accordance with the Criminal Procedure Code 1898 (V of 1898).

(2) Any Military Police Officer, who has been awarded minor punishment under section 10 by the Commandant or the Senior Commandant, shall have a right of appeal to the Senior Commandant or the Government respectively.]

118. Application of the Act on Baluch Levy.— (1) Notwithstanding anything contained in any other law for the time being in force, the provisions of this Act shall, *mutatis mutandis*, apply to the Baluch Levy within the notified tribal areas of Dera Ghazi Khan and Rajanpur districts.

(2) The Government may, by notification, apply with such modifications, as it may think fit, any of the provisions of this Act and the rules made thereunder to any other force or body maintained for similar service within the notified tribal areas of Dera Ghazi Khan and Rajanpur districts.]

‘19. Rules.— The Government may, by notification in the official Gazette, make rules for:—

(a) regulating the appointment, powers and functions of the Senior Commandant and the Commandant, respectively under this Act;

(b) regulating the classes, grades, condition of service and the remuneration to be paid to the officers and personnel of the Border Military Police Force;

(c) regulating the procedure for trial of Military Police Officers and appeals under sub-section (2) of section 17; and

(d) generally, for the purpose of carrying into effect the provisions of this Act.]

‘Substituted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 19.

"Ibid, s. 20.

Ibid, s. 21.

‘THE SCHEDULE

Conditions of Service

[see section 2(a)]

After you have served for (such period, as the Government may have prescribed in this behalf), in the Border Military Police Force maintained under the Punjab 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 Senior Commandant, 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 in the Force until this objection is waived by the competent authority or removed by it. 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 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 Force, you may resign at any time before the expiration of 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 Senior Commandant may, if he thinks fit, allow you to resign at any time on your giving three months’ notice of your wish to do so.]

‘Substituted by the Punjab Border Military Police (Amendment) Act, 2007 (V of 2007), published in the Punjab Gazette (Extraordinary), dated: 30 June 2007, pp. 5667-5671, s. 22.