

THE NAGALAND ACT 6 OF 1966

[THE NAGALAND ARMED POLICE AT, 1966.]

Received the assent of the Governor on the 24th November, 1966.

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An Act to provide for the constitution and regulation of the Nagaland Armed Police.

Preamble.- WHEREAS it is expedient to provide for the constitution and regulation of an Armed Police Force in the State of Nagaland;

It is hereby enacted in the Seventeenth Year of the Republic of India as follows: -

Short title, extent and commencement- 1. (1) This Act may be called the Nagaland Armed Police Act, 1966.

(2) It extends to the whole of Nagaland.

(3) It shall come into force at once.

(4) It shall apply to the members of the Nagaland Armed Police Force wherever they may be.

Definitions.- 2. (1) In this Act unless there is anything repugnant in the subject or context: -

(a) “Battalion” and “Company” have the meaning assigned to them in the Army Act, 1900 (40 of 1950).

(b) “Commandant”, “Deputy Commandant”, “Adjutant”, “Quarter Master” and “Company Commander” mean respectively the persons appointed by the State Government to the Nagaland Armed Police under Section 4.

(c) “Government” means the Government of Nagaland.

(d) “Office of the Nagaland Armed Police” means a person appointed to the Nagaland Armed Police under this Act, who has in accordance with the provision of this Act signed a statement, in the form given in the Schedule.

(e) “members of the sub-ordinate ranks” mean members of the Nagaland Armed Police below the rank of Inspector.

(f) “Superior Officer” means in relation to an Officer of the Nagaland Armed Police any officer of rank which as prescribed is higher than that of such officer.

(g) “Prescribed” means prescribed by rules made under this Act.

(h) The expression “means to believe”, “criminal force” and “assault” have the meanings respectively assigned to them in the Indian Penal Code.

(2) Reference in this Act to any enactment or to any provision thereof shall be construed as references to such Act, enactment or provisions as adapted to Nagaland or, in the alternative to the corresponding law in force in any part of Nagaland.

Raising of Nagaland Armed Police.- 3. There shall be raised and maintained by the Government a force to be called the Nagaland Armed Police and it shall be constituted in one or more Battalions in such manner and for such period as may be prescribed.

Appointment of Commandant, Deputy Commandant, Adjutant, Quarter Master and Company Commander.- 4. (1) The Government may appoint for each Battalion a Commandant who shall be a person eligible to hold the post of a senior Superintendent of Police, a Deputy Commandant who shall be a person eligible to hold the post of a Superintendent of police and an Adjutant, a Quarter Master and Company Commanders who shall be persons eligible to hold the post of a Deputy Superintendent of Police.

(2) Notwithstanding anything contained in sub-section (1), the Government may appoint such Military Officer as it deems fit to be Commandant or Deputy Commandant or Adjutant or Quarter Master or Company Commander.

(3) The Commandant, the Deputy Commandant, the Adjutant, the Quarter Master and the Company Commander so appointed shall have and may exercise such powers and authority as may be provided by or under this Act.

Enrolment and Discharge of Officers of the Nagaland Armed Police.- 5. Before any person whether already enrolled in the Nagaland Police Force or not so enrolled \, is appointed to be an officer of the Nagaland Armed Police, the statement in the Schedule shall be read over, and if necessary, explained to him by a Magistrate, Commandant, Deputy Commandant, Adjutant, or Company Commander and shall be signed by him in acknowledgement of its having been so read over and explained to him and shall be attested by the Magistrate, Commandant, Deputy Commandant, Adjutant, or Company Commander as the case may be.

Members of Nagaland Armed Police to be deemed to be Police Officers.- 6. Subject always to the provisions of section 7 to 10, every member of the Nagaland Armed Police shall upon his appointment and as long as he continues to be a member thereof, be deemed to be a police officer and subject to any terms, conditions and restrictions, as may be prescribed from time to time to have and be subject to, in so far as they are not inconsistent with this Act or and rules made thereunder all the powers, privileges, liabilities, penalties, punishments and protection as a police officer duly enrolled has or is subject to by virtue of

the Police Act 1861, (V of 1861) of the Central Legislative, or any rules or regulations made thereunder.

More Heinous Offence. – 7. An officer of the Nagaland Armed Police 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 so use criminal forces against or commits an assault on his superior officer, whether on or off duty; or
- (c) abandons or delivers up any 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 risen arms against or hostile to India or omits to disclose immediately to his Commanding or other superior officer any such correspondence coming to his knowledge; or
- (e) deserts the service; or
- (f) directly or indirectly sells, gives away, or otherwise disposes, agrees to or assists in, the sales, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person; or
- (g) in the presence of any person risen in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any officer of the Nagaland Armed Police or any Police Officer to abstain from acting against any such person risen in arms, or discourage such officer from acting against any such person rising into arms or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person risen in arms; or
- (h) while on active duty,-
 - (i) disobeys, the lawful command of his superior officer; or
 - (ii) deserts his force of post; or
 - (iii) being a sentry, or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave; or
 - (iv) without authority, leaves his Commanding Officer for any purpose whatsoever; or

- (v) uses criminal force to commits and assault on, any person whom he has not any reason to believe to be risen in arms against the State or without authority breaks into any house or other dwelling place for plunder or any illegal purpose, or willfully and unnecessarily plunders, destroys or damages any property of any kind; or
- (vi) intentionally causes or spreads a false alarm in action or in camp garrison or quarters, shall on conviction, be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine which may extend to one thousand rupees or with both.

Less Heinous Offences.- 8.

An officer of the Nagaland Armed Police who-

- (a) strikes or assaults any sentry; or
- (b) being in command of a guard, picket or patrol refuses to receive any prisoner or person lawfully made over to his charge or whether in such command or not releases any prisoner or person without proper authority or negligently suffers any prisoner or person delivered into his custody to escape; or
- (c) being in command of a guard, picket or patrol permits any person belonging to such guard picket or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline; or
- (d) being under arrest or in confinement escapes from his arrest or confinement; or
- (e) is grossly insubordinate to his superior officer in the execution of his office; or
- (f) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field; or
- (g) strikes or maliciously ill-treats any officer of the Nagaland Armed Police subordinate to him in rank or position; or
- (h) Designedly or through neglect damages or losses or fraudulently or without due authority disposes of his arms, clothes, tools equipment ammunition, accoutrements or other necessities furnished to him for the execution of his office or any such articles entrusted to him; or
- (i) Malingers, or feigns, or produces disease or infirmity in himself or intentionally delays his cure or, aggravates his disease or infirmity; or
- (j) With intent to render himself or any other person unfit for duty voluntarily causes hurt to himself or any other person; or

- (k) Commits extortion or without lawful authority extorts from any person carriage, portage or provisions; or
- (l) willfully or negligently ill-treats, injures or causes the death of any animal or damages, losses or makes away with any animal or vehicle used in the exigencies of public service, shall on conviction, be punished with imprisonment for a term which may extend to seven years or with a fine which may extend to five hundred rupees or with both.

Punishment.-9 (1) Besides the punishments for more heinous offences and less heinous offences as laid down in section 7 and 8 the following punishments may for good and sufficient reason be inflicted on the member of the Nagaland Armed Police:-

- (a) Dismissal from service which ordinarily disqualifies from future employment under the Government.
- (b) Removal from service which does not disqualify for future employment including compulsory retirement before the age of super-annuation.
- (c) Reducing to a lower rank or time scale or to a lower stage in the time scale, or in the case of compulsory retirement to an amount pension lower than that due under the rules relating to pension.
- (d) Withholding of increments or promotions including stoppage at the efficiency bar.
- (e) Removal from any office of distinction or special emoluments in the Nagaland Armed Police.
- (f) Removal from the pay of the defaulter of any pecuniary loss caused to the Government by his negligence or breach of rules or orders.
- (g) Suspension pending enquiry,
- (h) Censure.

(2) The authorities empowered to inflict the punishments under sub-section (1) above, shall be prescribed by the Government from time to time.

Minor punishments.- 10. (1) The Commandant, or subject to the control of the Commandant, the Deputy Commandant or such other officer as may be prescribed, may without formal trial, award to any officer of the Nagaland Armed Police of and below the rank of Havildar, who is subject to his authority any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act or which in the opinion of the Commandant, the Deputy Commandant or such other officer as the case may be, is not of sufficiently serious nature to call for prosecution before a criminal court, that is to say:-

- (a) Imprisonment in the quarter-guard, or such other place as may be considered suitable, for a term which may extend to twenty eight days when the order is passed by a Commandant or to fourteen days when it is passed by the Deputy Commandant or to seven days when it is passed by the Adjutant, Quarter Master or a Company Commander or to five days when it is passed by the Inspector or sub-inspector. Such imprisonment shall involve the forfeiture of all pay and allowances except free rations for the period of imprisonment.
- (b) Punishment drill, extra guard, fatigue or other duty, not exceeding twenty eight days in duration with or without confinement to the lines.
- (c) Fine not exceeding seven days pay.

(2) any of the punishments specified in sub-section (1) (a) may be awarded separately or with any or more of the orders;

(3) No appeal shall lie from an order passed under this section.

Appeals.- 11. Appeals against any order imposing punishment specifically mentioned in section 9 shall be made in accordance with the provisions of the Nagaland Civil Service (Classification, Control and Appeal) Rules or such other rules as may be framed by the Government from time to time.

Discharge from Nagaland Armed Police.- 12. Notwithstanding anything contained in the police Act, 1861 (**V of 1861**) or any other law, no officer of the Nagaland Armed Police shall be entitled to be discharged from the Nagaland Armed Police except upon conditions as may be prescribed. If any Nagaland Armed Police Officer resigns his appointment and absents himself from duty in contravention of prescribed conditions he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to five hundred rupees or with both.

Place of imprisonment.- 13. A person sentenced under this Act, to imprisonment for a period exceeding three months, notwithstanding anything contained in the Police Act, 1861, (**V of 1861**) be deemed to have been dismissed from the Nagaland Police Force and from the Nagaland Armed Police and shall be imprisoned in the nearest or such other jail as the Government may, by general or special order, direct.

Reversion. – 14. The Commandant or the Deputy Commandant may, notwithstanding anything contained in section 12, at any time revert to the Nagaland Police an officer of the Nagaland Armed Police who has been seconded from the Nagaland Police Force.

Saving of prosecution under other laws. – 15. Nothing in this Act, shall prevent any person from being prosecuted under the Police Act, 1861 (**V of 1861**) or under any order, or

rules made under that Act or any other enactment for the time being in force, for any act or omission punishable thereunder, or from being liable, if so prosecuted to any other or higher penalty than is provided from that act or omission by this Act;

Provided that no person shall be punished twice for the same offence.

Disciplinary and other powers of Commandant and the Deputy Commandant of Nagaland Armed Police otherwise than in respect of the Nagaland Armed Police.- 16.

Subject to such rules as the Commandant may make in this behalf, a Commandant or Deputy Commandant shall have with respect to Police officer appointed to the Nagaland Police Force, under the Police Act, 1861, (**V of 1861**) who are not officers of the Nagaland Armed Police, the same disciplinary powers as a Superintendent of Police of a District has with respect to them under that Act.

Powers of the Government to disband or reconstitute the Nagaland Armed Police.- 17. (1) The Government may by notification in the Nagaland Gazette disband or reconstitute the Nagaland Armed Police or any Battalion/Company thereof.

(2) Whenever the Nagaland Armed Police or any Battalion/Company thereof is disbanded or reconstituted under sub-section (1) it shall, notwithstanding anything contained in this Act, or subject to such conditions, as may be prescribed, be lawful for the Government with a view to such disbandment or reconstitution, to discharge any officer from the Nagaland Armed Police if he is enrolled under the Police Act, 1861, (**V of 1861**) and if he has not been confirmed, from the Nagaland Police Force also.

Protection for acts of members of Nagaland Armed Police. -18. (1) In any suit or proceeding against any member of the Nagaland Armed Police 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) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said Nagaland Armed Police 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) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding whether civil or criminal which may lawfully be brought against any member of the Nagaland Armed Police 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 framed thereunder, shall be commenced within six months after the Act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause

thereof shall be given to the defendant or his superior office at least one month before the commencement of such proceeding;

Provided that such proceedings may, with the sanction of the Government, be commenced at any time after the act complained of was committed.

Power to make rules. – 19. (1) The Government may make rules for carrying out the purposes of this Act.

(2) Without prejudice to the generality of the foregoing powers, the rules may provide for the following matters, that is to say: -

- (i) The number of Battalion/Companies to be constituted.
- (ii) The pay and other terms and conditions of service of officers of the Nagaland Armed Police.
- (iii) The manner in which and the persons who may be appointed to be officers of the Nagaland Armed Police.
- (iv) Any other matter which is or may be prescribed.

(2) Every rule made under this section shall be laid, as soon as may be after it is made, before the Nagaland Legislative Assembly while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following the Nagaland Legislative Assembly agree in making any modification in the rule or the Nagaland Legislative Assembly 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.

THE SCHEDULE

(See Section 5)

STATEMENT

At no time during the period of my service in the Nagaland Armed Police, I will be entitled to obtained my discharge from service at my own request. On the liquidity of the Nagaland Armed Police or the Battalion or the Company to which I may for the time being be posted, I will be discharged from service in the Nagaland Armed Police; except it I am already a confirmed member of the Nagaland Armed Police Force before joining the Nagaland Armed Police; from the Nagaland Police Force also. I shall however be eligible for re-enlistment in the Nagaland Police Force and in case I am so re-enlisted my service in Nagaland Armed Police will count towards seniority, promotion and pension in the Nagaland Police Force.

Signature of the Police Officer

Rank..... No.....

Signed in my presence, after I had ascertained that
..... Rank..... No..... has
understood the purport of what has been signed.

Place

Date

Signature and seal of office of
the Magistrate/Commandant
Deputy Commandant/Adjutant/
Company Commander.