

The North-West Frontier Constabulary Act,
1915.

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ACT NO. XIII OF 1915.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 1st October, 1915.)

An Act to provide for the regulation of the Frontier Constabulary in the North-West Frontier Province.

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

1. (1) This Act may be called the North-West Frontier Constabulary Act, 1915;

Short title, extent, application and commencement.

(2) It extends to the whole of the North-West Frontier Province, and applies also to every member of the Constabulary, 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.

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

Definitions.

(a) "member of the Constabulary" means a person other than a person appointed by the Local Government who, at the commencement of this Act, is serving in the Frontier Constabulary, or who, after the commencement of this Act, has been appointed to the Frontier Constabulary under this Act, and has signed a recruiting-roll on which the conditions of service contained in the Schedule are set forth:

Provided

Provided that every person who has, for the space of six months, been in the receipt of pay as a member of the Frontier Constabulary, and been borne on the rolls of the Frontier Constabulary shall be deemed to be a member of the Constabulary, notwithstanding that he has not signed the said recruiting-roll:—

- (b) "Commandant" means a person appointed by the Local Government to be a Commandant of the Frontier Constabulary:
- (c) "active service" means service against hostile tribes, raiders or other hostile persons, or persons co-operating with or assisting such tribes, raiders or hostile persons:
- (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.

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Power to maintain Frontier Constabulary.

3. The Local Government may continue to maintain a force, to be called the Frontier Constabulary, 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.

Constitution of Constabulary.

4. The Frontier Constabulary shall be constituted in such manner, and the members of the Constabulary 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.

Appointment and powers of superior officers.

5. (1) The Local Government may appoint any person to be Commandant, and may appoint other persons to be District Constabulary Officers or Assistant Constabulary Officers of the Frontier Constabulary, or of any part thereof, constituted in any one or more districts.

(2) The Commandant and every other officer so appointed shall possess, and may exercise, such power and

and authority over the subordinate officers and members of the Constabulary at any time under his command, as is provided by or under this Act.

6. The appointment of all officers and men of the Frontier Constabulary, other than those mentioned in sub-section (1) of section 5, shall rest with the Commandant and the District Constabulary Officer who shall respectively exercise such powers, in such manner as may be prescribed by rules made under this Act. Appointment of subordinate officers and men.

7. (1) The superintendence of, and control over, the Frontier Constabulary shall vest in the Local Government; and the Frontier Constabulary shall be administered by the Commandant and the District Constabulary Officer in accordance with the provisions of this Act and of any rules made thereunder. Superintendence, control and administration of Constabulary.

(2) The District Constabulary Officer and the Constabulary of a district shall be under the general control and direction of the Deputy Commissioner of the district.

(3) In exercising authority under sub-section (2), the Deputy Commissioner shall be governed by such rules and orders as the Local Government may make in this behalf.

8. (1) Every member of the Constabulary who commits any of the following offences, that is to say:— More heinous offences.

(a) begins, excites, causes or conspires to cause, or joins in, any mutiny; or being present at any mutiny, 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, or of any conspiracy against the State 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

whether on or off duty knowing or having reason to believe him to be such ; 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 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

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 member of the Constabulary, 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 officer appointed under sub-section (2) shall be either--

- (a) a British officer, that is to say, a person holding a commission in His Majesty's land forces, or,
- (b) a civil officer, of gazetted rank, or,
- (c) a person appointed under section 5 :

Provided that, if circumstances permit, not less than one such officer shall be a Constabulary 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.

9. Every member of the Constabulary who commits any of the following offences, that is to say,-- Less heinous offences.

- (a) is in a state of intoxication when on, or after having been warned for, any duty, or on parade or on the line of march; or,
- (b) strikes or attempts to force any sentry; or,
- (c) being

- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge, or, without proper authority, releases any prisoner or person placed under his charge, or negligently suffers any such prisoner or person 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 member of the Constabulary subordinate to him in rank or position; or,
- (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 or 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 Frontier Constabulary necessaries, 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

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 member of the Constabulary, 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 member of the Constabulary ; or,

(m) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to Government, or to any member of, or any person attached to, the Constabulary, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid ; or,

(n) absents himself without leave, or, without sufficient cause, overstays leave granted to him ; or,

(o) is guilty of any act or omission which, though not specified in the Act, is prejudicial to good order and discipline ; or,

who, while not on active service,—

(p) disobeys the lawful command of his superior officer ; or,

(q) deserts the service ; or,

(r) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or,

(s) quits

- (s) quits his guard, picquet, party, or patrol without being regularly relieved or without leave; or,
- (t) plunders, destroys or damages any property of any kind; or,
- (u) displays cowardice in the execution of his duty;

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
punishments.

10. (1) The Commandant or the District Constabulary Officer 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 member of the Constabulary who is, in the opinion of the Commandant or the District Constabulary Officer, 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 member of the Constabulary, 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 twenty-eight days with or without punishment-drill or extra guard, fatigue or other duty; and
- (e) removal from any office of distinction or special emolument in the Constabulary.

(2) The Commandant or the District Constabulary Officer, or an officer, not being below the rank of Subadar, commanding a separate detachment or an outpost, or in temporary command at the headquarters of a district during the absence of the Commandant and the District Constabulary Officer may,

may, without a formal trial, award to any member of the Constabulary, 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; and

(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. (1) Every person sentenced under this Act to imprisonment may be dismissed from the Frontier Constabulary, and shall be further liable to forfeiture of pay and allowances due, as well as of medals and decorations received, and the public money due to him.

Place of imprisonment and liability to dismissal on imprisonment.

(2) Every such person shall, if he is so dismissed, 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 Frontier Constabulary, he may, if the Court or the Commandant so directs, be confined in the quarter-guard or such other place as the Court or the Commandant may consider suitable.

12. The following penal deductions may be made from the pay and allowances of a member of the Constabulary, that is to say,—

Deductions from pay and allowances.

(a) all pay and allowances for every day of absence either on desertion or without leave, and for every day of imprisonment awarded

awarded by a Criminal Court or of confinement awarded by an Officer exercising authority under section 10 ;

- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted ;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the proper Medical Officer attending on him at the hospital to have been caused by an offence under this Act committed by him ;
- (d) all pay and allowances ordered to be forfeited under section 10 ; and
- (e) any sum required to make good such compensation for any expenses caused by him, or for any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments, Frontier Constabulary necessaries or decoration, or to any buildings or property, as may be awarded by the Commandant or the District Constabulary Officer.

Collective
fines.

13. Whenever any weapon or part of a weapon or ammunition forming part of the equipment of a company or other similar unit is lost or stolen, the Commandant may, after making such inquiry as he thinks fit, impose a collective fine upon the subordinate officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

Resignation
and
withdrawal
from the
Constabulary.

14. No member of the Constabulary 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,

without

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

15. (1) It shall be the duty of every member of the Constabulary 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.

General duties of members of the Constabulary.

(2) Every member of the Constabulary shall be liable to serve without and beyond, as well as within, the limits of British India.

16. The Local Government may, by general or special order, confer or impose upon any member of the Constabulary 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.

Powers and duties conferable and imposable on members of the Constabulary.

17. (1) In any suit or proceeding against any member of the Constabulary 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.

Protection for acts of members of the Constabulary.

(2) Such plea may be proved by the production of the warrant or order directing the act, and, if it is so proved, such member of the Constabulary 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

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 powers of Sessions Court on Deputy Commissioner.

18. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Local Government 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 any class of cases, arising under this Act. V of 189

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

19. 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 power and be subject to the same conditions as to appeal or otherwise as if such case had arisen within such limits. V of 189

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

20. The Local Government, subject to the control 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.

Power to make rules.

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

- (a) regulating the functions and powers of the Deputy Commissioner, Commandant, the District Constabulary Officer and the Assistant Constabulary Officer, respectively, under this Act ;
- (b) regulating, subject to the provisions of section 4, the classes and grades of, and the remuneration to be paid to, the officers and men of, and the conditions of service in, the Frontier Constabulary ;
- (c) fixing the period of service for members of the Constabulary in any district or local area ;
- (d) regulating

- (d) regulating the award of minor punishments to Constabulary Officers under the powers conferred by section 10, and providing for appeals from, or the revision of orders under, that section, or the remission of fines imposed under that section, and the remission of deductions made under section 12;
- (e) regulating the several or collective liability of members of the Constabulary in the case of the loss or theft of weapons and ammunition; and
- (f) generally, for the purpose of carrying into effect the provisions of this Act.

IV of 1904.

22. The North-West Border Military Police Act, Repeal. 1904, is hereby repealed.

THE SCHEDULE.

CONDITIONS OF SERVICE.

[See section 2, clause (a).]

AFTER you have served for such periods as the Local Government may have prescribed in this behalf in the Frontier Constabulary maintained under the North-West Frontier Constabulary Act, 1915, 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 District Constabulary Officer 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 Frontier Constabulary 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
Frontier

Frontier Constabulary ceases, when you may make your application in the manner hereinbefore prescribed :

Provided that, if you wish to withdraw from the Frontier Constabulary, 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 District Constabulary Officer may, if he thinks fit, allow you to resign at any time on your giving three months' notice of your wish to do so.

Signature of the member of the Constabulary 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.

Commandant or
District Constabulary Officer.