



THE NORTH-WEST FRONTIER CONSTABULARY ACT, 1915



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THE SCHEDULE. CONDITIONS OF SERVICE.

THE NORTH-WEST FRONTIER CONSTABULARY ACT 1915.

¹ACT NO. XIII OF 1915

[1st October, 1915]

[An Act to provide for the regulation of the Frontier Constabulary in the North-West Frontier^{2*}.

WHEREAS it is expedient to provide for the regulation of the Frontier Constabulary in the North-West Frontier^{2*}; It is hereby enacted as follows :—

1. Short title, extent, application and commencement.—(1) This Act may be called the North-West Frontier Constabulary Act, 1915 ;

(2) It extends to the whole of the North-West Frontier^{2*}, and applies also to every member of the Constabulary, wherever he may be serving ; and

(3) It shall come into force on such day³ as the⁴[Federal Government] may, by notification in the official Gazette, appoint in this behalf.

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

(a) "member of the Constabulary" means a person other than a person appointed by the⁴[Federal 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 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 the⁴[Federal 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:

¹For Statement of Objects and Reasons, see Gazette of India, 1915. Pt. V, p. 56 ; for Proceedings in Council, see *ibid.*, Pt. VI, pp. 439 and 502.

This Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; and also extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

This Act and the rules, notifications and orders made thereunder, as in force in N.W.F.P. before the 15th July, 1975, have been applied to all the Provincially Administered Tribal Areas of N.W.F.P., by Regulation III of 1975, s. 2 and Sch.

²The original word "Province" omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

³The 15th October, 1915 ; see N.W.F.P. Gazette., dated 29th November, 1915.

⁴Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which was previously amended by A. O., 1937, for "L. G".

(d) the expressions "assault," "criminal force," "fraudulently," "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Pakistan Penal Code (XLV of 1860).

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3. Power to maintain Frontier Constabulary. ²[There shall continue to be a force, maintained by the ³[Federal Government], and called] the Frontier Constabulary for the better protection and administration of the external frontier of ⁴[Pakistan] within the limits of or adjoining the North-West Frontier ⁵* or any part thereof.

⁶[**3A. Power to employ Frontier Constabulary in other parts of Pakistan.** Notwithstanding anything contained in section 3 or elsewhere in this Act, it shall be lawful, and shall be deemed always to have been lawful, for ³[Federal Government] to employ the Frontier Constabulary outside the limits of or adjoining the North-West Frontier ⁷[in other parts of Pakistan for the better protection and administration of those parts].

4. Constitution of Constabulary. 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 ⁸* * * be ordered by the ³[Federal Government].

5. Appointment and powers of superior officers.—(1) The ³[Federal 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 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. Appointment of subordinate officers and men. 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.

¹Paragraph previously amended by A. O., 1937, has been omitted by the Federal Law (Revision and Declaration) Ordinance, 1981 (27 of 1981), s. 3 and Sch II.

²Subs by A. O., 1937, for "The L. G. may continue to maintain a force, to be called".

³Subs. by F.A.O, 1975. Art. 2 and Table, for "Central Government" which was previously amended by A.O., 1937, for "L.G".

⁴Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960) s.3 and 2nd Sch. (with effect from the 14th October, 1955), for the Provinces and the Capital of the Federation" which had been subs, by A. O. 1949. Arts. 3(2) and 4, for "British India"

⁵The original word "Province" omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

⁶Section 3A ins. by the special Criminal Courts (Second Armdt.) Ordinance, 1942 (42 of 1942). s. 2.

⁷Subs by Ordinance 21 of 1960 s.3 and 2nd Sch, (with effect from the 14th October 1955), for "Province in a province other than that province for the better protection and administration of that other province".

⁸The words "with the previous sanction of the G. G. in C." rep. by A. O., 1937.

7. Superintendence, control and administration of Constabulary.—(1) The superintendence of, and control over, the Frontier Constabulary shall vest in the ¹[Federal 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.

(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 ²[or, when the Frontier Constabulary is employed under section 3A in ³[any part of Pakistan other than the North-West Frontier], under the general control and direction of the District Magistrate of the district].

(3) In exercising authority under sub-section (2) the Deputy Commissioner ²[or District Magistrate] shall be governed by such rules and orders as the ¹[Federal Government] may make in this behalf.

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

- (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 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,

¹Subs. by F.A.O., 1975, Art. 2 and Table, for "Central Government", which was previously amended by A. O., 1937, for "L. G".

²Ins. by the North-West Frontier Constabulary (Amdt.) Ordinance, 1943 (42 of 1943), s. 3.

³Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "a Province other than the North-West Frontier Province".

(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 ¹[imprisonment] 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 ²[Pakistan], 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 __

³[(a) an officer of the Pakistan Army, other than a junior commissioned officer, 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. Less heinous offences. Every member of the Constabulary who commits any of the following offences, that is to say,—

(a) is in 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 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,

¹Subs. by the Federal Laws (Revision and Declaration) Ordinance, 1981 (27 of 1981) s. 3 and Sch. II. for "transportation".

²Subs. by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955), for "the Provinces and the Capital of the Federation" which had been subs. by A. O., 1949, Arts. 3(2) and 4, for "British India".

³Subs. by the Federal Laws (Revision and Declaration) Act, 1951 (26 of 1951), s. 4 III Sch., for the original clause (a).