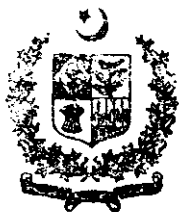


The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

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ISLAMABAD, WEDNESDAY, APRIL 23, 1975

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PART I

Acts, Ordinances, President's Orders and Regulations

NATIONAL ASSEMBLY SECRETARIAT

*Islamabad, the 23rd April, 1975*

The following Acts of Parliament received the assent of the President on the 19th April, 1975, and are hereby published for general information:--

*An Act to provide for the regulation of the Baluchistan Constabulary in Baluchistan*

WHEREAS it is expedient to provide for the regulation of the Baluchistan Constabulary in Baluchistan and for matters connected therewith or ancillary thereto ;

It is hereby enacted as follows :—

1. **Short title, application and commencement.**—(1) This Act may be called the Baluchistan Constabulary Act, 1975.

(2) It shall apply to the members of the Baluchistan Constabulary wherever they may be.

(3) It shall come into force at once.

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

- (a) “active service” means service against an external aggressor or enemy, or against hostile tribes, raiders or other hostile persons, or persons cooperating with or assisting such aggressor, enemy, tribes, raiders or other hostile persons ;
- (b) “Commandant” means a person appointed by the Federal Government to be the Commandant of the Baluchistan Constabulary under section 6 ;
- (c) “custody” means the arrest or confinement of a person according to the usage of the service ;
- (d) “member of the Constabulary” means a person other than a person appointed under section 6 by the Federal Government who, at the commencement of this Act, is serving in the Baluchistan Constabulary or who, after such commencement, is appointed to the Baluchistan Constabulary under this Act and has signed a recruiting-roll set out in the Schedule :

Provided that every person who has for a period of six months been in receipt of pay as a member of the Constabulary and has

been borne on its roll shall be deemed to be a member of the Constabulary notwithstanding that he has not signed the said recruiting-roll ;

- (e) "Political Officer" means any Civil or Military Officer detailed by the Federal Government as Political Officer accompanying the force ;
- (f) "prescribed" means prescribed by rules made under this Act ; and
- (g) "the expressions", "assault", "criminal force", "fraudulently", "murder", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Pakistan Penal Code (Act XLV of 1860).

**3. Power to maintain Baluchistan Constabulary.**—There shall continue to be maintained by the Federal Government a force called the Baluchistan Constabulary for the better protection and administration of the external frontiers of Pakistan within the limits of or adjoining Baluchistan or any part thereof.

**4. Power to employ Baluchistan Constabulary in other parts of Pakistan.**—Notwithstanding anything contained in this Act, it shall be lawful, and shall be deemed always to have been lawful, for the Federal Government to employ the Baluchistan Constabulary outside the limits of or adjoining Baluchistan in other parts of Pakistan for the better protection and administration of those parts.

**5. Constitution of Constabulary.**—The Baluchistan Constabulary shall be constituted in such manner, and the members of the Constabulary shall receive such pay, pension and other remuneration and shall enjoy such leave and other privileges as may from time to time be ordered by the Federal Government.

**6. Appointment and powers of superior officers.**—(1) The Federal Government may appoint any person to be the Commandant and may appoint other persons to be the Deputy Commandant, District Constabulary Officers or Assistant Constabulary officers of the Baluchistan Constabulary, or of any unit thereof constituted in any one or more districts.

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

**7. Appointment of subordinate officers and men.**—The appointment of all officers and other members of the Constabulary, other than those mentioned in sub-section (1) of section 6, shall be made by the Commandant, Deputy Commandant or the District Constabulary Officers who shall respectively exercise such powers in such manner as may be prescribed.

**8. Superintendence, control and administration of Constabulary.**—(1) The superintendence of, and command and control over, the Baluchistan Constabulary shall vest in the Federal Government ; and the Baluchistan Constabulary shall be administered, commanded and controlled by the Commandant, Deputy Commandant and District Constabulary Officers in accordance with the provisions of this Act and any rules made thereunder and such orders and instructions as may be made or issued by the Federal Government from time to time.

(2) Save in respect of administration, internal economy and training, any unit of the Baluchistan Constabulary and the officer in command of that unit employed in a district shall, in time of peace, be subject to the directions of the Deputy Commissioner of the district.

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

**9. More heinous offences.**—(1) Every member of the Constabulary who—

- (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 officer ; 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 disclose immediately to his commanding or other superior officer any such correspondence coming to his knowledge ; or
- (e) while on active service,—
  - (i) disobeys the lawful command of his superior officer ; or
  - (ii) deserts the service ; or
  - (iii) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave ; or
  - (iv) without authority, leaves his commanding officer, or his post or party to go in search of plunder ; or
  - (v) quits his Company, unit, guard, picquet, party, or patrol without being regularly relieved or without leave ; or
  - (vi) 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
  - (vii) intentionally causes or spreads a false alarm in action or in camp, garrison, or quarters ; or
  - (viii) displays cowardice in the execution of his duty ;

shall be punishable with imprisonment for life, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay in addition to such sentence of imprisonment 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 Pakistan, is charged with committing any offence described in clause (c), clause (d), or sub-clause (ii) of clause (f), of sub-section (1) or the offence of culpable homicide amounting to murder, he may, notwithstanding anything contained in this Act or any other law for the time being in force, be summarily tried for such offence by the Political Officer, sitting with two other officers appointed by him for the purpose.

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

- (a) a commissioned officer, other than a junior commissioned officer, of the Pakistan Army,
- (b) a civil officer of Grade 17 or above, or
- (c) a Constabulary officer appointed under section 6 :

Provided that, if circumstances permit, not less than one such officer shall be a Constabulary officer appointed under section 6.

(4) Notwithstanding anything contained in any other law for the time being in force, if in a trial under sub-section (2) one or both of the officers sitting with the Political Officer concur with him in finding the accused person guilty of an offence referred to in that sub-section, and the Political Officer considers the case one in which the sentence of death should be passed, he may, in passing such sentence, direct that the accused person shall be forthwith shot to death, and such sentence shall be carried out in accordance with such direction.

**10. Less heinous offences.**—Every member of the Constabulary who—

- (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 strike 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 releases without proper authority 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 fieldwork 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 report 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 report, to have reparation made, as far as possible, to the injured person or to report the case to the proper authority ; or

28

- (i) designedly or through neglect injures or loses or fraudulently disposes of, his arms, clothes, tools, equipments, ammunition, accoutrements, animals or Baluchistan Constabulary necessities, or any such articles entrusted to him or belonging to any other person or any animals belonging to the Baluchistan Constabulary ; or
- (j) maligners 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 member of the Constabulary, forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements or other property issued or supplied to him, or in his custody or possession, as a 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 Baluchistan Constabulary or through design or culpable neglect omits or refuses to make or send any return or report of any 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 this Act, is prejudicial to good order and discipline ; or
- (p) while not on active service, commits any of the offences described in clause (e) of sub-section (1) of section 9,

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.

**11. Minor punishments.**—(1) The Commandant, Deputy Commandant or District Constabulary Officer may, subject to any rules made under this Act, award to any member of the Constabulary whom the Commandant, Deputy Commandant or District Constabulary Officer, as the case may be, considers to 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 a member of the Constabulary, in lieu of, or in addition to, suspension, removal or dismissal from service, any one or more of the following punishments, 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 Baluchistan Constabulary.

(2) The Commandant, Deputy Commandant or District Constabulary Officer or an officer not being below the rank of Subedar, commanding a separate detachment or an outpost, or in temporary command at the headquarters of a district during the absence of the Commandant, Deputy Commandant and District Constabulary Officer, may, without a formal trial, award to any member of the Constabulary who is subject to his authority, 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, any of the following punishments 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.

**12. Place of imprisonment and liability to dismissal on imprisonment.—**

(1) Every person sentenced under this Act to imprisonment may be dismissed from the Baluchistan Constabulary and shall be further liable, by special order of the Federal Government or the court, to forfeiture of pay and allowances and other public money due to him as well as of medals and decorations received by him.

(2) Every person so sentenced to imprisonment shall, if he is so dismissed, be imprisoned in the nearest prison or such other prison as the Federal Government may, by general or special order, direct; but, if he is not so dismissed, 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.

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

- (a) all pay and allowances for every day of absence either on desertion or without leave, and for every day of imprisonment awarded by a criminal court or of confinement awarded under section 11;
- (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 Ordinance committed by him;
- (d) all pay and allowances ordered to be forfeited under section 11; 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, Baluchistan Constabulary necessaries or decoration, or to any building or property, as may be awarded by the Commandant, Deputy Commandant or District Constabulary Officer.

**14. Collective fines.**—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 enquiry as he thinks fit and subject to such rules as may be prescribed, impose a collective fine upon the subordinate officers and men of such company or unit, or upon so many of them as, in his judgement, should be held responsible for such loss or theft.

**15. Resignation and withdrawal from the Constabulary.**—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 the sanction of the Commandant, Deputy Commandant or District Constabulary Officer under whom he is serving or some other officer authorised by the Commandant to grant such sanction.

**16. General duties of members of the Constabulary.**—(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.

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

**17. Power to confer Police Power on members of the Constabulary.**—The Federal Government may, by general or special order, confer or impose upon any member of the Constabulary, for the purposes of this Act, any of the powers or duties of a Police Officer of any class or grade under any law for the time being in force.

**18. Protection for acts of members of the Constabulary.**—(1) In any suit or proceeding against any person appointed under section 6 or 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.

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

(3) Notwithstanding anything contained in any law for the time being in force, 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 made 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.



19. **Apprehension for desertion.**—(1) Whenever any member of the Constabulary deserts, his District Constabulary Officer shall give written information of the desertion to such civil authorities as in his opinion may be able to afford assistance towards the capture of the deserter and such authorities shall thereupon take steps for the apprehension of the said deserter in like manner as if he were a person for whose apprehension a warrant had been issued by a magistrate, and shall deliver the deserter, when apprehended, to the custody of the Baluchistan Constabulary.

(2) A provost-marshal appointed under the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953 (VI of 1953), or the Pakistan Navy Ordinance, 1961 (XXXV of 1961), or any person legally exercising authority under him or on his behalf, or any police officer may arrest without warrant any person whom he reasonably believes to be a member of the Constabulary and a deserter or absence without leave and bring him without delay before the nearest magistrate as if he were a deserter from the Pakistan Army, the Pakistan Air Force or the Pakistan Navy.

20. **Jurisdiction.**—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Act V of 1898). the Federal Government may declare that any Court specified for the purpose and no other shall be deemed to be the Court of Session or the Court of a Magistrate for the disposal of cases or any class of cases arising under this Act and that appeals from sentences passed under this Act or from any class of such sentences shall lie to any authority specified by the Federal Government and to no other.

(2) Any person invested with any powers under the Code of Criminal Procedure, 1898 (Act V of 1898), for the disposal of any case under this Act within the limits of Pakistan 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 and other matters as if such case had arisen within such limits.

21. **Application of Act to other bodies enrolled for service on frontier.**—The Federal Government 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 made thereunder to any persons for the time being enrolled for similar service on the external frontier of Pakistan.

22. **Indemnity.**—No suit, prosecution or other legal proceeding shall lie for any thing which is in good faith done or intended to be done under this Act or any rules made thereunder.

23. **Power to make rules.**—The Federal Government may, by notification in the official Gazette, make rules—

- (a) regulating the functions and powers of the Deputy Commissioner, Commandant, Deputy Commandant, District Constabulary Officer and Assistant District Constabulary Officer, respectively, under this Act ;
- (b) regulating the classes and grades of, and the remuneration to be paid to, and leave and other privileges enjoyed by, the officers and members of the Constabulary, and their other conditions of service ;
- (c) fixing the period of service for members of the Constabulary in any district or local area ;

- (d) regulating the award of minor punishments under section 11, and providing for appeals from, or the revision of, orders under that section, and for the remission of fines imposed under that section and of deductions made under section 13;
- (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.

### THE SCHEDULE

[See section 2 (a)]

#### (RECRUITING ROLL)

After you have served in the Baluchistan Constabulary for such period as has been fixed under the Baluchistan Constabulary Act, 1975, 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 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 Baluchistan Constabulary to exceed one-tenth of the sanctioned strength, in which case you shall be bound to remain until this objection is waived 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 Baluchistan Constabulary ceases, when you may make your application in the manner mentioned above:

Provided that, if you wish to withdraw from the Baluchistan Constabulary, you may resign at any time before the expiration of the first three months of your service:

Provided further that the 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.

Signature of the member of the Constabulary in acknowledgement 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, Deputy Commandant or, District  
Constabulary Officer.