

SIND ACT No. XVII OF 1943¹.

[THE SIND POLICE RANGERS FORCE ACT, 1943.]

[22nd April, 1943]

An Act to provide for the constitution and regulation of the ²[Sind Police Rangers Force.]

WHEREAS it is expedient to provide for the constitution and regulation of the ²[Sind Police Rangers Force] ; It is hereby enacted as follows :—

Short title and extent.

1. (1) This Act may be called the ²[Sind Police Rangers Force] Act, 1943.

(2) It extends to the whole of the Province of Sind.

Definitions.

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

(a) "active duty" means the duty to restore and preserve order in the event of any internal disturbance ;

(b) "the Force" means the ²[Sind Police Rangers Force] constituted under this Act ;

(c) "member of the Force" means a person who has been appointed to the Force under sub-section (3) of section 4, and in sections 3, 12, 13, 16 and 17 (b) includes also a person appointed to the Force under sub-section (1) of section 4 ;

(d) "prescribed" means prescribed by rules made under this Act ;

(e) the expressions "assault", "criminal force", "fraudulently", "reason to believe", and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the ³[Pakistan] Penal Code.

Constitution of the Force.

3. The Force shall be constituted in such manner and the members of the Force shall receive such pay and other remuneration as may be prescribed.

Appointment of members of the Force.

4. (1) The Provincial Government may appoint to the Force such persons as it thinks fit to be Commandant, Assistant Commandants, Company Commanders, Adjutants and Quarter-masters.

¹ For Statement of Objects and Reasons, see S.G.O., 1943, Pt IV, p. 83, and for proceedings in Assembly, see S.L.A. Debates, 1943, Vol. XVII-Book No 9, pp. 75-78, Book No. 10, pp. 24-25.

² Subs. by Sind 12 of 1947, s. 2, for "Sind (Police) Rifles Force".

³ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 4 (w. e. f. 30th May, 1951), for "Indian".

(2) The Commandant and every other officer so appointed shall possess, and may exercise, such powers and authority as are respectively provided for by or under this Act.

(3) The Commandant or any other authority authorised in this behalf by the Provincial Government may, subject to such conditions as may be prescribed, appoint persons to be members of the Force.

5. (1) Before a person is appointed under sub-section (3) of section 4 to be a member of the Force, the statement contained in the recruiting roll set out in the Schedule shall at any convenient place be read and, if necessary, explained to him in the presence of a Magistrate or an officer appointed under sub-section (1) of section 4 and shall thereupon be signed by such person in acknowledgment of its having been so read to him.

Enrolment
and dis-
charge.

(2) No member of the Force shall be entitled to be discharged from the Force except in accordance with the terms of the statement which he has signed under this section.

(3) When a member of the police force constituted under the [Sind] District Police Act, 1890, is appointed to be a member of the Force, he shall, as from the date of such appointment, cease to be a member of such police force.

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IV of
1890.

6. The superintendence of, and control over, the Force shall vest in the Provincial Government; and the Force shall be administered by the Inspector-General of Police, Sind, and the Commandant in accordance with the provisions of this Act and of any rules made thereunder.

Superinten-
dence,
control and
administra-
tion of the
Force.

7. Every member of the Force who—

(a) begins, excites, causes or conspires to cause 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 or conspiracy to mutiny does not, without delay, give information thereof to his superior officer; or

More
heinous
offences.

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer whether on or off duty and whether knowing or having reason to believe him to be such; or

¹ Subs. by the Sind Laws (Adaptation, Revision, Repeal and Declaration) Ordinance, 1955 (Sind 5 of 1955), s. 3(i) (w.e.f. 30th May 1951), for "Bombay".

- (c) shamefully 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 communicates intelligence to or assists or relieves any person in arms against the Crown, or omits to discover immediately to his superior officer any such correspondence coming to his knowledge ;

shall on conviction by a court of competent jurisdiction 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.

Offences
committed
by a mem-
ber of the
Force on
active duty.

8. Every member of the Force who while on active duty—
- (a) disobeys the lawful command of his superior officer ; or
 - (b) deserts the Force ; or
 - (c) strikes or attempts to force any sentry ; or
 - (d) is grossly insubordinate or insolent to his superior officer in the execution of his office ; or
 - (e) strikes or otherwise ill-uses any member of the Force subordinate to him in rank or position ; or
 - (f) malingers, or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity ; or
 - (g) being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave ; or
 - (h) quits his guard, picquet, party or patrol without being regularly relieved or without leave ; or
 - (i) without authority, leaves his commanding officer, or his post or party, to go in search of plunder ; 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 breaks into any house or any other place for plunder, or plunders, destroys, or damages any property of any kind ;
[or]

¹[(k) does any act or makes any omission which, though not specified in this Act, ~~is~~, or is likely to be, prejudicial to the good order and discipline of the Force ;]

shall, on conviction by a court of competent jurisdiction, be punished with imprisonment for a term which may extend to seven years or with fine which may extend to three months' pay or with both.

9. Every member of the Force who, when not on active duty,—

Offences committed by members of the Force not on active duty.

- (a) commits any of the offences specified in clauses (a) to (h) (both inclusive) ²[(j) and (k) of section 8] ; or
- (b) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority ; or
- (c) designedly or through neglect injures or loses or fraudulently disposes of, his arms, clothes, tools, equipment, ammunition or accoutrements, or any such articles entrusted to him or belonging to any other person ; or
- (d) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person ; or
- (e) absents himself without leave, or without sufficient cause overstays leave granted to him ; or
- (f) contravenes any provision of this Act for which no punishment is expressly provided ;

shall, on conviction by a court of competent jurisdiction, be punished with imprisonment for a term which may extend to two years or with fine which may extend to three months' pay or with both.

³[9A. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under section 9, clause (e), shall be cognizable.]

Offences under section 9(e) to be cognizable.

10. (1) The Commandant, or, subject to the control of the Commandant, an officer not below the rank of Subedar, may, without formal trial, award to any person, below the rank of naik who

Minor punishments.

¹ Ins. by Sind 5 of 1944, s. 2 (2).

² Subs. *ibid*, s. 3, for "and (j) of section 8".

³ Ins. by Sind 5 of 1944, s. 4.

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 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 the Commandant or to seven days when it is passed by any other officer. Such imprisonment shall involve the forfeiture of all pay and allowances 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 in the lines ;
- (c) in the case of an enrolled non-combatant, fine not exceeding seven days' pay.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or in combination with any one or more of the others, but no award or awards including imprisonment or confinement to the lines shall exceed twenty-eight consecutive days, and punishment of fine shall not be combined with an award of imprisonment.

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

11. Every member of the Force sentenced under this Act to imprisonment shall—

- (a) be imprisoned in the prescribed prison :

Provided that a member of the Force sentenced under this Act to imprisonment for a period not exceeding three months may, if the convicting officer so directs, be confined in the Quarter-guard or such other place as the convicting officer may consider suitable ; and

- (b) if the imprisonment be for a period exceeding three months, be deemed to be dismissed from the Force.

12. (1) It shall be the duty of every member of the Force 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.

Place of
imprison-
ment.

General
duties of
members of
the Force.

(2) Every member of the Force shall be liable to serve in any part of the Province, but not outside it.

13. The Provincial Government may, by general or special order, confer or impose upon any member of the Force 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 imposed on members of the Force.

14. (1) The Provincial Government may invest the Commandant or an Assistant Commandant with the powers of a Magistrate of any class for the purpose of inquiring into, or trying, any offence committed by a member of the Force and punishable under this Act, and any offence against property of another member.

Commandant etc. may be invested with powers of a Magistrate.

V of 1898.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Commandant or an Assistant Commandant, specially empowered by the Provincial Government in this behalf, in the trial of an offence punishable under this Act, may, in his discretion, follow the procedure for the summary trial of cases in which an appeal lies, laid down in Chapter XXII of the said Code.

(3) Notwithstanding anything contained in the said Code, the Commandant or an Assistant Commandant trying an offence summarily may pass a sentence of imprisonment for a term not exceeding six months.

15. Nothing in this Act shall prevent any member of the Force from being prosecuted under any enactment for the time being in force or any rule or order made thereunder, for any act or omission punishable thereunder, or from being liable, if so prosecuted, to any other or higher punishment than is provided for that act or omission by this Act :

Saving of prosecution under other laws.

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

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16. The members of the Force shall be entitled to all the privileges which a member of the police-force constituted under the [Sind] District Police Act, 1890, has under section 80 of the Act and section 125 of the * * * Evidence Act, 1872, and under any other enactment for the time being in force.

Privileges of Commandant and other officers of the Force.

17. The Provincial Government may, by notification in the *Official Gazette*, make rules consistent with this Act—

Power to make rules.

(a) regulating the authorities, functions and powers of the Commandant, Assistant Commandants, Company

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² The word "Indian" omitted *ibid*, s. 4 (w. c. f. 30th May 1951).

Commanders,¹ Adjutants, and Quarter-masters under this Act ;

- (b) regulating the classes and grades of, and the pay and other remuneration of members of the Force, and the conditions of service in the Force ;
- (c) providing for the disposal of criminal cases arising under this Act and for the prisons in which a person convicted in any such case may, subject to the provisions of section II, be confined ; and
- (d) generally, for the purpose of carrying into effect the provisions of this Act.

SCHEDULE.

STATEMENT.

(See section 5.)

You are required to serve in the [Sind Police Rangers] for such period as may be prescribed by the Inspector-General of Police, Sind. At the expiry of the prescribed period you may apply for your discharge and you will be granted your discharge two months after the date of your application, unless your discharge would cause the vacancies in the Force to exceed one-tenth of the sanctioned strength, in which case you shall be bound to continue in service for a further period not exceeding one year.

¹ Subs. by Sind 12 of 1947, s. 3, for "Sind Police Rifles".