

**FRONTIER CONSTABULARY LAWS**



**VOLUME – 1**

**THE NORTH WEST FRONTIER CONSTABULARY ACT, 1915**

**THE NORTH WEST FRONTIER CONSTABULARY RULES, 1958**

**1996**

*NORTH WEST  
FRONTIER  
CONSTABULARY*



**A C T  
1915**

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Passed by the Governor General of India in Council.  
(Received the assent of the Governor on the 1<sup>st</sup> 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 follow:-

***Short title extent,  
Application and  
Commencement.***

- (a) This act may be called the North-West Frontier Constabulary Act,1915.
- (b) It extends to the whole of the North West Frontier and applies also to every member of the Constabulary, wherever he may be serving; and
- (c) It shall come into force on such day as the Central Government may; by notification in the Official Gazette, appoint in this behalf.

***Definitions.***

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

- (a) "Member of the Constabulary" means a person other than person appointed by the Central 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 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 Constabulary and been borne on the rolls of the Frontier Constabulary shall be deemed to be a member of Frontier Constabulary,/ notwithstanding that he has not signed the said recruiting roll:
- (b) "Commandant" means a person appointed by the Central Government to be a Commandant of the Frontier Constabulary;
- (c) "Active Service" means service against hostile tribe, raiders or other hostile persons, or persons co-operating with or assisting such tribes, raiders or hostile person.

***XIV of 1860***

- (d) the expression "assault", "criminal force", "Fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assigned to them, respectively, in the Pakistan Panel Code.

In this section reference to appointment by the Central Government shall be construed as including references to appointments made before the commencement of Part III of the Government of India Act, 1935 by the Provincial Government.

***Power to maintain  
Frontier  
Constabulary.***

3. There shall continue to be a force, maintained by the Central Government, and called the Frontier Constabulary, for the better protection and administration of the external Frontier of Pakistan within the limits of or adjoining the North-West Frontier or any part thereof.

***Power to employ  
Frontier  
Constabulary in  
other parts of  
Pakistan***

3-A. 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 the Central Government to employ the Frontier Constabulary outside the limits of or adjoining the North-West Frontier Province in other parts of Pakistan for the better protection and administrations of those parts.

***Constitution of  
Constabulary.***

4. The Frontier Constabulary shall be constituted in such manner, and the member of the Constabulary shall receive such pay, pension and other remuneration as shall from time to time be ordered by the Central Government.

***Appointment and  
Powers of Superior  
Officers.***

5.(1) The Central 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 anyone or more districts.

(2) The Commandant and every other officer so appoint shall possess, and may exercise, such powers and authority over the sub-ordinate officers and members of the Constabulary at any time, under his command as is provided by or under this Act.

***Appointment of Sub-  
Ordinate Officers  
and Men***

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 rules made under this Act.

***Superintendence  
Control and  
Administration of  
Constabulary.***

7.(I) The Superintendence of and control over, the Frontier Constabulary, shall vest in the Central 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 Officers and the Constabulary of a district shall be under the general control and direction of the Deputy Commissioner of the district or, when the Frontier Constabulary is

employed under section 3 A in any part of Pakistan other than North-West Frontier Constabulary Province, under the general control and direction of the District Magistrate of the District.

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

***More Heinous Offences.***

8.(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 of guard which is committed to his charge, or which it is his duty to defend; or,
- (d) directly or indirectly holds correspondence with, or assist as 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, picket, party, or patrol without being regularly relieved or without leave; or,

- (j) uses criminal force to, or commits an assault on, any person bringing provision or other necessaries to camp or quarter, or faces a safeguard, or without authority, breaks into any house or any other place for plunder, or plunder, destroys or damages any property of any kind; or,
- (k) intentionally causes or spreads a false alarm in action or in camp, garrison, or quarter; or,
- (l) displays cowardice in the execution of his duty;

shall be punishable with transportation for life or for a term 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 month's 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 limits of 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:-

- (a) an officer of the Pakistan Army, other than a junior Commissioned Officer; or,
- (b) a civil officer of gazette 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 direct, the accused shall be forthwith shot to death.

***Less Heinous Offences.***

9. 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,
- (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 in-sub-ordinate 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 to be made either in quarters or in the field; or,
- (g) strikes or otherwise ill-uses of any member of the Constabulary sub-ordinate 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 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 any arms ammunition, stores, accoutrements, appointments or other property issued or supplied to him or in his custody or possession, as such member to the Constabulary; or,

- (m) knowingly furnishes a false return or report of the number of 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 the 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, sleep upon his post, or quits it without being regularly relieved or without leave; or,
- (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 month's 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 any officer not being below the rank of Subedar, commanding a separate detachment or an outpost, or in temporary command at the headquarter of a district during the absence of the Commandant and the District Constabulary Officer may, without a formal trail, award to any member of the Constabulary who is subject to this 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 places 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) Anyone of the punishments described in sub-section (1) of sub-section (2) may be awarded separately or in combination with any one or more of the said punishment, respectively.

***Place of imprisonment and Liability to dismissal on imprisonment.***

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.

(2) Every such person shall, if he is so dismissed, be imprisoned in the nearest prison or such other person as the Central 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.

***Deduction From Pay and Allowances.***

12. 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 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, instrument, Frontier Constabulary necessaries or decoration, or to any building 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 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 permission in writing (to be previously obtained) of the Commandant or the District Constabulary Officer or other officer authorized by the Commandant to grant such permission.

***General Duties of Members of the Constabulary.***

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 authorized to apprehend, and for whose apprehension, sufficient ground exist.

***Power and Duties  
Conferrable and  
imposable on  
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 Pakistan.

16. The Central 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.

***Protection of acts of  
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 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, 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 proceeding (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 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.

**17-A. Apprehension of desertion-**

(1) Whenever any member of the Constabulary deserts, his District Constabulary Officer shall give information of the desertion to such civil authorities as in his opinion may be able to afford assistance toward 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 Frontier Constabulary custody.

(2) A Provost Marshall appointed under the Pakistan Army Act, 1952 (XXXIX of 1952), the Pakistan Air Force Act, 1953, (VI of 1953), of the Pakistan Navy Ordinance, 1961 (XXXV of 1961) or any person legally exercising authority under him or on his behalf, may arrest without warrant any person whom he reasonably believes to be a member of the Constabulary and a deserter or absent 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.

*Authority to confer Exclusive powers of session court on Deputy Commissioner.*

18. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, the Central Government may declare that the Court of and 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.

*Criminal powers Conferred within Pakistan to be exercisable beyond Pakistan.*

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 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 or otherwise as if such case had arisen within such limits.

*Application of act to other bodies enrolled for service on frontier.*

20. The Central Government may, by notification in the Official Gazette, apply, with such modification (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 Pakistan.

*Power to make rules.*

21. The Central Government may, by notification in the Official Gazette, make rules:-

- (a) regulating the functions and powers of the Deputy Commissioner, District Magistrate, Commandant, the District Constabulary Officer and the Assistant Constabulary Officer, respectively, under this Act;
- (b) regulating, the classed and graded 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 member of the constabulary in any distinct or local area;
- (d) regulating the award of minor punishment to Constabulary Officers under the powers conferred by section 10, and providing for appeal from, or the revision of order under, that section, on 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 caring into effect the provision of this Act.

22. Repeal Rep by the Repealing Act, 1938 (I of 1938) S.2 and Sch.

**THE SCHEDULE**  
**CONDITIONS OF SERVICE**

*[See section 2, clause (a)]*

After you have served for such period as the Central Government may have presided 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 sanction 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 retaining you in the Frontier Constabulary ceases, when you may make your application in the manner herein before described:

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 afterward 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 month's notice of your wish to do so.

Signature of the member of the            ]  
Constabulary in acknowledgement    ] A. B.  
of the above having been read        ]  
to him.                                        ]

Signed in my presence after I had        ]  
ascertained that A.B. understood    ] C. D.  
the purport of what he signed.        ]

***Commandant or, District  
Constabulary Officer.***

*NORTH WEST  
FRONTIER  
CONSTABULARY*



**RULES  
1958**

**MINISTRY OF STATES AND FRONTIER REGIONS.**

**NOTIFICATION**

**Karachi, 30<sup>th</sup> September, 1958**

No. D 1645-F II/58. In exercise of the powers conferred by section 21 of the North West Frontier Constabulary Act-1915 (CCCII of 1915) and in supersession of all previous rules on the subject the Central Government is pleased to make the following rules namely:-

**THE NORTH WEST FRONTIER CONSTABULARY RULES, 1958**

**PRELIMINARY**

**1. Short title and commencement:-**

(1) These rules may be called the North West Frontier Constabulary Rules, 1958.

**2. Definition:-**

Unless there is anything repugnant in the subject or context expressions used in these rules shall have the meaning respectively assigned to them in the North West Frontier Constabulary Act 1915 (XIII of 1915).

**CHAPTER --- I**

(2)

**ORGANIZATION**

**3. The Commandant:-** (1) The administration of the FC! Also referred to as the Corps employed in the Districts of Peshawar and Dera Ismail Khan Division, and at such other places outside the limits of these areas shall vest in the Commandant, who shall be the head of the Corps.

(2) The Commandant shall be assisted in control and Administration of the Corps by such number of District Constabulary Officer and Assistant District Constabulary Officer as the Central Government may from time to time direct.

**4. The Administration of Constabulary District:-** (1) The Administration of the Corps in each District shall vest in the District Constabulary Officer or Assistant District Constabulary Officer under the general control of the Commandant.

(2) An Assistant District Constabulary Officer incharge of a District shall have the power of and shall be responsible for carrying out the same duties as the District Constabulary officer incharge of a District.

5. The District Constabulary Office, or an Assistant District Constabulary Officer incharge of a District, shall be the executive head of the Corps within the Constabulary District and shall be directly responsible for all matters relating to its internal economy, framing out management and for the maintenance of discipline and the efficient performance of all duties by the Corps.

**6. Changes in Distribution:-** Temporary changes in the distribution of the Corps within a Constabulary District may be made by the District Constabulary Office or Assistant District Constabulary Officer incharge of a District, which shall be reported to the Commandant, with brief statement of reasons at the end of each month, but no permanent alteration shall be made without the previous sanction of the Commandant.

**7. Subordinate Services:-** The subordinate services of North West Frontier Constabulary shall comprise the posts shown in the schedule to these rules, provided that nothing in these rules shall affect the inherent right of the competent authority to make addition or alteration to or reduction in the cadres of the service either permanently or temporarily.

**8. Appointment to the Services:-** All original appointments to the various posts in service shall be made by the authority mentioned in column 3 of the schedule of these rules.

**9.** No person shall be appointed to the service unless he is a citizen of Pakistan.

**CHAPTER --- II**

(3)

**CONDITION OF SERVICE**

**10.** A member of the Service shall be required to serve for a minimum period of 3 years, and thereafter he may at any time when not on active service, apply for his discharge through the Officer to whom he may be subordinate to the District Officer, Frontier Constabulary and he shall be granted his discharge after three months from the date of application unless his discharge would cause the vacancies in his class and unit to exceed one tenth of the sanctioned strength in which case he shall be bound to stay in service until this objection is waived or removed and when on active service he shall have no claim to have discharged and he shall be bound to stay in service until the necessity to retain him ceases and when the necessity ceases he shall submit a fresh application in the manner indicated above.

**11.** The under mentioned specialists in the North West Frontier Constabulary will undertake to serve for five years from the date of employment as such specialists and shall be called upon to give in writing an undertaking to this effect at the time of employment or transfer to the respective appointments:-

- (1) Wireless Establishments.
- (2) Armourers.

**CHAPTER --- III**

(4)

**RECRUITMENT**

**12.** (1) Recruitment to the service shall be carried out by the District Officer, Frontier Constabulary, accordance with these rules, except:-

- (i) Clerks and Lower Division Clerks
- (ii) Lorry Drivers.
- (iii) Armourers and
- (iv) Men directly recruited in any rank above that of Sepoy.

(2) The following shall not be recruited by a District Officer, Frontier Constabulary, without previous sanction of the Commandant:-

- (i) Ex-Army or EX-F.C. Sepoy and
- (ii) Boys below the age of 16 years, except Buglers who may be appointed by the District Officer, Frontier Constabulary.

(3) Every man recruited in the service in combatant or non-combatant ranks, except for temporary lower division clerks and mullahs, shall be medically examined and found fit before enlistment.

**13. Qualification for Recruitment:-** The minimum Physical qualification for all men enlisted in the services (except followers) shall be as under:-

Height	5 ft. 4 inches
Chest	31 inches normal with an expansion of 2 inches
Age	Not less than 16 years but not more than 25 years of age

Provided that boys of less than 18 but not less than 16 years of age may be recruited if the physical standard laid down above are complied with, and there exists good reasons for the youth's enlistment, such as family connection or the death of the youth's father on Government duty, the Commandant may waive any of the condition or relax the physical standard for recruitment in certain special cases.

**14. Qualification for appointment as Lower Division Clerks and Drivers:-** (1) Lower Division Clerk (temporary or permanent) must have passed the matriculation examination.

(2) Drivers shall, if possible be Ex-Army M.T. Drivers failing which they must be trained and have to pass such driving tests as the Commandant, may prescribe.

**CHAPTER --- IV**

(5)

**PROMOTIONS**

**15.** (1) Promotion in Headquarters platoon shall be made by the Commandant.

(2) Promotions to the rank of J. C. O. and amongst the ranks of J. C. O's shall be made by the Commandant.

(3) In combatant platoons, promotions up to and including the rank of Havildar or Daffadar shall be made by the District Officer of the District in which the platoon concerned is serving.

(4) All promotions will ordinarily be based on seniority and efficiency of the persons to be promoted.

**16. Period of Probation:-** All promotions shall be made on one year's probation and unless this period is extended by an order in writing the person concerned shall automatically become permanent in his appointment on the day on which the period of probation expires and beyond that date no reversion shall be made without full departmental proceedings.

**CHAPTER --- V**

(6)

**PUNISHMENTS**

**17. Authority for Punishment and Types of Punishments.**

(1) The punishments that may be awarded to member of the Frontier Constabulary are detailed fully in sections 8 to 13 of the North West Frontier Constabulary Act XIII of 1915. These sections govern:-

- (a) Punishment in war time.
- (b) Punishment in peace time.
- (c) Judicial punishments for departmental offences and Departmental punishments and describe the authorities competent to award the various punishments.

(2) Punishments to clerks shall be awarded by the Commandant but the District Officer may institute departmental proceedings against clerks on their own discretion, and on appeal against such an order of punishments shall lie with the Central Government.

(3) In awarding punishments to Mounted Infantry personnel a District Officer may not dismount a Sowar, but shall in the case of a horse found to be out of condition, charge the cost of extra special feeding to the sowar concerned. The Junior Commissioned Officer shall be responsible to see that such special feeding is actually given.

(4) The departmental punishment mentioned in second column of the sub-joined table may be awarded to Officers and men of the various ranks showed in column 3 to 5 by the Officers respectively given under each column or by an Officer of higher ranks.

**Chart Of Punishment To Be Inserted Here**

(7)

Departmental Punishment	Junior Commissioned Officer	Non Commissioned Officer	Sepoys
2	3	4	5
Dismissal	Commandant Frontier Constabulary	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command
Suspension	Commandant Frontier Constabulary	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary or Junior Commissioned Officer in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary or Junior Commissioned Officer in independent command
Reduction in ranks and emoluments	Commandant Frontier Constabulary	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command
Fine to any amount not exceeding one month's pay and allowances	Commandant Frontier Constabulary	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command
Confinement to quarters for term not exceeding one month	Commandant Frontier Constabulary OR District Officer, Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command
Confinement to quarter guard for not more than 28 days with or without punishment drill or extra guard, fatigue or other duty,	Do	Do	Do
Removal from any office of distinction or special emoluments in the constabulary	Commandant Frontier Constabulary OR District Officer, Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary, in independent command
Confinement in quarter or quarter guard not more than 7 days with or without forfeiture of all pay and allowances (summarily) during its continuance.	Commandant Frontier Constabulary OR District Officer, Frontier Constabulary OR Assistant District Officer Frontier Constabulary in independent command	District Officer, Frontier Constabulary OR Any Officer not below the rank of Subedar Commanding a detachment or out-post (without a formal trail i.e. summarily)	District Officer, Frontier Constabulary OR Any Officer not below the rank of Subedar Commanding a detachment or out-post (without a formal trail i.e. summarily)
Punishment drill or extra guard, fatigue or other duty for not more than 30 days with or without confinement to quarters	Commandant Frontier Constabulary OR District Officer, Frontier Constabulary	District Officer, Frontier Constabulary OR Any Officer not below the rank of Sub-commanding a detachment or out-post (without a formal trail i.e. summarily)	District Officer, Frontier Constabulary OR Any Officer not below the rank of Sub-commanding a detachment or out-post (without a formal trail i.e. summarily)

(5) Any one of the punishment given in the table above may be awarded separately or in combination with any one or more of the said punishments.

**18. Departmental Proceeding:-** (1) In cases where a person including enrolled follower, is proceeding against departmentally for offences meriting the punishments of:-

- (a) dismissal
- (b) reduction in rank or emoluments
- (c) fine exceeding 15 days pay and allowance and
- (d) confinement to quarter-guard exceeding 7 days

a file of departmental proceeding will be prepared which shall contain:-

- (i) summary of misconduct
- (ii) prosecution of evidence
- (iii) charge
- (iv) defence evidence
- (v) statement of the accused: and
- (vi) finding and order

and the record shall be paged like an ordinary file and index shall be attached to the first page.

(2) The following procedure shall be followed in all departmental proceedings:-

- (a) The accused shall be brought before an officer competent to punish him or such superior officer as the Commandant, Frontier Constabulary or the District Officer, Frontier Constabulary may direct to conduct the proceeding and such officer shall then record and read out the summary of the alleged misconduct given indication of the circumstances in regard to which evidence is to be recorded and the accused shall then be asked to state whether or not he admits the alleged misconduct.
- (b) If the accused, at this stage, admits the misconduct, the officer conducting the enquiry may proceed forthwith to frame the charge, record the accused's plea and write a finding and final order if competent to do so or forward the finding to an officer so competent and if the allegations merits a criminal prosecution the District Officer shall decide at this stage or before a departmental charge is framed under or clause (c) below, whether the accused shall be tried judicially or departmentally.
- (c) If the accused does not admit the alleged misconduct, the officer shall proceed to record the prosecution evidence and the accused shall have the right to cross examine the witnesses, (At the conclusion of each witness's evidence a note shall be given that it has been read over and admitted as correct by the witness. In cases where the presence of a witness cannot be procured without undue delay, expense,

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or inconvenience, the officer conducting the proceedings may bring on record the statements of such witnesses provided these have been recorded and attested by an officer superior in rank to the accused or a magistrate and are signed by the witness making it).

- (d) After the prosecution evidence has been recorded and the accused examined, the officer conducting the proceedings shall;
  - (i) if he considers that the allegations have not been proved, either discharge the accused himself, if competent to do so, or recommend his discharge to the officer so competent, or
  - (ii) frame a charge which shall be explained to the accused and a note underneath the charge to the effect that the accused understood the charge and pleads guilty or not guilty, shall be given.
- (e) If the accused pleads guilty, the officer shall write his findings and orders and in case he does not plead guilty, the accused shall be called upon to state his defence witnesses and he shall be given time not exceeding 24 hours, to submit a list of such witnesses who shall be summoned and examined.
- (f) The accused shall be permitted to file a written statement in lieu of or in addition to his oral statement, and the officer conducting the proceedings may ask any questions in order to clarify ambiguities or to satisfy himself, and the accused shall be bound to answer all such questions.
- (g) The officer conducting the departmental proceeding shall then proceed to record his finding and order or if not competent to pass and order, forward the file and the finding to the competent officer for orders.
- (h) Nothing in the foregoing rules shall prevent a District Officer, Frontier Constabulary, from making or causing to be made a preliminary enquiry.
- (i) No order of dismissal shall be passed in a case which has been conducted by an officer junior in rank to the District Officer, Frontier Constabulary or an independent command, until the accused has been produced before the competent authority and given an opportunity of making a further oral statement in his defence. (Before an order of dismissal is passed, the officer passing the orders of dismissal shall ask the accused to show cause why he should not be dismissed and a certificate to this effect recorded in the hand of the officer passing the orders of dismissal that he has done so, shall be given).

**19. Investigation of the Charges:-** (1) No Frontier Constabulary personnel shall be kept in the quarter guards for more than 48 hours without trail, unless there are exceptional circumstances which shall be reported at once to the Commandant, Frontier Constabulary.

(2) All investigations and trials will be done on day to day basis except holidays.

(3) Prisoners confined in the quarter guard will be taken out and exercised for at least 2 hours daily.

(4) The Subedar Major or other senior Junior Commissioned Officer present will produce daily all under-trial prisoners before the District Officer, Frontier Constabulary, or during his absence any senior officer present in Headquarters and remanded.

(5) Care should be taken that quarter guard lock up is not over-crowded. Each prisoner is entitled to 96 square feet of ground area and to 1,248 cubic feet of air space.

**20. Right of Appeal:-** (1) There shall be only one appeal from the original order and the order of the appellate authority (mentioned in the schedule) shall be final.

(2) An appeal shall be filed within 30 days from the date of the order, exclusive of the time taken to obtain a copy of the order, but the appellate authority may waive this limitation if it seems fit to do so.

(3) The Central Government may, by a notification in the official Gazette, delegate its power of hearing appeals to any officer or authority subordinate to it, (Vide notification No, S.R.O. 9, dated 14<sup>th</sup> January 1959, on P.6(30)-E/57).

**21. Action following on a judicial acquittal:-** Any member of the Frontier Constabulary who has been tried and honourably acquitted on a criminal charge shall not be punished departmentally on the same charge or proceeded against on the same evidence such has already been rejected by court and such member shall be reinstated.

**22. Punishment Records:-** Red ink entries are made in respect of:-

- (i) every award of forfeiture of seniority of rank.
- (ii) Every conviction by a civil court except when fine was the only punishment and the District Officer does not consider that a red ink entry should be made.
- (iii) All reductions of Non-Commissioned Officer to a lower grade for an offence but for inefficiency.
- (iv) All deprivation of an appointment or acting rank for an offence but not for efficiency severe reprimand (Junior Commissioned Officer and not commissioned officer).
- (v) Every award of imprisonment, field punishment, confinement to the lines exceeding 14 days and,

- (vi) forfeiture of pay and allowances for absence without leave exceeding 2 days if classified as an offence by the District Officer.

Black entries are made in respect of:

- (i) any punishment not included in the above.
- (ii) a conviction of fine only by civil court and the District Officer considers that red ink entry should not be made and
- (iii) forfeiture of pay and allowances for absence without leave not exceeding 2 days classified as an offence by the District Officer.

**23. Confinement to the quarters, and confinement in the quarter guards:-** (1) A person, who is punished or ordered to be confined to the quarters, will attend all parades and take duties in turn. During the day the defaulter i.e. the person punished, will be required to answer to his name at uncertain hours and will be employed on fatigue duties.

(2) A person who is confined to the quarter guard shall be confined in the lock up attached to the regimental quarter guard. While so confined he shall be employed on fatigue duty and shall also undergo punishment drill. He shall not leave the lock-up except, under an escort. Further orders on the subject of security, health sanitation etc, will be made by the District Officer.

**24. Suspension in Departmental cases:-** (1) Any person whose conduct is under investigation or enquiry may be placed under suspension by his District Officer or any officer senior in rank to the offender (The suspension of a junior commissioned officer will be reported to the Commandant).

(2) A member of the Frontier Constabulary, whose conduct is under departmental enquiry shall ordinarily be placed under suspension when it appears likely that a charge be framed which, if proved would render him liable to reduction or dismissal or when his remaining on duty is prejudicial to the enquiry into the accusations.

(3) A member of the Frontier Constabulary charged with a criminal offence shall be placed under suspension from the date on which he is sent for trial or in case of arrest, from the date of arrest by court and he shall be released from suspension when its case is decided.

(4) A man under suspension shall be given a subsistence grant not exceeding 1/4th of his pay.

(5) Frontier Constabulary personnel shall not by reason of being suspended from office cease to be Frontier Constabulary members and during suspension the powers and privileges being in abeyance, the suspended personnel shall continue to be subject to the same restrictions, discipline and authorities as on duty.

**25. Fines at the following scales be imposed for the loss of arms and their component parts by members of corps:-**

Rifle	1,000-00
Bolt	600-00
Revolver	400-00

The responsibility for their loss shall be assessed by the District Officer, Frontier Constabulary, and his decision shall be final.

Fines for loss of arms not motioned in his rule shall be considered on the merits to each case by the District Officer, Frontier Constabulary, and shall no appeal shall lie against his decision.

**LEAVE**

- 26.** In this chapter unless there is anything repugnant in the subject or context,
- (a) "average pay" means average pay as defined in rule 9(2) of the Fundamental Rules;
  - (b) "duty" means duty performed after the first year of service;
  - (c) "year" means a calendar year.
- 27.** A subordinate officer when appointed to officiate as Assistant Constabulary Officer or District Constabulary Officer shall continue to be governed by the rules contained in this chapter.
- 28.** Subject to exigencies of the public service and the provisions of the rules 34 and 36, the following kinds of leave may be granted by the District Constabulary Officer concerned or, in the case of subordinate officer officiating as Assistant Constabulary Officer or as District Constabulary Officer, by the Commandant.
- 29.** A recruit during the first year of his service is not entitled to leave normally but may be granted leave upto a maximum period of two months on the recommendation of such Medical Officer as the District Constabulary Officer concerned may by general or special order direct.
- 30.** Subject to the provisions of rule 29, a member of the Constabulary may be granted leave at the rate of three months after nine month's duty; provided that, subject to the provisions of rule 32, he shall not accumulate leave for more than three months.
- 31.** Leave not due up to a maximum period of two months may be granted in extension of or in addition to the leave admissible under rule 30, provided that there is expectation that an equivalent amount of leave will be earned by future service. The amount of leave not due enjoyed on any occasion shall be adjusted against leave earned subsequently and no further leave shall be granted until that amount has been adjusted in full.
- 32.** A member of the Constabulary whose home is abnormally distant from his place of duty may accumulate leave up to a maximum period of seven months and fifteen days which may be granted as follows:-
- (a) after a period of continuous duty of not less than one year up to a maximum period of five months;
  - (b) after a period of continuous duty of not less than two years up to a maximum period of seven months and fifteen days;
  - (c) when accumulated leave is availed of in part, the unspent balance after the first three months of such leave shall lapse.

**33.** Leave due may be granted to a member of the Constabulary discharge or retirement, provided that the leave so granted shall not extend beyond the date on which he is due for discharge or retirement.

**34.** With the sanction of the Central Government or of any authority authorized by it in this behalf, leave other than as specified in the preceding rules, up to maximum period of twelve months, may in special circumstances or pending retirement be granted to a subordinate officer.

**35.** Extra ordinary leave may be granted in special circumstances when no other leave is admissible under the preceding rules. No leave salary is admissible during the such leave.

**36.** (1) Overstayed of leave, if proved to the satisfaction of the authority sanctioning the leave to have been unavoidable may be commuted by it up to a limit of two months into such leave as would normally have been admissible in extension of the leave that was overstayed.

(2) With the sanction of the Commandant, if he is satisfied that the overstayed was unavoidable, the commutation may be allowed up to a maximum period of six months in all.

**37.** (1) Except as provided in these rules, all leave will be on leave salary equal to full pay including allowances of the nature of special pay and Good Conduct or Good Service pay drawn immediately before the commencement of the leave. Allowance of the nature of compensatory allowance and ration allowance will be admissible in addition to leave salary. If any, during the first four months of any leave other than the leave granted under rules 32 during which allowance may be drawn for the whole period. No such allowances shall be admissible in addition to leave salary during leave pending retirement or discharge.

(2) A subordinate officer appointed to officiate as Assistant Constabulary Officer or District Constabulary Officer, will during any leave other than that admissible under rules 34 taken by him while officiating in the higher post or at any time within twelve months after the date of his reversion to his permanent post, draw leave salary as follows:-

- (a) on average pay for not more than two months in the year, provided that on the first occasion when leave is taken after his appointment to the higher post the limit of two months may be increased to four months, and
- (b) on half average pay or the pay and allowances mentioned in clause (1) admissible in respect of his permanent post immediately before the commencement of his leave, whichever is greater, for any period of leave in excess of two or four months, as the case may be, in a year.