

THE BENGAL MILITARY POLICE ACT, 1892

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THE BENGAL MILITARY POLICE ACT, 1892

ACT NO. V OF 1892

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 25th March, 1892.)

An Act for the Regulation of the Bengal Military Police.

WHEREAS it is expedient to make provision for the better regulation of the Bengal Reserve Police;

It is hereby enacted as follows:—

1. Title, extent and commencement.—(1) This Act may be called the Bengal Military Police Act, 1892.

(2) It extends to the whole of the territories subject to the Lieutenant-Governor of Bengal: and

(3) It shall come into force on such day as the Local Government may, by notification in the Calcutta Gazette, appoint in this behalf.

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

(1) “Military Police-officer” means a person appointed to the Bengal Police Force under section 7 of Act V of 1861, who has signed the statement in the schedule to this act, in accordance with the provisions of this Act:

(2) “active service” means service against hostile tribes or other persons in the field:

(3) “District Magistrate” includes a Deputy Commissioner, an Assistant Commissioner in charge of a sub-division, and the Superintendent of the South Lushai Hill:

(4) “Commandant” means a person appointed by the Local Government to be a Commandant of Military Police and includes a District Superintendent of Police and an Assistant District Superintendent of Police in charge of the civil police of a district or of a sub-division:

(5) “Second-in-Command” means a person appointed by the Local Government to be a Second-in-Command of Military Police, and includes an Assistant District Superintendent of Police not in charge of the civil police of a district or of a sub-division: and

(6) the expression “reason to believe,” “criminal force,” “assault,” “fraudulently” and “voluntarily causing hurt” have the meaning assigned to them respectively in the Indian Penal Code (XV of 1860).

3. Enrolment and discharge of Military Police-officers.—(1) Before an officer appointed to the Bengal Police Force under section 7 of Act V of 1861 is appointed to be a Military Police-officer, the statement in the schedule shall be read and if necessary explained to him in the presence of a Magistrate, Commandant or Second-in-Command, and shall be signed by him in acknowledgment of its having been so read to him.

(2) Notwithstanding any notice given under section 9 of Act V of 1861, a Military Police-officer shall not be entitled to be discharged from the Bengal Police Force except in accordance with the terms of the statement which he has signed under this Act.

4. Classes and grades of Military Police-officers.—(1) There may be all or any of the following classes of Military Police-officers, which shall take rank in the order mentioned, namely: —

(i) subadars-major,

(ii) subadars,

- (iii) jamadars,
- (iv) havildars-major,
- (v) havildars,
- (iv) naiks,
- (vii) buglers, and
- (viii) sepoyes,

and such grades in each class as the Local Government may direct.

(2) The expression “superior officer” in this Act means in relation to any Police-officer—

- (a) any officer of a higher class than or of a higher grade in the same class as himself, and
- (b) any Second-in-Command, Commandant or District Magistrate.

5. More heinous offences.—A Military Police-officer who—

(a) begins, excites, causes or joins in any mutiny or sedition or, being present at any mutiny or sedition, does not use his utmost endeavors to suppress it, or, knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, 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; or

(c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is his duty to defend; or

(d) directly or indirectly holds correspondence with, or assists or relieves, any person in arms against the State, or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge: or

who, while on active service,—

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

(f) deserts the service; or

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

(h) without authority leaves his commanding officer, or his post or party, to go in search of plunder; or

(i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or

(j) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or quarters, or forces safeguard, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or

(k) intentionally causes or spreads a false alarm in action, camp, garrison or quarters,

shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months' pay, or with fine to that extent in addition to such sentence of transportation or imprisonment, as the case may be, as may be passed upon him under this section.

6. Less heinous offences.—A Military Police-officer who—

(a) is in a state of, intoxication when on or 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 duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or,

(d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(f) refuses to superintend or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field; or

(g) strikes or otherwise ill-uses any Military Police-officer subordinate to him in rank or position; or

(h) being in command at any post or on the march, and receiving a complaint that any one under his command has beaten or otherwise maltreated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due reparation made as far as possible to the injured person and 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 Military Police necessities, 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

who, while not on active service, —

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

(m) plunders, destroys or damages any property of any kind; or

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

(o) deserts the service;

shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

7. Minor punishments.—(1) A District Magistrate, Commandant or Second-in-Command, or an officer not being below the rank of subadar commanding a separate detachment or an outpost or in temporary command at the headquarters of a district during the absence of the District Magistrate, Commandant and Second-in-Command, may, without a formal trial, award to any Military Police-officer who is subject to his authority any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say—

(a) imprisonment to the extent of 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;

(b) punishment drill, extra guard, fatigue, or other duty, not exceeding thirty days in duration, with or without confinement to quarters.

(2) Any one of these punishments may be awarded separately or in combination with any one or more of the others.

8. Place of imprisonment.—A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Bengal Police Force, be imprisoned in the nearest or such other jail as the Local Government may, by general or special order, direct; but, when he is not also dismissed from that force, he may, if the convicting officer or District Magistrate so directs, be confined in the quarter-guard or such other place as the convicting officer or District Magistrate may consider suitable.

9. Saving of prosecutions under other laws.—(1) Nothing in this Act shall prevent any person from being prosecuted under Act V of 1861, or under any order or rule made under that Act or under any other enactment for the time being in force for any act or omission punishable hereunder, or from being liable if so prosecuted to any other or higher penalty than is provided for that act or omission by this Act:

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

10. Conferment of magisterial powers on Police-officers.—Notwithstanding anything in Act V of 1861 or in any other enactment for the time being in force, the Local Government may invest any Police-officer not below the rank of Commandant with the powers of Magistrate of any class for the purpose of enquiring into or trying any offence committed by a Military Police-officer and punishable under Act V of 1861 or this Act.

11. Disciplinary and other powers of Commandants and Seconds-in-Command of Military Police otherwise than in respect of Military Police.—Subject to such rules as the Local Government may make in this behalf, a Commandant or Second-in Command of Military Police shall have, with respect to Police-officers appointed to the Bengal Police Force under section 7 of Act V of 1861, who are not Military Police-officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under that section.

12. Privileges of Commandants and Seconds-in-Command of Military Police as Police-officers.—A Commandant or Second-in-Command of Military Police shall be entitled to all the privileges which a Police-officer has under sections 42 and 43 of Act V of 1861, section 125 of the Indian Evidence Act, 1872 (I of 1872), and any other enactment for the time being in force.

13. Power to make rules.—The Local Government may, as regards the Military Police make such orders and rules consistent with this Act as it thinks expedient.

THE SCHEDULE.

STATEMENT.

(See sections 2 and 3.)

AFTER you have served for three years in the Bengal Military Police, you may, at any time when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to a Commandant of Military Police or to the District Magistrate of the district in which you may be serving, and you will be granted your discharge after two months from the date of your application unless your discharge would cause the vacancies in the Bengal Military Police to exceed one-tenth of the sanctioned strength; in that case you must remain until this objection is waived by competent authority or removed. But when on active service you have no claim to a discharge, and you must remain and do your duty until the necessity for retaining you in the Bengal Military Police ceases, when you may make your application in the manner hereinbefore prescribed. In the event of your re-enlistment, after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

(Signature of Police-officer in acknowledgement of the above
having been read to him)

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A. B.

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

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*C.D. Magistrate, Commandant
Second-in-Command.*