

ACT No. XV OF 1887.

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 29th July, 1887.)

An Act for the Regulation of Military Police in Burma.

WHEREAS it is expedient to establish a military police-force in Lower Burma and to amalgamate that force with the military police-force of Upper Burma; It is hereby enacted as follows:—

1. (1) This Act may be called the Burma Military Police Act, 1887.

Title, extent and commencement.

(2) It extends to the whole of Burma (inclusive of Upper Burma), except the Shan States: and

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

II of 1887.

2. The Upper Burma Military Police Regulation, 1887, is hereby repealed.

Repeal.

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

Definitions.

(1) "military police-officer" means a person appointed to the Burma police-force under section 7 of Act V of 1861 who has signed the statement in the schedule to the Upper Burma Military Police Regulation, 1887, or to this Act, in accordance with the provisions of that Regulation or of this Act, as the case may be:

II of 1887.

(2) "active service" means service at outposts or against hostile tribes or other persons in the field:

(3) "Deputy

[Price three annas.]

(3) "Deputy Commissioner" includes an Assistant Commissioner in charge of a subdivision :

(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 Police of a district or of a subdivision :

(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 police of a district or of a subdivision : and

(6) the expressions "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code.

XLV of 1860

Enrolment
and discharge
of military
police-
officers,

4. (1) Before an officer appointed to the Burma 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 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 Burma police-force except in accordance with the terms of the statement which he has signed under the Upper Burma Military Police Regulation, 1887, or under this Act, as the case may be.

II of 1887.

Classes and
grades of
military
police-
officers.

5. (1). There shall be six classes of military police-officers, namely :—

- (i) inspectors,
- (ii) subahdars,
- (iii) jamadars,
- (iv) havildars,
- (v) naiks, and
- (vi) constables,

and

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

(2) The expression "superior officer" in this Act includes—

- (a) in relation to a constable, any constable of a higher grade and any naik, havildar, jamadar, subahdar or inspector;
- (b) in relation to a naik, any naik of a higher grade and any havildar, jamadar, subahdar or inspector;
- (c) in relation to a havildar, any havildar of a higher grade and any jamadar, subahdar or inspector;
- (d) in relation to a jamadar, any jamadar of a higher grade and any subahdar or inspector;
- (e) in relation to a subahdar, any subahdar of a higher grade and any inspector;
- (f) in relation to an inspector, any inspector of a higher grade; and
- (g) in relation to any military police-officer, any Second-in-command, Commandant or Deputy Commissioner.

6. 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 endeavours 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

More heinous offences.

mitted 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 a safeguard or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind ; or
- (k) intentionally causes or spreads a false alarm in action, 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.

7. A

7. A military police-officer who—

Less heinous
offences.

- (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 military 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 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 regimental necessaries, or any such articles entrusted to him or belonging to any other person ; or

(j) malingers

- (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.

Corporal
punishment.

8. A military police-officer, not being above the rank of constable, who, while on service at an outpost at the time of a projected attack on that post, or in the field against hostile tribes or other persons, commits any offence specified in either of the two last foregoing sections, may, in lieu of any punishment to which he is liable thereunder, be punished with whipping:

Provided that—

- (a) the punishment of whipping shall not in any case exceed thirty stripes; and
- (b) sentence of whipping shall be passed only by a Deputy Commissioner, or, in his absence, by a Commandant invested with the powers of a Magistrate of the first or second class.

Minor
punishments.

9. (1) A Deputy Commissioner, Commandant or Second-in-command, or an officer commanding a separate detachment or an outpost or in temporary command

command at the headquarters of a district during the absence of the Deputy Commissioner, 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.

10. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Burma 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 Deputy Commissioner so directs, be confined in the quarter-guard or such other place as the convicting officer or Deputy Commissioner may consider suitable. Place of imprisonment.

11. 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 a 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. Conferment of magisterial powers on police-officers.

12. (1) Subject

Disciplinary and other powers of Commandants and Seconds-in-command, of Military Police otherwise than in respect of military police.

12. (1) 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 Burma 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.

(2) The Local Government may confer on a Commandant or Second-in-command of Military Police, by name or by virtue of his office, any other power of a District Superintendent of Police under Act V of 1861 or any other enactment for the time being in force, or under any rule under any such enactment, and may define the circumstances in which any power so conferred may be exercised by such Commandant or Second-in-command.

Privileges of Commandants and Seconds-in-command of Military Police as police-officers.

13. 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, and any other enactment for the time being in force. I of 1872.

Power to make rules.

14. The Local Government may, as regards the Military Police, make such orders and rules consistent with this Act as it thinks expedient relative to the several matters respecting which the Inspector General of Police, with the approval of the Local Government, may, as regards the rest of the Burma police-force, frame orders and rules under section 12 of Act V of 1861.

THE SCHEDULE.

STATEMENT.

(See sections 3 and 4.)

After you have served for three years in the Burma Military Police you may, at any time when not on active service, apply for your discharge, through the Inspector, if any, to whom you may be subordinate, to a Commandant of Military Police or to

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Burma Military Police.

the Deputy Commissioner 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 Burma 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 Burma 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 }
acknowledgment of the above } *A.B.*
having been read to him.) }

Signed in my presence after } *C. D.,*
I had ascertained that *A. B.* } *Magistrate, Commandant or*
understood the purport of } *Second-in-command.*
what he signed. }