

**THE CHITTAGONG HILL TRACTS FRONTIER POLICE
REGULATION III OF 1881***
(7th December 1881)

Preamble: - Whereas the Frontier Police of the Hill Tracts of Chittagong enrolled under Act No. V of 1861 ¹ (for the regulation of police) perform services of a quasi-military character; and whereas the provisions of the said Act the orders and rules framed under section 12 thereof, have been found insufficient for the maintenance of discipline among such police, and it is, thereof, expedient to make further provision for the maintenance of discipline among them; it is hereby enacted as follows: -

1. Short title: - This Regulation may be called the Chittagong Hill Tracts Frontier Police Regulation 1881.

Local extent - It applies to all persons now or hereafter appointed under the said Act No. V of 1861 ¹ to the Frontier Police Officers and Posted to the Chittagong Hill Tracts. (Commencement) Repealed by the Repealing and Amending Act, 1903 (I of 1903).

2. Interpretation Clauses: - In the Regulation unless there is something repugnant in the subject of context -

Active Service- “Active Service” means service at the frontier outposts or against hostile tribes or other persons in the field.

Deputy Commissioner and District Superintendent - “Deputy Commissioner ++ and District Superintendent” means the Deputy Commissioner of Hill Tracts of Chittagong and the District Superintendent of Police within the same Tracts respectively.

“Reasons to believe” “criminal force” “assault” and “fraudulently”- The expressions “reason to believe”, “criminal force”, “assault” and “fraudulently” have the meanings assigned to them respectively in the Indian Penal Code (XLV of 1860).

3. More heinous offences: - Any person subject to this Regulation, not being above the rank of Subadar, 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 the same, or knowing or having reason to believe in the exciting 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 under any circumstances in which the superior officer is distinguishable as such in any manner; or
- (c) shamefully abandons or delivers up any garrison, fortress, post or guard committed to his charge, or which it is his duty to defend; or ¹

* **Local extent** - This Regulation extends only to the Chittagong Hill Tracts - see section I. It is formally included in the schedule of laws in force in those Tracts - see the CHT Regulation (I of 1900). For power to define the boundaries of the Tracts - see the Chittagong Hill Tracts Regulation (I of 1900), Section 2(2).

- (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; and any such person 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 law; or
- (j) uses criminal force to or commits and 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 field, garden or other property or 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, with or without hard labour, for term which may extend to fourteen years.

4. Less heinous offences: - Any person subject to this Regulation, not being above the rank of Subadar, 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, piquet or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner or negligently suffer 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

For a similar enactment in force in Eastern Bengal (including the CHTs), see the Eastern Bengal and Assam Military Police Act (Eastern Bengal and Assam Act, III of 1912).

⊥ The Police Act 1861; it is printed in the General Acts 1834-1867, edition 1909, page 378.

++ The word "Superintendent" was substituted for the words "Deputy Commissioner" by the Chittagong Hill Tracts Regulation II of 1900. The words "Deputy Commissioner" were substituted for the word "Superintendent" by the amending Regulation, IV of 1920.

Printed in the Unrepeated Central Act, 1834-1871, Edition 1938, page 235.

- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (f) refuses to Superintendent or assist in the making of any field work or other military work of any description ordered be made either in quarters in the field; or
- (g) strikes or otherwise ill-uses any person subject to this Regulation being his subordinate in the rank or position; or
- (h) being in command at any post 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 to have due reparation made to the injured person, or to report the case to the proper authority; or
- (i) designedly or through neglect injures or loses or fraudulently dispose of his arms, clothes, tools, equipments, ammunition, accoutrements or regimental necessaries, or any such articles entrusted to him or belongings to any other person; or
- (j) malingers, 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; and any such person who, while not on active service.

disobeys the lawful orders of his superior officers; or

plunders, destroys or damages any field, garden or other property; or

being a sentry sleeps upon his post, or quits it without being regularly relieved, or without leave, shall be punished with imprisonment, with or without hard labour, which may extend to one year.

5. **Corporal punishment:** - Any person subject to this Regulation not being the above the rank of Havilder, who, while on active service, commits any of the offences specified in section 3, or in section 4, clause (a) to (k), both inclusive, may, in lieu of or addition to any punishment to which he is liable under those sections, be punished with whipping.

In no case, if the cat-of-nine-tails be the instrument employed, shall the punishment of whipping exceed fifty lashes, or if the ratan be employed, shall the punishment exceed thirty stripes.

6. **Minor punishment:** - In addition to the powers conferred upon them by the rules made under section 12 of * the said Act No. V of 1861 * the Deputy Commissioner, the District Supdt., or an Assistant District Superintendent of Police in command of a detachment, may without a formal trial, award to any person subject to his authority and to whom this Act applies the following punishments for the commission of petty offences against discipline which are not otherwise provided for or which are 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 in or near the lines 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 lines.

Any of these punishments may be awarded separately or in combination with the others.

- 7. **Where person sentenced to imprisonment to be confined:** - Any person sentenced under this Regulation to imprisonment for a period not exceeding three months shall, when also dismissed the service, be imprisoned in the nearest jail; but when not also dismissed the service, he may at the discretion of the convicting officer, subject to revision by the Deputy Commissioner be confined in the quarter-guard or such other places as such officer may consider suitable.
- 8. **Prosecution etc. under other enactments:** - Nothing in this Regulation shall prevent any person from being prosecuted under the said Act No. V of 1861 * or any order or rule framed thereunder, or under any other enactment for the time being in force for any act or omission punishable hereunder, or from being liable under any other enactment to any other or higher penalty than is provided for such act or omission by this Regulation.

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

- 9. **Magisterial Powers of Police Officers:** - Nothing contained in the said Act of 1861 * shall be deemed to prevent the Local Government from investing any Police Officer with the powers of a Magistrate for the purpose of inquiring into or trying any offence committed by a Police officer and punishable under the said Act or this Regulation.²

* The Police Act, 1861: it is printed in the Unrepeated Central Act 1934 - 1871, edition 1938, Page 353.