

Pakistan Rangers Ordinance, 1959

14 of 1959

[28 March 1959]

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An Ordinance to constitute a force called the [3][Pakistan Rangers] for the protection of and maintenance of order in the border areas [4][* * *] Preamble.- WHEREAS it is expedient to constitute a force called the [5][Pakistan Rangers] for the protection of and maintenance of order in the border areas [6][* * *]; Now, THEREFORE, in pursuance of the Presidential Proclamation of the seventh day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:-

1. Short Title, Extent And Application :-

(1) This Ordinance may be called the [7][Pakistan Rangers] Ordinance, 1959.

[8][(2) It extends to the Provinces of the Punjab and Sind and applies to every member of the Force wherever he may be serving.]

[9][(3) The provisions of this Ordinance and the rules made thereunder shall effect notwithstanding anything contained in the Civil Servants Act, 1973 (LXXI of 1973), and the rules made thereunder.

2. Definitions :-

In this Ordinance, unless the context otherwise requires, the following expressions shall have the meaning hereby respectively assigned to them, that is to say-

(a) "active duty" means duty under the operation control of the Army;

[10][(b) "Commandant" means a Commandant appointed under subsection (4) and includes an officer appointed to act as Commandant;

(c) "Deputy Director-General" means a Deputy Director-General appointed under subsection (2) of section 4 and includes an officer appointed to act as Deputy Director-General;

(d) "Director-General" means the Director-General appointed under subsection (1) of section 4 and includes an officer appointed to act as Director-General;]

(e) "Force" means the [11][Pakistan Rangers];

[12][(f) "Government", in relation to a member or unit of the Force, means the Government of the Province within which such member or unit is serving];

(g) "member of the Force" means a person who, at the

commencement of this Ordinance, is serving under the West Pakistan Border Police Force Act, 1958[13], or who, is a member of the Bahawalpur Border Police, or who, after the commencement of this Ordinance, has been appointed to the[14][Pakistan Rangers] under this Ordinance, and has signed a recruiting roll on which the conditions of service contained in either of the Schedules are set forth:

Provided that every person who has for the space of six months been in receipt of pay as a member of the [15][Pakistan Rangers] and been borne on the rolls of the [16][Pakistan Rangers], shall be deemed to be a member of the Force, notwithstanding that he has not signed a recruiting roll;

(h) "operational control" means command of the Force or its sub-units by the Army and its employment during emergency war within the over all operational plan of the Army; [17][* * *]

(i) "prescribed" means prescribed by rules made under this Ordinance [18][:] [19][and]

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

3. Power To Maintain Pakistan Rangers :-

(1) There shall be a Force [22][common to the provinces of the Punjab and Sind] to be called the [23][Pakistan Rangers.]

(2) The Force shall be constituted in such manner and the members of the Force shall receive such pay, pension and other remuneration, and their conditions of service shall be such as [24][may be prescribed].

[25][(3) Except as otherwise provided in this Ordinance, the superintendence of and control over the members or units of the Force serving within a Province shall vest in the Government of that Province.]

(4) The Force shall be administered by the Director-General, [26][Deputy Directors-General], Commandants, Wing Commandants, and other officers in such manner, as may be prescribed.

4. Appointment And Powers Of Superior Officers :-

(1) There shall be a Director General of the Force with his headquarters at Lahore who shall be appointed by the President.

(2) There shall be a Deputy Director-General of the Force in each of the two Provinces who shall be appointed by the Provincial

Government concerned.

(3) There shall be such number of Commandants of the Force in each of the two Provinces as the Provincial Government concerned may appoint.

(4) Subject to the general control of the Director-General, the Deputy Director-General and every other officer of the Force shall possess and exercise such powers and authority over the subordinate officers and members of the Force under his command as may be prescribed.

5. Appointment Of Subordinate Officers And Men :-

(1) The appointment of members of the Force, other than those mentioned in [28][sub-sections (1) and (2)] of section 4, shall vest in the Director-General, or any other officer authorised by him in this behalf.

[29][(2) Such appointments shall be made by direct recruitment or promotion or from personnel on deputation from the Pakistan Defence Forces, the Provincial Police, the Civil Armed Forces including the Frontier Constabulary, or any other Department of Government, in such manner as may be prescribed.

6. Functions Of The :-

The Force shall perform the following functions:-

- (a) protection of persons and property in the border areas;
- (b) apprehension of persons unlawfully entering into or going out of Pakistan territory;
- (c) organization of village defence in the border areas;
- (d) prevention of smuggling; [31][* * *]
- (e) collection of intelligence in the border areas [32][;] [33][and] [34][(f) coordinate of the activities of Police and other civil agencies in the prevention and detection of smuggling.

7. Assistance To Police :-

The Force shall-

- (a) assist the Police in the prevention and detection of crime in the border areas; [35][and] [36][* * * * *]
- [37][(b)] reinforce the Police for the maintenance of law and order whenever it is necessary.

8. General Duties Of The Members Of The Force :-

(1) It shall be the duty of every member of the Force to obey and 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.

(2) Every member of the Force shall be liable to serve [38] [anywhere within or outside Pakistan.

9. State Of Emergency :-

[(1) The Governor of the Punjab or, as the case may be, the Governor of Sind may by an order at any time declare a state of emergency on the entire border of the Province or a part thereof and thereby place under the operational control of the Army all or any of the units or members of the Force for the time being serving within the Province.]

(2) Notwithstanding an order under the last preceding sub-section, the Force shall continue to remain subject to the provisions of this Ordinance.

10. Powers And Duties Of Members :-

Government may, by a 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.

11. Privileges Of Members :-

The members of the Force shall be entitled to all the privileges which a member of the police force constituted under the Police Act, 1861[40], has under sections 42 and 43 of that Act, section 125 of the Evidence Act, 1872[41], and any other enactment for the time being in force.

12. Resignation Of Members :-

No member of the Force shall-

(a) resign his appointment or request for his reversion to his parent department during the time he is on active duty;

(b) withdraw himself wilfully from all or any of the duties of his appointment, without the previous permission in writing of the Director-General or any other officer authorised by him in this

behalf.

13. Offences Punishable With Transportation For Life Or Rigorous Imprisonment For Seven Years :-

Any member of the Force who-

(a) begins, excites, causes or conspires to cause or joins in any mutiny, or being present at any mutiny, does not use his utmost endeavour to suppress it, or knowing or having reasons to believe in the existence of any mutiny or of any intention to mutiny or of any conspiracy against the [42][Federal] or Provincial Governments does not, without delay, give information thereof to any one of his superior officers; 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 reasons to believe him to be such; or

(c) shamefully or cowardly 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) commits theft of or mis-appropriates any arms or military stores belonging to Government; or

(e) directly or indirectly holds correspondence with or assists or relieves any person in arms against the [43][Federal] or Provincial Government, or omits to disclose immediately to any one of his superior officers, any such correspondence coming to his knowledge; or

(f) communicates to any person, other than a person to whom he is authorised to communicate information, which is calculated to be or is intended to be directly or indirectly useful to an enemy or a foreign power or which is prejudicial to the safety of Pakistan or to the good order and efficient working of the Force; or

(g) who, while on active duty-

(i) disobeys the lawful command of his superior officers; or

(ii) deserts the service; or

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

(iv) wilfully destroys, damages or injures any property of the value of five hundred rupees or more, placed in his charge; or

(v) displays cowardice in the execution of his duty; or

(vi) quits his guard, picquet, party or patrol, without being regularly relieved or without leave, shall be punished with [44] [rigorous imprisonment for a term which may extend to fourteen

years in respect of offences described in clauses (a) to (f), and to seven years in respect of offences described in clause (g)].

14. Offences Punishable With One Year Rigorous Imprisonment Or Fine Or Both :-

Any member of the Force who:-

- (a) is in a state of intoxication when on or after having been warned for any duty or on parade or on the line of march; or
- (b) being in command of a guard, picquet or patrol, refuses to secure 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
- (c) being under arrest or in confinement, leaves before he is set at liberty by proper authority; or
- (d) strikes or attempts to force any sentry; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (f) strikes or otherwise ill uses any member of the Force; or
- (g) designedly or through neglect injures or loses or fraudulently disposes of his arms, clothes, tools, equipment, ammunition, accoutrements [45][or animals] or Force necessities or any such articles entrusted to him or belonging to any other person; or
- (h) malingers or feigns or produces disease or infirmity in himself or intentionally delays his cure, or aggravates his disease or infirmity; or
- (i) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (j) does not, when called upon by his superior officer so to do or upon ceasing to be a member of the Force, forthwith deliver up or duly account for, all or any arms, ammunition, stores, accoutrements, appointments or other property issued or supplied to him or in his custody or possession, as such member of the Force; or
- (k) knowingly furnishes a false return or report of the number or state of any men under his command or charge, or of any money, arms, ammunition, clothing, equipment, stores or other property in his charge, whether belonging to such men or to Government or to any member of or any person attached to the Force, or who through design or culpable neglect, omits or refuses to make or send return or report of the matters aforesaid; or

(l) absents himself without leave, or without sufficient cause overstays leave granted to him; or
(m) is guilty of any act or omission, which though not specified in the Ordinance, is prejudicial to good order and discipline; or
(n) who, while not on active duty-
(i) disobeys the lawful command of his superior officers; or
(ii) deserts the service; or
(iii) being a sentry, sleeps upon his post or quits it without being regularly relieved; or
(iv) plunders, destroys, or damages any property of any kind; or
(v) displays cowardice in the execution of his duty; or
(vi) quits his guard, picquet, party, or patrol without being regularly relieved or without leave,
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.

15. Departmental Punishment :-

[(1) The Director-General, may, subject to rules made under this Ordinance, summarily award, in lieu of or in addition to suspension, removal, dismissal or compulsory retirement from service, any one or more of the following punishments to any member of the Force who in his opinion is inefficient or has ceased to be efficient or whom he considers to be guilty of disobedience, neglect of duty or remissness in the discharge of duty or of rendering himself unfit to discharge his duty, or of other misconduct in his capacity as a member of the Force, that is to say:-

- (a) reduction in rank;
- (b) fine to any amount not exceeding one months pay and allowances;
- (c) detention in quarters for a term not exceeding one month;
- (d) rigorous imprisonment for a term not exceeding two years with or without drill, extra guard, fatigue or other duty;
- (e) removal from any office of distinction or special emoluments in the Force;
- (f) extra guards and picquets;
- (g) forfeiture of increment of pay;
- (h) in the case of a member of the Force of and above the rank of Sub-Inspector and non-commissioned officers reprimand or severe reprimand:

Provided that the punishments specified in clauses (c) and (d) shall

not be awarded to a member of the Force of and above the rank of Sub-Inspector[47][:]

[48][Provided further that no disciplinary action against a member of the Force shall be taken without providing him an opportunity of being heard.]

(1A) The Director-General may delegate, to such extent and in respect of such units as he may think fit, the powers conferred upon him by sub-section (1) to the Deputy Director-General.

(1B) Subject to rules framed under this Ordinance, a Commandant may, in respect of the members of the Force subordinate to him, exercise the powers conferred on the Director-General by subsection (1):

Provided that a Commandant shall not award imprisonment for a term exceeding one year or, in the case of a member holding the rank of Sub-Inspector and above, the punishment of reduction in rank, removal, dismissal or compulsory retirement from service.

(1C) A Commandant may delegate, to such extent as he may think fit, the powers conferred upon him by subsection (I-B) to any other appointed under section 5 who is under his command and such officer may exercise such powers in respect of the members of the Force subordinate to him:

Provided that the Commandant shall not delegate powers of reduction in rank, removal, dismissal or compulsory retirement from service or award of rigorous imprisonment exceeding thirty days.]

(2) The Director-General, the Deputy Director-General, or any other officer of the Force not below the rank of a Company Commander, commanding a separate detachment or an out-post or in temporary command at headquarters during the absence of his superiors in the Force may, in a summary manner, award to any member of the Force, who is not a gazetted officer and 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 Ordinance, 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 place as may be considered suitable with forfeiture of all emoluments during its continuance;

(b) punishment-drill or fatigue or other duty;

(c) extra guard and picquet duty.

[49][(3) The Director-General or the Commandant may order deductions from pay and allowances of a member of the Force in order to make good any expenses caused by him or any loss by him

of, or damage or destruction done by him to, any arms, ammunition, equipment, clothings, instruments, decoration or necessities belonging to the Force or to any building or property.]

15A. Capture Of Deserters :-

(1) Whenever any member of the force deserts or absents without leave, his Commandant shall give written information of the desertion or absence to such civil authorities as in his opinion may be able to afford assistance towards the capture of the deserter and such authorities shall thereupon take steps for the apprehension of the said deserter or absentee 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 or absentee, when apprehended, to Force custody.

(2) Any police officer may arrest without warrant any person whom he reasonably believes to be a member of the Force and a deserter or absentee without leave and bring him without delay before the nearest Magistrate as if he were a deserter from the Pakistan Army.

15B. Protection Of Persons Serving In The Force :-

(1) In any suit or proceedings against any person appointed under section 4 or section 5 for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to 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, the defendant 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 the warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, all suits and proceedings 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 Ordinance or the rules made 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 proceedings 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 proceedings.

16. Imprisonment For 90 Days To Result In Dismissal :-

A member of the Force who is sentenced to a term of imprisonment for ninety days or more shall be deemed to have been dismissed from the Force.

17. Suspension :-

Any gazetted officer shall be competent to suspend in the prescribed manner a member of the Force in a non-gazetted rank working under him for any misconduct, remissness or negligence in the discharge of his duties.

18. Place Of Imprisonment :-

If a member of the Force, sentenced by a Court constituted under section 20 of this Ordinance, to a term of imprisonment, is also dismissed from service, he shall be imprisoned in the nearest prison or such other prison as Government may, by general or special order, direct but if he is not dismissed from the Force, he may be confined in a quarterguard or such other place as the Court or the Director-General may consider suitable.

19. Sanction Of Prosecution :-

Notwithstanding anything to the contrary in any law, a member of the Force shall not be prosecuted under section 13 or section 14 or for any offence committed within ten miles of the border before a Court other than that mentioned in section 20 without the previous sanction, in the case of a gazetted officer, of Government, and in the case of other ranks, of the Director-General.

20. Power Of Government To Invest The Commandant Or Any Other Officer With A Magisterial Power :-

(1) Government may invest[52] the Commandant or any other officer with the powers of a magistrate of first class for the purposes of inquiring into or trying any offence committed by a member of the Force not punishable with death.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898[53], the Commandant or any other officer specially empowered by Government in this behalf, in the trial of an offence punishable under this Ordinance, may, follow the procedure for the summary trial of cases in which an appeal lies, as laid down in Chapter XXII of the said Code.

(3) Notwithstanding anything contained in the said Code, the Commandant or any other officer trying an offence summarily, may pass a sentence of imprisonment for a term not exceeding [54][six] months.

(4) In all cases decided by the Commandant or any other officer as a magistrate, a person aggrieved may within thirty days of the order appeal to the Director-General or any other officer specially empowered in this behalf by Government.

(5) The Governor of [55][the Province concerned] may, on revision, set aside an order passed in pursuance of the powers under this section on the ground of material irregularity.

(6) Nothing done under this section shall be questioned in any

court of law.

20A. Savings :-

No suit, prosecution or other legal proceedings shall lie for anything which is in good faith done or intended to be done under this Ordinance or any rules made thereunder.

21. Powers To Make Rules :-

(1) [57][The [58][Federal Government] after consultation with the Governments of the Punjab and Sind] may frame rules to carry out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may-

(a) prescribe the functions and powers of the Director-General, or Deputy Director-General and other officers under this Ordinance;

(b) provide for the classes and grades of and remuneration to be paid to the officers and men in the Force;

(c) regulate the conditions of service of the members of the Force; and

(d) prescribe the manner in which and authorities by which departmental punishments may be awarded.

22. Repeal :-

The West Pakistan Border Police Act, 1958[60] and the Sind Rangers Force Act, 1943, as in force in the District of Karachi are hereby repealed.

SCHEDULE 1

FIRST SCHEDULE

CONDITIONS OF SERVICE FOR ENROLLED MEMBERS

[See Section 2, clause (g)]

You are required to serve in the [61][Pakistan Rangers] for such period as may be prescribed by Government. During this period you will be bound by the terms and conditions laid down in the provisions of the [62][Pakistan Rangers] Ordinance, 1959, and the rules framed thereunder. After the expiry of your tenure you may apply for your discharge which may be granted to you two months after the date of your application provided you are not on active duty.

Signature of the member of the Force in acknowledgment of the above having been read to him. A.B.

Signed in my presence after I had ascertained that A.B. understood the purport of what he signed. C.D. Director-General or Commandant

SCHEDULE 2

SECOND SCHEDULE

CONDITIONS OF SERVICE FOR MEMBERS ON DEPUTATION

[See Section 2, clause (g)]

You are required to serve in the [63][Pakistan Rangers] for a period of three years. As long as you serve in the Force you will be bound by the terms and conditions laid down in the provisions of the [64][Pakistan Rangers] Ordinance, 1959, and the rules framed thereunder.

Signature of the member of the Force in acknowledgment of the above having been read to him. A.B.

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

Director-General or Commandant.