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ORISSA ACT VII OF 1946

[THE ORISSA MILITARY POLICE ACT, 1946]¹

(25th October, 1946)

**An Act to provide for the Regulation of the Orissa
Military Police**

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

It is hereby enacted as follows :—

1. (1) This Act may be called the Orissa Military Police Act, 1946. Short title,
extent and
commence-
ment

(2) It extends to the whole of the [State]² of Orissa.

(3) It shall come into force on such day as the [State]³ Government may, by notification, appoint in this behalf.

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

(1) "Military Police Officer" means a person appointed to the Orissa Police Force constituted under section 2 of the Police Act, 1861, who has signed the statement in the Schedule to this Act, in accordance with provision of this Act ;

V of 1861

⁴[(2) "Active Service" means service against hostile persons or group of persons in the field and the same shall be deemed to have commenced on and from the date of receipt by a Military Officer of the order of any superior authority, to render such service ;]

(3) "District Magistrate" includes a Deputy Commissioner, an Agent to the [State]⁵ Government and a Special Assistant Agent and a Magistrate in charge of a sub-division ;

(4) "Commandant" means a person appointed by the [State]⁶ 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) "Assistant Commandant" means a person appointed by the [State]⁷ Government to be an Assistant Commandant of Military Police, and includes an Assistant or Deputy Superintendent of Police not in charge of the Civil Police of a district or of a sub-division ; and

1 LEGISLATIVE PAPERS.—For Statement of Objects and Reasons, see *Orissa Gazette*, 1946, Pt. XI, p. 26 and for Proceedings in the Assembly, see Proceedings of the Orissa Legislative Assembly, 1946, Vol. II, p. 854.

2 Substituted by the Adaptation of Laws Order, 1950, for "Province".

3 Substituted by *ibid.* for "Provincial".

4 Substituted by the Orissa Military Police (Amendment) Act, 1952 (Or. Act IX of 1952), s. 2.

(Secs. 3-5)

(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 dis-
charge of
Military
Police
Officers.

3. (1) Before an Officer appointed to the Orissa Police Force constituted under section 2 of the Police Act, 1861, is appointed to ^{V of 1861} 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 Assistant Commandant and shall be signed by him in acknowledgment of its having been so read to him.

(2) Notwithstanding anything contained in section 9 of the Police Act, 1861, a Military Police Officer shall not be entitled to ^{V of 1861} be discharged from the Orissa Police Force except in accordance with the terms of the statement which he has signed under this Act.

Classes and
grades of
Military
Police
Officers.

4. (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) Sergeant-Major
- (ii) Subedars
- (iii) Sergeant
- (iv) Jamadars
- (v) Havildar-Major
- (vi) Havildars
- (vii) Naiks

(viii) Sepoys including Lanes Naiks and such grades in each class as the [State]¹ 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 Assistant Commandant, Commandant or District Magistrate.

Punishment
for more
heinous
offences.

5. 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

¹ Substituted by the Adaptation of Laws Order, 1950, for 'Provincial'.

(Sec. 6)

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

(i) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or headquarters of 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

(j) intentionally causes or spreads 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. 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

Punishment
for less
heinous
offences.

(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

(Sec. 7)

(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 anyone 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 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

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.

Minor
punishment.

7. (1) A District Magistrate, Commandant or Assistant Commandant, or an officer not being below the rank of Subedar commanding a separate detachment or an outpost or in temporary command at headquarters of a district during the absence of the District Magistrate, Commandant and Assistant Commandant, 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

(Secs. 8-11)

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—

¹[(a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with or without 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) Anyone of these punishments may be awarded separately or in combination with anyone or more of the others.

8. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Orissa Police Force, be imprisoned in the nearest or such other jail as the [State]² 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. Place of imprisonment.

V of 1861 9. (1) Nothing in this Act shall prevent any person from being prosecuted under the Police Act, 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. Saving of under other prosecution laws.

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

V of 1861 10. Notwithstanding anything in the Police Act, 1861, or in any other enactment for the time being in force, the [State]² Government may invest any Police officer not being 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 the Police Act, 1861, or this Act. Conferment of magisterial power on police officers.

V of 1861 11. Subject to such rules as the [State]² Government may make in this behalf, a Commandant or Assistant Commandant of Military Police shall have, with respect to police officers appointed to the Orissa Police Force constituted under section 2 of the Police Act, 1861, who are not Military Police officers, the same disciplinary powers as a District Superintendent of Police has with respect to them under section 7 of the said Act. Disciplinary and other powers of Commandant and Assistant Commandant of Military Police otherwise than in respect of Military Police.

¹ Substituted by the Orissa Military Police (Amendment) Act, 1952 (Or. Act IX of 1952), s. 3.

² Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

(Secs. 12-14)

Privileges
of Com-
mandant
and Assist-
ant Com-
mandant of
Military
Police as
Police
Officers.

12. A Commandant or Assistant Commandant of Military Police shall be entitled to all the privileges which a Police Officer has under sections 42 and 43 of the Police Act, 1861, V of 1861, section 125 of the Indian Evidence Act, 1872 and any other I of 1872 enactment for the time being in force.

Powers to
make rules.

13. The [State]¹ Government may, as regards the Military Police, make such orders and rules consistent with this Act, as it thinks expedient.

Repeal of
enactment.

14. The Bengal Military Police Act, 1892, is hereby V of 1892 repealed.

¹ Substituted by the Adaptation of Laws Order, 1950, for "Provincial".

SCHEDULE

STATEMENT

(See sections 2 and 3)

After you have served for three years in the Orissa 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 Orissa 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 Orissa Military Police ceases, when you may make your application in the matter 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 the Police Officer 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.
Magistrate.

Commandant or
Assistant Commandant.