

BURMA

The Burma Frontier Force Act 1937

Enacted by His Excellency the Governor
of Burma under the powers conferred
upon him by Section 43 of the
Government of Burma Act, 1935

Burma Office,
2nd June, 1937

S. F. STEWART,
Under Secretary of State for Burma

*Presented pursuant to the Government of Burma Act,
1935, Section 43(4)*

*Ordered by The House of Commons to be Printed
2nd June, 1937*

LONDON

PRINTED AND PUBLISHED BY HIS MAJESTY'S STATIONERY OFFICE

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1937

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No. 1.

Introductory Note.

For the reasons set out in the Statement of Objects and Reasons which follows after the text of the Burma Frontier Force Bill, below, the frontier battalions and the reserve battalion of the Burma Military Police have, with effect from 1st April, 1937, been converted into a force to be known as the Burma Frontier Force. Being of opinion that it was necessary to constitute the Force by an Act, the Government of Burma introduced the Burma Frontier Force Bill into the House of Representatives on the 15th February, 1937, to secure this end. On the 13th March, the House of Representatives refused to take the Bill into consideration. His Excellency the Governor of Burma considered that the passage of the Bill was essential for the discharge of his responsibility for the defence of Burma and, accordingly, on the 22nd March, in exercise of the power to make laws under Part IV of the Government of Burma Act, 1935, at any time after the end of 1936, granted by Section 3 of the Government of Burma (Commencement and Transitory Provisions) Order, 1936*, His Excellency enacted the Bill as a Governor's Act under sub-section (1) of Section 43 of the Government of Burma Act, 1935.

No. 2.

Burma House of Representatives.

THE BURMA FRONTIER FORCE BILL.

PART I.

1. If and when (at any time after the first day of April, 1937) the Governor shall raise a military police force called the Burma Frontier Force, this Act shall apply thereto.

2. This Act applies to the Force and persons attached to, employed with or following, the Force, wherever they may be.

Superintendence and Command.

3. The general superintendence of the Force shall be exercised, subject to the orders of the Governor, by the Inspector-General, Frontier Force, to be appointed by the Governor.

4. The administration of the Force shall be vested in Commandants and Assistant Commandants appointed by the Governor and shall be exercised by such persons within such limits and in such manner as the Governor shall prescribe.

5. The Governor may by order or rule authorize any civil officer to exercise the powers of a Commandant or Assistant

* S.R. & O. 1936, No. 673.

Commandant in circumstances to be specified in the order or rule.

6. Except as respects Magisterial powers, orders passed by any authority under this Act shall be subject to revision by such other authority as the Governor may by rule or order prescribe.

7. The Governor may invest any Commandant or Assistant Commandant of the Force with any or all of the powers of a District Superintendent of Police and may define the circumstances in which such powers may be exercised. As respects the exercise of such powers every such Commandant or Assistant Commandant shall have the privileges and protection afforded by law to police officers.

Members of the Force.

8. The term " member of the Force " shall mean any person who is enrolled under this Act and is a Sepoy, or a " Non-Commissioned Officer " of the rank of Lance-Naik, Naik or Havildar, or an " Indian Officer " of the rank of Jemadar, Subadar, Subadar-Major, or Naib-Commandant.

Enrolment.

9. Any person who is qualified for enrolment in the Burma Frontier Force in accordance with such conditions as the Governor may prescribe may apply to a Commandant, Assistant Commandant, or any other enrolling-officer appointed for this purpose by the Inspector-General, Frontier Force, to be enrolled as a member of the Force subject to the provisions of this Act.

10. The enrolment-paper shall be in a form prescribed by the Governor setting forth—

(a) questions (to which the answers of the applicant shall be recorded) ascertaining the qualifications of the applicant, and

(b) a statement (to be read and explained to the applicant and signed by him) that, on enrolment, the applicant will become a member of the Burma Frontier Force and will be subject to the provisions of this Act and, in particular, to the punishments provided for offences against Frontier Force law, that he will be liable for service in any place or country, and that he will not be entitled to obtain his discharge from the Force for three years, or if on active service, or if the members of the Force are for the time being less than nine-tenths of the sanctioned strength.

11. (1) The applicant for enrolment shall present himself to the enrolling-officer.

(2) The enrolling-officer (after warning the applicant of the punishment provided by this Act for the offence of giving false

answers on enrolment) shall put to the applicant each question on the enrolment-paper and record on the paper the answer to each question and (if satisfied that the applicant is qualified for enrolment) shall read and explain (or cause to be read and explained) to the applicant the statement on the enrolment-paper.

(3) The enrolling-officer shall take the signature of the applicant on the enrolment-paper as assenting thereto, and shall authenticate the entries in the prescribed manner; and shall inform the applicant that he has become a member of the Force.

12. Notwithstanding the foregoing provisions, every person who has for the space of six months been in receipt of Frontier Force pay and been borne on the rolls of any Frontier Force Battalion, shall be deemed to have been duly enrolled in the Force as from the date on which his name was first borne on the rolls.

13. (1) A member of the Force shall not be entitled to obtain his discharge for three years from the date of enrolment.

(2) Where a member of the Force consents to become a specialist or to undergo a course of instruction as mentioned in the Table appended hereto, he shall sign a declaration that he consents to the extension of the three years' period of service for the additional period mentioned in the Table. The declaration shall be read and explained to him by, or in the presence of, an enrolling-officer who shall take and authenticate the signature on a form prescribed by the Governor in this behalf.

Table of additional period of service.

In the case of a specialist:—

Bandsman	5 years.
Signaller, Bugler, Artificer, Mounted Infantry Sowar, or other specialist	2 years.

In the case of any of the following courses:—

(a) Small Arms School	} 3 years.
(b) Army School for Physical Training	
(c) Buglers' training with British or Indian Army Units	

In the case of any of the following courses:—

(d) Army Signalling School	} 5 years.
(e) Army School of Education	
(f) Cold Shoeing Course	
(g) Farriers' and Dressers' Course	
(h) Armourers' Course at Arsenal	
(i) Course of training in Wireless	
(j) Course of training in Pioneer Works	

In the case of a course of training as Mochi ... 10 years.

(3) A member of the Force who has consented to an extension of his period of service under sub-section (2) may withdraw his consent at any time with the permission of the Commandant of his unit.

14. (1) At any time after the expiration of his period of service, any member of the Force who is not on active service shall, on application in routine manner, be entitled, after the expiration of two months from the date of application, to be discharged by the Commandant of his unit unless the members of the unit have fallen below nine-tenths of the sanctioned strength.

(2) Any member of the Force who is not on active service (other than a Naib-Commandant) may be discharged at any time by the Inspector-General, Frontier Force.

General Provisions.

15. No member of the Force may accept or hold any employment or office other than under this Act except with the written permission of the Inspector-General, Frontier Force.

16. (1) The Inspector-General, Frontier Force, shall make rules (subject to the approval of the Governor) for the subdivision into grades of any of the ranks mentioned in section 8 and for the promotion or appointment to any of such ranks other than that of Naib-Commandant.

(2) Naib-Commandants shall be appointed by the Governor.

17. (1) Orders and rules may be issued and made by the Inspector-General, Frontier Force (subject to the approval of the Governor), relating to—

the places at which members of the Force shall reside, and the particular services to be performed by them, the description of arms, accoutrements and other necessaries to be furnished to them, and their inspection,

the collection and communication of information by members of the Force, and

the efficiency of the Force and preventing neglect of duty or abuse of powers.

(2) Orders and rules may be issued and made by the Governor relating to—

the pay, allowances, pension, leave and other conditions of service of the personnel of the Force,

the organization, classification and distribution of the Force,

the employment of the Force on military service, and

the operation of military or military-police law in the case of personnel of the Force serving with any military or military-police force.

Estates of Deceased.

18. The provisions of the Disposal of Police Officers' Estates Act shall apply to the estates of persons serving in the Burma Frontier Force in the same manner as those provisions apply to the estates of persons serving in the Burma Military Police.

Police Powers.

19 (1) Every member of the Force shall have the powers of a police-officer appointed under section 7 of the Police Act, 1861, and shall, in the exercise of such powers, have the privileges and protection afforded by law to police-officers.

(2) Orders and rules relating to the exercise of police-powers by members of the Force may be issued and made by the Inspector-General, Frontier Force, subject to the approval of the Governor.

Collective Fines.

20. Whenever any weapon or part of a weapon forming part of the equipment of a squadron, company, garrison of a post, or other unit is lost or stolen, the Inspector-General, Frontier Force, may (on the report of a Court of Enquiry) impose a collective fine on the members of the Force composing such unit or upon such of them as, in his judgment, should be held responsible for such loss or theft.

PART II.

Frontier Force Discipline.

21. This Part applies (where appropriate) to every member of the Force and every person who, on active service, in camp, on the march or at any frontier post specified by the Governor in this behalf, is employed with or following any portion of the Force.

22. (1) "active service," as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against any enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly occupied by an enemy, or is in military occupation of any foreign country; it also includes service at an outpost other than an outpost in permanent occupation;

(2) "enemy" includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to this Act to act;

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

(4) "superior officer" as respects any member of the Force includes any person of higher rank in the Force, and as respects any member of the Force other than a sepoy includes any member of the Force of longer service or higher grade in the same rank.

23. (1) A Commandant, Assistant Commandant, Naib-Commandant or Subadar-Major or a member of the Force commanding a separate detachment or an outpost or in temporary command at the headquarters of a district or battalion during the absence of the aforesaid officers may, without an order from a Magistrate and without a warrant, cause to be arrested any person subject to this Act who has been concerned in any offence under this Act or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned, and may cause the person so arrested to be confined in the quarter-guard or such other place as he may consider suitable.

(2) For the purposes of the detention of, and investigation of a case punishable on conviction under this Act the member of the Force for the time being in immediate charge of the place or station where the person arrested is detained in Frontier Force custody shall, except in cases speedily disposed of under section 43 or 44, be deemed to be an officer in charge of a police-station acting under the Code of Criminal Procedure and shall be bound by the provisions of sections 61, 62 and 167 of that Code.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, no officer or Court shall be bound to release on bail any person arrested and confined under the powers conferred by this section.

24. (1) The Inspector-General, Frontier Force, Commandants and officers officiating in such appointments shall have the powers of a magistrate of the first class as respects offences under this Act: Provided that the Governor may impose limits upon the exercise of such powers.

(2) The Governor may invest any Assistant Commandant with like powers.

Offences punishable on Trial and Conviction.

25. Any person subject to this Act who commits any of the following offences, that is to say:—

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

(b) in presence of an enemy, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any person subject to military or

frontier force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy or misbehaves in such a manner as to show cowardice; or

(c) directly or indirectly holds correspondence with, or communicates intelligence to, the enemy, or any person in arms against the State, or who, coming to the knowledge of any such correspondence or communication, omits to disclose it immediately to his commanding or other superior officer; or

(d) treacherously makes known the watchword to any person not entitled to receive it; or

(e) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State; or

(f) in time of war, or during any military operation intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or

(g) being a sentry in time of war or alarm, or over any State prisoner, treasure, magazine or dockyard, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(h) in time of action, leaves his commanding officer or his post or party to go in search of plunder; or

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

(j) in time of war, or during any military operation uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any part of the forces, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, injures or destroys any field, garden or other property of any kind;

shall, on conviction, be liable to suffer transportation which may extend to life, or such less punishment as is in this Act mentioned.

26. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) strikes, or forces or attempts to force, any sentry; or

(b) in time of peace, intentionally occasions a false alarm in camp, garrison or cantonment; or

(c) being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under charge of his guard; or

(d) being a sentry, in time of peace, sleeps upon his post, or quits it without being regularly relieved or without leave;

shall, on conviction, be punished with imprisonment, which may extend to two years, or with such less punishment as is in this Act mentioned.

27. Any person subject to this Act who commits any of the following offences, that is to say,—

- (a) begins, excites, causes or joins in any mutiny; or
- (b) being present at any mutiny, does not use his utmost endeavour to suppress the same; or
- (c) knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State, does not, without delay, give information thereof to his commanding or other superior officer; or

(d) uses or attempts to use criminal force to, or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such; or

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

shall, on conviction, be punished with transportation, which may extend to life, or with such less punishment as is in this Act mentioned.

28. Any person subject to this Act who commits any of the following offences, that is to say,—

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

(b) 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;

shall, on conviction, be liable to suffer imprisonment, which may extend to two years, or such less punishment as is in this Act mentioned.

29. Any person subject to this Act who deserts or attempts to desert the service shall, on conviction, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

30. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) knowingly harbours any deserter, or who knowing, or having reason to believe, that any other person has deserted, or that any deserter has been harboured by any other person, does not without delay give information thereof to his own or some other superior officer, or use his utmost endeavours to cause such deserter to be apprehended; or

(b) knowing, or having reason to believe, that a person is a deserter, procures or attempts to procure the enrolment of such person; or

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(c) without having first obtained a regular discharge from the battalion to which he belongs, enrolls himself in the same or any other battalion; or

(d) absents himself without leave, or without sufficient cause overstays leave granted to him; or

(e) being on leave of absence and having received information from proper authority that the battalion or the portion of a battalion or any department, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(f) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(g) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer quits the parade or line of march; or

(h) in time of peace, quits his guard, picquet or patrol without being regularly relieved or without leave; or

(i) without proper authority is found two miles or more from camp or outpost; or

(j) without proper authority is absent from his lines after tattoo, or from camp or outpost after retreat-beating;

shall, on conviction, be liable to suffer imprisonment, which may extend to two years, or such less punishment as is in this Act mentioned.

31. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or Frontier Force stores of any kind, the property of Government, entrusted to him; or

(b) dishonestly receives or retains any property in respect of which an offence under clause (a) has been committed, knowing or having reason to believe the same to have been dishonestly misappropriated or converted; or

(c) wilfully destroys or injures any property of Government entrusted to him; or

(d) commits theft in respect of any property of Government, or of any Frontier Force mess, band or institution, or of any person subject to this Act; or

(e) dishonestly receives or retains any such property as is specified in clause (d) knowing or having reason to believe it to be stolen; or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person; or

(g) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(h) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(i) commits any offence of a cruel, indecent or unnatural kind or attempts to commit any such offence and does any act towards its commission;

shall, on conviction, be punished with imprisonment, which may extend to seven years, or with such less punishment as is in this Act mentioned.

32. Any person subject to this Act who is in a state of intoxication, whether on duty or not on duty shall, on conviction, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

33. Any person subject to this Act who, without proper authority, releases any State prisoner, enemy or person taken in arms against the State, placed under his charge, or who negligently suffers such prisoner, enemy or person to escape shall, on conviction, be punished with transportation or with such less punishment as is in this Act mentioned.

34. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being in command of a guard, picquet or patrol, neglects duly to post a sentry at the appointed time and place; or

(b) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge; or

(c) without proper authority releases any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape; or

(d) being in Frontier Force custody, leaves such custody before he is set at liberty by proper authority;

shall, on conviction, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

35. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits extortion, or without proper authority exacts from any person carriage, portage or provisions; or

(b) commits house-breaking for the purpose of plundering or plunders; or

(c) designedly or through neglect kills, injures, makes away with, illtreats or loses his horse or any animal used in the public service; or

(d) makes away with or is concerned in making away with his arms, ammunition, equipments, instruments, tools, clothing or Frontier Force necessities; or

(e) loses by neglect anything mentioned in clause (d); or

(f) wilfully injures anything mentioned in clause (d) or any Government property or that of any Frontier Force band, institution, mess or belonging to any person subject to this Act; or

(g) sells, pawns, defaces or destroys any medal or decoration granted to him;

shall, on conviction, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

36. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes a false accusation against any person subject to this Act, knowing such accusation to be false; or

(b) in making any complaint, knowingly makes any false statement affecting the character of any person subject to this Act or knowingly and wilfully suppresses any material fact; or

(c) obtains or attempts to obtain for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement; or

(d) 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, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the Force, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;

shall, on conviction, be punished with imprisonment, which may extend to five years, or with such less punishment as is in this Act mentioned.

37. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form of enrolment which has been

put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction, be punished with imprisonment, which may extend to three years, or with such less punishment as is in this Act mentioned.

38. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being of the rank of Indian Officer behaves in a manner unbecoming his position and character; or

(b) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position; or

(c) 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 disturbed any fair or market, or 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

(d) by defiling any place of worship, or otherwise, intentionally insults the religion or wounds the religious feelings of any person; or

(e) attempts to commit suicide and does any act towards the commission of such offence; or

(f) being below the rank of an Indian Officer, directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person any gratification as a motive or reward for procuring the enrolment of any person in the service; or

(g) gambles or induces any other member of the Force to gamble; or

(h) neglects to obey any general or other orders; or

(i) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and Frontier Force discipline;

shall, on conviction, be punished with imprisonment, which may extend to two years, or with such less punishment as is in this Act mentioned.

Penal Deductions.

39. The following penal deductions may be made from the pay and allowances of a person subject to this Act, that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave and for every day of imprisonment awarded by a Criminal Court, or under this Act;

(b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards

convicted by a Criminal Court or on a charge of absence without leave for which he is afterwards awarded imprisonment under this Act;

(c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the proper medical officer attending on him at the hospital to have been caused by an offence under this Act committed by him;

(d) all pay and allowances ordered to be forfeited under this Act;

(e) any sum ordered to be stopped under this Act;

(f) any sum required to make good such compensation for any expenses caused by him, or for any loss or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, battalion necessaries, or military decoration, or to any building, or property, as may be awarded by his commanding officer;

(g) any sum required to pay a fine awarded by a Criminal Court or under this Act:

Provided that the total deductions from the pay and allowances of a person subject to this Act made under clauses (e) to (g), shall not (except in the case of a person sentenced to dismissal or whose sentence involves dismissal) exceed in any one month one-half of his pay and allowances for that month.

Explanation.—For the purposes of clauses (a) and (b)—

(i) absence or custody for six consecutive hours or upwards, whether wholly in one day or partly in one day and partly in another, may be reckoned as absence or custody for a day,

(ii) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody, and any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any Frontier Force duty which was thereby thrown upon some other person.

Punishments.

40. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted of an offence according to the scale following, that is to say,—

(a) transportation for life or for any period exceeding seven years;

(b) imprisonment (with or without solitary confinement) for any term not exceeding fourteen years;

- (c) dismissal from the service;
- (d) removal from the service;
- (e) fine;
- (f) the punishments mentioned in section 44;
- (g) reduction in the case of an Indian Officer to a lower rank;
- (h) reduction of a Non-Commissioned Officer to a lower grade or to the ranks;
- (i) forfeiture in the case of Indian Officers and Non-Commissioned Officers of seniority of rank;
- (j) in the case of Indian Officers and Non-Commissioned Officers, reprimand and severe reprimand;
- (k) forfeiture of service for the purpose of promotion, increased pay, pension or other purpose;
- (l) forfeiture, in the case of any one dismissed from the service, of all arrears of pay, allowances and any public money due at the time of dismissal;
- (m) stoppages of pay and allowances to make good any damage done in committing the offence of which he is convicted:

Provided that in the case of Naib-Commandants the trial under this Act and the punishments provided for in this section can only be carried out with the approval of the Governor:

Provided also that in the case of Indian Officers other than Naib-Commandants the trial under this Act and the punishments provided for in this section can only be carried out with the approval of the Inspector-General, Frontier Force.

41. Where in respect of any offence under this Act there is specified a particular punishment or such less punishment as is in this Act mentioned, there may be awarded in respect of that offence instead of such particular punishment (but subject to the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment.

42. A Non-Commissioned Officer sentenced by a Court to transportation or imprisonment or dismissal from the service shall be deemed to be reduced to the ranks.

Summary Punishment.

43. The Inspector-General, Frontier Force, may summarily award to any Indian Officer, or other person subject to this Act, any of the following punishments for the commission of any offence against discipline of the Force, which is not otherwise

provided for in this Act or which is not of a sufficiently serious nature to call for a trial, that is to say,—

- (i) reprimand;
- (ii) severe reprimand;
- (iii) reduction to a lower rank or grade;
- (iv) removal from any office of distinction or special emolument;
- (v) stoppage of pay and allowances to make good any damage done to the property of Government or the Force.

44. (1) A Commandant may without a formal trial award to any member of the Force of the rank of Non-Commissioned Officer or Sepoy 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 trial, that is to say,—

(a) to Non-Commissioned Officers or Sepoys:—

- (i) admonition;
- (ii) forfeiture of pay for absence without leave;
- (iii) fine up to one month's pay;
- (iv) removal from any office of distinction or special emolument;
- (v) stoppage of special pay or allowances for a period not exceeding three months to make good any loss or damage or on account of inefficiency, slackness, etc.;

(b) to Non-Commissioned Officers only:—

- (i) reprimand;
- (ii) severe reprimand;
- (iii) reduction to a lower rank;
- (iv) reduction to a lower grade;
- (v) reduction to a lower place in the rank or grade in which he is serving;
- (vi) reduction to the ranks;

(c) to Sepoys:—

- (i) extra-guards, picquets or patrols;
- (ii) confinement to the lines for any period not exceeding 30 days carrying with it punishment drill not exceeding 15 days, and thereafter fatigue duty;
- (iii) imprisonment to the extent of twenty-eight days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance.

(2) Any of the above punishments may be awarded separately or in combination with any one or more of the others, but the carrying out of imprisonment must precede confinement to the

lines, and no award or awards including imprisonment and confinement to the lines shall exceed 30 consecutive days. When an award includes imprisonment and a minor punishment, the latter will take effect at the termination of the imprisonment.

(3) Suspension may be awarded to any Naib-Commandant, Subadar-Major, Subadar, or Jemadar or Non-Commissioned Officer as a preliminary to an enquiry, but it shall not be awarded as a substantive punishment.

(4) (a) An Assistant Commandant of the rank of Captain or over may when in temporary command at battalion headquarters or when on detached duty exercise the powers specified in sub-section (1).

(b) Subject to confirmation or revision by the Battalion Commandant, the powers specified in sub-section (1) may be exercised by Assistant Commandants below the rank of Captain when in temporary command at battalion headquarters or when on detached duty, and by Naib-Commandants who are authorised to exercise these powers by the Inspector-General, Frontier Force.

(c) An Assistant Commandant who is not in independent command may, if authorised by his Battalion Commandant, award to any sepoy confinement to the lines for periods not exceeding ten days, and extra-guards not exceeding four in number.

(5) Commandants may authorize Indian Officers to exercise the powers specified in clause (c) of sub-section (1) in respect of sepoys under their command.

Corporal Punishment.

45. A member of the Force not above the rank of sepoy 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 offences specified in the 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 30 stripes;

(b) sentence of whipping shall be passed only by a Deputy Commissioner or, in his absence, by a Commandant;

(c) before the sentence is carried out the offender's uniform shall be removed and the punishment ordered shall be inflicted with a rattan cane;

(d) no sentence of whipping shall be executed by instalments;

(e) no sentence of whipping shall be executed unless a Medical Officer certifies that the offender is in a fit state of health to undergo it or, in the absence of a Medical Officer, unless the Deputy Commissioner, Commandant or Magistrate is satisfied that the offender is in a fit state of health to undergo such punishment;

(f) if, for any reason, the sentence of whipping is wholly or partially prevented from being carried out, the offender may be kept in custody pending the revision of the sentence and imprisonment may be awarded in lieu of the whipping not undergone for a period not exceeding twelve months in addition to any other punishment to which the offender may have been sentenced for the same offence.

Place of Imprisonment.

46. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed or removed from the Force, be imprisoned in the nearest or such other jail as the Governor may, by general or special order, direct, but when he is not also dismissed or removed from the 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 the Deputy Commissioner may consider suitable.

Discretionary Powers.

47. Notwithstanding anything in this Act relating to conviction and punishment, the Governor may dismiss or remove any Naib-Commandant and, subject to any rule made by the Governor in this behalf, the Inspector-General, Frontier Force, may dismiss or remove from the service any member of the Force except a Naib-Commandant, and a Commandant may dismiss or remove any member of the Force other than an Indian Officer.

STATEMENT OF OBJECTS AND REASONS.

For reasons set out in the Report of the Joint Committee on Indian Constitutional Reform His Majesty's Government have decided to place the frontier battalions and the reserve battalion of the Burma Military Police directly under the Governor as part of the defence organization. These battalions will be converted into the Frontier Force with effect from the 1st April, 1937, and it is considered necessary to constitute the Force by an Act. The provisions of the Frontier Force Bill follow closely those of the Burma Military Police Act, but the provisions have been re-arranged and the drafting simplified and the opportunity has been taken to effect a few minor changes to make the law more suitable for a Force employed mainly in the frontier districts.

Clause 2 is new. The Frontier Force may conceivably have to go beyond the confines of Burma, *e.g.*, to escort a Boundary Commission, and for joint operations on the border between India and Burma, while members of the Force frequently go to India to attend courses. In the absence of the provision in this clause, the Act would cease to apply to members of the Force in such eventualities. *Clause 17 (2)* enables the Governor to regulate the employment of the Force on such service.

Clauses 3 to 5 reproduce in simpler form the provisions for superintendence and command which are scattered through various sections of the Burma Military Police Act.

Clause 7 corresponds to sections 34 and 35 of the Burma Military Police Act.

Clause 8 corresponds to section 7 of the Burma Military Police Act.

Clauses 9 to 14 contain the more important provisions regarding enrolment and discharge which are contained in sections 5, 6 and 8 and Schedule I of the Burma Military Police Act. The remainder of the Schedule is left to Rules to be made under the Frontier Force Act.

Clauses 15 to 17 reproduce sections 10 and 12 of the Police Act, V of 1861, which are applicable to the Burma Military Police, and also section 36 of the Burma Military Police Act.

Clause 18 applies the Disposal of Police Officers' Estates Act to the Frontier Force. It already applies to the Burma Military Police.

Clause 19 takes the place of enrolment under the Police Act, V of 1861 (*vide* section 5 of the Burma Military Police Act).

Clause 20 corresponds to section 10 of the Burma Military Police Act.

Part II of the Bill reproduces—

(a) the definitions in section 4 of the Burma Military Police Act which have not been dealt with under "Superintendence and Command";

(b) the provisions of sections 32 and 33 of the said Act relating to magisterial powers and powers of arrest; and

(c) the punishment sections of the Act (11 to 31).

In a few cases the powers of punishment have been enhanced. A Commandant is given power by *clause 44 (1) (a) (v)* to inflict the punishment of stoppage of special pay or allowances, and by *clause 44 (1) (c) (iii)* to imprison a sepoy in the quarter-guard for 28 days instead of 7 at as present. An Assistant Commandant of the rank of Captain or over is given, by *clause 44 (4) (a)*, the powers of a Commandant when he is in temporary command at battalion headquarters or when on detached duty. These

additional powers are considered necessary in view of the wide area over which the Force is scattered and the difficulties of communication in the frontier districts.

A new offence has been inserted in *clause 34 (a)*. This offence is fairly common and at present can be dealt with only under the provision corresponding to *clause 38 (i)*. It is more appropriate to mention it as a specific offence.

Clause 47 provides for departmental punishment.

MAUNG BA,

Member in charge of the Bill.

Rangoon, the 11th February, 1937.

No. 3.

Message sent by the Governor to both Chambers of the Burma Legislature.

The Burma Frontier Force Bill having been rejected by the House of Representatives and it being necessary to make provision for matters contained in that Bill, I shall enact forthwith as a Governor's Act, under the provisions of Section 43(x) (a) of the Government of Burma Act, 1935, the Bill as originally introduced to the Legislature subject to such amendments as appear desirable.

A. D. COCHRANE,

Governor of Burma.

No. 4.

The Burma Frontier Force Act.

(BURMA ACT NO. I OF 1937.)

PART I.

1. If and when (at any time on or after the first day of April, 1937) the Governor shall raise a military police force called the Burma Frontier Force, this Act shall apply thereto.

2. This Act applies to the Force and persons attached to, employed with or following, the Force, wherever they may be.

Superintendence and Command.

3. The general superintendence of the Force shall be exercised, subject to the orders of the Governor, by the Inspector-General, Frontier Force, to be appointed by the Governor.

4. The administration of the Force shall be vested in Commandants and Assistant Commandants appointed by the Governor and shall be exercised by such persons within such limits and in such manner as the Governor shall prescribe.

5. The Governor may by order or rule authorize any civil officer to exercise the powers of a Commandant or Assistant Commandant in circumstances to be specified in the order or rule.

6. Except as respects Magisterial powers, orders passed by any authority under this Act shall be subject to revision by such other authority as the Governor may by rule or order prescribe.

7. The Governor may invest any Commandant or Assistant Commandant of the Force with any or all of the powers of a District Superintendent of Police and may define the circumstances in which such powers may be exercised. As respects the exercise of such powers every such Commandant or Assistant Commandant shall have the privileges and protection afforded by law to police officers.

Members of the Force.

8. The term " member of the Force " shall mean any person who is enrolled under this Act and is a Sepoy (Yè-tha), or a " Non-Commissioned Officer " of the rank of Lance-Naik (Yè-kyat-kale), Naik (Yè-kyat-kyi) or Havildar (Yè-kyat-hmu), or an " Indian or Burman Officer " of the rank of Jemadar (Bogale), Subadar (Bogyi), Subadar Major (Bo-hmu, or Naib-Commandant (Bo-hmugyi).

Enrolment.

9. Any person who is qualified for enrolment in the Burma Frontier Force in accordance with such conditions as the Governor may prescribe may apply to a Commandant, Assistant Commandant, or any other enrolling-officer appointed for this purpose by the Inspector-General, Frontier Force, to be enrolled as a member of the Force subject to the provisions of this Act.

10. The enrolment-paper shall be in a form prescribed by the Governor setting forth—

(a) questions (to which the answers of the applicant shall be recorded) ascertaining the qualifications of the applicant, and

(b) a statement (to be read and explained to the applicant and signed by him) that, on enrolment, the applicant will become a member of the Burma Frontier Force and will be subject to the provisions of this Act and, in particular, to the punishments provided for offences against Frontier Force law, that he will be liable for service in any place or country,

and that he will not be entitled to obtain his discharge from the Force for three years, or if on active service, or if the members of the Force are for the time being less than nine-tenths of the sanctioned strength.

11. (1) The applicant for enrolment shall present himself to the enrolling-officer.

(2) The enrolling-officer (after warning the applicant of the punishment provided by this Act for the offence of giving false answers on enrolment) shall put to the applicant each question on the enrolment-paper and record on the paper the answer to each question and (if satisfied that the applicant is qualified for enrolment) shall read and explain (or cause to be read and explained) to the applicant the statement on the enrolment-paper.

(3) The enrolling-officer shall take the signature of the applicant on the enrolment-paper as assenting thereto, and shall authenticate the entries in the prescribed manner; and shall inform the applicant that he has become a member of the Force.

12. Notwithstanding the foregoing provisions, every person who has for the space of six months been in receipt of Frontier Force pay and been borne on the rolls of any Frontier Force Battalion, shall be deemed to have been duly enrolled in the Force as from the date on which his name was first borne on the rolls.

13. (1) A member of the Force shall not be entitled to obtain his discharge for three years from the date of enrolment.

(2) Where a member of the Force consents to become a specialist or to undergo a course of instruction as mentioned in the Table appended hereto, he shall sign a declaration that he consents to the extension of the three years' period of service for the additional period mentioned in the Table. The declaration shall be read and explained to him by, or in the presence of, an enrolling-officer who shall take and authenticate the signature on a form prescribed by the Governor in this behalf.

Table of additional period of service.

In the case of a specialist:—

Bandsman	5 years.
Signaller, Bugler, Artificer, Mounted Infantry Sowar (Yè-tha), or other specialist	2 years.

In the case of any of the following courses:—

(a) Small Arms School	} 3 years.
(b) Army School for Physical Training	
(c) Buglers' training with British or Indian Army Units	

In the case of any of the following courses:—

(d) Army Signalling School	} 5 years.
(e) Army School of Education	...	...	...
(f) Cold Shoeing Course	...	...	...
(g) Farriers' and Dressers' Course	...	...	...
(h) Armourers' Course at Arsenal	...	...	...
(i) Course of training in Wireless	...	...	...
(j) Course of training in Pioneer Works	...	...	...

In the case of a course of training as Mochi ... 10 years.

(3) A member of the Force who has consented to an extension of his period of service under sub-section (2) may withdraw his consent at any time with the permission of the Commandant of his unit.

14. (1) At any time after the expiration of his period of service, any member of the Force who is not on active service shall, on application in routine manner, be entitled, after the expiration of two months from the date of application, to be discharged by the Commandant of his unit unless the members of the unit have fallen below nine-tenths of the sanctioned strength.

(2) Any member of the Force who is not on active service [other than a Naib-Commandant (Bo-hmugyi)], may be discharged at any time by the Inspector-General, Frontier Force.

General Provisions.

15. No member of the Force may accept or hold any employment or office other than under this Act except with the written permission of the Inspector-General, Frontier Force.

16. (1) The Inspector-General, Frontier Force, shall make rules (subject to the approval of the Governor) for the subdivision into grades of any of the ranks mentioned in section 8 and for the promotion or appointment to any of such ranks other than that of Naib-Commandant (Bo-hmugyi).

(2) Naib Commandants (Bo-hmugyi) shall be appointed by the Governor.

17. (1) Orders and rules may be issued and made by the Inspector-General, Frontier Force (subject to the approval of the Governor), relating to—

the places at which members of the Force shall reside, and the particular services to be performed by them, the description of arms, accoutrements and other necessaries to be furnished to them, and their inspection,

the collection and communication of information by members of the Force, and

the efficiency of the Force and preventing neglect of duty or abuse of powers.

(2) Orders and Rules may be issued and made by the Governor relating to—

the pay, allowances, pension, leave and other conditions of service of the personnel of the Force,

the organization, classification and distribution of the Force,

the employment of the Force on military service, and the operation of military or military-police law in the case of personnel of the Force serving with any military or military-police force.

Estates of Deceased.

18. The provisions of the Disposal of Police Officers' Estates Act shall apply to the estates of persons serving in the Burma Frontier Force in the same manner as those provisions apply to the estates of persons serving in the Burma Military Police.

Police Powers.

19. (1) Every member of the Force shall have the powers of a police-officer appointed under section 7 of the Police Act, 1861, and shall, in the exercise of such powers have the privileges and protection afforded by law to police-officers.

(2) Orders and rules relating to the exercise of police powers by members of the Force may be issued and made by the Inspector-General, Frontier Force, subject to the approval of the Governor.

Collective Fines.

20. Whenever any weapon or part of a weapon forming part of the equipment of a squadron, company, garrison of a post, or other unit is lost or stolen, the Inspector-General, Frontier Force, may (on the report of a Court of Enquiry) impose a collective fine on the members of the Force composing such unit or upon such of them as, in his judgment, should be held responsible for such loss or theft.

PART II.

Frontier Force Discipline.

21. This Part applies (where appropriate) to every member of the Force and every person who, on active service, in camp, on the march or at any frontier post specified by the Governor in this behalf, is employed with or following any portion of the Force.

22. (1) "active service," as applied to a person subject to this Act, means the time during which such person is attached to, or forms part of, a force which is engaged in operations against any enemy, or is engaged in military operations in, or is on the line of march to, a country or place wholly or partly

occupied by an enemy, or is in military occupation of any foreign country; it also includes service at an outpost other than an outpost in permanent occupation;

(2) " enemy " includes all armed mutineers, armed rebels, armed rioters, pirates and any person in arms against whom it is the duty of a person subject to this Act to act ;

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

(4) " superior officer " as respects any member of the Force includes any person of higher rank in the Force, and as respects any member of the Force other than a Sepoy (Yè-tha) includes any member of the Force of longer service or higher grade in the same rank.

23. (1) A Commandant, Assistant Commandant, Naib-Commandant (Bo-hmugyi) or Subadar-Major (Bo-hmu) or a member of the Force commanding a separate detachment or an outpost or in temporary command at the headquarters of a district or battalion during the absence of the aforesaid officers may, without an order from a Magistrate and without a warrant, cause to be arrested any person subject to this Act who has been concerned in any offence under this Act or against whom reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of his having been so concerned, and may cause the person so arrested to be confined in the quarter-guard or such other place as he may consider suitable.

(2) For the purposes of the detention of the person arrested and investigation of a case punishable on conviction under this Act the member of the Force for the time being in immediate charge of the place or station where the person arrested is detained in Frontier Force custody shall, except in cases speedily disposed of under section 43 or 44, be deemed to be an officer in charge of a police-station acting under the Code of Criminal Procedure and shall be bound by the provisions of sections 61, 62 and 167 of that Code.

(3) Notwithstanding anything contained in the Code of Criminal Procedure, no officer or Court shall be bound to release on bail any person arrested and confined under the powers conferred by this section.

24. (1) The Inspector-General, Frontier Force, Commandants and officers officiating in such appointments shall have the powers of a Magistrate of the first class and may try any offence under this Act: Provided that the Governor may impose limits upon the exercise of such powers.

(2) The Governor may invest any Assistant Commandant with like powers.

(3) Where an offence under this Act is committed at any place outside British Burma and cannot adequately be dealt with at that place the offender shall on return to British Burma, be dealt with by the appropriate Court in British Burma having local jurisdiction at the place to which he returns.

Offences punishable on Trial and Conviction.

25. Any person subject to this Act who commits any of the following offences, that is to say:—

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

(b) in presence of an enemy, shamefully casts away his arms or ammunition, or intentionally uses words or any other means to induce any person subject to military or frontier force law to abstain from acting against the enemy, or to discourage such person from acting against the enemy or misbehaves in such a manner as to show cowardice; or

(c) directly or indirectly holds correspondence with, or communicates intelligence to, the enemy, or any person in arms against the State, or who, coming to the knowledge of any such correspondence or communication, omits to disclose it immediately to his commanding or other superior officer; or

(d) treacherously makes known the watch-word to any person not entitled to receive it; or

(e) directly or indirectly assists or relieves with money, victuals or ammunition, or knowingly harbours or protects, any enemy or person in arms against the State; or

(f) in time of war, or during any military operation intentionally occasions a false alarm in action, camp, garrison or quarters, or spreads reports calculated to create alarm or despondency; or

(g) being a sentry in time of war or alarm or over any State prisoner, treasure, magazine or dockyard, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(h) in time of action, leaves his commanding officer or his post or party to go in search of plunder; or

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

(j) in time of war, or during any military operation, uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to the camp or quarters of any part of the forces, or forces a safeguard, or breaks into any house or any other place for plunder, or plunders, injures or destroys any field, garden or other property of any kind;

shall, on conviction, be liable to suffer transportation which may extend to life, or such less punishment as is in this Act mentioned.

26. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) strikes, or forces or attempts to force, any sentry; or

(b) in time of peace, intentionally occasions a false alarm in camp, garrison or cantonment; or

(c) being a sentry, or on guard, plunders or wilfully destroys or injures any property placed under charge of his guard; or

(d) being a sentry, in time of peace, sleeps upon his post, or quits it without being regularly relieved or without leave;

shall, on conviction, be punished with imprisonment, which may extend to two years, or with such less punishment as is in this Act mentioned.

27. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) begins, excites, causes or joins in any mutiny; or

(b) being present at any mutiny, does not use his utmost endeavour to suppress the same; or

(c) knowing or having reason to believe in the existence of any mutiny, or of any intention to mutiny, or of any conspiracy against the State, does not, without delay, give information thereof to his commanding or other superior officer; or

(d) uses or attempts to use criminal force to, or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such; or

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

shall, on conviction, be punished with transportation, which may extend to life, or with such less punishment as is in this Act mentioned.

28. Any person subject to this Act who commits any of the following offences, that is to say,—

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

(b) 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;

shall, on conviction, be liable to suffer imprisonment, which may extend to two years, or such less punishment as is in this Act mentioned.

29. Any person subject to this Act who deserts or attempts to desert the service shall, on conviction, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

30. Any person subject to this Act who commits any of the following offences; that is to say,—

(a) knowingly harbours any deserter, or who knowing or having reason to believe that any other person has deserted, or that any deserter has been harboured, by any other person, does not without delay give information thereof to his own or some other superior officer, or use his utmost endeavours to cause such deserter to be apprehended; or

(b) knowing or having reason to believe, that a person is a deserter, procures or attempts to procure the enrolment of such person; or

(c) without having first obtained a regular discharge from the battalion to which he belongs, enrolls himself in the same or any other battalion; or

(d) absents himself without leave, or without sufficient cause overstays leave granted to him; or

(e) being on leave of absence and having received information from proper authority that the battalion or the portion of a battalion or any department, to which he belongs, has been ordered on active service, fails, without sufficient cause, to rejoin without delay; or

(f) without sufficient cause fails to appear at the time fixed at the parade or place appointed for exercise or duty; or

(g) when on parade, or on the line of march, without sufficient cause or without leave from his superior officer quits the parade or line of march; or

(h) in time of peace, quits his guard, picquet or patrol without being regularly relieved or without leave; or

(i) without proper authority is found two miles or more from camp or outpost; or

(j) without proper authority is absent from his lines after tattoo, or from camp or outpost after retreat-beating;

shall, on conviction, be liable to suffer imprisonment, which may extend to two years, or such less punishment as is in this Act mentioned.

31. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) dishonestly misappropriates or converts to his own use any money, provisions, forage, arms, clothing, ammunition, tools, instruments, equipments or Frontier Force stores of any kind, the property of Government, entrusted to him; or

(b) dishonestly receives or retains any property in respect of which an offence under clause (a) has been committed, knowing or having reason to believe the same to have been dishonestly misappropriated or converted; or

(c) wilfully destroys or injures any property of Government entrusted to him; or

(d) commits theft in respect of any property of Government, or of any Frontier Force mess, band or institution, or of any person subject to this Act; or

(e) dishonestly receives or retains any such property as is specified in clause (d) knowing or having reason to believe it to be stolen; or

(f) does any other thing with intent to defraud, or to cause wrongful gain to one person or wrongful loss to another person; or

(g) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure or aggravates his disease or infirmity; or

(h) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or

(i) commits any offence of a cruel, indecent or unnatural kind or attempts to commit any such offence and does any act towards its commission;

shall, on conviction, be punished with imprisonment, which may extend to seven years, or with such less punishment as is in this Act mentioned.

32. Any person subject to this Act who is in a state of intoxication, whether on duty or off duty shall, on conviction, be punished with imprisonment, or with such less punishment as is in this Act mentioned.

33. Any person subject to this Act who, without proper authority, releases any State prisoner, enemy or person taken in arms against the State, placed under his charge, or who negligently suffers such prisoner, enemy or person to escape

shall, on conviction, be punished with transportation or with such less punishment as is in this Act mentioned.

34. Any person subject to this Act who commits, any of the following offences, that is to say,—

(a) being in command of a guard, picquet or patrol, neglects duly to post a sentry at the appointed time and place; or

(b) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge; or

(c) without proper authority releases any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape; or

(d) being in Frontier Force custody, leaves such custody before he is set at liberty by proper authority;

shall, on conviction, be liable to suffer imprisonment or such less punishment as in this Act mentioned.

35. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) commits extortion, or without proper authority exacts from any person carriage, portage or provisions; or

(b) commits house-breaking for the purpose of plundering or plunders; or

(c) designedly or through neglect kills, injures, makes away with, illtreats or loses his horse or any animal used in the public service; or

(d) making away with or is concerned in making away with his arms, ammunition, equipments, instruments, tools, clothing or Frontier Force necessities; or

(e) loses by neglect anything mentioned in clause (d); or

(f) wilfully injures anything mentioned in clause (d) or any Government property or that of any Frontier Force band, institution, mess or belonging to any person subject to this Act; or

(g) sells, pawns, defaces or destroys any medal or decoration granted to him;

shall, on conviction, be liable to suffer imprisonment or such less punishment as is in this Act mentioned.

36. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) makes a false accusation against any person subject to this Act, knowing such accusation to be false; or

(b) in making any complaint, knowingly makes any false statement affecting the character of any person subject to this Act or knowingly and wilfully suppresses any material fact; or

(c) obtains or attempts to obtain for himself, or for any other person, any pension, allowance or other advantage or privilege by a statement which is false, and which he either knows or believes to be false or does not believe to be true, or by making or using a false entry in any book or record or by making any document containing a false statement, or by omitting to make a true entry or document containing a true statement; or

(d) 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, equipments, stores or other property in his charge, whether belonging to such men or to Government or to any person in or attached to the Force, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid;

shall, on conviction, be punished with imprisonment, which may extend to five years, or with such less punishment as is in this Act mentioned.

37. Any person having become subject to this Act who is discovered to have made a wilfully false answer to any question set forth in the prescribed form of enrolment which has been put to him by the enrolling officer before whom he appears for the purpose of being enrolled, shall, on conviction, be punished with imprisonment, which may extend to three years, or with such less punishment as is in this Act mentioned.

38. Any person subject to this Act who commits any of the following offences, that is to say,—

(a) being of the rank of Indian or Burman Officer behaves in a manner unbecoming his position and character; or

(b) strikes or otherwise ill-treats any person subject to this Act being his subordinate in rank or position; or

(c) 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 disturbed any fair or market, or 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

(d) by defiling any place of worship, or otherwise intentionally insults the religion or wounds the religious feelings of any person; or

(e) attempts to commit suicide and does any act towards the commission of such offence; or

(f) being below the rank of an Indian or Burman Officer, directly or indirectly accepts or obtains, or agrees to accept or attempts to obtain, for himself or for any other person any gratification as a motive or reward for procuring the enrolment of any person in the service; or

(g) gambles or induces any other member of the Force to gamble; or

(h) neglects to obey any general or other orders; or

(i) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and Frontier Force discipline;

shall, on conviction, be punished with imprisonment, which may extend to two years, or with such less punishment as is in this Act mentioned.

Penal Deductions.

39. The following penal deductions may be made from the pay and allowances of a person subject to this Act, that is to say,—

(a) all pay and allowances for every day of absence either on desertion or without leave and for every day of imprisonment awarded by a Criminal Court, or under this Act;

(b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted by a Criminal Court or on a charge of absence without leave for which he is afterwards awarded imprisonment under this Act;

(c) all pay and allowances for every day on which he is in hospital on account of sickness or other cause certified by the proper medical officer attending on him at the hospital to have been caused by an offence under this Act committed by him;

(d) all pay and allowances ordered to be forfeited under this Act;

(e) any sum ordered to be stopped under this Act;

(f) any sum required to make good such compensation for any expenses caused by him, or for any loss or damage or destruction done by him to any arms, ammunition, equipment, clothing, instruments, battalion necessaries or military decoration, or to any building, or property, as may be awarded by his commanding officer;

(g) any sum required to pay a fine awarded by a Criminal Court or under this Act:

Provided that the total deductions from the pay and allowances of a person subject to this Act, made under clauses (e) to (g), shall not (except in the case of a person sentenced to dismissal or whose sentence involves dismissal) exceed in any one month one-half of his pay and allowances for that month.

Explanation.—For the purpose of clauses (a) and (b)—

(i) absence or custody for six consecutive hours or upwards, whether wholly in one day or partly in one day and partly in another, may be reckoned as absence or custody for a day;

(ii) absence or custody for twelve consecutive hours or upwards may be reckoned as absence or custody for the whole of each day during any portion of which the person was absent or in custody, and any absence or custody for less than a day may be reckoned as absence or custody for a day if such absence or custody prevented the absentee from fulfilling any Frontier Force duty which was thereby thrown upon some other person.

Punishments.

40. Punishments may be inflicted in respect of offences committed by persons subject to this Act, and convicted of an offence according to the scale following, that is to say,—

(a) transportation for life or for any period exceeding seven years;

(b) imprisonment (with or without solitary confinement) for any term not exceeding fourteen years;

(c) dismissal from the service;

(d) removal from the service;

(e) fine;

(f) the punishments mentioned in section 44;

(g) reduction in the case of an Indian or Burman Officer to a lower rank;

(h) reduction of a Non-Commissioned Officer to a lower grade or to the ranks;

(i) forfeiture in the case of Indian or Burman Officers and Non-Commissioned Officers of seniority of rank;

(j) in the case of Indian or Burman Officers and Non-Commissioned Officers, reprimand and severe reprimand;

(k) forfeiture of service for the purpose of promotion, increased pay, pension or other purpose;

(l) forfeiture, in the case of any one dismissed from the service, of all arrears of pay, allowances and any public money due at the time of dismissal;

(m) stoppages of pay and allowances to make good any damage done in committing the offence of which he is convicted:

Provided that in the case of Naib-Commandants (Bo-hmugyis) the trial under this Act and the punishments provided for in this section can only be carried out with the approval to the Governor:

Provided also that in the case of Indian or Burman Officers other than Naib-Commandants (Bo-hmugyis) the trial under this Act and the punishments provided for in this section can only be carried out with the approval of the Inspector-General, Frontier Force.

41. Where in respect of any offence under this Act there is specified a particular punishment or such less punishment as is in this Act mentioned, there may be awarded in respect of that offence instead of such particular punishment (but subject to the other provisions of this Act as to punishments and regard being had to the nature and degree of the offence) any one punishment lower in the above scale than the particular punishment.

42. A Non-Commissioned Officer sentenced by a Court to transportation or imprisonment or dismissal from the service shall be deemed to be reduced to the ranks.

Summary Punishment.

43. The Inspector-General, Frontier Force, may summarily award to any Indian or Burman Officer, or other person subject to this Act, any of the following punishments for the commission of any offence against discipline of the Force, which is not otherwise provided for in this Act or which is not of a sufficiently serious nature to call for a trial, that is to say,—

- (i) reprimand;
- (ii) severe reprimand;
- (iii) reduction to a lower rank or grade;
- (iv) removal from any office of distinction or special emolument;
- (v) stoppage of pay and allowances to make good any damage done to the property of Government or the Force.

44.—(1) A Commandant may without a formal trial award to any member of the Force of the rank of Non-Commissioned Officer or Sepoy (Yè-tha) 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 trial, that is to say,—

- (a) to Non-Commissioned Officers or Sepoys (Yè-thas):—
 - (i) admonition;
 - (ii) forfeiture of pay for absence without leave;

- (iii) fine up to one month's pay;
 - (iv) removal from any office of distinction or special emolument;
 - (v) stoppage of special pay or allowances for a period not exceeding three months to make good any loss or damage or on account of inefficiency, slackness, etc.,
- (b) to Non-Commissioned Officers only:—
- (i) reprimand;
 - (ii) severe reprimand;
 - (iii) reduction to a lower rank;
 - (iv) reduction to a lower grade;
 - (v) reduction to a lower place in the rank or grade in which he is serving;
 - (vi) reduction to the ranks;
- (c) to Sepoys (Yè-thas):—
- (i) extra-guards, picquets or patrols;
 - (ii) confinement to the lines for any period not exceeding 30 days carrying with it punishment drill not exceeding 15 days, and thereafter fatigue duty;
 - (iii) imprisonment to the extent of twenty-eight days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance.

(2) Any of the above punishments may be awarded separately or in combination with any one or more of the others, but the carrying out of imprisonment must precede confinement to the lines, and no award or awards including imprisonment and confinement to the lines shall exceed 30 consecutive days. When an award includes imprisonment and a minor punishment, the latter will take effect at the termination of the imprisonment.

(3) Suspension may be awarded to any Naib-Commandant (Bo-hmugyi), Subadar-Major (Bo-hmu), Subadar (Bo-gyi), or Jemadar (Bo-gale) or Non-Commissioned Officer as a preliminary to an enquiry, but it shall not be awarded as a substantive punishment.

(4) (a) An Assistant Commandant of the rank of Captain or over may when in temporary command at battalion headquarters or when on detached duty exercise the powers specified in sub-section (1).

(b) Subject to confirmation or revision by the Battalion Commandant, the powers specified in sub-section (1) may be exercised by Assistant Commandants below the rank of Captain when in temporary command at battalion headquarters or when on detached duty, and by Naib-Commandants (Bo-hmugyis) who are authorized to exercise these powers by the Inspector-General, Frontier Force.

(c) An Assistant Commandant who is not in independent command may, if authorized by his Battalion Commandant, award to any Sepoy (Yè-tha) confinement to the lines for periods not exceeding ten days, and extra-guards not exceeding four in number.

(5) Commandants may authorize Indian or Burman Officers to exercise the powers specified in clause (c) of sub-section (1) in respect of Sepoys (Yè-thas) under their command.

Field Punishment.

45. Any person subject to this Act not above the rank of Sepoy (Yè-tha) who while on active service commits any offence may in lieu of any punishment to which he is liable thereunder be subjected to such field punishment other than flogging as may be directed by rules to be made by the Governor and such field punishment shall be of the character of personal restraint or of hard labour but shall not be of a nature to cause injury to life or limb.

Place of Imprisonment.

46. A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed or removed from the Force, be imprisoned in the nearest or such other Jail as the Governor may, by general or special order, direct, but when he is not also dismissed or removed from the 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 the Deputy Commissioner may consider suitable.

Discretionary Powers.

47. Notwithstanding anything in this Act relating to conviction, and punishment, the Governor may dismiss or remove any Naib-Commandant (Bo-hmugyi) and, subject to any rule made by the Governor in this behalf, the Inspector-General, Frontier Force, may dismiss or remove from the service any member of the Force except a Naib-Commandant (Bo-hmugyi), and a Commandant may dismiss or remove any member of the Force other than an Indian or Burman Officer.

I enact the above Act under the powers conferred by section 43 of the Government of Burma Act, 1935.

A. D. COCHRANE,
Governor of Burma.

Rangoon,
22nd March, 1937

No. 5.

Government of Burma, Reforms Office.

No. 138 Reforms 35.

To His Majesty's Under Secretary of State
for India,
India Office.

Rangoon, the 23rd March, 1937

SIR,

I am directed to submit in accordance with the provisions of section 43 (4) of the Government of Burma Act, one authentic copy and two other copies of the Burma Frontier Force Act (Burma Act No. 1 of 1937), which His Excellency the Governor has enacted as a Governor's Act under subsection (1) of section 43. Considerable discussion took place on the motion to take the Bill into consideration. The main arguments advanced by the speakers had nothing to do with the substance of the Bill, and were confined mainly to pointing out that the Frontier Force consisted almost entirely of Indians and to urging Burmanization. When the question was put that the Burma Frontier Force Act as originally introduced should be taken into consideration the motion was defeated by 72 votes to 13. The bulk of the supporters of the motion were Europeans. It is quite clear that the Bill was thrown out not on its merits but on entirely irrelevant political considerations.

2. The Act as enacted by His Excellency the Governor is the original Bill together with the amendments* sanctioned by His Excellency and reported to you, with the insertion of the words "on or" after the words "at any time" in section 1 of the Act. The latter amendment was introduced to correct an obvious oversight.

I have the honour to be,

Sir,

Your most obedient servant,

R. G. McDOWALL,

Reforms Secretary.

No. 6.

Burma Office,
London, S.W.1.
29th April, 1937.

TO HIS EXCELLENCY THE GOVERNOR OF BURMA.

SIR,

I have received the letter from the Secretary to the Government of Burma, No. 138 Reforms 35, dated the 23rd March, 1937, and have taken note of the enactment by Your Excellency of the Burma Frontier Force Act, 1937, under the powers conferred by Section 43 of the Government of Burma Act, 1935. I am taking the further steps required in pursuance of subsection (4) of Section 43 of the Government of Burma Act.

I have the honour to be,

Sir,

Your most obedient humble Servant,

(Sd.) ZETLAND.