

**THE FRONTIER MURDEROUS OUTRAGES
REGULATION, 1901**

(Regulation IV of 1901)

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THE FRONTIER MURDEROUS OUTRAGES REGULATION, 1901

(Reg, IV of 1901)

[18th October, 1901]

A Regulation to make better provision for suppression of murderous outrages in certain frontier tracts.

Preamble.

Where it is expedient to make better provision for the suppression of murderous outrages in certain frontier tracts; it is hereby enacted has follows:-

Short title,
commencement
and extent.

1. (1) This Regulation may be called the Frontier Murderous Outrages Regulation 1901¹; ²[*****]

(2) ²[* * * * *]

(3) Save as otherwise provided by section 6, subsection (2), it extends to ³[Balochistan], but the ⁴[Provincial Government] may, either of its own motion or at the request of the ⁵[Judicial Commissioner,] exempt any local area, or withdraw any case or class of cases, from the operation of all or any of its provisions.

Punishment of
fanatic
committing, or
attempting to
commit,
murder.

2. (1) Any fanatic who within the meaning of the ⁶Indian Penal Code, commits murder, or does any act with such intention or knowledge, and in such circumstances, that, if he by that act caused death, he would commit murder, shall be punishable with death or with transportation or imprisonment for life, and all his property shall be forfeited to the Government.

(2) Notwithstanding anything in section 393 of the ⁷Code of Criminal Procedure, or in any other enactment for the time being in force, where in such fanatic as aforesaid his sentenced to transportation or imprisonment for life, he may also be sentenced to whipping in addition to such transportation

¹ Federal Act No. XXIII of 1868 on the same title was repealed by Federal Ord. XXVII of 1981.

² Rep. by the Repealing Act, 1927 (XII of 1927).

³ Subs. for the words "the territories by the [Provincial Government] of British Balochistan" by the W.P. A.O., 1964, s. 2(1), Sch. Part V.

⁴ Subs. for the words "Local Government" by the A.O., 1937.

⁵ Now to be construed as referring to the High Court of West Pakistan see the WP Adaptation of Courts Acts, Order, 1955, Act. 3.

⁶ Now the "Pakistan Penal Code" (Act XLV of 1860).

⁷ i.e. Act V of 1898

or imprisonment.

Forfeiture of property and disposal of body of fanatic killed in committing offence under section 2.

3. Where any fanatic is killed in the act of committing an offence punishable under section 2, or, having been wounded and arrested in the act of committing any such offence, afterwards dies of his wounds, the Court which, under the provisions of section 4, would have had cognizance of the offence if the offender could have been brought to trial, may proceed to hold an inquest into the circumstances of the death of the fanatic, and on proof of his having been killed as aforesaid, or of his having died of wounds received as aforesaid, may adjudge that all his property shall be forfeited to the Government, and may dispose of his body as it may think fit.

Court before which offences punishable under section 2 to be tried.

4. (1) Any offence punishable under section 2 shall be tried by the Sessions Judge or ¹[Magistrate] of the district in which it was committed:

Provided that the jurisdiction so conferred on the Sessions Judge or ²[Magistrate] may be exercised by any Magistrate of the first class whom the ²[Provincial Government] or the Sessions Judge or ²[Magistrate] to whom such Magistrate is subordinate, may after the commission of an offence punishable under section 2, specially invest with such jurisdiction for the purpose of trying such offence.

(2) In every trial held under this Regulation the Court shall follow the procedure for the trial of warrant-cases by Magistrates prescribed by Chapter XXI of the Code of

¹ Subs. for the words "Deputy Commissioner" by Ordinance XXVI of 2001; published in the Balochistan Gazette (Extraordinary) No. 144, dated 22nd September, 2001, effective from 14th August, 2001.

² Subs. for the words "Local Government" by the A.O., 1937.

Criminal Procedure, 1898¹:

Provided that, where the Court is of opinion that any witness or evidence is offered for the purpose of vexation or the delay or of defeating the ends of justice, it may require the accused person to satisfy it that there are reasonable grounds for believing that such witness or evidence is material, and, where the Court is not so satisfied, it shall not be bound to summon the witness or examine the evidence so offered.

Trail to be with aid of assessors.

5. (1) Every trial held under this Regulation shall be conducted with the aid of two or more assessors as members of the Court.

(2) The Court may appoint such person, other than persons specified in section 278 of the Code of Criminal Procedure, 1898² at such time, and in such manner, as it may think fit, to serve as assessors, and no persons shall be exempt, within the meaning of section 320 of the said Code, from liability to serve as such assessors.

(3) The provisions of the said Code shall, save as aforesaid, apply to assessors appointed under this section.

Contents of judgment and execution of sentence.

6. (1) When any trial held under this Regulation is conducted, if the accused person is convicted it shall be sufficient if the Court, in passing judgment and recording the finding and sentence, specifies the offence of which he is convicted, and the Court shall immediately issue a warrant to the officer in charge of the prison in which the prisoner is confined, or to which the Court has, by its judgment or by a subsequent order, directed him to be transferred for this purpose, to cause the sentence to be carried into execution, and

¹ i.e. Act V of 1898; *ibid.*

² Central Acts, Vol. IV, p.9.

the sentence shall be carried into execution accordingly:

Provided that, where a sentence of death is passed, the Court may, from time to time, if it seems to it that the public interest so requires, extend the date fixed for the execution of the sentence, and the execution shall be postponed accordingly.

(2) The Court may, under sub-section (1) direct a prisoner to be transferred for the execution of a sentence passed upon him under this Regulation to any prison in ¹[West Pakistan] and nothing in the Prisoners Act, 1900², or in any other enactment for the time being in force, shall be deemed to preclude the officer in charge of such prison from carrying such sentence into execution.

(3) Notwithstanding anything in the Code of Criminal Procedure, 1898³, or in any other enactment for the time being in force, no sentence of death passed under this Regulation shall require confirmation by any Court.

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| Disposal of body of offender on execution of sentence of death passed under section 2. | 7. When sentence of death passed under section 2 has been carried into execution the body of the offender shall be disposed of as the Court by which he was sentenced shall direct. |
| Proceedings to be reported to Provincial Government. | 8. The proceedings in every trial held under this Regulation shall, without unnecessary delay be reported by the Court to the ⁴ [Provincial Government.] |
| No Appeal from order or sentence under Regulation. | 9. Notwithstanding anything in the Code of Criminal Procedure, 1898 ⁵ , or in any other enactment for the time being in force, no appeal shall lie from any order made or sentence passed under this Regulation. |

¹ Subs. for the words "British India, whether in territories for the time being administered by the [Provisional Government] of British Balochistan not "by the W.P.A.O., 1964, s.2(1), Sch. Part V. The words in brackets were previously subs. for the words "Local Government" by the A.O., 1937.

² i.e. Act II of 1900.

³ i.e. Act V of 1898.

⁴ Subs. for the words "Local Government" by the A.O., 1937.

⁵ i.e. Act V of 1898.

<p>Procedure where offence charged is not punishable under section 2.</p>	<p>10. Where the Court is of opinion that a person charged with an offence punishable under section 2 is not so punishable, but has committed an offence punishable under the ¹[Indian Penal Code], the accused person shall be dealt with in manner provided in such case by the Code of Criminal Procedure, 1898².</p>
<p>Power for Provincial Government to confine person charged with, or suspected of, offence punishable under section 2.</p>	<p>11. The ³[Provincial Government] shall have, with respect to the confinement of any person charged with or suspected of an intension to commit, or abet the commission of an offence punishable under section 2, the powers vested in the ⁴[Provincial Government] by any law for the time being in force regarding the confinement of persons charged with or suspected, of State offences; and the provisions of any such law shall mutatis mutandis, be applicable in every case in which the ¹[Provincial Government] proceeds under the authority of this section.</p>
<p>Detention of person in anticipation of proceedings under section 11.</p>	<p>12. Any Magistrate of the first class may cause any person ⁵[charged with, or suspected of, an intension to commit, or permit the commission of, an offence punishable under section 2, being a person] against whom there are, in this opinion, grounds for proceeding under section 11, ⁴[or under any such law as is mentioned in that section] to be arrested, and may, after such inquiry as he may think necessary, detain such person in safe custody until he has received the order of the ⁶[Provincial Government], to which he shall in every such case, without unnecessary delay, report his proceedings.</p>
<p>Arrest, etc. of persons suspected of intending to commit, or of habitually conniving at commission of offences punishable under section 2.</p>	<p>13. (1) Any police officer may, without an order from a Magistrate and without a warrant, arrest any person against whom credible information has been received, or a reasonable suspicion exists, that he is a person who intends to commit, or abet the commission of, an offence punishable under section 2, or who habitually protects or harbours fanatics committing such offences, or who orally or in writing counsels, or by approval encourages, the commission of such offences.</p> <p>(2) Any such person as aforesaid shall be deemed,</p>

¹ Now the Pakistan Penal Code (Act XLV of 1860).

² i.e. Act V of 1898.

³ Subs. for the words "Local Government" by the A.O., 1937.

⁴ Subs. for the Words "Governor General in Council" by The A.O., 1937

⁵ Ins. by the A.O., 1937.

⁶ Subs. for the words "Local Government" by the A.O., 1937.

within the meaning of clause (f) of section 110 of Code of Criminal Procedure, V of 1898,¹ to be so desperate and dangerous as to render his being at large without security hazardous to the community, and the provisions of Chapter VIII and of sections 406, 514 and 515 of the said Code shall apply to him except in so far as is otherwise provided in this Regulation.

(3) Where a Magistrate makes in respect of such persons as aforesaid an order in writing as prescribed by section 118 of the said Code, he may direct such person, during the whole or part of the period of the bond,-

- (a) to reside beyond the limits of the territories to which this Regulation extends, or at such place within the said limits as may be specified in the order; and
- (b) if he is so directed to reside within the said limits, to notify his residence and every change of residence to such authority as may be specified in the order.

(4) whoever, being bound over to be of good behaviour under this section, commits a breach of any direction under sub-section (3), shall be deemed to have forfeited his bond, and shall, in addition to any term of rigorous imprisonment to which he may be liable for breach of the conditions of his bond, be punishable with rigorous imprisonment for a term which may extend to one year, or with fine, or with both.

(5) Every order made under this section shall be at once reported to the ¹[Provincial Government], and the ²[Provincial Government] may revise any such order.

Further preventive
and punitive
measures.

14. (1) Where a fanatic has committed an offence punishable under section 2, the Court may, on the recommendation of a Council of Elders or after such inquiry as it may think necessary, take any of the following measures against any community, section of a community or individual with whom such fanatic is or has been associated in circumstances which satisfy the Court that, by reasonable

¹ Central Acts, Vol. IV, p.9.

² Subs. for the words "Local Government" by the A.O., 1937.

prudence or diligence on the part of such community, section of a community or individual, the commission or attempted commission of such offence might have been prevented, namely:-

- (a) it may impose a fine on such community, section of a community or individual and recover the same as if it were an arrear of land-revenue; or
- (b) it may direct that such community, section of a community or individual shall forfeit, in whole or in part and for a term or in perpetuity, any assignment or remission of land-revenue or allowance payable out of public funds of which it or he may be in enjoyment.

(2) No order made under this section shall take effect until it has been confirmed by the ¹[Provincial Government].

(3) Nothing in this section shall effect the powers of the ¹[Provincial Government] with respect to the grant, continuance or forfeiture, in whole or in part, of any assignment or remission of land-revenue or of any allowance payable out of Public funds.

Explanation— in sub-section (1), the expression “Council of Elders” means a council of three or more persons convened according to the Pathan, Baloch or other usage, as the Court may in each case direct.

Power for Provincial Government to issue circular orders.

15. The ¹[Provincial Government] may, by notification in the official Gazette, make and issue circular orders for the guidance of officers in carrying out the purposes and objects of this Regulation; and every circular order so made and issued shall have effect as if enacted in this Regulation.

16. [Repeals.] Repealed by s.2 and Sch. of the Repealing Act, 1927 (12 of 1927).

¹ Subs. for the words “Local Government” by the A.O., 1937.

