

THE BALOCHISTAN LEVIES FORCE ACT, 2010

(Baln Act IV of 2010)

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'THE BALOCHISTAN LEVIES FORCE ACT, 2010

(ACT NO. IV OF 2010)

[Dated 7th April, 2010]

An Act to reconstruct and regulate Balochistan Levies Force in Balochistan.

Preamble

WHEREAS, it is expedite to provide for the regulation of the Levies for maintenance of public order according to the law and democratic aspiration of the people;

It is hereby enacted as follows:

Short title, extent commencement and application.

1. (1) This Act may be called the Balochistan Levies Force Act 2010.

(2) It extends to the whole of Balochistan.

(3) It shall come into force at once.

(4) It shall apply to the members of the Balochistan Levies Force or any other person inducted from other force and the officers authorized by the Government to command the Balochistan Levies Force wherever they may be.

Definitions.

2. (1) In this Act unless there is any thing repugnant in the subject or context—

(a) “Act” means the Balochistan Levies Force Act 2010;

(b) “A-Area” means the areas declared as such by the Government through a notification where Police shall act as Law Enforcement Agency;

(c) “B-Area” means the areas declared as such by the Government through a notification where Levies shall act as Law Enforcement Agency;

(d) “Competent Authority” means any person or class of persons declared as such by the Government

¹ This Act was passed by the Balochistan Assembly on 5th April, 2010; assented to by the Governor of Balochistan on 7th April, 2010; published in the Balochistan Gazette (Extraordinary) No. 35, dated 7th April, 2010.

under the rules;

- (e) “Code” means the Code of Criminal Procedure, 1898 (Act V of 1898);
- (f) “Commissioner” means the Commissioner of the Division appointed under Balochistan Land Revenue Act, 1967¹;
- (g) “District Coordination Officer” means the District Coordination Officer as defined in the Local Government Ordinance 2001²;
- (h) “District Administrative Officer” means an officer appointed by the Government;
- (i) “Department” means the Home and Tribal Affairs Department;
- (j) “Deputy Commissioner” means an officer appointed as such under the Land Revenue Act, 1967. May include an Additional Commissioner as well;
- (k) “Executive District Officer (Revenue)” means the EDO(R) appointed under the Land Revenue Act, 1967;
- (l) “Government” means the Government of Balochistan;
- (m) “Levies Officer” means a member of Balochistan Levies Force who is subject to this Act;
- (n) “Prescribed” means prescribed by rules made under this Act;
- (o) “Rules” means rules framed under this Act;
- (p) “Service” means Balochistan Levies Force Service;
- (q) “Secretary” means the Secretary to the Government of Balochistan Home and Tribal Affairs Department; *and*
- (r) “Schedule” means a schedule to this Act.

¹ That is W.P Act XVII of 1967, as adopted by the Balochistan Adoption Order, 1975 and amended thereafter from time to time.

² That is Balochistan Ordinance XVIII of 2001; now repealed and replaced by the Balochistan Local Government Act, 2010 (Act V of 2010).

Power to maintain Balochistan Levies Force.	3. The Government shall establish and maintain Balochistan Levies Force for maintenance of Law and order and for duties under this Act.
Constitution of Balochistan Levies Force	4. (1) The Force shall consist of a Director General to be appointed by the Government and such number of other officers/officials as the Government may from time to time appoint to be the members of the Force. (2) Notwithstanding anything contained in any other law for the time being in force the members of the Balochistan Levies Force shall receive such pay and other privileges as may be prescribed by the Government from time to time.
Appointments/ Recruitments	5. Recruitments/Appointments in the service shall be made subject to the rules as prescribed by the Government.
Superintendence, command, control and Administration of Balochistan Levies Force.	6. (1) The superintendence, command and control over the Balochistan Levies Force shall vest in the Government. (2) The Government shall exercise superintendence and control over Balochistan Levies Force through Home and Tribal Affairs Department/ Director General. (3) The Administrative control and supervision of the Balochistan Levies Force in B area shall be vested in Commissioner, Deputy Commissioner, Assistant Commissioner, District Administrative Officer and Executive District Officer.
Duties and Functions of the Levies Force.	7. (1) Subject to law, it shall be the duty of the levies force to: (a) Inquire into, investigate all offences relating to or connected with PPC or any other Local or Special law for the time being in force in the B-Area. (b) Protect life, property and liberty of citizens. (c) Preserve and promote public peace. (d) Ensure that the rights and privileges, under the law, of a person taken in custody, are protected.

- (e) Prevent the commission of offences and public nuisance;
- (f) Collect and communicate and share intelligence with other Law Enforcement Agencies affecting public peace and crime in general.
- (g) Keep order and prevent obstruction on public roads and in the public streets and thoroughfares and all other places of public resort and in the neighbourhood of and at the places of public worship.
- (h) Regulate and control traffic on public roads and streets.
- (i) Take charge of all unclaimed property and to prepare its inventory.
- (j) Detect and bring offenders to justice.
- (k) Apprehended all persons whom it is legally authorized to apprehend and for whose apprehension, sufficient grounds exist.
- (l) Ensure that the information about the arrest of a person is promptly communicated to the concerned person/ authority.
- (m) Enter and inspect without a warrant on reliable information any public place, shop or gaming-house where alcoholic drinks or narcotics are sold or weapons are illegally stored and other public places of resort for loose and disorderly characters or where anti-state literature, material is found.
- (n) Obey and cooperate with other agencies for the prevention of destruction of public property by violence, fire, or natural calamities.

- (o) Perform other duties and exercise powers as are conferred by this Act or any other law for the time being in force.
- (p) Assist in preventing members of public from exploitation by any person or organized groups.
- (q) Take charge of lunatics at large to prevent them from causing harm to themselves or other members of public and their property.
- (r) Prevent harassment of women and children in public places.

(2) The member of the Levies Force shall make every efforts in “B-Area” to:—

- (a) Afford relief to people in distress situations, particularly in respect of women and children.
- (b) Provide assistance to victims and road accidents.
- (c) Assist accident victims or their heirs or their dependents, where applicable, with such information and documents as would facilitate their compensation claims and
- (d) Cause awareness among the victims of road accident of their rights and privileges.

(3) It shall be the duty of a Levy officer to lay information before a competent court and to apply for a summons, warrant or such other legal process as may, by law, be issued against any person suspected of committing an offence.

(4) Balochistan Levies Service shall be an essential service, it shall be the duty of every Levy officer to obey any lawful orders given by a senior officer in relation to the declaration of emergency.

(5) The attitude and responsibilities of the members of the Levies Force towards the public shall be to:

- (a) Behave with the members of the public with due decorum and courtesy;
- (b) Promote amity;
- (c) Guide and assist members of the public particularly the poor, disabled or physically weak and children who are either lost or find themselves helpless on the streets or other public places; *and*
- (d) Aid individuals who are in danger of physical harm particularly women and children.

Power of the Levies Officer.

8. The Levies Officers shall for the purpose of registration of case, and inquiry or investigation under this Act have throughout B area such powers including the powers relation to search, arrest of person and liabilities as a Police officer has in respect of offences under the Code or any other law for the time being in force.

Delimitation of Territorial Jurisdiction of Levies.

9. (1) All the registered cases of the Levies Force in the B area shall be investigated by the investigation staff in the district under the supervision of the head of investigation, as per provision of Section 173 of Cr P C (Act V of 1898).

(2) The Government shall confer power of investigation to any officer of the Levies Force as provided under Code of Criminal Procedure 1898 (Act V of 1898) for the cases registered in Levies Police Station in B area.

(3) Government may allow levies force in 'A' area to help police or in case of hot pursuit or law and order situation for joint action of levies and police.

(4) Home Department or Commissioner may allow levies force to enter in 'A' area for action, if law and order situation or special circumstances require such.

(5) Home Department or commissioner may allow police force to enter in 'B' area for action, if law and order

situation or special circumstances require such.

Conduct of
Investigation of
cases in B area

10. (1) All the registered cases of the Levies Force in the B area shall be investigated by the investigation staff in the district under the supervisions of the head of investigation, as per provision of Section 173 of Cr PC.

(2) The Government shall confer power of investigation to any officer of the Levies Force as provided under Code of Criminal Procedure 1898 (Act V of 1898) for the cases registered in Levies Police Station in B area.

(3) The District Administrative Officer/ District Coordination Officer or officer designated as head of the general or revenue administration/ posted by Government shall act or designate any officer as head of investigation for the cases registered in Levies Police Station in B-area of the district.

(4) The District Administrative Officer/ District Coordination Officer shall not interfere with the process of investigation. However, he shall supervise the progress of all such cases which have a bearing on Public Order. The head of investigation shall provide full support to the Investigation Officer.

(5) Investigation Officer shall not be changed except after due deliberations and the recommendations of Commissioner, Deputy Commissioner of the relevant division and final approval of the Secretary who shall record reasons for change of such investigation.

Suspension of a Levy
officer.

11. (1) Subject to rules framed by the Government, the Government or an officer authorized in this behalf by the competent authority shall have power to suspend a member of Balochistan Levies Force. Government/competent authority may take further action under rules as prescribed.

(2) The powers and functions vested in a member of Balochistan Levies Force shall remain suspend while such member/officer is under suspension.

(3) A Levy officer or member when off duty, on leave or under suspension shall be liable to be called for duty.

Punishment.

12. (1) The following minor and major punishments shall be awarded to the officers and members of Balochistan Levies Force, namely:

(a) Minor Punishment.

- (i) Censure.
- (ii) Forfeiture of approved service upto two years.
- (iii) Withholding of promotion upto two years.
- (iv) Stoppage of increment for a period of not exceeding two years without cumulative effect.
- (v) Fine to amount not exceeding one month's pay.

(b) Major Punishment.

- (i) Reduction in rank.
- (ii) Compulsory retirement.
- (iii) Removal from service.

(2) Removal from service does not but dismissal from service does disqualify for future employment.

Ground of punishment.

13. Where a member of the Levies Force in the opinion of the Competent Authority—

- (a) is inefficient or has ceased to be efficient or
- (b) is guilty of misconduct or
- (c) is corrupt or may reasonably be considered corrupt because;
 - (i) he is or any of dependents or any other person calming through him or on his behalf is in possession (for which he cannot reasonably account) of pecuniary resources or any property disproportionate to his known sources of income or

- (ii) he has assumed a style of living beyond his ostensible means. He may impose on him one or more punishments specified in section 12.

Withdrawal from
duty and
Resignation.

14. (1) No officer or member of the Levies Force shall withdraw from the duties of his office unless expressly allowed to do so in writing by the competent authority or by an officer authorized to grant such permission.

Explanation. An officer or member of the Levies Force who being absent on leave fails without reasonable cause to report for duty on the expiration of such leave shall be deemed within the meaning of this Section to withdraw himself from the duties of his office.

(2) No officer or member of the Levies Force shall resign his office unless he has given to his superior officer notice in writing for a period of not less, than two months of his intention to resign.

(3) No officer or member of Levies Force shall engage in any private employment/business while he is a member of the Balochistan Levies Force.

Transfer and Posting.

15. Every member of the Levies Force shall be liable to serve any where within or outside the province of Balochistan.

Employment of
additional Levies
at the cost of the
person making
the application

16. (1) The Commissioner, Deputy Commissioner or District Coordination Officer subject to approval of Home Department may on application/request of any organization, institution or person depute any additional number of Levies Force to keep peace, to preserve order, to enforce any provisions of law, in respect of any particular class or classes of offences or to perform any other duties imposed on the levies.

(2) Subject to rules, such additional Levies Force shall be employed at the cost of the organization/institution or person making the application/request.

(3) If the organization/institution or the person upon whose request/application such additional Levies Force are employed gives fifteen days notice for the withdrawal of the said Levies Force, the organisation or person shall be relieved

from the cost thereof at the expiration of such notice.

(4) If there is any dispute on payment, the district head of Levies Force refer the written objections of aggrieved party to the Home Department for final decision which shall be final and not challengeable in any court.

(5) When any loss, damage or death or grievous hurt is caused during course of his duty to any member of the Force, the said organization or person shall pay the amount of compensation on the basis of the rates fixed by the Government or rates previously agreed by both the parties.

(6) Any amount payable under Section 16 (2), (3), (4) and (5) shall be recovered in the same manner as if it were arrears of land revenue.

(7) Amount payable under Section 16 (2), (3), (4) and (5) shall be credited to the Government treasury.

Offence by and
punishment for
Levies officers.

17. Every member of Balochistan Levies Force who—

- (a) is found in a state of intoxication while on duty or after having been warned for any duty, or on parade,
- (b) strikes or attempts to force any Levy man,
- (c) being in command of guard, picket or patrol, refuses to receive any prisoner or person duly committed to his charge, or releases without proper authority any prisoner or person placed under his charge, or negligently suffers any such prisoner or person to escape, or
- (d) being under arrest or in confinement leaves his arrest or confinement before he is set at liberty by proper authority, or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his officer, or
- (f) refuses to superintend or assists in the making of any field work or other work of any description ordered to be made,
- (g) strikes or otherwise ill uses any member of the

Balochistan Levies Force subordinate to him in rank or position,

- (h) designedly or through neglect injures or loses or fraudulently disposes of his arms, clothes, tools, equipments, ammunitions, or levies necessities or any such articles entrusted to him or belonging to any other person, or
- (i) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person, or
- (j) does not, when called upon by his superior officer so to do, upon ceasing to be a member of Balochistan Levies Force forthwith or duly account for, all or any arms, ammunitions, stores, accoutrement or other property issued or supplied to him, or in his custody or possession, as a member of levies or
- (k) absents himself without leave, or without sufficient cause for overstay leave granted to him, or
- (l) contravenes any provision of this Act for which no punishment is expressly provided shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend rupees fifty thousands or with both and on conviction from the competent court of law he shall cease to be a member of the Levies Force.

Constitution of
Selection and
Promotion
committees for
Balochistan
Levies Force.

18. Subject to the rules framed by the Government there shall be selection and Promotion Committee comprising of such members as Government may notify from time to time for initial recruitment and promotion of employees or Balochistan Levies Force.

Maintenance of Daily
Diary at Levies
Police Station.

19. (1) A register of Daily Diary shall be maintained at every Levies Police Station in such form as shall, from time to time, be prescribed and to record therein the names of all complainants, persons arrested, the offences, charge against

them, the weapons or property that shall have been taken from their possession or otherwise, and the names of witnesses who shall have been examined.

(2) The District and Sessions Judge of the district may call for and inspect such diary

- Indemnity. 20. Except as otherwise expressly provided in this Act no suit, prosecution or other legal proceeding shall lie against any member of the Levies Force, Government or any other authority or person for any thing which is in good faith done or intended to be done under the Act or any rule made thereunder.
- Notification of Rules and Regulations in the official gazette. 21. Every rule, regulation and notification made under this Act shall be notified in the official Gazette.
- Act to override other laws. 22. The Provisions of this Act shall be enforced notwithstanding anything repugnant to contrary contained in any other law for the time being in force.
- Power to make rules. 23. (1) The Government may make rules for carrying out the purposes of this Act.
- (2) In particular and without prejudice to the generality of foregoing power such rules may provide for:
- (a) regulating the functions and powers of employees of Balochistan Levies Force,
 - (b) regulating the classes and grades of, and the remuneration to be paid to, members of the Balochistan Levies Force and their conditions of service,
 - (c) the conduct of employees of Balochistan Levies Force,
 - (d) number and terms and conditions of service of Levies Force/ministerial staff, or
 - (e) Any other matter that the Government may deem fit.
- Rules of conduct. 24. Saving all rules prescribed, appointments made, power

conferred order made or passed, summons or warrants issued or served, person arrested or detained or discharged on bail or bond, search warrants issued, bond forfeited so far as they are consistent with this Act be deemed to have respectively been prescribed, made, conferred, given, passed, served, arrested, detained, discharged, forfeited and incurred hereunder.

Existing levies Force deemed to be constituted under this Act.

25. Without prejudice to the provisions contained in this Act the functioning of Levies Force in the Province of Balochistan immediately before the commencement of this Act shall be deemed to be constituted under this Act.

Removal of difficulties.

26. If any difficulty arises in giving effect to any of the provisions of this Act, the Government may make such order, not inconsistent with the provision of this Act, as may appear to it to be necessary for the purpose of removing the difficulty.
