

**THE PUNJAB FRONTIER CROSSING REGULATION, 1873.
(REGULATION NO. VII OF 1873).**

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THE PUNJAB FRONTIER CROSSING REGULATION, 1873.**[REGULATION NO. VII OF 1873].**

*(Published in the Gazette of India of 20th December, 1873,
p. 1014, and in the Punjab Gazette of 25th December, 1873,425)p.*

WHEREAS by a Resolution passed by the Secretary of State in Council on the 6th day of October, 1870, the provisions of the thirty-third of Victoria , chapter 3, section I, were declared applicable to the Districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan.

And whereas the Lieutenant Governor of the Punjab has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same;

And whereas the Governor-General in Council has taken such draft and reasons into consideration, and has approved of such draft, and the same has received the Governor-General 's assent;

In pursuance of the direction contained in the said section, the said draft is now published in the Gazette of India, and will be published to the Local Gazette, and will thereupon have the force of law:—

REGULATION.

1. (i) No person duly warned in the manner hereinafter described shall pass out of British Territory across the Frontier of the Districts of Hazara, Peshawar, Kohat, Bannu, Dera Ismail Khan and Dera Ghazi Khan.

¹[(2) No British subject or subject of a State in India, and no inhabitant of any territory under His Majesty's protection shall pass out of British Territory across the Frontier of the Districts of Hazara, Peshawar, Kohat, Bannu and Dera Ismail Khan with the intention of proceeding into Afghanistan, unless he is in possession of—

- (a) a passport duly endorsed with permission to cross that Frontier; or
- (b) a pass to cross that Frontier issued under the authority of the ²[Central Government],

2. A warning for the purpose of this Regulation, if addressed to an individual, shall be in writing under the hand of the ³[Provincial Government], or of the Magistrate of the district, within which such individual dwells or may be found, and shall be served upon him in such manner as the ⁴[Central Government] may from time to time prescribe; if addressed to a class of persons or to the public generally, the previous sanction of the ⁵[Central Government] must be obtained, and this warning shall be notified in the ⁶ [Official Gazette], and be otherwise published in such manner as may be directed by the ⁷[Central Government].

Persons duly warned not to cross Frontier warning addressed to individuals, a class or the public.

3. Whoever disobeys, or attempts to disobey, or abets, within the Meaning of the ⁸[Pakistan] Penal Code an other person in disobeying or attempting to disobey ⁹[any prohibition] contained in the first section of this Regulation shall be punishable with fine not exceeding five hundred rupees:

Penalty for disobeying warning

¹⁰[Provided that no proceeding shall be taken under this section against any person in respect of any disobedience to the prohibition contained in sub-section (2) of that section, save with the sanction of the authority competent to issue the requisite passport or pass as the case may be].

The provisions of sections 64, 67, 68, 69 and 70 of the ¹¹[Pakistan] Penal Code XLV of 1860 shall apply to all fines imposed under this section.

¹. Inserted vide Regulation No.III of 1927, s.2.

². Substituted vide A.O,1937.

³. Substituted vide A.O,1937..

⁴. Substituted vide A.O,1937.

⁵. Substituted vide A.O,1937.

⁶. Substituted vide ibid.

⁷. Substituted vide A.O,1937.

⁸. Substituted vide G.G.4 of 1949, Art 25.Sch

⁹. Substituted vide Khyber Pakhtunkhwa Regulation III of 1927.

¹⁰. Inserted vide:ibid section-3

¹¹. Substituted vide G.G. O. 4 of 1949, Art. 25. Sch

4. If any person disobeys, or attempt to disobey, or abets, within the meaning of the ¹[Pakistan] Penal Code, another person in disobeying or attempting to disobey ²[any such prohibition], the ³[Central Government] may order him to remove to ⁴[such, place within the Punjab or the Khyber Pakhtukhwa] as the ⁵[Central Government] in each case directs.

power to order offender's removal to another place.

5. If any person contravenes any such order, the ⁶[Provincial Government] or Magistrate of the district within which he is dwelling or may be found may cause him to be apprehended and detained in custody until he is released upon such conditions as the ⁷[Central Government] thinks fit.

Power to apprehension contravening such order.

6. If the ⁸[Provincial Government] or Magistrate of the district within which any person (whether an European British subject or not) is dwelling or may be found reasonably suspects that he intends to disobey ⁹[any prohibition applicable to him] contained in the first section of this Regulation, such ¹⁰[Provincial Government] or Magistrate may require such security for his good behaviour for a period not exceeding six months, as the ¹¹[Provincial Government] or Magistrate may seem sufficient.

power to take security from persons suspected of intended disobedience to warning.

The provisions of the ¹²[Code of Criminal Procedure, section 507 to 516 (both inclusive)], shall apply, *mutatis mutandis*, to all cases under this section.

¹³[7. For the purpose of any proceeding under this Regulation in respect of any disobedience or attempted disobedience to a prohibition contained in sub-section (2) of section (1) it shall be presumed, until the contrary is proved, that the person crossing or attempting to cross the Frontier without a passport or pass was intending to proceed into Afghanistan].

Proof of Intention.

¹. Substituted vide G.G.O.4 of 1949, Art.25.Sch.

². Substituted vide , by the Khyber Pakhtunkhwa Regulation III of 1927.s.4.

³. Substituted vide A.O., 1937. Sch XI.

⁴. Substituted vide A. O., 1937.

⁵. Substituted vide A.O., 1937. Sch XI

⁶. Substituted vide A. O., 1937.

⁷. Substituted vide A. O., 1937.

⁸. Substituted vide A. O., 1937..

⁹ Substituted by the Khyber Pakhtunkhwa Regulation III of 1927, s. 5.

¹⁰. Substituted vide A. O., 1937

¹¹. Substituted vide A. O., 1937

¹². See now The Code of Criminal Procedure, 1898.) Act 1898.

¹³. Inserted vide the Khyber Pakhtunkhwa Regulation II of 1927 s.6

