

Border Security Force Act, 1968

Chapter I - Preliminary

(1) This Act may be called the Border Security Force Act, 1968.

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

1. Came into force on 1st March, 1969, vide S.O. 732, dated 20th February, 1969, Gazette of India, Extra., Pt. II, Section 3(ii), p.235.

Section 2 - Definitions

(1) In this Act, unless the context otherwise requires,--

(a) "active duty", in relation to a person subject to this Act, means any duty as a member of the Force during the period in which such person is attached to, or forms part of, a unit of the Force--

(i) which is engaged in operations against an enemy, or

(ii) which is operating at a picket or engaged on patrol or other guard duty along the borders of India,

and includes duty by such person during any period declared by the Central Government by notification in the Official Gazette as a period of active duty with reference to any area in which any person or class of persons subject to this Act may be serving;

(b) "battalion" means a unit of the Force constituted as a battalion by the Central Government;

(c) "Chief Law Officer" and "Law Officer" mean, respectively, the Chief Law Officer and a Law Officer of the Force appointed by the Central Government;

(d) "civil offence" means an offence which is triable by a criminal court;

(e) "civil prison" means any jail or place used for the detention of any criminal prisoner under the Prisons Act, 1894 (9 of 1894), or under any other law for the time being in force;

(f) "Commandant", when used in any provision of this Act with reference to any unit of the Force, means the officer whose duty it is under the rules to discharge with respect to that unit, the functions of a Commandant in regard to matters of the description referred to in that provision;

(g) "criminal court" means a court of ordinary criminal justice in any part of India;

(h) "Deputy Inspector-General" means a Deputy Inspector-General of the Force appointed under section 5;

(i) "Director-General" means the Director-General of the Force appointed under section 5;

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

- (k) "enrolled person" means an under-officer or other person enrolled under this Act;
- (l) "Force" means the Border Security Force;
- (m) "Force custody" means the arrest or confinement of a member of the Force according to rules;
- (n) "Inspector-General" means the Inspector-General of the Force appointed under section 5;
- (o) "member of the Force" means an officer, a subordinate officer, an under-officer or other enrolled person;
- (p) "notification" means a notification published in the Official Gazette;
- (q) "offence" means any act or omission punishable under this Act and includes civil offence;
- (r) "officer" means a person appointed or in pay as an officer of the Force, but does not include a subordinate officer or an under-officer;
- (s) "prescribed" means prescribed by rules made under this Act;
- (t) "rule" means a rule made under this Act;
- (u) "Security Force Court" means a court referred to in section 64;
- (v) "subordinate officer" means a person appointed or in pay as a Subedar-Major, a Subedar or a Sub-Inspector of the Force;
- (w) "superior officer", when used in relation to a person subject to this Act, means,--
- (i) any member of the force to whose command such person is for the time being subject in accordance with the rules;
 - (ii) any officer of higher rank or class or of a higher grade in the same class,
- and includes when such person is not an officer, a subordinate officer or an under-officer of higher rank, class or grade;
- (x) "under-officer" means a Head Constable, Naik and Lance Naik of the Force;
- (y) all words and expressions used and not defined in this Act but defined in the Indian Penal Code (45 of 1860) shall have the meanings assigned to them in that Code.
- (2) In this Act, references to any law not in force in the State of Jammu and Kashmir shall be construed as references to the corresponding law in force in that State.

Section 3 - Persons subject to this Act

- (1) The following persons shall be subject to this Act, wherever they may be, namely:--
- (a) Officers and Subordinate Officers; and
 - (b) under-officers and other persons enrolled under this Act.
- (2) Every person subject to this Act shall remain so subject until retired, discharged, released, removed or dismissed from the Force in accordance with the provisions of this Act and the rules.