

The Uttar Pradesh Pradeshik Armed Constabulary Act, 1948

UTTAR PRADESH

India

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Act 11 of 1948

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The Uttar Pradesh Pradeshik Armed Constabulary Act, 1948 (Act No. XI of 1948) An Act for the regulation of the Pradeshik Armed Constabulary Preamble —Whereas it is expedient to provide for the constitution and regulation of the United Provinces Armed Constabulary; it is hereby enacted as follows: -

1. Short title, extent and commencement, -

(1) This Act may be called the United Provinces Pradeshik Armed Constabulary Act, 1948. (2) It extends to the whole of Uttar Pradesh.

Areas	Act or Order under which extended	Notification, if any, under which enforced	Date from which enforced
1	2	3	4
1. Rampur District	Rampur (Application of Laws) Act, 1950.		December 20, 1949.
2. Banaras District	Banaras (Do.) Order, 1949	3261 (I) and (2), dated November	November 30, 1949
3. Tehri-Garhwal District	Tehri-Garhwal (Do.) Order 1945	Ditto	Ditto
4. Jaunsar- Bawar Pargana in Dehra Dun District	U.P. Act No. XXVII		September 2, 1950
5. Portion of Mirzapur District south of the Kaimur Range	Ditto		Ditto

(3) It shall come into force at once.

2. Definition,-

In this Act, unless there is anything repugnant in the subject or context, -(1)"Commandant", "Assistant Commandant" and "Adjutant" mean persons appointed by the State Government to those offices of the Pradeshik Armed Constabulary;(2)"Officer of the Pradeshik Armed Constabulary" means a person appointed to the Pradeshik Armed Constabulary under this Act, who has, in accordance with the provisions of this Act, signed a statement in the form given in the Schedule.(3)The expressions "reason to believe", "criminal force" and "assault", have the meanings respectively assigned to them in the Indian Penal Code.(4)"Superior officer" means in relation to an officer of the Pradeshik Armed Constabulary any officer of a rank which as prescribed is higher than that of such officer.(5)**(6)"prescribed" means prescribed by rules made under this Act.

3. Constitution of P. A. C. —

There shall be raised and maintained by the State Government a force to be called the Pradeshik Armed Constabulary and it shall be constituted in one or more companies in such manner and for such period as may be prescribed.

4. Enrolment and discharge of officers of the Pradeshik Armed Constabulary (Act V of 1861). -

Before any person, whether already enrolled in Uttar Pradesh Police Force under Police Act, 1861, or not so enrolled is appointed to be an officer of the Pradeshik Armed Constabulary, the statement in the Schedule shall be read, and if necessary, explained to him by a Magistrate, Commandant or Assistant Commandant, shall be signed by him in acknowledgment of its having been so read and explained to him and shall be attested by the Magistrate, Commandant or assistant Commandant as the case may be

5. Members of P.A.C. to be deemed Police officers. -

Subject always to the provisions of sections 6 to 8 every member of the Pradeshik Armed Constabulary shall upon his appointment and as long as he continues to be a member thereof, be deemed to be a Police officer, and subject to any terms, conditions and restrictions, s may be prescribed, to have and be subject to, in so far as they are not inconsistent with this act or any rules made there under, all the powers, privileges, liabilities, penalties, punishments and protection as a Police Officer duly enrolled has or is subject to by virtue of the Police Act, 1861, or any other law for the time being in force, or any rules or regulations made there under.

6. More heinous offences,

An officer of the Pradeshik Armed Constabulary who-(a)begins, excites, causes or joins in any mutiny or sedition, or being present at any mutiny or sedition does not use his utmost endeavors to suppress it , or knowing or having reason to believe in the existence of any mutiny or of any

intention to mutiny' does not without delay give information thereof to his commanding or other superior officer; or (b) uses or attempts to use criminal force against or commits an assault on his superior officer, whether on or off duty; or (c) abandons or delivers up any post or guard which is committed to his charge or which it is his duty to defend; or (d) directly or indirectly holds correspondence with or assists or relieves any person in arms against or hostile to the Union or omits to disclose immediately to his commanding or other superior officer any such correspondence to his knowledge; or (e) deserts the service; shall, on convictions, be punished with imprisonment for life or with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

7. Less heinous offences, -

An officer of Pradeshik Armed Constabulary who—(a) strikes or assaults any sentry; or (b) being under arrest or in confinement, escapes from arrest or commitment; or (c) is grossly insubordinate or insolent to his superior officer in the execution of his office; or (d) strikes or maliciously ill-treats any officer of the Pradeshik Armed Constabulary subordinate to him in rank or position; or (e) malingers or feigns or produce disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or (f) being a sentry sleeps while upon his post; or (g) quits his post guard, piquet, party or patrol without being regularly relieved or without leave; shall, on conviction, be punished with imprisonment for term which may extend to seven years or fine with or with both.

8. Minor punishments,--

(1) The Commandant and subject to the control of the Commandant, an Assistant Commandant or such other officer as may be prescribed, may, without formal trial, award to any officer of the Pradeshik Armed Constabulary of and below the rank of head constable, who is subject to authority, any of the following punishments for the commission of any offence against discipline which is not otherwise provided for in this Act or which, in the opinion of the Commandant, Assistant Commandant or officer, as the case may be, is not of a sufficiently serious nature to call for prosecution before a criminal court, that is to say—(a) Imprisonment in the quarter-guard, or such other place, as may be considered suitable for a term which may extend to twenty-eight days when the order is passed by a Commandant, or, to seven days when it is passed by any other officer. Such imprisonment shall involve the forfeiture of all pay allowances for the period of imprisonment. (b) Punishment—drill, extra guard, fatigue or other duty, not exceeding twenty-eight days, in duration, with or without confinement to the lines. (c) Fine—not exceeding seven day's pay. (2) Any of the punishments specified in sub-section (1) may be awarded separately or with any one or more of the orders; provided always that imprisonment and confinement to the lines shall not exceed twenty-eight consecutive days, and fine shall not be combined with imprisonment. (3) No appeal shall lie from an order passed under this section.

9. Discharge from Pradeshik Armed Constabulary, -

Notwithstanding anything contained in the Police Act, 1861, or in any other law no officer of the Pradeshik Armed Constabulary shall be entitled to be discharged from the Pradeshik Armed

Constabulary.

10. Reversion,-

The Commandant or an assistant Commandant may notwithstanding anything contained in Section 9, at any time revert to Uttar Pradesh Police and officer of the Pradeshik Armed constabulary who has been seconded from the Police Force.

11. Place of imprisonment,--

(1)A person sentenced under this Act to imprisonment for a period exceeding three months, shall notwithstanding anything contained in the Police Act, 1861, be deemed to have been dismissed from Uttar Pradesh Police Force and from the Pradeshik Armed Constabulary and shall be imprisoned in the nearest or such other jail as the State Government may, by general or special order direct.(2)A person sentenced under this Act to imprisonment for a period not exceeding three months may if the Commandant, or subject to the control, an Assistant Commandant, so directs, be confined in the quarter-guard or such other place as the Commandant, or Assistant Commandant may consider suitable.

12. Saving of prosecution under other laws,--

Nothing in this Act shall prevent any person from being prosecuted under the Police Act, 1861 or under any order, or rule made under that Act or any other enactment for the time being in force for any act of omission punishable there under, or from being liable, if so prosecuted to any other or higher penalty than is provided for that act or omission by this Act:Provided that no person shall be punished twice for the same offence.

13. Disciplinary and other powers of Commandant and 2nd -in-Command of Uttar Pradesh Armed Constabulary otherwise than in respect of the Pradeshik Armed Constabulary,-

Subject to such rules as the State Government may make in this behalf a Commandant or Assistant Commandant shall have with respect to Police officers appointed to Uttar Pradesh Police Force under Police Act, 1861, who are not officers of the Pradeshik Armed Constabulary the same disciplinary powers as a Superintendent of Police of district has with respect to them under that Act.

14. Disbandment and reconstitution,-- Discharge of an officer, disbandment and reconstitution,--

(1)The State Government may by notification in the official Gazette disband or reconstitute the Pradeshik Armed Constabulary or any Company thereof(2)Whenever the Pradeshik Armed Constabulary or any Company thereof is disbanded or reconstituted under sub-section (1) it shall notwithstanding anything contained in this Act or any other enactment for the time being in force

and subject to such conditions as may be prescribed, be lawful for the State Government with a view to such disbandment or reconstitution, to discharge any officer from the Pradeshik Armed Constabulary and if he is enrolled under the Police Act, 1861 and has not been confirmed from the Police Force also.

15. Power to make rules,--

(1)The State Government may make rules for carrying out the purposes of this Act.(2)Without prejudice to the generality of the foregoing powers, the rules may provide for the following matters, that is to say-(i)The number of companies to be constituted.(ii)The pay and other terms and conditions of service of officers of the Pradeshik Armed Constabulary(iii)The manner in which and the persons who may be appointed to be officers of the Pradeshik Armed Constabulary.(iv)Any other matter which is to be or may be prescribed.

16. Repeal. -

The Special Armed Constabulary Act, 1942 as amended from time to time is hereby repealed:Provided that (without prejudice to the general application of Sections 6 and 24 of the United Provinces General Clauses Act, 1901 with regard to the effect or repeals)-(a)any form, order, rule or direction made issued or given under the said Act and in force immediately before the commencement of this Act, shall, in so far as it applies to the Pradeshik Armed Constabulary and is not inconsistent with this Act continue in force as if it had been prescribed., made, issued or given under this Act and may be repealed, revoked, varied or amended accordingly;(b)any officer or person appointed to act or enrolled under or by virtue of the said Act in the Pradeshik Armed Constabulary shall continue and be deemed to have been appointed under or by virtue of this Act; and(c)Any statement executed by any member of the Special Armed Constabulary or the Pradeshik Armed Constabulary in accordance with Sections 3 and 13 of the said Act shall be so read and construed as if it had been executed under the corresponding provisions of this Act.

(See Sections 2,3 and 4)

At no time during the period of your service in the Pradeshik Armed Constabulary you will be entitled to obtain your discharge at your own request. On the liquidation of the force or of the company in which you may, for the time being, be poised you will be discharge from the Pradeshik Armed Constabulary and unless you were already a confirmed member of Uttar Pradesh Police force before joining the Pradeshik Armed constabulary from Uttar Pradesh Police also, you will, however, be eligible for re-enlistment in Uttar Pradesh Police in the event of your continuing in Uttar Pradesh Police for your re-enlistment therein, your services in the Uttar Pradesh Pradeshik Armed Constabulary will count for promotion and pension in Uttar Pradesh Police. Signature of Police officer in acknowledgment of the above having been read over to him. Signed in my presence, after I had ascertained That understood the purport of what he signed. Magistrate, Commandant or Assistant Commandant