

The M.P. Gram Tatha Nagar Raksha Samiti Adhiniyam, 1999

MADHYA PRADESH

India

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Act 4 of 2000

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The M.P. Gram Tatha Nagar Raksha Samiti Adhiniyam, 1999 M.P. Act No. 4 of 2000 Statement of Objects and Reasons. - The regular police require some special arrangement to obtain relevant information to fulfil the police tasks of prevention and detection of crime and maintenance of public order. At the same time, the growing awareness of the citizens necessitates the participation of the community in the preservation of peace and tranquility to facilitate the development process. For this purpose, the concept of Raksha Samiti was introduced in the decoity affected districts of the State in 1956, later, in 1996, the State Government had by resolution constituted such Samitis in the rest of the State. The State Government has now decided, with the advice of the Police Reform Committee, to enact a legislation to effectively utilise this concept for a more efficient Police. 2. With a view to increase the involvement of the community in the preservation of peace and public order in the State it is proposed to create formal structures in the form of Raksha Samiti in the village and localities/wards of the towns. 3. Hence this Bill. [Dated 4th January, 2000] Received the assent of the Governor on the 4-1-2000, published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 13-1-2000. An Act to provide for the constitution of Gram Tatha Nagar Raksha Samitis for the maintenance of peace and order in the State of Madhya Pradesh and their powers and duties. Be it enacted by the Madhya Pradesh Legislature in the Fiftieth Year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Gram Tatha Nagar Raksha Samiti Adhiniyam, 1999. (2) It extends to the whole of the State of Madhya Pradesh. (3) It shall come into force on such date and in such areas, as the State Government may, by notification specify, and different dates may be specified for different areas.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Government" means the Government of Madhya Pradesh;(b)"Member of a Raksha Samiti" means a person enrolled under Section 8;(c)"Superintendent" means the Superintendent of Police.

3. Constitution of Raksha Samitis.

- The Government may by notification direct any Superintendent to constitute for such areas within his jurisdiction, as it may consider necessary, volunteer bodies called Raksha Samiti, the members of which shall discharge such functions and duties in relation to the defence of the villages and localities/wards in the towns, the protection of persons, the security of property and the preservation of public order in such area as may be assigned to them in accordance with the provisions of this Act and the rules made thereunder.

4. Superintendence of the Raksha Samiti to vest in Government.

- The Superintendence of the Raksha Samiti throughout the State vests in and is exercisable by Government and any control, direction and supervision exercisable by any officer over any member of a Raksha Samiti shall be exercisable subject to such superintendence.

5. Powers of Director-General, Inspector-General, Range Inspector-General and the Superintendent of Police.

(1)The Director-General and Inspector-General of State Police shall be the head of all the Raksha Samitis in the State and shall exercise general control over them.(2)The Superintendent shall be the head of the Raksha Samiti in the area for which he is appointed as Superintendent.(3)The administration of Raksha Samiti in any area shall, subject to the general control and direction of the Inspector-General of Police of the concerned range having jurisdiction over the area be vested in the Superintendent.

6. Superintendent to constitute Raksha Samitis in district.

- On the issue of notification under Section 3, the Superintendent shall constitute Raksha Samiti consisting of such number of persons as may be prescribed.

7. District Raksha Samiti Board.

- Every district shall have a District Raksha Samiti Board consisting of the Minister incharge of the districts as Chairman. The Collector of the District and the Superintendent who shall be the Member-Secretary of the Board. The Board shall hear the complaints against the members of the Raksha Samitis and take appropriate decisions.

8. Qualification of members of Raksha Samiti.

- Every person between the age of 20 and 45 years residing in a village/locality and who, having regard to the nature of duties and functions to be performed under this Act, is willing to be a member, and is physically fit and capable, shall be eligible for enrolment as a member of the Raksha Samiti constituted for the area :Provided that such persons who have been convicted in a criminal case or who are under trial in a Criminal Court shall not be eligible to be enrolled as a member of Raksha Samiti.

9. Enrolment of member of a Raksha Samiti.

(1)The Superintendent may enroll in the prescribed form any person who is eligible under Section 8 as a member of the Raksha Samiti:Provided that in such enrolments due representation may be given to Scheduled Castes, Scheduled Tribes, women and the minorities.(2)The Superintendent shall issue a certificate of enrolment to every member of a Raksha Samiti which shall be in such form as may be prescribed and thereupon he shall have the powers, privileges and protection conferred and shall discharge the duties imposed on him as a member of the Raksha Samiti by or under this Act.(3)The Kotwar and Patel of the village wherever they have been appointed shall be the members of the Raksha Samiti.

10. Nomination of Mukhya Rakshak.

- The Superintendent shall nominate for every Raksha Samiti, one of its members as Mukhya Rakshak whose powers and duties shall be such as may be prescribed.

11. Posting of Station and Jila Raksha Adhikari.

(1)For direction and supervision of Raksha Samiti within the local limits of a police station, the Superintendent may post a police officer, not below the rank of an Assistant Sub-Inspector to be a Station Raksha Adhikari.(2)For direction and supervision of Raksha Samiti in a district, the Superintendent may post a police officer not below the rank of an Inspector to be a Jila Raksha Adhikari.

12. Control and training of members and officers.

- Members of the Raksha Samitis and the officers nominated or posted under Sections 10 and 11 shall be under the direction and control of the Superintendent and shall receive such training and when called out for duty shall discharge such functions and duties as may be prescribed.

13. Functions and duties of Raksha Samiti.

- The members of Raksha Samitis shall perform the following functions and duties,-(a)Guarding of the village/area assigned to them;(b)Patrolling for the purpose of prevention of crime;(c)Protection

of persons and property;(d)Assisting, when necessary the ordinary police in maintaining public order and peace;(e)Performing such other duties as may be assigned to them from time to time by the State Government or the Superintendent;(f)To arrest proclaimed offenders and absconders and to produce such arrested persons to the nearest police station/outpost without delay;(g)To give information regarding suspicious and bad characters;(h)To render necessary assistance to police in rescue and relief works connected with natural calamities.

14. Training.

- The Director-General of Police or any Police Officer authorised by him in this behalf or the Superintendent may call out any member of a Raksha Samiti for training or to discharge any of the functions or duties assigned to them in accordance with the provisions of this Act and the rules made thereunder.

15. Powers, protection and control.

(1)Every member of the Raksha Samiti shall, when called out for duty, have the same powers, liabilities, privileges and protection as a Police Officer under the Police Act, 1861 (No. 5 of 1861).(2)No prosecution shall be instituted against a member of a Raksha Samiti in respect of any thing done or purporting to be done in the exercise of his power or the discharge of his functions or duties as such member except with the previous sanction of the Superintendent.

16. De-enrolment.

- The Superintendent may deenroll any member of the Raksha Samiti, who on being called out under Section 14, without reasonable excuse neglects or refuses to obey such order or to discharge his functions as a member of the Raksha Samiti or to obey any lawful order or direction given to him for the performance of his duties.

17. Certificate to be delivered up by the persons ceasing to be a member.

(1)Every person who for any reason ceases to be a member of a Raksha Samiti or resigns his membership shall forthwith deliver to the Superintendent or to such person and at such place as the Superintendent may direct, his certificate of enrolment and the arms and other articles which have been issued to him as such member.(2)When a member of a Raksha Samiti dies, any person who is in custody of the certificate of enrolment, the arms and the articles referred to in subsection (1) which have been issued to the said member shall forthwith deliver to the Superintendent or to such person or at such place as the Superintendent may direct, the said certificate of enrolment, arms and articles.(3)An Magistrate and the Superintendent may issue a warrant to search for and seize wherever they may be found any certificate, arms or other articles not delivered as required by sub-section (1) or sub-section (2). Every warrant so issued shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1973 (No. 2 of 1974) by a Police Officer or if the Magistrate or the Superintendent issuing the warrant so directs by any other person.

18. Punishment.

(1) If any member of the Raksha Samiti wilfully neglects or refuses to deliver up his certificate of enrolment and the arms or any articles in accordance with the provisions of sub-section (1) of Section 17, he shall, on conviction, be punished with imprisonment which may be extended to fifteen days or with fine which may extend to two hundred and fifty rupees or with both. (2) If any person wilfully neglects or refuses to deliver the certificates of enrolment and the arms or any other article in accordance with the provisions of sub-section (2) of Section 17, he shall, on conviction, be punished with fine which may extend to five hundred rupees. (3) No proceeding shall be instituted under sub-section (1) or sub-section (2) without previous sanction of the Superintendent.

19. Members of Raksha Samiti to be public servants.

- The members of the Raksha Samiti acting under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 (No. 45 of 1860).

20. Members of Raksha Samiti not disqualified from being Members of local authorities.

- Notwithstanding anything contained to the contrary in any other law for the time being in force, a member of the Raksha Samiti shall not be disqualified from being a member of a local authority merely, by reason of the fact that he is a member of a Raksha Samiti or that he holds an office of profit under the Government by virtue of his being a member of a Raksha Samiti. Explanation. - For the purpose of this section "Local Authority" includes a Municipal Corporation, Municipal Council, a Nagar Panchayat, Zila Panchayat, Janpad Panchayat and Gram Panchayat.

21. Powers to make rules.

(1) The Government may, by notification, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate the following matters, namely :- (a) the functions which shall be discharged and the duties which shall be performed by the Raksha Samiti under Section 3; (b) the form in which certificate of enrolment shall be issued under sub-section (2) of Section 9. (c) the organisation, enrolment and functions, discipline of the members of the Raksha Samiti and the manner in which they may be called out for duty; (d) powers, duties and training of a Mukhya Rakshak, Station Raksha Adhikari and Jila Raksha Adhikari under Section 12; and (e) generally for giving effect to the provisions of this Act. (3) Every rule made under this Act, shall be laid, as soon as may be after it is made, on the table of the State Vidhan Sabha.