

The M.P. Bhumi Sena Adhiniyam, 1981

MADHYA PRADESH

India

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Act 40 of 1981

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The M.P. Bhumi Sena Adhiniyam, 1981(No. 40 of 1981)[Dated 4th November, 1981]Received the assent of the Governor on the 4th November, 1981; assent first published in the "Madhya Pradesh Gazette (Extraordinary)", dated the 12th November, 1981.An Act to provide for the constitution of Bhumi Sena.Be it enacted by the Madhya Pradesh Legislature in the Thirty-second Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called The Madhya Pradesh Bhumi Sena Adhiniyam, 1981.(2)It extends to the whole of Madhya Pradesh.(3)It shall come into force on such date as the State Government may, by notification, appoint.

2. Definitions.

- In this Act, unless the context otherwise requires,-(a)"Bhumi Sainik" means a person who is appointed as such under this Act;(b)"Bhumi Sena" means a force raised under Section 3;(c)"Brigade Commandant" means an officer of Bhumi Sena appointed as Brigade Commandant under this Act;(d)"Commandant General" means the Commandant General appointed under Section 5;(e)"Project Commandant" means an officer of Bhumi Sena appointed as Project Commandant under this Act.

3. Constitution of Bhumi Sena.

(1)The State Government may create a body of persons to constitute a force therefrom called Bhumi Sena.(2)The objects of constituting a force under sub-section (1) are-(a)to create employment opportunities to the unemployed youth by ensuring their participation in nation building activities and thereby creating lasting assets for the benefit of the people;(b)to render or to provide assistance in any general programme of public welfare;(c)to provide such other assistance and to do such other

work as may be directed by the State Government;(d)to perform such other functions ancillary to aforesaid as may be entrusted by the State Government from time to time.(3)Bhumi Sena may consist of Brigades and each Brigade may consist of one or more project units.(4)A Brigade or project unit of the Bhumi Sena shall consist of such number of officers and sainiks as may be ordered by the State Government.(5)The conditions of training and service including honorarium and/or board or lodging of the officers and Bhumi Sainiks shall be such as may be prescribed.

4. Superintendence and administration of Bhumi Sena.

(1)The superintendence of the Bhumi Sena throughout the State shall vest in and shall be exercised by the State Government through the Commandant General, in such manner and to such extent as may be prescribed.(2)The administration of the Bhumi Sena shall vest in the Commandant General, and such other officers subordinate to him as may be appointed under this Act.

5. Commandant General and other officers.

(1)There shall be a Commandant General of Bhumi Sena and officers subordinate to him as may be appointed under this Act.(2)The Commandant General shall be appointed by the State Government.(3)The appointment to an office subordinate to that of the Commandant General shall be made in such manner as may be prescribed.(4)The manner of appointment to the posts under sub-section (2) and sub-section (3) shall be either by deputation or on contract of a person eligible for appointment under Section 6 for a period not exceeding three years in the first instance, extendable by a further period of two years, provided that no person shall continue in service after attainment of age of 58 years.

6. Eligibility to be Commandant General or Officer subordinate to him.

(1)No person shall be eligible for appointment to the office of the Commandant General unless he-(a)is or has been a member of Armed Forces of the Union holding rank of Brigadier or above; or(b)is or has been member of a Police force or other Armed forces of a State holding rank equivalent to a Deputy Inspector General of Police.(2)No person shall be eligible for appointment to an officer rank subordinate to the Commandant General unless he is or has been a member of the Armed forces of the Union holding such rank as may be prescribed or a member of Police force or other Armed forces of a State holding rank equivalent to a Deputy Superintendent of Police.

7. Appointment of Bhumi Sainiks.

(1)Subject to the provisions of this Act and to the rules made thereunder any person willing to serve as a Bhumi Sainik and possessing such qualifications as may be prescribed may be appointed a Bhumi Sainik.(2)The appointment of a Bhumi Sainik shall be made in such manner and by such authority as may be prescribed.(3)(a)Every officer and every man of the Bhumi Sena shall receive on his appointment a certificate in the form annexed to this Act under the seal of the Commandant General in the case of officers and of the Project Commandant in the case of men, by virtue of which

the person holding such certificate shall be vested with the powers and privileges of Bhumi Sainik.(b)Such certificate shall cease to have effect whenever the person named in it ceases to be a Bhumi Sainik and on his so ceasing, shall immediately and in any case within 10 days, be surrendered by him to the Commandant General if he is an officer and to the Brigade Commandant in all other cases.

8. Duties and training of Bhumi Sainiks.

(1)Every Bhumi Sainik shall be bound to perform such duties as may be prescribed.(2)Subject to any rules made in this behalf, it shall be the duty of every Bhumi Sainik promptly to obey and execute all orders issued to him by the competent authority.(3)Subject to any rules made in this behalf, a Bhumi Sainik may be required to undergo training for such period in such manner as may be prescribed.(4)After completion of his training a Bhumi Sainik shall serve as a Bhumi Sainik for a total period of not exceeding three years which may be comprised in successive period of five years, so however that in each year the period of service shall not extend beyond a continuous period of seven months.

9. Discharge.

(1)Every officer and man of Bhumi Sena shall be entitled to receive his discharge from the Bhumi Sena on the expiration of a period of five years provided in Section 8 but any such person may, before he becomes so entitled, be discharged by such authority and subject to such conditions as may be prescribed.(2)The prescribed authority may, subject to such conditions as may be prescribed, dismiss any officer or man from Bhumi Sena.

10. Uniform.

- Officers and men of the Bhumi Sena shall wear such uniform as may be prescribed.

11. Calling out Bhumi Sainiky.

- The Project Commandant shall hold the charge of a project unit and he may by an order made in such manner as may be prescribed call out any Bhumi Sainik for the performance of any duty as may be assigned to the Bhumi Sena in accordance with the provisions of this Act and the rules made thereunder during that part of the year in which he is not required to render service under sub-section (3) of Section 8.

12. Control over Bhumi Sainiks.

- The Bhumi Sainiks shall at all times when undergoing training or in the course of their regular duties be under the control and subject to the orders of their officers.

13. Powers and protection of Bhumi Sainiks.

(1) Subject to the provisions of this Act or the rules made thereunder a Bhumi Sainik when on duty shall have the same powers, privileges and protection as a public servant under any enactment for the time being in force. (2) No prosecution shall be instituted against a Bhumi Sainik in respect of anything done or purporting to be done by him in the discharge of his duty as a Bhumi Sainik, except with the previous sanction of the State Government or some officer empowered by the State Government in this behalf.

14. Penalty.

(1) Every Bhumi Sainik who is guilty of any violation of duty or wilful breach or neglect of any provision of this Act, or of any rule or lawful order made by competent authority, or who withdraws from the duties of his office without permission or who on being required to undergo training under Section 8 or being called out under Section 11 without sufficient cause neglects or refuses to obey the requirement or the order calling him out, or who is guilty of cowardice or offers any unwarrantable criminal force to any person in his custody, or who fails within ten days to surrender his certificate under sub-section (3) of Section 7 shall be punishable with simple imprisonment for a term which may extend to three months or with fine which may extend to two hundred and fifty rupees or with both. (2) An offence punishable under sub-section (1) shall be cognizable. (3) The Commandant General, or, subject to the control of the Commandant General, Brigade Commandant, Project Commandant or an officer not below such rank as may be prescribed, may, for any act of commission or omission punishable under sub-section (1) without formal trial, award to any Bhumi Sainik who is subject to his authority, any of the following punishments, namely- (a) imprisonment in the quarter guard of a police line 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 the Commandant General, or to seven days when it is passed by any other officer. Such imprisonment may involve partial or full forfeiture of pay, honorarium and allowances, if any, 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 line as may be appropriate.

15. Rules.

(1) The State Government may make rules for carrying 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 all or any of the following matters, namely- (a) all matters which are required by this Act to be prescribed; (b) the organization, appointment, conditions of service, functions, discipline, arms, accoutrements, clothing and uniform of the Bhumi Sainiks and the manner which they may be recruited, called out for service or required to undergo training and discharge of their duties. (c) the exercise by a Bhumi Sainik of any of the powers exercisable under Section 13. (3) All rules made under this Act shall be laid on the table of the Legislative Assembly. Annexure Form of Certificate [See Section 7(3)(a)] Name.....son of.....Resident of.....has been appointed an officer/man of the Bhumi Sena under Section 7(3)(a) of the Madhya Pradesh Bhumi Sena Act, 1981. When lawfully on duty, he shall have the same powers, privileges and protection as an officer of police

appointed under any enactment for the time being in force.

Place..... Date of appointment.....

Date..... Commandant General of Bhumi Sena, Madhya Pradesh

Seal Brigade Commandant of the Bhumi Sena.....