

Rajasthan Armed Constabulary Act, 1950

RAJASTHAN

India

Rajasthan Armed Constabulary Act, 1950

Act 12 of 1950

- Published on 1 January 1950
- Commenced on 1 January 1950
- [This is the version of this document from 1 January 1950.]
- [Note: The original publication document is not available and this content could not be verified.]

Rajasthan Armed Constabulary Act, 1950(Act No. 12 of 1950)RJ48Made by His Highness the Rajpramukh on the 7th day of August, 1950.An Act for the regulation of the Rajasthan Armed Constabulary.Whereas it is expedient to provide for the constitution and regulation of the Rajasthan Armed Constabulary; It is hereby enacted as follows:

1. Short title and commencement.

(1)This Act may be called the Rajasthan Armed Constabulary Act, 1950.(2)[It extends to the whole of the State of Rajasthan.] [Substituted and omitted vide item No. 10 of the Schedule to the Rajasthan Act No. 27 of 1957 (published in the Rajasthan Gazetted, Part 4-A, Extraordinary dated 13.8.1957). This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas with effect from 1.9.1957, i.e. the date of enforcement of Rajasthan Act No. 27 of 1957.](3)It shall come into force at once.

2. Definitions.

(1)In this Act unless there is anything repugnant in the subject or context, (1)"Commandant", "Assistant Commandant" and "Adjutant" mean person appointed by the [State Government] [Substituted vide Section 4 of Rajasthan Act, ibid.] to those offices of the Rajasthan Armed Constabulary.(2)[...] [Substituted and omitted vide item No. 10 of the Schedule to the Raj. Act No. 27 of 1957 (published in the Rajasthan Gazetted, Part 4-A, Extraordinary dated 13.8.1957). This Act now extends to the whole of the State of Rajasthan including the Abu, Ajmer and Sunel areas with effect from 1.9.1957, i.e. the date of enforcement of Rajasthan Act No. 27 of 1957.](3)"Officer of the Rajasthan Armed Constabulary" means a person appointed to the Rajasthan 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.(4)The expressions "reason to believe", "criminal force" and "assault" have the meanings respectively assigned to them in the Indian Penal Code of the Central Legislature.(5)"Superior Officer" means in relation to an officer of the Rajasthan Armed

Constabulary any officer of a rank which as prescribed is higher than that of such officer.(6)"Prescribed" means prescribed by rules made this Act.(7)["Inspector General" and "Deputy Inspector General" mean the persons respectively appointed by the State Government to the Inspector General of Police and Deputy Inspector General of Police, under the law for the time being in force for the regulation of the police force in the State of Rajasthan.] [Inserted by section 2 of Rajasthan Act No. 14 of 1960 (published in Rajasthan Gazetted, Extraordinary., Part 4-A, dated 25.4.60).]["Inspector General" shall also include the Additional Inspector General Police appointed by the State Government] [Added by Notification F.7(II) L/68 dated 8.3.1968 by section 2 of the Rajasthan Armed Constabulary (Amendment) Act, 1968 (Rajasthan Act No. 4 of 1968) (published in Rajasthan Gazetted, Extraordinary, Part 4A dated 11.3.1968) and come into force w.e.f. 2.12.1966, retrospectively.](2)[References in this Act, to the Police Act, 1861 of the Central Legislature shall be construed as references to that Act as adopted to the preorganisation State of Rajasthan.] [Substituted by item No. 10 of the Schedule to the Rajasthan Act No. 27 of 1957 (Published in the Rajasthan Gazetted, Part 4-A, Extraordinary dated 13.8.1957).]

3. Raising of Rajasthan Armed Constabulary.

- There shall be raised and maintained by the Government a force to be called the Rajasthan Armed Constabulary and it shall be constituted in one or more [battalions] [Substituted by Section 3 of Rajasthan Act No. 14 of 1960 (Published in the Rajasthan Gazetted, Extraordinary, Part 4-A, dated 25.4.60).] in such manner and for such period as may be prescribed.

3A. [Control over and administration of Rajasthan Armed Constabulary.
The control and direction of the Rajasthan Armed Constabulary shall vest in the Inspector General and in such Deputy Inspector General, as the State Government shall direct.

(2)Subject to such control and direction, the administration of a battalion of the Rajasthan Armed Constabulary shall vest in its commandant and such Assistant commandant, as the 'State Government shall direct.] [Inserted by section 4, ibid]

4. Enrolment and discharge of officers of the Rajasthan Armed Constabulary.

- Before any person whether already enrolled in the Rajasthan Police Force or not so enrolled, is appointed to be an officer of the Rajasthan Armed Constabulary, the statement in the schedule shall be read; and if necessary, explained to him by a Magistrate, [Inspector General, Deputy Inspector General] [Inserted by section. 5, ibid] Commandant, or Assistant Commandant, shall be signed by him in acknowledgement of its having been so read and explained to him and shall be attested by the Magistrate, [Inspector General, Deputy Inspector General] [Inserted by section. 5, ibid] Commandant, or Assistant Commandant, as the case may be.

5. Members of Rajasthan Armed Constabulary to be deemed Police Officers.

- Subject always to the provisions of section 6 to 8, every member of the Rajasthan 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, as may be prescribed, to have and be subject to, in so far as they are not inconsistent with this Act or any rules made thereunder, all the powers, privilege liabilities, penalties; punishments and protection as a Police Officer duly enrolled has or is subject to by virtue of the Police Act, 1861, of the Central Legislature, or any other law for the time being in force, or any rules or regulations made thereunder.

6. More Heinous Offences.

- An officer of the Rajasthan 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 endeavours 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 India or omits to disclose immediately to his commanding or other Superior Officer any such correspondence coming to his knowledge; or(e)deserts the service; shall, on conviction, be punished with transportation for life or with imprisonment for a term which may extend to fourteen years and shall be liable to fine.

7. Less heinous Offences.

- An officer of the Rajasthan Armed Constabulary who (a)strikes or assaults any sentry; or(b)being under arrest or in confinement, escapes from arrest or confinement; 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 Rajasthan Armed Constabulary subordinate to him in rank or position; or(e)Malingers, or feigns, or produces 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, picket party or patrol without being regularly relieved Or without leave.shall on conviction, be punished with imprisonment for a term which may extend to seven years or with fine or with both.

8. Minor punishments.

(1)[The Inspector General or a Deputy General or a Commandant or] [State vs. Rawatsingh, AIR 1937 Rajasthan 26.] subject to the control of [such Inspector General or Deputy Inspector General or Commandant or Assistant Commandant] [Substituted by Section 6 of Rajasthan Act No. 14 of 1960, published in the Rajasthan Gazetted, Extraordinary, Part 4-A, dated 25.4.1960.] or such other officer as may be prescribed, may without formal trial, award to any officer of the Rajasthan Armed

Constabulary of and below the rank of head constable who is subject to his 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 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 and 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 days' pay. (2) Any of the punishments specified in sub-section (1) may be awarded separately or with any one or more of the others: 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 Rajasthan Armed constabulary.

- Notwithstanding anything contained in the Police Act, 1861, of the Central Legislature, or in any other law no officer of the Rajasthan Armed Constabulary shall be entitled to be discharged from the Rajasthan Armed Constabulary [otherwise than on resignation submitted by him in writing and accepted by the Inspector General or Deputy Inspector General: Provided that such Inspector General or Deputy Inspector General may in his discretion refuse to accept any such resignation] [Inserted and Added by section 7-ibid.]

10. Reversion.

- The [Inspector General] [Substituted by section 8-ibid 14 of.] may notwithstanding anything contained in section 9, at anytime revert to the Rajasthan Police an officer of the Rajasthan Armed Constabulary who has been [seconded] [Substituted by section 8-ibid 14 of.] from the [Rajasthan Police] [Substituted by section 8-ibid 14 of.].

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, of the Central Legislature, be deemed to have been dismissed from the Rajasthan Police Force and from the Rajasthan Armed Constabulary and shall be imprisoned in the nearest or such other jail as the 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 Inspector General or a Deputy Inspector General or a Commandant] [Substituted by section 9 of Rajasthan Act No. 14 of 1960, published in the Rajasthan Gazetted Part 4-A, Extraordinary dated 25.4.1960.] or subject to his control, an Assistant Commandant, so directs, be confined in the quarter guard or such other place as the [such Inspector General or Deputy Inspector General or Commandant] [Substituted by section 9 of Rajasthan Act No. 14 of 1960, published in the Rajasthan] 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, of the Central Legislature, or under any order, or rule made under that Act or any other enactment for the time being in force or any act or omission punishable thereunder, or from being liable, if so prosecuted to any other or higher penalty that 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 Rajasthan Armed Constabulary otherwise than in respect of the Rajasthan Armed Constabulary

Subject to such rules as the [State Government] [Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazetted., Part 4-A, Extraordinary, dated 13.8.1957.] may make in this behalf [a Deputy Inspector General or a Commandant or an] [Substituted and Inserted by section 10-ibid.] Assistant Commandant shall have with respect to Police Officer appointed to the Rajasthan Police Force, under the Police Act, 1861 of the Central Legislature, who are not officers of the Rajasthan armed Constabulary, the same disciplinary powers as [a Deputy Inspector General or] [Substituted and Inserted by section 10-ibid.] a Superintendent of Police of a District, has with respect to them under that Act.

14. Powers of the [State Government] [Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazetted., Part 4-A, Extraordinary, dated 13.8.1957.] to disband or reconstitute the Rajasthan Armed Constabulary.

(1)The [State Government] [Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazetted., Part 4-A, Extraordinary, dated 13.8.1957.] may by notification in the [Official Gazetted] [Substituted by section 9 of Rajasthan Act No. 14 of 1960, published. in the Rajasthan Gazetted, Part 4-A, Extraordinary dated 25.4.1960.] disband or reconstitute the Rajasthan Armed Constabulary or may [battalion] [Substituted by section 11-ibid.] thereof.(2)Whenever the Rajasthan Armed Constabulary or any 5[battalion] 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] [Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazetted, Part 4-A, Extraordinary, dated 13.8.1957.] with a view to such disbandment or reconstitution to discharge any officer from the Rajasthan Armed Constabulary if he is enrolled under the Police Act, 1861, of the Central Legislature, and has not been confirmed, from the Police Force also.

15. Power to make rules.

(1)The [Slate Government] [Substituted by section 4 of the Rajasthan Act No. 27 of 1957, published in the Rajasthan Gazetted, Part 4-A, Extraordinary, dated 13.8.1957.] may make rules for carrying to 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 [battalions] [Substituted by section 9 of Rajasthan Act No. 14 of 1960, published in the Rajasthan Gazetted, Part 4-A, Extraordinary, dated 25.4.1960.] to be constituted;(ii)the pay and other terms and conditions of service of officers of the Rajasthan Armed Constabulary;(iii)the manner in which and the persons who may be appointed to be officers of the Rajasthan Armed Constabulary;(iv)any other matter which is to be or may be prescribed.

Schedule

Statement(See Section 4)At no time during the period of your service in the Rajasthan Armed Constabulary, you will be entitled to obtain your discharge at your own request. On the liquidation of the force of of the [battalion] [Substituted & Inserted by section 9 of Rajasthan Act No. 14 of 1960, published in the Rajasthan Gazetted, Part 4-A, Extraordinary, dated 25.4.1960.] in which you may for the time being be posted, you will be discharged from the Rajasthan Armed Constabulary and, unless you were already a confirmment member of the Rajasthan Police Force before joining the Rajasthan Armed Constabulary from the Rajasthan Police also (You will however, be eligible for re-enlistment in the Rajasthan Police Force) In the event of your continuing in the Rajasthan Police Force or your re-enlistment therein, your services in the Rajasthan Armed Constabulary will count for promotion and pension in the Rajasthan Police Force.Signature of Police Officer in acknowledgementof 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, *[Inspector General,Deputy Inspector General]commandant or Assistant Commandant.*This portion in brackets will be deleted in the case of officers who are already members of the Rajasthan police force on joining the Rajasthan Armed Constabulary.