

# The M.P. Vishesh Sashastra Bal Adhiniyam, 1968

(M.P. Act No. 29 of 1968)

[Dated 25th November, 1968]

## LEGISLATIVE HISTORY ▼

Received the assent of the Governor on the 25th November, 1968; assent first published in the Madhya Pradesh Gazette Extraordinary, dated the 7th December, 1969.

An Act to provide for the constitution and regulation of the Special Armed Force in the State of Madhya Pradesh.

Be it enacted by the Madhya Pradesh Legislature in the Nineteenth Day of the Republic of India as follows :

**1. Short title, extent, commencement and application.** - (1) This Act may be called the Madhya Pradesh Vishesh Sashastra Bal Adhiniyam, 1968.

(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.

(4) It shall apply to the members of the Madhya Pradesh Special Armed force, wherever they may be.

**2. Definitions.** - In this Act, unless the context otherwise requires,-

(a) "*Active Duty*" means :-

(i) the duty to prevent or investigate offences involving a breach of peace or danger to life or property, and to search for and apprehend persons concerned in such offences, or who are so desperate and dangerous as to render their being at large hazardous to the community;

(ii) the duty to make all adequate measures for the extinguishing of fires or to prevent damage to person or property on the occasion of such occurrences as fires, floods, earthquakes, enemy action or riots and to restore peace and preserve order of such occasion;

(iii) such other duty as may be specified to be acting duty by the State Government or the Inspector General of Police, in a direction issued under Section 12;

(b) "*Zonal Officer*", "*Commandant*", ["*Deputy Commandant*"], and "*Assistant Commandant*" and "*Adjutant*" means persons appointed by the State Government to those offices as such under Section 5;

(c) "*Follower*" means any person appointed to do the work of a cook, mess servant, washerman, cobbler, barber, tailor, sweeper or any other tradesman designated as such, in connection with the Special Armed Force;

(d) "*Inspector General*" means the Inspector-General of Police, Madhya Pradesh;

(e) "*Members of the subordinate ranks*" means a member of the Special Armed Force below the rank of Adjutant or Assistant Commandant;

- (f) "*Officer of the Special Armed Force*" means a member of the Special Armed Force;
- (g) "*Police Officer*" means every Police Officer as defined in the Police Act, 1861 (V of 1861);
- (h) "*Special Armed Force*" means the Madhya Pradesh Special Armed Force constituted under Section 3;
- (i) "*Superior Officer*" in relation to any officer of the Special Armed Force means any officer of the Special Armed Force of a higher rank than or of a higher grade in the same class as, or of the same rank as but senior to himself ;
- (j) the words and expressions used herein and which are defined in the Indian Penal Code, 1860 (XLV of 1860), the [Code of Criminal Procedure, 1898] (V of 1898), and the Police Act, 1861 (V of 1861), and not hereinafter defined, shall have the meanings respectively assigned to them in those enactments.

**3. Constitution of the Madhya Pradesh Special Armed Force.** - (1) In addition to the Police Force, constituted under the Police Act, 1861 (V of 1861), the State Government may constitute and maintain a Special Armed Police Force known as the Madhya Pradesh Special Armed Force.

(2) The Special Armed Force shall be constituted of such personal and maintained in such manner as may be prescribed.

(3) Subject to the provisions of this Act, the pay, pension and other conditions of service of members of the Special Armed Force shall be such as may be determined by the State Government:

Provided that nothing in this section shall apply to the pay, pension and other conditions of service of the members of the Indian Police or the Indian Police Service who may be transferred to the Special Armed Force.

(4) The State Government or any officer empowered by Government in this behalf may-

- (a) divide the Special Armed Force in groups;
- (b) sub-divide each group into battalions, and each battalion into companies, and each company into platoons, and platoons into sections or smaller sub-units;
- (c) post any group, battalion, company platoon, section or smaller sub-unit at such places as the State Government or such officer may deem fit.

**4. Superintendence, control and administration of Special Armed Force.** - The Superintendence, control and administration of the Special Armed Force shall, in accordance with the provisions of this Act and any rules made thereunder vest in the Inspector-General and in such Deputy Inspector-General and Assistant Inspector-General as the State Government may authorise in this behalf.

**5. Appointment of Commandant, [Deputy Commandant], Assistant Commandant and Adjutant.** - (1) The State Government may appoint for each group a Zonal Officer who shall be a person not below the rank of an Assistant Inspector-General of Police.

(2) The State Government may appoint for each Battalion a Commandant [or Deputy Commandant or both] who shall be a person eligible to hold the post of a Superintendent of Police, and one or more Assistant Commandants and Adjutants,

who shall be persons eligible to hold the post of an Assistant or a Deputy Superintendent.

(3) The Deputy Inspector-General of Police, the Assistant Inspector-General of Police, the Zonal Officer, the Commandant, [the Deputy Commandant], the Assistant Commandant and the Adjutant may exercise such powers and authority as may be provided by or under this Act.

**6. Conferment of certain powers under the Act to the District Police Force. -**

The State Government may, by notification, empower a Police Officer of the District Police Force of such rank, to exercise such disciplinary powers under this Act over the Special Armed Force Personal working under his operational control and in such districts, as may be specified in the notification :

Provided that such Police Officer shall be of the rank higher than the rank of the Officer of the Special Armed Force incharge of such Special Armed Force Personal.

**7. Enrollment. -** (1) Before any person appointed to be an officer of the Special Armed Force joins his appointment, a declaration in the form in Schedule I shall be read out, and if he so desires, explained to him in the presence of a Zonal Officer, or a Commandant [or a Deputy Commandant] or an Assistant Commandant, or an Adjutant or a Police Officer not below the rank of an Assistant Superintendent or a Deputy Superintendent of Police and shall be signed by him, in token of having been so read out, and explained to him, and of his having undertaken to abide by the conditions prescribed therein. The declaration shall then be attested by such Zonal Officer, Commandant, [Deputy Commandant], Assistant Commandant, Adjutant or Police Officer, as the case may be.

(2) No officer of the Special Armed Force shall resign his appointment except in accordance with the terms of the declaration signed by him under sub-section (1).

(3) If any officer of the Special Armed Force resigns in contravention of this section, he shall be liable, without prejudice to any other penalty imposed by this Act or any other law for the time being in force, or the order of the Zonal Officer or the Commandant, [or the Deputy Commandant] to forfeit all arrears to pay then due to him.

**8. Members of Special Armed Force to have the same power, privilege and liabilities as a Police Officer. -**

(1) Subject to the provisions of Sections 14 to 21, every member of the Special Armed Force shall upon his appointment and as long as he continued 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, privileges, liabilities, penalties, punishments, and protection as a Police Officer duly enrolled has or is subject to by virtue of the Police Act, 1861 (V of 1861), or any other law for the time being in force, or any rules or regulations made thereunder.

(2) The State Government may designate the ranks of Officers of the Special Armed Force which shall be deemed to be equivalent to various ranks of the Police Officers for the purposes of this section, and also generally for the purposes of this Act.

**9. Transfer. -** (1) Notwithstanding anything contained in this Act or the Police Act, 1861 (V of 1861), it shall be competent to the State Government or the Inspector-General if so authorised by the State Government in this behalf, to transfer members of the Police Force appointed under the Police Act, 1861 (V of 1861), to the Special Armed Force and *vice-versa*.

(2) On the transfer of a member of the Police Force appointed under the Police Act, 1861 (V of 1861), to the Special Armed Force or *vice-versa*, he shall be deemed to be a member of the Special Armed Force or the Police Force, as the case may be, to which he is transferred and in the performance of his functions, he shall, subject to such orders as the State Government may make, be deemed to be vested with the

powers and privileges and be subject to the liabilities, of a member of such grade in the Special Armed Force or the Police Force, as the case may be to which he has been transferred as may be specified in the orders.

**10. Certificate of appointment to certain officers of Special Armed Force, and when such certificate to be surrendered.** - (1) Every Officer of the Special Armed Force below such rank as may be specified by the State Government shall, on appointment receive a certificate of appointment in the form in Schedule II.

(2) Every person who for any reason, ceased to be an officer of the Special Armed Force shall forthwith deliver his certificate of appointment, and the arms, accouterments, clothing and other necessities which have been furnished to him for the execution of his office to an officer empowered by the [Commandant or the Deputy Commandant] to receive the same.

**11. General powers of Commandant [and Deputy Commandant].** - The Zonal Officer or the Commandant [or the Deputy Commandant] shall, subject to the orders of the Inspector-General direct and regulate all matters of arms, drill exercise discipline, mutual relations, distribution of duties, and all the matters of executive detail in the fulfilment of their duties by the officers of the Special Armed Force and members of the subordinate ranks under his charge.

**12. General duties of members of Special Armed Force.** - (1) Every Officer of the Special Armed Force shall, for the purpose of this Act, be deemed to be always on duty and any officer of the Special Armed Force and any number or body of the Officers of the Special Armed Force may, if the State Government or the Inspector-General so directs, be employed on active duty for so long as and wherever the service of the same may be required whether in Madhya Pradesh or outside.

(2) Every direction issued under sub-section (1) shall specify that the duty on which any officer of the Special Armed Force or any number or body of such officers is directed to be employed shall be deemed an active duty for the purposes of this Act.

(3) Every direction issued under sub-section (1) shall be final and shall be binding on every officer of the Special Armed Force concerned.

(4) An officer of the Special Armed Force employed on active duty under sub-section (1), or when a number or body of the officer of the Special Armed Force are so empowered, the officer-in-charge of such number or body, shall be responsible for the efficient performance of their duty and all Police Officers who but for the employment of one or more officers of the Special Armed Force or body of officers of Special Armed Force, would be responsible for the performance of that duty shall, to the best of their ability, assist and co-operate with the said officer or Special Armed Force or officer-in-charge of a number or body of officers of Special Armed Force.

**13. Officer of Special Armed Force to be deemed to be in charge of police station and circumstances under which officer of Special Armed Force entitled to use force.** - (1) When employed on active duty at any place under sub-section (1) of Section 12, the senior officer of highest rank not below that of a Head Constable preresst shall be deemed to be an officer-in-charge of a Police Station for the purposes of Chapter IX of the [Code of Criminal Procedure, 1898] (V of 1898).

(2) Notwithstanding anything contained in Sections 100 and 103 of the Indian Penal Code, 1860 (XLV of 1860), an officer of the Special Armed Force employed as aforesaid may, when there is reasonable apprehension of assault on himself or any officer of the Special Armed Force or of damage or harm to any property or person which or/whom it is his duty to protect, use such force against the wrong-doer or assailant as may be reasonably necessary, even though the use of such force may involve risk of the wrong-doer or the assailant or any other person assisting such wrong-doer or assailant.

**14. Offence in respect of resignation contrary to provisions.** - If any officer of the Special Armed Force resigns his appointment in contravention of Section 7 and in

pursuance of such resignation remains absent from duty before it is accepted he shall be punished with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees, or with both.

**15. Offence in respect of refusal to deliver certificate of appointment, etc.** - Any officer of the Special Armed Force who wilfully neglects or refuses to deliver up his certificate of appointment or any other article in accordance with sub-section (2) of Section 10, shall be punished with imprisonment for a term which may extend to three months or with fine, which may extend to five hundred rupees or with both.

**16. More heinous offences.** - Every officer of the Special Armed Force who,-

- (a) begins, excites, causes or conspires to cause, or joint any mutiny or, being present at any mutiny does not use his utmost endeavors to suppress it, knowing or having reason to believe in the existence of any mutiny, or of any intention or conspiracy to mutiny, or of any conspiracy, against the State, does not, without delay, give information thereof to the superior officer; or
- (b) use or attempts to use criminal force against or commits an assault, on his superior officer whether on or off duty; or
- (c) shamefully abandons or delivers up any post, guard building, fortification or property which is committed to his charge, or which it is his duty to defend; or
- (d) in the presence of any person in arms against whom it is his duty to act, shamefully casts away his arms or his ammunition or intentionally uses words or any other means to induce any officer of the Special Armed Force or any police officer to abstain from acting against any such person in arms, or to discourage such officer from acting against any such person in arms, or who is otherwise guilty of cowardice or misbehaviour in the presence of any such person in arms; or
- (e) directly or indirectly holds correspondence with, or communicates intelligence to, or assists, or relieves any person in arms against the State or any person conspiring against the State Government or public security or any person to be arrested, or omits to discover immediately to his superior officer present, any such correspondence or communications coming to his knowledge; or
- (f) directly or indirectly sells, gives away, or otherwise disposes, or agrees to or assists in, the sale, gift or disposal of any arms, ammunition or equipment to any such person as aforesaid, or knowingly harbours or protects any such person; or
- (g) while on active duty-
- (i) disobeys the lawful command of his superior officer;
  - (ii) deserts his force or his post; or
  - (iii) being a sentry or otherwise detailed to remain alert, sleeps at his post or quits it without being regularly relieved or without leave; or
  - (iv) without authority, leaves his Zonal Office for any purpose whatsoever; or
  - (v) uses criminal force against, or commits an assault on any person whom he has not any reason to believe to be in arms against the State and

against whom it is his duty to act, or without authority breaks into any houses or other place for plunder or any illegal purpose or wilfully and unnecessary plunders, destroys or damages any property of any kind; or

- (vi) intentionally causes or spreads a false alarm in action, or in camp, garrison or quarters,

shall be punished with rigorous imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

*Explanation.* - An Officer of the Special Armed Force shall be deemed to desert the Force if he leaves his place of duty or posting without the permission of his superior officer, and he shall be deemed to desert his post if he leaves any sentry, beat, point, building, vehicle, or other place at which or in which he is specifically ordered by his superior officer to perform the duty assigned to him.

**17. Less heinous offences.** - Every officer of the Special Armed Force who-

- (a) assaults or uses or attempts to use criminal force against any sentry; or
- (b) being in command of a guard, piquet or patrol, refuses to receive any prisoner or person lawfully made over to his charge, or whether in such command or not releases any prisoner or person without proper authority or negligently suffers any prisoner or person to escape; or
- (c) being in command of a guard, piquet or patrol, permits any person belonging to such guard, piquet or patrol to engage himself in gambling or other behaviour prejudicial to good order and discipline; or
- (d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority; or
- (e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or
- (f) maligns or disparages a superior officer or refers to him in derogatory terms either orally or in writing; or
- (g) refuses to superintend or assist in the making or carrying out of any construction of any description ordered to be made either in quarters or in the field; or
- (h) assaults or otherwise ill-treats any officer of the Special Armed Force with reference to whom he is a superior officer; or
- (i) designedly or through neglect damages or losses or fraudulently or without due authority disposes of his arms clothes, tools, equipment, ammunition, accountrements or other necessities furnished to him for the execution of his office or any such article entrusted to him or to any other person; or
- (j) malingers, feigns or produces deceases or infirmity in himself or intentionally delays his cure or aggravates his disease or infirmity; or
- (k) with intent to render himself or any other person unfit for duty voluntarily causes hurt to himself or any other person;

- (l) commits extortion or without lawful authority extorts from any person, carriage, partridge or provisions; or
- (m) wilfully or negligently ill-treats, injures or causes the death of any animal or damages, losses or makes away any animal or vehicle used in the public service,

shall be punishable with rigorous imprisonment for a term which may extend to six months or with fine, which may extend to five hundred rupees or with both.

**18. Officer of Special Armed Force in command to give information of commission of offence under his charge.** - An officer of the Special Armed Force, who, being in command of any guard, piquet party, patrol or detachment and knowing of the commission or of a design to commit any offence punishable under Section 16 or Section 17, by or on the part of any officer of the Special Armed Force under his command, intentionally omits or without reasonable excuse, the burden of proving which shall lie on him, fails to give information of such commission or design to his superior officer, shall be punished with rigorous imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

**19. Place of imprisonment and liability to dismissal on imprisonment.** - (1) Every person sentenced under this Act, to imprisonment may be dismissed from the Special Armed Force, and his pay, allowance and any other money due to him, as well as any medals and decorations received by him shall further be liable to forfeiture.

(2) Every such person shall, if he is so dismissed, be imprisoned in a prison, as the State Government may, by notification specify in this behalf, but if he not so dismissed from the Special Armed Force, he may, if the Court so directs, be confined in the quarter guard or such other place as the Court may consider suitable.

**20. Penalty for causing disaffection, etc.** - (1) Whoever intentionally causes or attempts to cause, or does any act which he knows is likely to cause disaffection towards the Government established by law in India, amongst the officers of the Special Armed Force, or induces or attempts to induce, or does any act which he knows is likely to induce any officer of the Special Armed Force to withhold his services or to commit a breach of discipline, [shall be punished with imprisonment which shall not be less than one month but which may extend to six months and with fine which may extend to five hundred rupees].

(2) Nothing shall be deemed to be an offence under this section which is done in good faith-

- (a) for the purpose of promoting the welfare or interest of any officer of the Special Armed Force, by inducing him to withhold his services in any manner authorised by law; or
- (b) by or on behalf of any association formed for the purposes of furthering the interests of the officers of the Special Armed Force as such where the association has been authorised or recognised by the Government, and the Act done is done under any rule or articles of the association which have been approved by the Government.

**21. Minor punishment.** - (1) [A Commandant or Deputy Commandant, or subject to the control of the Commandant or the Deputy Commandant, as the case may be], an Assistant Commandant or such other officers as may be prescribed, may award for good and sufficient reasons to any member of the subordinate ranks of and below-

the rank of Head Constable, who 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 [or the Deputy Commandant], Assistant Commandant or such other officer, as the case may be, is not of sufficient serious nature to call for prosecution before a Criminal Court that is to say-

- (a) confinement in the quarter guard, or such other place as may be considered suitable, for a term which may extend to 15 days when the order is passed by a Commandant [or Deputy Commandant], or to seven days when it is passed by any other officer, such confinement shall involve the forfeiture of pay and allowance for the period of confinement. If an order to this effect is passed by the officer awarding the punishment, provided no officer below the rank of Commandant [or the Deputy Commandant] shall pass orders towards forfeiture of pay and allowances;
- (b) punishment drill, extra guard, fatigue or any other duty for a term which may extend, when the order is passed by the Commandant [or the Deputy Commandant] to twenty-eight days and when the order is passed by any other officer to seven days.

(2) Any of the punishments specified in sub-section (1) may be awarded separately or with any or more of the others :

Provided always that confinement to the lines shall not exceed fifteen consecutive days.

(3) When a Commandant [or a Deputy Commandant] or an Assistant Commandant or other officer passes an order under sub-section (1), he shall enter in a book to be kept for the purpose, a brief description of the defaults together with the names of witnesses, explanation of the defaulter and the order of punishment and shall sign and date each such order.

**22. Attempts.** - Any officer of the Special Armed Force who attempts to commit an offence punishable under this Act, or to cause such an offence to be committed and in such attempts does any act towards the commission of the offence, may be punished with the punishment provided in this Act for such offence.

**23. Abatement.** - Any officer of the Special Armed Force who abets offence punishable under this Act may be punished with the punishment provided in this Act for such offence.

**[23A. Offence to be cognizable and non-bailable.** - (1) Every offence under this Act shall be cognizable and non-bailable.

(2) No bail shall be granted by any Court under this section unless prosecution has been afforded reasonable opportunity of being heard in the matter.]

**24. Cognizance of offences.** - (1) No Court shall take cognizance of an offence under this Act except with the previous sanction or on the complaint of the Inspector-General or any other Police Officer (not below the rank of Commandant [or Deputy Commandant]) authorised by him in this behalf.

(2) No Court inferior to that Magistrate of the First Class shall try any offence under this Act.

**25. Saving of prosecution under other laws.** - Nothing in this Act shall prevent any person from being prosecuted under any other enactment, order or rule made under any other enactment, for any act or omission punishable thereunder 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.

**26. Protection for acts of members of force.** - (1) In any suit or proceedings against any member of the Special Armed Force for any act done by him in pursuance of a warrant or order of a competent authority, it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act, and if it is so proved, the member of the said force shall thereupon be discharged from liability in respect of the Act so done by time, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may, lawfully be brought against any member of the Special Armed Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act, or the rules made thereunder shall be commenced within three months after the act complained of was committed and not otherwise, and notice in writing of such proceeding and of the cause thereof, shall be given to the defendant or his superior officer, at least one month before the commencement of such proceedings :

Provided that such proceedings may, with the sanction of the State Government, be commenced at any time after the act complained of was committed.

**27. Power to make rules.** - (1) The State Government may make rules not inconsistent with this Act for carrying out the purpose of this Act.

(2) In particular and without prejudice to the generality of the foregoing provisions such rules may provide for all or any of the following matters, namely :-

- (a) the number, classes and grades of the Special Armed Force;
- (b) administration of the Special Armed Force;
- (c) recruitment, organisation, classification and discipline of members of the subordinate ranks;
- (d) inspection of the Force;
- (e) description and quantity of arms accouterments, clothing and other necessities to be furnished to the members of the Force;
- (f) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall be laid on the table of the Legislative Assembly.

**28. Removal of difficulties.** - If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, do anything not inconsistent with the provisions of this Act which appears to it to be necessary or expedient for the purposes of removing the difficulty.

**29. Repeal.** - The Madhya Bharat Special Armed Force Act Samvat, 2007 (No. 75 of 1950), and the Rajasthan Armed Constabulary Act, 1950 (No. XII of 1950), in so far as it relates to Sironj region, are hereby repealed.

**Schedule-I**

[See Section 7]

**Form of Declaration to Be Signed Before Joining Appointment in the Madhya Pradesh Special Armed Force**

I, (Name in Full) designation in the case of a member of a Police Force/address in the case of a direct recruitment declare that,

- (1) I am willing to serve, wherever posted, in the Madhya Pradesh Special Armed Force.
- (2) I shall not be entitled to resign my appointment in the Madhya Pradesh Special Armed Force or to apply for a transfer to any other Police Force until I have completed the prescribed period of service in the Madhya Pradesh Special Armed Force; and
- (3) I shall not be entitled to resign my appointment or to apply for the transfer in the manner specified in (2) above even after the completion of the prescribed period of service, if on the relevant date I am on active duty or if my resignation or transfer, as the case may be, would cause the vacancies in my Group to exceed such percentage of the sanctioned strength of the Group as may for the time being have been prescribed by the State Government.
- (4) In the event of my resignation, the appointment I shall not remain absent from duty till the date with effect from which the resignation shall be accepted.

Date.....

Place.....

.....  
Signature in token of the above declaration  
having been read out and explained to the  
declarant and of his having understood  
and accepted it.

Signed in my presence after I had satisfied myself that (name in full.....designation in the case of a member of a Police Force/full address in the case of a direct recruitment ..... has understood and accepted the declaration and signed it in my presence.

Signature .....

Designation of the Officer before whom  
the declaration is signed.....

Zonal Officer.....

[Commandant/Deputy Commandant/  
Assistant Commandant].....

Adjutant of Police Officer.....

Date.....

Place.....

**Schedule-II**  
[See Section 10]  
**Form of Certificate**

Seal

A.B..... has been appointed to the Madhya Pradesh Special Armed Force in the State of Madhya Pradesh and is vested with the powers, functions and privileges of an officer of the Special Armed Force under the Madhya Pradesh Vishesh Sashastra Bal Adhiniyam, 1968 (No. 29 of 1968).

Signature.....  
Appointing Authority.