

THE ¹[UTTAR PRADESH] ¹[PRANTIYA RAKSHAK DAL/VIKAS
DAL] ACT, 1948²

[U. P. Act No. XXXVIII of 1948]

Amended by

U. P. Act No. 24 of 2009

Adapted and modified by the Adoption of Laws Order, 1950

[Passed by the U. P. Legislative Assembly on October 18, 1948, and the U. P. Legislative Council on November 5, 1948.]

[Received the assent of the Governor on December 04, 1948, under section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 and ³published in U. P. Government Gazette, dated December 11, 1948.]

AN

ACT

to provide for the constitution of the ¹[Uttar Pradesh] ¹[Prantiya Rakshak Dal/Vikas Dal]

Preamble.

WHEREAS It is expedient to provide for the constitution of a force known as the ¹[Uttar Pradesh] ¹[Prantiya Rakshak Dal/Vikas Dal] for the preservation of public peace, training of men in the use of arms, to inculcate self-help and discipline and the protection of the life of the community and property within the ¹[Uttar Pradesh] ;

It is hereby enacted as follows :

**Short title,
extent and
commence-
ment.**

1. (1) This Act may be called the ¹[Uttar Pradesh] ¹[Prantiya Rakshak Dal/Vikas Dal] Act, 1948.

(2) It ⁴extends to the whole of ⁵[¹[Uttar Pradesh] ;

(3) It shall come into force at once.

1. Subs. by sec. 2 of U. P. Act no. 24 of 2009.

2. For Statement of Objects and Reasons please see *Gazette Extraordinary*, d. Oct. 8, 1948, p. 1.

3. See Gaz. 1948, Pt. VII/-A, pp. 70—72.

4. This Act has been extended to the areas mentioned in column 1 of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area :

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 (Applica- tion of Laws) Act, 1950.	No. 3679/XVII	December 30, 1949.
2. Banaras District	Banaras (Applica- tion of Laws) Order 1949	No. 3262 (1)/ XVII, d. November 30, 1949.	November 30, 1949.
3. Tehri- Garhwal District	Tehri-Gharwal (App- lication of Laws) Order, 1949	No. 3262 (2)/ XVII, d. November 30, 1949.	November 30, 1949.

5. Subs. by the A. O. 1950 for [the United Provinces].

Definitions

2. In this Act, unless there is anything repugnant in the subject or context—

(a) ¹[Director General], “Gazetted Officer”, ²[***] and “Non-gazetted officer” means persons appointed to such offices as may be prescribed ;

(b) “Member of the ¹[Prantiya Rakshak Dal/Vikas Dal]” means person who is enrolled as such and includes an officer appointed under the provisions of this Act ;

(c) ¹[State Government] means the Government of the ¹[Uttar Pradesh].

(d) “Prescribed” means prescribed by rules or regulations framed under this Act.

**Constitution
of U. P.
¹[Prantiya
Rakshak
Dal/Vikas
Dal]**

3. There shall be raised and maintained a force to be designated “The ¹[Uttar Pradesh] ¹[Prantiya Rakshak Dal/Vikas Dal]” hereinafter called the ¹[Prantiya Rakshak Dal/Vikas Dal] and it shall be constituted in such manner as may be prescribed.

Enrolment.

4. Subject to such conditions as may be prescribed, any person may be enrolled as a member of the ¹[Prantiya Rakshak Dal/Vikas Dal] and his conditions of service shall be such as may be prescribed.

Functions.

5. A member of the ¹[Prantiya Rakshak Dal/Vikas Dal] when called upon to do so by the prescribed authority in relation to the preservation of public peace and for the protection of inhabitants and the security of property in any area within ¹[Uttar Pradesh] as such prescribed authority may direct.

Declaration.

6. Every member of the ¹[Prantiya Rakshak Dal/Vikas Dal], shall, on enrolment, make a declaration in the form given in the Schedule.

1. *Subs.* by sec. 2 of U.P. Act no. 24 of 2009.

2. *Omit.* by sec. 3 of U. P. Act no. 24 of 2009.

**Power
protection
and control
etc.**

7. (1) For the enforcement of the provision of this Act or any rule or regulation made thereunder every member of the ¹[Prantiya Rakshak Dal/Vikas Dal], shall, when on duty or called for duty 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 it is not inconsistent with this Act all the powers privileges, liabilities and protections as a police officer duly appointed has or is subject to by virtue of the Police Act, 1861 (save section 29 thereof) or of any other law for the time being in force.

(2) No prosecution shall be instituted against a member of the ¹[Prantiya Rakshak Dal/Vikas Dal] in respect of anything done or purported to be done by him in discharge of his functions as such member except with the previous sanction of the authority prescribed in that behalf.

(3) The superintendence of the Force in an area shall vest in such officer or officers as may be appointed by the ² [State Government].

**Period of
service and
discharge.**

8. Every member of the ¹[Prantiya Rakshak Dal/Vikas Dal] shall be required to serve the ¹[State Government] for such period as may be prescribed. He shall, thereafter, be called up for duty at any time during a further period as may be prescribed. After the expiry of such further period the member shall be deemed to have been discharge from the ¹[Prantiya Rakshak Dal/Vikas Dal].

Offences.

9. Any member of the ¹[Prantiya Rakshak Dal/Vikas Dal] who—

(a) fails to report himself when called up for duty under section 5, or

(b) without sufficient excuse neglects or refuses to obey the orders of his superior officer or fails to discharge his functions as a member of the ¹[Prantiya Rakshak Dal/Vikas Dal] while on duty, or

(c) deserts his duty, or

(d) contravenes any provision of the Rules and Regulations made under this Act.

shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to ²[Five hundred rupees] or with both.

**Non-judicial
disposal of
minor**

10. When a member of the ¹[Prantiya Rakshak Dal/Vikas Dal] other than an officer is charged with an offence punishable under section 9, the ¹[Director General] or, if so authorized in writing by the

1. Subs. by sec. 2 of U. P. Act no. 24 of 2009.

2. Subs. by sec. 4 of U.P. Act no. 24 of 2009.

offences of the members of the Dal other than officers

¹[Director General] in that behalf, any gazetted officer or any ²[***] under whom the member of the Dalits for the time being serving, may direct that the charge shall be dealt with without formal trial and thereupon the officer, commanding the detachment, may award to such member any one or more of the following punishments, namely:—

(a) confinement in such place as may be considered suitable for a period not exceeding seven days ;

(b) punishment drill, extra work, fatigue or other duty, not exceeding thirty days in duration, with or without confinement to quarters ;

(c) forfeiture of emoluments for a period not exceeding one month.

Non-judicial disposal of minor offences of members of the Dal other than officers and Rakshak (non-gazetted officers)

11. When a member of the ¹[Prantiya Rakshak Dal/Vikas Dal], who is a non-gazetted officer, is charged with an offence punishable under section 9, the ¹[Director General] or, if so authorized in writing by the ¹[Director General] in that behalf any gazetted officer ³[***] under whom the member of the Dal is for the time being serving, may without formal trial award to such member any one or more of the following punishments, namely :

(a) reduction to a lower grade or a lower class or ⁴[in General Category] ;

(b) forfeiture of pay and allowances for a period not exceeding one month ;

(c) punishment drill, extra work or other duty not exceeding thirty days in duration ;

(d) reprimand or severe reprimand.

Non-judicial disposal of minor offences of gazetted officers

12. When a gazetted officer ⁵[***] is charged with an offence punishable under section 9, the ¹[Director General], may, without formal trial, reprimand or severely reprimand such officer or may refer the matter to the ¹[State Government] of orders.

Trial of offences

13. An offence punishable under section 9, shall, if the charge is not disposed of under sections 10, 11, or 12, be tried by a Magistrate of the first class having jurisdiction.

1. Subs. by sec. 2 of U. P. Act no. 24 of 2009.

2. Omit. by sec. 5 of U. P. Act no. 24 of 2009.

3. Omit. by sec. 6(a) of U. P. Act no. 24 of 2009.

4. Subs. by sec. 6(b) of U. P. Act no. 24 of 2009.

5. Omit. by sec. 7 of U. P. Act no. 24 of 2009.

Powers of State Government to award punishment

14. Without prejudice to any other punishment which the ¹[State Government] may impose under any other law or rule, for the time being in force, the ¹[State Government] may on a reference under section 12 or on its own motion award to a gazetted officer or an honorary officer of an equivalent rank all or any of the following punishments, namely :

(a) reprimand or severe reprimand ;

(b) deduction in the case of paid officer, from pay to defray expenditure or recoup loss incurred as a consequence of misconduct by him ;

(c) forfeiture of service ; and

(d) reduction of rank.

Custody during investigation

15. Any member of the Dal charged with an offence punishable under this Act may be taken into and kept in custody in the prescribed manner by the prescribed authority pending investigation.

Proof of enrolment

16. In any proceeding before a court the fact that a person is enrolled under this Act may be approved by the production of a certificate signed by the ¹[Director General] or any gazetted officer ²[***] as may be prescribed.

Permission by employer to join duty

17. (1) Except as may be prescribed, every employer, his agent or manager shall permit a member of the ¹[Prantiya Rakshak Dal/Vikas Dal], who is for the time being employed by or under him, to join his duty as such and notwithstanding anything in any law or agreement between him and such member in force, the period between the date of the member joining his duty and his release therefrom shall, subject to such consent in such employment.

(2) No employer, his agent or manager, shall dismiss, remove or suspend any employee or take any other action which may prejudice such employee by reason of his being a member of the ¹[Prantiya Rakshak Dal/Vikas Dal].

(3) Whoever contravenes the provisions of sub-section (1) or (2) shall be punished with fine which may extend to ³[Five hundred rupees].

Payment of compensation and allowances to employer other than State Government

18. Whenever any member of the ¹[Prantiya Rakshak Dal/Vikas Dal] who is employed under any person other than the ¹[State Government] is called up for duty, the ¹[State Government] shall pay such compensation and allowances to the employer and to the member as may be prescribed.

1. Subs. by sec. 2 of U. P. Act no. 24 of 2009.

2. Omit. by sec. 8 of U. P. Act no. 24 of 2009.

3. Subs. by sec. 9 of U.P. Act no. 24 of 2009.

19. ¹[X X X X]

**Rule making
power**

20. (1) The ²[State Government] may, after previous publication in the official *Gazette*, make rules and regulations to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules and regulations may —

(a) prescribe the manner in which and the conditions subject to which any person may be enrolled or appointed as a member of the ²[Prantiya Rakshak Dal/Vikas Dal] ;

(b) prescribe the authorities under which and the conditions subject to which any person enrolled or appointed as a member of the ²[Prantiya Rakshak Dal/Vikas Dal] may serve ;

(c) prescribe the classification of officers whether honorary or paid, into gazetted and non-gazetted categories ;

(d) prescribe the duration and manner of training of such member and the obligations to which such member shall be liable when undergoing such training and generally for the maintenance of discipline ; and

(e) provide for any other matter which, under this Act is to be or may be prescribed.

SCHEDULE

I _____,
son of _____,
resident of _____

do hereby solemnly declare and affirm that, as a member of the Uttar Pradesh ²[Prantiya Rakshak Dal/Vikas Dal] to which I have volunteered, after fully understanding the responsibilities and duties which its membership imposes upon me, I will honestly and faithfully serve for such period or periods and at such place or places as may be prescribed from time to time, and that I will ever be ready to protect even at the peril of my life, the honour, integrity, the constitution as by law established and the flag of my motherland—India.

Signature _____

Address _____

1. *Omit.* by sec. 10 of U. P. Act no. 24 of 2009.

2. *Subs.* by sec. 2 of U. P. Act no. 24 of 2009.

