

***THE Uttar Pradesh Prantiya Rakshak Dal/Vikas Dal ACT-1948<sup>1</sup>***

(U.P.Act no. XXXVIII OF 1948)

*(Passed by the U.P. Legislative Assembly on October 18, 1948*

*and by the U.P. Legislative Council on November 5, 1948)*

Amended by- (U.P. ACT No. 24 OF 2009)

*[ Received the assent of the Governor on December 4, 1948, under section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, and published in U.P. Government Gazette, dated December 11, 1948]*

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AN

ACT

*To provide for the Constitution of the Uttar Pradesh<sup>2</sup> Prantiya Rakshak Dal/Vikas Dal<sup>3</sup>*

Preamble

Whereas it is expedient to provide for the constitution of a force known as the **Uttar Pradesh<sup>2</sup> Prantiya Rakshak Dal/Vikas Dal,<sup>3</sup>** for the preservation of public peace, training of men in the use of arms inculcate self-help and discipline and the protection of the life of community and property within the Uttar Pradesh.

It is hereby enacted as follows :

Short title, extent & commencement

1. (i) This Act may be called the **Uttar Pradesh<sup>2</sup> Prantiya Rakshak Dal/Vikas Dal Act<sup>3</sup>, 1948.**

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1. Amended by UP Act No. 24 of 2009

2. Inserted, instead of word 'United Provinces' by The Uttar Pradesh Rakshak Dal (Amendment Act 2009)

3. Inserted, instead of word 'Rakshak Dal' by The Uttar Pradesh Rakshak Dal (Amendment Act 2009)

		(ii) It extends to the whole of the Uttar Pradesh
		(iii) It Shall come into force at once.
	2.	In this Act, unless there is anything repugnant in the subject or context-
		(a) " <b>Director General</b> " <sup>4</sup> , "Gazetted Officer" [Omitted] <sup>6</sup> and "Non Gazetted Officer" means persons appointed to such offices as may be prescribed:
		(b) "Member of the " <b>Prantiya Rakshak Dal/Vikas Dal</b> " <sup>3</sup> means person who is enrolled as such and includes an officer appointed under the provisions of this act :
		(c) " <b>State Government</b> " <sup>5</sup> means the Government of the <b>Uttar Pradesh</b> <sup>2</sup> .
		(d) "Prescribed" means prescribed by rules or regulations framed under this Act.
Constitution of U.P. Prantiya Rakshak Dal/Vikas Dal <sup>3</sup>	3.	There shall be raised and maintained a force to be designated " <b>The Uttar Pradesh<sup>2</sup> Prantiya Rakshak Dal/Vikas Dal<sup>3</sup></b> " herein after called the <b>Prantiya Rakshak Dal/Vikas Dal<sup>3</sup></b> 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 member of the <b>Prantiya Rakshak Dal/Vikas Dal<sup>3</sup></b> and his conditions of service shall be such as may be prescribed.
Functions	5.	A member of the <b>Prantiya Rakshak Dal/Vikas Dal<sup>3</sup></b> when called upon to do so by the prescribed authority, shall discharge such functions in relation to the preservation of public peace and for the protection of inhabitants and the security of property in any area within the <b>Uttar Pradesh<sup>2</sup></b> as such prescribed authority may direct.

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2. Inserted, instead of word '**United Provinces**' by The Uttar Pradesh Rakshak Dal (Amendment Act 2009)

3. Inserted, instead of word '**Rakshak Dal**' by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

4. Inserted, instead of word '**Administrative Commandant**' by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

5. Inserted ,instead of word '**Provincial Government**' by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

6. Omitted- "**Or any Honorary Officer of equivalent rank**" by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

Declaration	6.	Every member of the <b>Prantiya Rakshak Dal/Vikas Dal</b> <sup>3</sup> shall on enrollment make a declaration in the form given in the schedule.
Powers, protection and control etc.	7.	<p>(1) For the enforcement of the provision of this act or any rule or regulation made there under every member of the <b>Prantiya Rakshak Dal/Vikas Dal</b><sup>3</sup> 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.</p> <p>(2) No prosecution shall be instituted against a member of the <b>Prantiya Rakshak Dal/ Vikas Dal</b><sup>3</sup> 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.</p> <p>(3) The superintendence of the force in an area shall vest in such officer or officers as may be appointed by the <b>State Government</b><sup>5</sup>.</p>
Period of service and discharge	8.	Every member of the <b>Prantiya Rakshak Dal/Vikas Dal</b> <sup>3</sup> shall be required to serve the <b>State Government</b> <sup>5</sup> 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 discharged from the <b>Prantiya Rakshak Dal/Vikas Dal</b> . <sup>3</sup>

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3. Inserted, instead of word '**Rakshak Dal**' by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

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Offences

9. Any member of the **Prantiya Rakshak Dal/Vikas Dal<sup>3</sup>** 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 **Prantiya Rakshak Dal/Vikas Dal<sup>3</sup>** while on duty, or
  - (c) deserts his duty or
  - (d) contravenes any provision of the Rules & 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 five hundred rupees, or with both.

Non-judicial disposal of minor offences of members of the Dal other than officers

10. When a member of the **Prantiya Rakshak Dal/Vikas Dal<sup>3</sup>** other than an officer is charged with an offence punishable under section 9, the **Director General<sup>4</sup>** or, if so authorized in writing by the **Director General<sup>4</sup>** in that behalf, any gazetted officer [**Omitted**]<sup>6</sup> under whom the member of the Dal is 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;

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6. Omitted- "**Or any Honorary Officer of equivalent rank**" by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

- (c) Forfeiture of emoluments for a period not exceeding one month.
11. Non judicial disposal of minor offences of members of the Dal other than the Officers and Rakshaks (non gazetted officers) 11. When a member of the **Prantiya Rakshak Dal/Vikas Dal**<sup>3</sup> who is a non gazetted officer, is charged with an offence punishable under section 9, the **Director General**<sup>4</sup> or, if so authorized in writing by the **Director General**<sup>4</sup> in that behalf any gazetted officer **[Omitted]**<sup>6</sup> 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 to the ranks;
- (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.
12. Non judicial disposal of minor offences of the gazetted officers 12. When a gazetted officer **[Omitted]**<sup>6</sup> is charged with an offence punishable under section 9, the **Director General**<sup>4</sup> may, without formal trial reprimand or severely reprimand such officer or may refer the matter to the **State Government**<sup>5</sup> for orders.
13. Trial of offences 13. An offence punishable under section 9, shall if the charge is not disposed of under section 10, 11 or 12 be tried by a Magistrate of the first class having jurisdiction.
14. Powers of State Government to award punishment 14. Without prejudice to any other punishment which the **State Government**<sup>5</sup> may impose under any other law or rule for the time being in force the **State Government**<sup>5</sup> 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;

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		(a) reprimands 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 in to 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 proved by the production of a certificate signed by the <b>Director General</b> <sup>4</sup> [Omitted] <sup>6</sup> 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 <b>Prantiya Rakshak Dal/Vikas Dal</b> <sup>3</sup> , 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 there-from shall, subject to such condition and restrictions, as may be prescribed, be deemed to be period spend 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 <b>Prantiya Rakshak Dal/Vikas Dal</b> <sup>3</sup>
		(3) Whoever contravenes the provision of sub-section (1) or (2) shall be punished with fine which may extend to five hundred rupees.

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- Payment of compensation and allowance to Employer other than State Government 18. whenever any member of the **Prantiya Rakshak Dal/Vikas Dal**<sup>3</sup> who is employed under any person other than the **State Government**<sup>5</sup> is called up for duty, the **State Government**<sup>5</sup> shall pay such compensation and allowances to the employer and to the member as may be prescribed.
- Repeal of the United Provinces Home Guards Act-1948 19. **(Repealed)**<sup>7</sup>
- Rules making power 20 (1) The **State Government**<sup>5</sup> 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 & the conditions subject to which any person may be enrolled or appointed as a member of the **Prantiya Rakshak Dal/Vikas Dal**<sup>3</sup>
- (b) prescribe the authorities under which and the conditions subject to which any person enrolled or appointed as a member of the **Prantiya Rakshak Dal/Vikas Dal**<sup>3</sup> may serve
- (c) prescribe the classification of officers whether honorary or paid, in to 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.

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7. Repealed by The Uttar Pradesh Rakshak Dal (Amendment) Act 2009.

SCHEDULE

I ..... son of  
..... resident of ..... do  
hereby solemnly declare and affirm that, as a member of the **Uttar Pradesh<sup>2</sup>  
Prantiya Rakshak Dal/Vikas Dal<sup>3</sup>** to which I have volunteered, after fully under-  
standing 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 period of my life the honor, integrity, the constitution as by law  
established and the flag of my motherland India.

Signature

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Address .....

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