

THE PRADESHIYA SHIKSHA DAL ACT, 1958

[U. P. ACT NO. XXXIX OF 1958]

Authoritative English Text of the Pradeshiya Shiksha Dal

Adhiniyam, 1958

AN
ACT

to provide for the constitution of the Pradeshiya Shiksha Dal
WHEREAS it is expedient with a view to developing character, discipline, comradeship, idea of social service and capacity of leadership among students in schools to provide for training of students in military drill and the use of arms side by side with Social Service :

IT is hereby enacted in the Ninth Year of the Republic of India as follows :

1. (i) This Act may be called the Pradeshiya Shiksha Dal Act, 1958.

Short title, extent and commencement.

(ii) It shall extend to the whole of Uttar Pradesh.

(iii) It shall come into force at once in the headquarters towns of all districts except Tehri-Garhwal and in Tehri Town. In any other area of Uttar Pradesh it shall come into force on such date as the State Government may, by notification in the official *Gazette*, appoint in that behalf and different dates may be appointed for different areas.

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

Definition.

(a) "Corps" means the Pradeshiya Shiksha Dal constituted under this Act ;

(b) "enrolled" means enrolled in the Corps under this Act ;

(c) "Officer" means an officer appointed under section 9 ;

(d) "prescribed" means prescribed by rules made under this Act ;

*For Statement of Objects and Reasons, please see U. P. Gazette (Extraordinary), dated June 28, 1957.

Passed in Hindi by the Uttar Pradesh Legislative Assembly on September 15, 1958 and by the Uttar Pradesh Legislative Council on November 25, 1958.

Received the assent of the Governor on December 6, 1958 under Article 200 of the Constitution of India and was published in the Uttar Pradesh Gazette (Extraordinary), dated December 8, 1958.

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(e) "institution" means any educational institution imparting teaching in classes XI and XII and recognized by the Education Department of the State Government;

(f) "State Government" means the Government of Uttar Pradesh, and

(g) "cadet" means a student enrolled in the Corps under this Act.

3. (1) There shall be raised, constituted and maintained by the State Government a Corps to be designated as the Pradeshiya Shiksha Dal.

(2) The Corps shall consist of one or more units and in any unit there shall be recruited students of such institution or institutions as fulfil prescribed conditions and the name or names of which has or have been notified by the State Government in the official *Gazette*.

(3) The State Government may in the manner prescribed disband or reconstitute any unit so constituted.

4. Subject to prescribed conditions, if any, every male student, not below the prescribed age, of class XI and class XII of each institution notified under sub-section (2) of section 3 shall be enrolled in the Corps:

Provided that any student may on grounds of health, physical infirmity or other ground, as may be prescribed, be exempted from enrolment in a corps by the prescribed officer.

Functions.

5. Every cadet shall be liable to undergo drill, and training in the use of arms, and perform such social service and such other duties and discharge such other functions, as may be prescribed.

6. Subject to the prescribed conditions and provisions in this respect the State Government may constitute units of girl-students also.

7. Every cadet enrolled in the Corps shall, on his name ceasing to be borne on the roll of the institution to which he may belong, receive his discharge from the Corps:

Provided that any cadet enrolled may, subject to such conditions as may be prescribed, be discharged from the Corps at any time by the prescribed officer.

Advisory Committee.

8. The State Government shall constitute a Committee of the following members to give advice on matters of policy relating to the constitution and administration of the Pradeshiya Shiksha Dal:

- (1) Minister for Education who shall be Chairman of the Committee;
- (2) Deputy Minister for Education;
- (3) Education Secretary;
- (4) Director of Education;

Constitution of
the Pradeshiya
Shiksha Dal.

Enrolment.

Power to constitute units of girl-student.

Discharge.

- (5) a Vice-Chancellor of a University situated in Uttar Pradesh to be nominated annually by the State Government;
- (6) two principals and two teachers of institutions to be nominated annually by the State Government;
- (7) three members of the Legislature out of whom two shall be elected by the Legislative Assembly and one by the Legislative Council;
- (8) a representative of the Finance Department of the State Government;
- (9) two non-official members to be nominated annually by the State Government;
- (10) Sainik Shiksha Nirdeshak who shall be the Secretary of the Committee.

9. The State Government may, for the purposes of this Act from time to time appoint—

Appointment of Officers.

- (a) one Sainik Shiksha Nirdeshak;
- (b) one or more Sainik Shiksha Sahayak Nirdeshak;
- (c) one or more Commandants, Sahayak Commandants, Quarter Masters and Staff instructors, and
- (d) other officers and inferior staff as may be necessary.

10. (1) The Sainik Shiksha Nirdeshak and every Sainik Shiksha Sahayak Nirdeshak shall perform such duties and exercise such powers of supervision and superintendence over the work of Commandants and other Officers as may be prescribed.

Powers and duties.

(2) A Commandant and other Officers shall exercise the powers and perform the duties conferred or imposed upon them by or under this Act or the rules framed thereunder.

11. Any person who contravenes the provisions of any rule made under this Act shall be liable to such punishment as may be prescribed.

Offences under the Act and punishments.

12. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done in pursuance of any order given or rule made under this Act.

Protection of action taken under this Act.

(2) No suit or other legal proceedings shall lie against the State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done in pursuance of any order given or rule made under this Act.

Delegation of powers.

13. All or any of the powers conferred by this Act on the State Government may be exercised or performed by such other officers, and subject to such conditions, as the State Government may prescribe in that behalf.

Miscellaneous.

14. (1) Any rule made or order, or direction given prior to the commencement of this Act, by the State Government or any other authority under the scheme of Social Service Training, or Compulsory Military Education or the amalgamated scheme of Military Education and Social Service Training, shall

continue in force as if it has been prescribed, made, issued or given under this Act and may be repealed, revoked, varied or amended accordingly.

(2) Any person enrolled, or officer appointed under the amalgamated scheme of Military Education and Social Service Training before the commencement of this Act, shall continue to be and be deemed to have been enrolled or appointed under this Act.

Explanation— The scheme of Social Service Training, or Compulsory Military Education or the amalgamated scheme of Military Education and Social Service Training referred to in this section mean respectively the schemes instituted by the State Government under these names before the commencement of this Act.

Power to make rules.

15. (1) The State Government may, after previous publication in the official *Gazette*, make rules to carry out the purposes of this Act.

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

- (i) the conditions under which a unit may be constituted in any institution under this Act;
- (ii) the appointment of persons or class of persons as officers and the like under this Act and their conditions of service;
- (iii) the manner, period and the conditions subject to which any person or class of persons may be enrolled in the Corps;
- (iv) the courses of social service and military training for any person or class of persons governed by this Act and their ranks and the like;
- (v) the maintenance of discipline amongst the members of the Corps;
- (vi) the duties, powers and functions of officers appointed under this Act;
- (vii) the allowances or other remuneration payable to members of the Corps and officers appointed under this Act;
- (viii) the removal or discharge of any person governed by this Act;
- (ix) the determination of offences and penalties under this Act and the manner of carrying into effect the orders relating to offences;
- (x) the dress, and the badges of rank which may be necessary for the students and officers; and
- (xi) any other matter which is to be or may be prescribed.

(3) All rules made under this Act shall be laid for not less than fourteen days before the State Legislature as soon as they are made and shall be subject to such modifications as the Legislature may make in them.