

THE U.P. PRADESHIK ARMED CONSTABULARY ACT, 1948¹

[U. P. ACT No. XL of 1948]

Amended by

U.P. Act No. 30 of 1956.

*Adapted and modified by the Adaptation of Laws Order, 1950***[Passed by the U.P. Legislative Assembly on October 18, 1948 and by the U.P. Legislative Council on November 5, 1948].****Received the assent of the Governor on December 9, 1948, under Section 75 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947 and was 1948]****AN****ACT*****For the regulation of the Pradeshtik Armed Constabulary*****Preamble**

Whereas it is expedient to provide for the constitution and regulation of the United Provinces Armed Constabulary; it is hereby enacted as follows :

**Short title,
extent and
commencement****1.** (1) This Act may be called the United Provinces Pradeshtik

Armed Constabulary Act, 1948.

(2) It extends² to the whole of ³[Uttar Pradesh].

(3) It shall come into force at once.

Definitions**2.** In this Act, unless there is anything repugnant in the subject or context, —(1) “Commandant”, “Assistant Commandant” and “Adjutant” mean persons appointed by the ⁴[State Government] to those offices of the Pradeshtik Armed Constabulary.⁵

1. For S.O.R. *see* Gaz. Extra., dt. Dec. 13, 1948.

2. 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 Notification, if any, which extended under which enforced	Date from which enforced
1. Rampur district	Rampur (Application of Laws) Act, 1950.	Dec. 30, 1949.
2. Banaras district	Banaras (Do) Order, 1949. 30, 1949.	3261(1) and (2) d. Nov. 30, 1949.
3. Tehri-Garhwal district	Tehri-Garhwal (Do) Order, 1949.	Ditto
4. Jaunsar-Bawar Pargana in Dehra Dun district.	U.P. Act No. XXVII of 1950.	Sep. 2, 1950
5. Portion of Mirzapur District South of the Kaimur Range.	Ditto	Ditto

3. *Subs.* by the A.O. 1950 for the [United Provinces].4. *Subs.* by the A.O. 1950 for [Provl. Govt.].5. The words “The Pradeshtik Armed Constabulary” have been substituted for the words “Provincial Armed Constabulary” by entry no. 7 of the Schedule of U.P. Act XXX of 1956.

[The U.P. Pradeshtik Armed Constabulary Act, 1948]

(2) “Officer of the Pradeshtik Armed Constabulary” means a person appointed to the Pradeshtik 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.

(3) The expressions “reason to believe”, “criminal force” and “assault”, have the meanings respectively assigned to them in the Indian Penal Code.

(4) “Superior Officer” means in relation to an officer of the Pradeshik Armed Constabulary, any officer of a rank which as prescribed is higher than that of such officer.

(5) 2[* * *]

(6) “Prescribed” means prescribed by rules made under this Act.

Constitution of 3. There shall be raised and maintained by the 3[State Government] P.A.C. a force to be called the 1[Pradeshik Armed Constabulary] and it shall be constituted in one or more companies in such manner and for such period as may be prescribed.

Enrolment and 4. Before any person, whether already enrolled in 4 [Uttar discharge of officers of the Pradesh] Police Force under the Police Act, 1861, or not so enrolled, is Pradeshik appointed to be an officer of the 1[Pradeshik Armed Constabulary], the Armed Constabulary statement in the Schedule shall be read, and if necessary, explained to (Act V of 1861) him by a Magistrate, Commandant or Assistant Commandant, shall be signed by him in acknowledgment of its having been so read and explained to him and shall be attested by the Magistrate, Commandant or Assistant Commandant as the case may be.

Members of 5. Subject always to the provisions of Sections 6 to 8 every P.A.C. to be deemed Police member of the 1[Pradeshik Armed Constabulary] shall, upon his **Officers** 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 as **Act V of 1861** 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, or any other law for the time being in force, or any rules or regulations made thereunder.

More heinous 6. An officer of the 1[Pradeshik Armed Constabulary] who— **offences**
(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

1.

[Subs. by entry no. 7 of the Schedule of U.P. Act XXX of 1956.](#)

2. The word [“Dominion” means the Dominion of India] omit. by the A.O. 1950. 3. Subs. by the A.O. 1950 for [Provl. Govt.].

4. Subs. by *ibid.* for [the United Provinces].

[The U.P. Pradeshik Armed Constabulary Act, 1948]

(b) Uses or attempts to use criminal force against or commits an assault on his superior officer, whether or on 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 1[the Union], 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 imprisonment for life or with imprisonment for a term which may extend to fourteen years and shall also be liable to fine.

Less offences 7. An officer of the 2[Pradeshik Armed Constabulary] who— **heinous**

(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 2[Pradeshik 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 of infirmity; or

(f)Being a sentry, sleeps while upon his post; or

(g)Quits his post guard, picquet, 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.

Scope.—Section 7(e) reers to malingering or pretending illness or infirmity. It does not apply when there has been absconsion from duty. *Guna Nand v. State*, 1969 ACC 186.

1.

Subs. by A.O. 1950 for the word 'Dominion'.

2. *See* Entry No. 3 in the beginning of this Act.

[The U.P. Pradeshik Armed Constabulary Act, 1948]

Minor

8. (1) The Commandant and subject to the control of the **punishments**

Commandant, an Assistant Commandant or such other officer, as may be prescribed, may, without formal trial, award to any officer of the 1[Pradeshik 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 a 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 orders; 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.

Discharge from

9. Notwithstanding anything contained in the Police Act, 1861, **Pradeshik Armed**

or in any other law, no officer of the 1[Pradeshik Armed Constabulary]

Constabulary

shall be entitled to be discharged from the Pradeshik Armed Constabulary.

Reversion

10. The Commandant or an Assistant Commandant may, notwithstanding anything

contained in Section 9, at any time revert

to 2[Uttar Pradesh] Police and

Officer of the 1[Pradeshik Armed

Constabulary] who has been

seconded from the Police Force.

Place of

11. (1) A person sentenced under this Act to imprisonment for a **imprisonment**

period exceeding three months, shall, notwithstanding anything contained in the Police Act,

1861, be deemed to have been dismissed from 2[Uttar Pradesh] Police Force and from the 1[Pradeshik Armed

Constabulary] and shall be imprisoned in the nearest or such other jail as the 3[State

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 Commandant, or subject to his control, an Assistant Commandant, so directs, be confined in the quarter-guard or such other place as the Commandant or Assistant Commandant may consider suitable.

1. *See*

Entry No. 3 in the beginning of this Act.

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

3. *Subs.* by the A.O. 1950 for [Provincial Government].

[The U.P. Pradeshik Armed Constabulary Act, 1948]

Saving of laws 12. Nothing in this Act shall prevent any person from being prosecution under other laws made under that Act or any other enactment for the time being in force, 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 :

Disciplinary and other Powers of Commandant of Constabulary in respect of the Pradeshik Armed Constabulary Act V of 1861 13. Subject to such rules as the 1[State Government] may make in this behalf a Commandant or Assistant Commandant shall have with Commandant and 2nd in respect to Police Officers appointed to 2[Uttar Pradesh] Police Force under the Police Act, 1861, who are not officers of the 3[Pradeshik Uttar Pradesh Armed Constabulary] the same disciplinary powers as a Superintendent of Police of District has with respect to them under that Act. otherwise than

Disbandment 14. (1) The 1[State Government] may by notification in the and reconstitution, official Gazette disband or reconstitute the 3[Pradeshik Armed Constabulary] or any Company thereof.

Discharge of an officer disbandment and reconstitution

(2) Whenever the 3[Pradeshik Armed Constabulary] or any Act V of 1861 Company 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 1[State Government] with a view to such disbandment or reconstitution, to discharge any officer from the 3[Pradeshik Armed Constabulary] and if he is enrolled under the Police, Act, 1861, and has not been confirmed, from the police force also.

Power to make purposes of this Act. 15. (1) The 1[State Government] may make rules for carrying out rules the

(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 companies to be constituted.
- (ii) The pay and other terms and conditions of service of officers of the 3[Pradeshik Armed Constabulary].
- (iii) The manner in which and the persons who may be appointed to be officers of the 3[Pradeshik Armed Constabulary].
- (iv) Any other matter which is to be or may be prescribed.

Repeal 16. The 3[Special Armed Constabulary] Act, 1942, as amended from time to time is hereby repealed :

United No. 1, 1904 Provided that (without prejudice to the general application of Provinces Act Sections 6 and 24 of the United Provinces General Clauses Act, 1904, with regard to the effect or repeals)—

1. Subs. by the A.O. 1950 for [Provincial Government].

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

3. See Entry No. 3 in the beginning of this Act.

[The U.P. Pradeshik Armed Constabulary Act, 1948]

(a) Any form, order, rule or direction made, issued or given under the said Act and in force immediately before the commencement of this Act, shall in so far as it applies to the 1[Pradeshik Armed Constabulary] and is not inconsistent with this Act continue in force as if it had been prescribed made, issued or given under this Act and may be repealed, revoked, varied or amended accordingly ;

(b) any officer or person appointed to act or enrolled under or ny virtue of the said Act in the 1[Pradeshik Armed

Constabulary] shall continue and be deemed to have been appointed under or by virtue of this Act, and

(c) any statement executed by any member of the 2[Special Armed Constabulary] or the 1[Pradeshik Armed Constabulary] in accordance with Sections 3 and 13 of the said Act shall be so read and construed as if it had been executed under the corresponding provisions of this Act.



SCHEDULE STATEMENT

(See Sections 2, 3 and 4)

At no time during the period of your service in the Pradeshik Armed Constabulary you will be entitled to obtain your discharge at your own request. On the liquidation of the force or of the company in which you may for the time being, be posted, you will be discharged from the 1[Pradeshik Armed Constabulary] and unless you were already a confirmed member of 3[Uttar Pradesh] Police Force before joining the 1[Pradeshik Armed Constabulary] from 3[Uttar Pradesh] Police also. 4 [You will, however, be eligible for re-enlistment in 3[Uttar Pradesh] Police.] In the event of your continuing in 3[Uttar Pradesh] Police or your re-enlistment therein, your services in the 3[Uttar Pradesh] 1[Pradeshik Armed Constabulary] will count for promotion and pension in 3[Uttar Pradesh] Police.

*Signature of Police Officer in
Acknowledgment of 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, Commandant or Assistant Commandant.

1. See Entry No. 3 in the beginning of this Act.

2. *Ibid.*

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

4. The portion in brackets will be deleted in the case of officers who were already members of Uttar Pradesh Police on joining the Provincial Armed Constabulary.