

No. 359/XXXVI(3)/2023/46(1)/2023
 Dated Dehradun, October 16, 2023

NOTIFICATION

Miscellaneous

In pursuance of the provisions of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of 'The Uttarakhand (The United Provinces Rakshak Dal Act, 1948) (Amendment) Act, 2023' (Act No. 22 of 2023).

As passed by the Uttarakhand Legislative Assembly and assented to by the Governor on 7th October, 2023.

**The Uttarakhand {The United Provinces Rakshak Dal Act, 1948}
 (Amendment) Act, 2023
 (Uttarakhand Act No. 22 Year, 2023)**

An

Act

further to amend United Provinces Rakshak Dal Act, 1948 (United Provinces Act No. 38 of 1948) in the context of the State of Uttarakhand,

Be it enacted by the Uttarakhand State Legislative assembly in the seventy fourth year of the Republic of India as follows :-

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|---------------------------------|---|
| Short title, and commencement : | 1. (1) This Act shall be called The Uttarakhand {The United Provinces Rakshak Dal Act, 1948} (Amendment) Act, 2023.

(2) This shall come into force at once. |
| Amendment in the Act | 2. In the United Provinces Rakshak Dal Act 1948 (hereinafter referred to as principal Act) wherever the words 'United Provinces' 'Rakshak Dal' 'Provincial Govt' 'Administrative Commandant' are used under which heading/sub heading, marginal heading and schedule are also included will be respectively replaced by "Uttarakhand" "Prantiya Rakshak and Vikas Dal" "State Government" and "Director". |
| Amendment of Section 2 | 3. In the section 2 in clause (a) of the principal Act the words "honorary officer of equivalent rank" shall be omitted. |
| Amendment of Section 4 | 4. In principal Act section 4 shall be substituted as follows, namely : |

"With such restrictions as may be prescribed any person can be registered and affiliated as a member of the Prantiya Rakshak and Vikas Dal who has attained the minimum age of 18 years and upto the maximum age of 42 years and the maximum age of his affiliation will be upto the 60 years and terms and conditions of his affiliation/employment shall be such as may be prescribed"

- Amendment of Section 5 5. In principal Act section 5 shall be substituted as follows, namely :
"On the orders of the prescribed officer, the member of the Prantiya Rakshak and Vikas Dal will have to maintain public peace and do all such other works for which the above identified officer may order. Prescribed Officer shall mean the officer mentioned in the rules made for the implementation of the Act under section 20 of this Act".
- Amendment of Section 7 6. In principal Act sub section (1) of section 7 shall be substituted as follows, namely :
"For the purpose of carrying out the orders of this Act or any rule or regulation made thereunder, a volunteer of the Prantiya Rakshak and Vikas Dal, when deployed on the duty of peace and security, shall be deemed to be a police officer and such condition and restrictions as may be prescribed, the officer shall have and be subject to all the privileges, responsibilities and protections as provided under the Uttarakhand Police Act, 2007 or received by the police officer appointed by any other statute for the time being in force, Provided that such conditions and restrictions shall not be contrary to the orders of this Act".
- Amendment of Section 10 7. In principal Act section 10 shall be substituted as follows, namely :
"When a member of the Prantiya Rakshak and Vikas Dal, not being an officer is accused of an offense punishable under section 9, the director or any gazetted officer authorized by him in writing, under whom the member of the Prantiya Rakshak and Vikas Dal is for the time being serving, may order that the said charge be proceeded without a lawful trial, and may award to such member one or more of the following punishments, that is to say" -
(a) Termination of registration from the Prantiya Rakshak and Vikas Dal.
(b) Separation from duty for one year.
- Omission of Section 11 8. In Principal Act section 11 shall be omitted.
- Omission of Section 12 9. In Principal Act section 12 shall be omitted.
- Amendment of Section 13 10. In Principal Act section 13 shall be substituted as follows, namely :

- "If the offense is punishable under section 9 and the indictment thereof has not been disposed of in accordance with section-10, the trial thereof shall be tried by a Magistrate of the first class having jurisdiction".
- Omission of Section 14 11. In principal Act section 14 shall be omitted.
- Amendment of Section 16 12. In section 16 of the principal Act, the words "or any honorary officer of equivalent rank" shall be omitted.
- Amendment of Section 17 13. In principal Act sub section (2) of section 17 shall be substituted as follows, namely :
"If indiscipline has been done by a volunteer, in that case the department shall be informed by the employer. Action shall be taken by the department on the above matter as per rules In case of criminal act action shall be taken by police department as per rules".
- Amendment of Section 18 14. In principal Act section 18 shall be substituted as follows, namely :
"When a volunteer in called to perform duties in other departments/institutions, his/her daily allowance will be paid by the concerned department/institutions. For this, the concerned department/institutions will make provision for necessary funds/budget etc. as per rules."
- Omission of Section 19 15. In principal Act section 19 shall be omitted.
- Amendment of Section 20 16. In principal Act in clause (c) of sub-section (2) of section 20 the words "whether honorary or paid" shall be omitted.
- Addition of Section 21 17. In the principal Act after section 20 a new Section-21 with marginal heading shall be inserted as follows namely:

"21. Miscellaneous The members of the Prantiya Rakshak and Vikas Dal may be given such leave and for such period as may be prescribed by the State Government from time to time by order.
- Repeal and Savings 18. (1) The Uttarakhand {The United Provinces Rakshak Dal Act, 1948} (Amendment) Ordinance, 2023 is hereby repealed.
(2) Notwithstanding such repeal anything done or any action taken under the provisions of the ordinance refer to in sub-section (1) shall be deemed to have been done or taken under corresponding provisions of this Act.

By Order,

SHAHANSHAH MUHAMMAD DILBER DANISH,
Secretary.

Statement of Object and Reason

For removing unnecessary section and to amend the certain parts in the United Provinces Prantiya Rakshak Dal Act, 1948 and to make arrangement for leave etc. for the volunteers in relation to the demand in work the Uttarakhand (United Provinces Prantiya Rakshak Dal Act, 1948) (Amendment) Ordinance, 2023 has been promulgated.

2- The propose bill is the replacing bill of the said Ordinance.

Rekha Arya
Minister