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# ODISHA ACT 7 OF 1946

# THE ORISSA SPECIAL ARMED POLICE ACT, 1946

*[25th October, 1946]*

## PREAMBLE

An Act to Provide for the Regulation of the Orissa Military Police

Whereas it is expedient to make provision for the better regulation of the Orissa Armed Police Reserve;

It is hereby enacted as follows:

Short title, commencement

(1) This Act may be called the Orissa [Substituted by Orissa Act 18 of 1980, extent and w.e.f. 20.12.1980.] [Special Armed Police} Act, 1946.

(2) It extends to the whole of the Province of Orissa.

(3) It shall come into force on such day as the Provincial Government may, by notification, appoint in this behalf.

Definitions:

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

(1) [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police-officer"] means a person appointed to the Orissa Police Force constituted under Sec. 2 of the Police Act, 1861, (V of 1861) who has signed the statement in the Schedule to this Act, in accordance with provision of this Act;

(2) "Active Service" means against hostile or groups of persons in the file;

(3) "District Magistrate" includes a Deputy Commissioner, an Agent to the Provincial Government and a Special Assistant Agent and a Magistrate in charge of a sub-division;

(4) "Commandant" means person appointed by the Provincial Government to be a Commandant of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] and includes a District Superintendent of Police and an Assistant District Superintendent of Police in charge of the civil police of a district or of a subdivision;

(5) "Assistant Commandant" means a person appointed by the Provincial Government to be an Assistant Commandant of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police], and includes an Assistant or Deputy Superintendent of Police not in charge of the civil police of a district or of a subdivision; and

(6) the expressions, "reason to believe", "criminal force", "assault", "fraudulently" and "voluntarily causing hurt" have the meanings assigned to them respectively in the Indian Penal Code, 1860. (XLV of 1860).

Enrolment and discharge of Special Armed Police Officers

3. (1) Before an Officer appointed to the Orissa Police Force constituted under Sec. 2 of the Police Act, 1861, is appointed to be a [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer, the statement in the Schedule shall be read and if necessary explained to him in the presence of Magistrate, Commandant or Assistant Commandant and shall be signed by him in acknowledgment of its having been so read to him.

(2) Notwithstanding anything contained in Section 9 of the Police Act, 1861, (V of 1861) [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer shall not be entitled to be discharged from the Orissa Police Force except in accordance with the terms of the statement which he has signed under this Act.

Class and grades of Orissa

4 - (1) There may be all or any of the following classes of [Substituted by Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officers which

shall take rank Special Armed Police Officers in the order mentioned, namely:

(i) Sergeant-Major

(ii) Subedars

(iii) Sergeant

(iv) Jamadars

(v) Havildar-Major

(vi) Havildars

(vii) Naiks

(viii) Sepoys including Lance Naiks and such grades in each class as the Provincial Government may direct.

(2) The expression "Superior officer" in this Act means in relation to any Police-officer

(a) any officer of a higher class than or of a higher grade in the same class as himself, and

(b) any Assistant Commandant, Commandant or District Magistrate.

Class and grades of Special Armed Police Officers

5 - A [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer who -

(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, of any intention to mutiny, does not without delay give information thereof to his commanding or other superior officer; or

or

(b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, whether on or off duty; or

(c) shamefully abandons or delivers up any garrison, fortress, post or guard which is committed to his charge or which it is in his duty to defend; or

(d) directly or indirectly holds correspondence with, or assists or relieves any person in arms against the State or omits to discover immediately to his commanding or other superior officer any such correspondence coming to his knowledge; or who, while on active service -

(e) disobeys the lawful command of his superior officer; or

(f) deserts the service; or

(g) being a sentry, sleeps upon his post, or quits it without being regularly relieved or without leave; or

(h) quits his guard, piqued, party or patrol without being regularly relieved or without leave; or

(i) uses criminal force to, or commits an assault on, any person bringing provisions or other necessaries to camp or headquarters of forces a safeguards, or without authority breaks into any house or any other place for plunder, or plunders, destroys or damages any property of any kind; or

(j) intentionally causes or spreads false alarm in action, camp, garrison or quarters; shall be punished with transportation for life or for a term of not less than seven years, or with imprisonment for a term which may extend to fourteen years, or with fine which may extend to three months pay or with fine to that extent in addition to such sentence or transportation or imprisonment as the case may be, as may be passed upon him under this Section.

Punishment for less heinous offences

6 - A [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer who -

(a) is in a state of intoxication when on or for any duty or on parade or on the line of march; or

(b) strikes or attempts to force sentry; or

(c) being in command of a guard, piqued or patrol, refuses to receive any prisoner duly committed to his charge, or without proper authority releases any prisoner, or negligently suffers any prisoner to escape; or

(d) being under arrest or in confinement, leaves his arrest or confinement before he is set at liberty by proper authority; or

(e) is grossly insubordinate or insolent to his superior officer in the execution of his office; or

(f) refuses to superintendent or assist in the making of any field-work or other work of any description ordered to be made either in quarters or in the field; or

(g) strikes or otherwise ill-uses any [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer subordinate to him in rank or position; or

(h) being in command at any post or on the march, and receiving a complaint that anyone under his command has beaten or otherwise mal treated or oppressed any person, or has committed any riot or trespass, fails, on proof of the truth of the complaint, to have due repartation made as far as possible to the injured person and to report the case to the proper authority; or

(i) designedly or through neglect injures or loses, or fraudulently disposes of his arms, clothes, tools, equipments, ammunition, accountrements or [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] necessaries, or any such articles entrusted to him or belonging to any other person; or

(j) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or

(k) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or who while not an active service-

(l) disobeys the lawful command of his superior officer; or

(m) plunders, destroys, or damages any property of any kind; or

(n) being a sentry, steps upon his post or quits it without being regularly relieved or without leave; or

(o) deserts the services; shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to three month's pay, or with both.

Minor punishment

7 - (1) A District Magistrate, Commandant or Assistant Commandant, or an officer not being below the rank of Subedar commanding a separate detachment or an outpost or in temporary command at headquarters of a district during the absence of the District Magistrate, Commandant and Assistant Commandant, may without a formal trial award to any [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] officer who is subject to his authority any of the following punishments for the commission of any petty offence against discipline which is not otherwise provided for in this Act, or which is not of a sufficiently serious nature to call for a prosecution before a Criminal Court, that is to say -

(a) imprisonment to the extent of seven days in the quarter-guard or such other place as may be considered suitable, with forfeiture of all pay and allowances during its continuance;

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

(2) Any one of these punishments may be awarded separately or in combination with anyone or more of the others.

Place of imprisonment

8 - A person sentenced under this Act to imprisonment for a period not exceeding three months shall, when he is also dismissed from the Orissa Police Force, be imprisoned in the nearest or such other jail as the Provincial Government may, by general or special order, direct; but when he is not also dismissed from that force, he may, if the convicting officer or District Magistrate, so directs, be confined in the quarter-guard or such other place as the convicting officer or District Magistrate may consider suitable.

Saving of prosecution under other laws

9 - (1) Nothing in this Act shall prevent any person from being prosecuted under the Police Act. 1861, or under any order or rule made under that Act or under any other enactment for the time being in force for any act or omission punishable hereunder, or from being liable if so prosecuted, to any other or higher penalty than is provided for that act or omission by this Act.

(2) Provided that no person shall be punished twice for the same offence.

Conferment of magisterial power on Police-officer

10 - Notwithstanding anything in the Police Act, 1861, or in any other enactment for the time being in force, the Provincial Government may invest any Police-officer not being below the rank of Commandant, with the powers of a Magistrate of any class for the purpose of enquiring into or trying any Offence committed by a [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] Officer and punishable under the Police Act, 1861, or this Act.

Disciplinary and other powers of Police-officers of Special Armed Police Armed Police has as Police-officers

11 - Subject to such rules as the Provincial Government may make in this behalf, a Commandant or Assistant Commandant of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] shall have, with respect to Commandant and Assistant Commandant of appointed to the Orissa Police Force constituted under Sec. 2 of the Police Act, 1861, who are not otherwise than in respect of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Police] Officers, the same disciplinary powers as a District Superintendent of with respect to them under Sec. 7 of the said Act.

Privileges of Commandant and Assistant Commandant of Special Armed Police

12 - A Commandant Or Assistant Commandant of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] shall be entitled to all the privileges which a Police-officer has under Sees. 42 and 43 of the Police Act, 1861, Section 125 of the Indian Evidence Act, 1872 and any other enactment for the time being in force.

Powers to make rules

13 - The Provincial Government may, as regards the [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police], make such orders and rules consistent with this Act, as it thinks expedient.

Repeal of enactment

14 - The Bengal Military Police Act, 1892. (V of 1892) is hereby repealed.

## SCHEDULES

Schedule - SCHEDULE

SCHEDULE

STATEMENT

[See Sections 2 and 3]

After you have served for three years in the Orissa [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] you may at any tie when not on active service, apply for your discharge, through the officer to whom you may be subordinate, to a Commandant of [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] or the District Magistrate of the district in which you may be serving and you will be granted your discharge after two months from the date of your application unless your discharge would cause the vacancies in the Orissa [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] to exceed one-tenth of the sanctioned strength; in that case you must remain Until this objection is waived by competent authority or removed. But when on active service you have no claim to a discharge, and you must remain and do your duty until the necessity For retaining you in the Orissa [Substituted by Orissa Act 18 of 1980, w.e.f. 20.12.1980.] [Special Armed Police] ceases, when you may make your application in the matter hereinbefore prescribed. In the event of your re-enlistment, after you have been discharged, you will have no claim to reckon for pension or any other purpose your service previous to your discharge.

(Signature of the Police-officer in acknowledgment of the above having been read to him) A.B.

Signed in my presence after I had ascertained that A.B. understood the purport of what he signed CD. Magistrate.