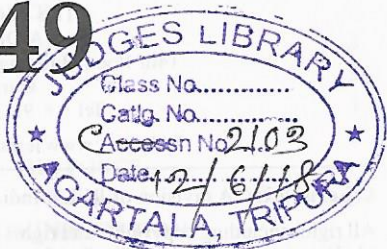


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The Central Reserve Police Force Act, 1949

(66 of 1949)



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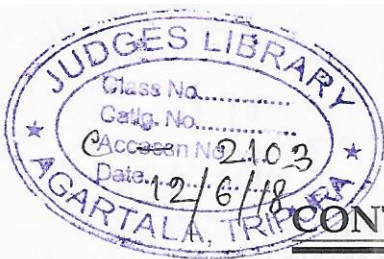
The Central Reserve Police Force Rules, 1955

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THE CENTRAL RESERVE POLICE FORCE ACT, 1949

INTRODUCTION

To aid the Indian States in the maintenance of law and order in times of emergency, the Crown Representative's Police Force was raised as a reserve force. Under the Foreign (Jurisdiction) Order, 1937 the Crown Representative's Police Force Law, 1939 was made to provide for the constitution and regulation of the Crown Representative's Police Force. The said law of 1939 ceased to have effect when India gained independence on 15th August, 1947. But the Crown Representative's Police Force was retained as the Central Reserve Police Force. To replace the old Crown Representative's Police Force Law, 1939, and to provide for the organisation, control and regulation of the Central Reserve Police Force by the Central Government, the Central Reserve Police Force Bill was introduced in the Parliament.

STATEMENT OF OBJECTS AND REASONS

The Crown Representative's Police Force which was raised by the late Crown Representative as a reserve force to aid Indian States in the maintenance of law and order in times of emergency has been retained as the Central Reserve Police Force even after the laps of paramountcy.

2. The Crown Representative's Police Force Law, 1939, which was made under the Foreign (Jurisdiction) Order, 1937 to provide for the constitution and regulation of the Force, automatically ceased to have effect from the 15th August, 1947, but no enactment has been made for the regulation and control of this Force by the Government of India after the 15th August, 1947. The objects of the proposed Bill are to replace the old Crown Representative's Police Force Law, 1939, and thus provide for the organisation, control and regulation of the Central Reserve Police Force, by the Central Government. For the purposes of this Bill, this Force falls within the category of any other armed forces raised or maintained by the Dominion mentioned in Paragraph 1 of List I of the Seventh Schedule to the Government of India Act, 1935, as adapted.

ACT 66 OF 1949

The Central Reserve Police Force Bill having been passed by the Legislature received its assent on 28th December, 1949. It came on the Statute Book as THE CENTRAL RESERVE POLICE FORCE ACT, 1949 (66 of 1949) (*Came into force on 28-12-1949*).

LIST OF AMENDING ACTS

1. The Part B States (Laws) Act, 1951 (3 of 1951) (w.e.f. 1-4-1951).
2. The Delegated Legislation Provisions (Amendment) Act, 1985 (4 of 1986) (w.e.f. 15-5-1986).

THE CENTRAL RESERVE POLICE FORCE ACT, 1949

(66 of 1949)

[28th December, 1949]

An Act to provide for the constitution and regulation of an armed Central Reserve Police Force.

WHEREAS it is expedient to provide for the constitution and regulation of an armed Central Reserve Police Force;

It is hereby enacted as follows:—

PRELIMINARY

1. Short title and extent.—(1) This Act may be called the Central Reserve Police Force Act, 1949.

(2) It extends to the whole of India ^{1[***]}, and applies to members of the Force, wherever they may be.

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

- (a) "active duty" means the duty to restore and preserve order in any local area in the event of any disturbance therein;
- (b) "close arrest" means confinement within the Force or a detachment of the Force or a post quarter-guard building or tent under charge of a guard;
- (c) "the Force" means the Central Reserve Police Force;
- (d) "member of the Force" means a person who has been appointed to the Force by the Commandant, whether before or after the commencement of this Act, and in sections 1, 3, 6, 7, 16, 17, 18 and 19, includes also a person appointed to the Force by the Central Government whether before or after such commencement;
- (e) "open arrest" means confinement within the precincts of any barracks, lines or camp for the time being occupied by any part of the Force;
- (f) "prescribed" means prescribed by rules made under this Act;
- (g) "subordinate officer" means a member of the Force of the rank of subedar-major, subedar, jemadar or sub-inspector;
- (h) the expressions "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" have the meanings assignend to them respectively in the Indian Penal Code (45 of 1860).

COMMENTS

(i) Member of Force under suspension cannot be regarded as being on active duty; *Chaturbhuj v. State*, 1982 Cr LJ 83 (Gau).

(ii) The words "assault", "criminal force", "fraudulently", "reason to believe" and "voluntarily causing hurt" in section 2 (h) of the Act have been defined in sections 351, 350, 25, 26 and 321 of the Indian Penal Code (45 of 1860) respectively.

1. The words "except the State of Hyderabad" omitted by Act 3 of 1951, sec. 3 and Sch. (w.e.f. 1-4-1951).

CONSTITUTION OF THE FORCE

3. Constitution of the Force.—(1) There shall continue to be an armed force maintained by the Central Government and called the Central Reserve Police Force.

(2) The Force shall be constituted in such manner, and the members of the Force shall receive such pay, pension and other remuneration, as may be prescribed.

COMMENTS

The words "Armed Force of the Union" in section 197 (2) of Criminal Procedure Code, 1973 includes Central Reserve Police Force; *Akhilesh Prasad v. Union Territory of Mizoram*, 1981 Cr LJ 407: AIR 1981 SC 806.

4. Appointment and powers of superior officers.—(1) The Central Government may appoint to the Force a Commandant and such other persons as it thinks fit to be assistant commandants and company officers.

(2) The Commandant and every other officer so appointed shall have, and may exercise, such powers and authority as may be provided by or under this Act.

5. Enrolment.—Before a person is appointed to be a member of the Force, the statement contained in the recruiting roll set out in the Schedule shall be read out and, if necessary, explained to him in the presence of an officer appointed under sub-section (1) of section 4, and shall be signed by such person in acknowledgement of its having been so read out to him:

Provided that any person who has for a period of six months served with the Force, shall, on appointment to the Force thereafter, be deemed to be a member of the Force notwithstanding that the provisions of this section have not been complied with in his case.

6. Resignation and withdrawal from the Force.—No member of the Force shall be at liberty to—

- (a) resign his appointment during the term of his engagement, except before the expiration of the first three months of his service; or
- (b) withdraw himself from all or any of the duties of his appointment, without the previous permission in writing of the Commandant or Assistant Commandant or any other officer authorised by the Commandant to grant such permission.

GENERAL DUTIES OF MEMBERS OF THE FORCE

7. General duties of members of the Force.—(1) It shall be the duty of every member of the Force promptly to obey and to execute all orders and warrants lawfully issued to him by any competent authority, to detect and bring offenders to justice and to apprehend all persons whom he is legally authorised to apprehend and for whose apprehension sufficient grounds exist.

(2) Every member of the Force shall be liable to serve without and beyond, as well as within the territory of India.

SUPERINTENDENCE, CONTROL AND ADMINISTRATION OF THE FORCE

8. Superintendence, control and administration of the Force.—(1) The superintendence of, and control over, the Force shall vest in the Central Government; and the Force shall be administered by the Central Government in accordance with the provisions of this Act and of any rules made thereunder, through such officers as the Central Government may from time to time appoint in this behalf.

(2) The headquarters of the Force shall be at Neemuch or at such other place as may from time to time be specified by the Central Government.

(3) While on active duty outside its headquarters, the Force shall be subject to the general control and direction of such authority or officer as may be prescribed or as may be specially appointed by the Central Government in this behalf.

OFFENCES AND PUNISHMENTS

9. More heinous offences.—Every member of the Force who—

- (a) begins, excites, causes or conspires to cause or joins in any mutiny, or, being present at any mutiny, does not use his utmost endeavour to suppress it, or knowing, or having reason to believe in, the existence of any mutiny, or of any intention or conspiracy to mutiny or of any conspiracy against the State does not, without delay, give information thereof to his superior officer; or
- (b) uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, whether on or off duty, knowing or having reason to believe him to be such; or
- (c) shamefully 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 the State or omits to discover immediately to his superior officer any such correspondence coming to his knowledge; or

who, while on active duty,—

- (e) disobeys the lawful command of his superior officer; or
- (f) deserts the Force; or
- (g) being a sentry, sleeps upon his post or quits it without being regularly relieved or without leave; or
- (h) leaves his commanding officer, or his post or party, to go in search of plunder; or
- (i) quits his guard, picquet, party or patrol without being regularly relieved or without leave; or
- (j) uses criminal force to, or commits an assault on any person bringing provisions or other necessaries to camp or quarters, or forces a safeguard or breaks into any house or other place for plunder, or plunders, destroys or damages property of any kind; or



- (k) intentionally causes or spreads a false alarm in action or in camp, garrison or quarters; or
- (l) displays cowardice in the execution of his duty,

shall be punishable with transportation for life 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 of transportation or imprisonment.

COMMENTS

(i) If a member of the Force, while not on active duty being under suspension, disobeys lawful command of his superior officer, he commits an offence; *Chaturbhuj v. State*, 1982 Cr LJ 83 (Gau).

(ii) Section 9(e) to (l) of the Act has to be regarded as part and parcel of section 10(p) and if a member of the Force, while not on active duty, disobeys the lawful command of his superior officer, he is punishable under the said clause; *Chaturbhuj v. State*, 1982 Cr LJ 83 (Gau).

10. Less heinous offences.—Every member of the Force who—

- (a) is in a state of intoxication when on, or after having been warned for, any duty or on parade or on the line of march; or
- (b) strikes or attempts to force any sentry; or
- (c) being in command of a guard, picquet or patrol, refuses to receive any prisoner or person duly committed to his charge, or without proper authority releases any person or prisoner placed under his charge, or negligently suffers any such prisoner or person to escape; or
- (d) being under arrest or in confinement, leaves his arrest or confinement, before he is set at liberty by lawful authority; or
- (e) is grossly in subordinate or insolent to his superior officer in the execution of his office; or
- (f) refuses to superintend 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 member of the Force subordinate to him in rank or position; or
- (h) designedly or through neglect injures or loses or fraudulently disposes of his arms, clothes, tools, equipments, ammunition or accoutrements, or any such articles entrusted to him or belonging to any other person; or
- (i) malingers or feigns or produces disease or infirmity in himself, or intentionally delays his cure, or aggravates his disease or infirmity; or
- (j) with intent to render himself or any other person unfit for service, voluntarily causes hurt to himself or any other person; or
- (k) does not, when called upon by his superior officer so to do or upon ceasing to be a member of the Force forthwith deliver up, or duly account for, all or any arms, ammunition, stores, accoutrements or

other property issued or supplied to him or in his custody or possession as such member; or

- (l) knowingly furnishes a false return or report of the number or state of any men under his command or charge or of any money, arms, ammunition, clothing, equipments, stores or other property in his charge, whether belonging to such men or to the Government or to any member of, or any person attached to the Force, or who, through design or culpable neglect, omits or refuses to make or send any return or report of the matters aforesaid; or
 - (m) absents himself without leave, or without sufficient cause overstays leave granted to him; or
 - (n) is guilty of any act or omission which, though not specified in this Act, is prejudicial to good order and discipline; or
 - (o) contravenes any provision of this Act for which no punishment is expressly provided; or
- who, while not on active duty,—
- (p) commits any of the offences specified in clauses (e) to (l) (both inclusive) of section 9,

shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to three months' pay, or with both.

COMMENTS

Where the accused has pleaded guilty of absence without leave and he has concurrently been found to have disobeyed the lawful command of his superior officer, he can rightly be convicted under section 10(m) and (p) of the Act; *Chaturbhuj v. State*, (1982) Cr LJ 83 (Gau).

11. Minor punishments.—(1) The Commandant or any other authority or officer as may be prescribed, may, subject to any rules made under this Act, award in lieu of, or in addition to, suspension or dismissal any one or more of the following punishments to any member of the Force whom he considers to be guilty of disobedience, neglect of duty, or remissness in the discharge of any duty or of other misconduct in his capacity as a member of the Force, that is to say,—

- (a) reduction in rank;
- (b) fine of any amount not exceeding one month's pay and allowances;
- (c) confinement to quarters, lines or camp for a term not exceeding one month;
- (d) confinement in the quarter-guard for not more than twenty-eight days, with or without punishment drill or extra guard, fatigue or other duty; and
- (e) removal from any office of distinction or special emolument in the Force.

(2) Any punishment specified in clause (c) or clause (d) of sub-section (1) may be awarded by any gazetted officer when in command of any detachment of the Force away from headquarters, provided he is specially authorised in this behalf by the Commandant.

(3) The Assistant Commandant, a company officer or a subordinate officer, not being below the rank of subedar or inspector, commanding a separate detachment or an outpost, or in temporary command at the headquarters of the Force, may, without a formal trial, award to any member of the Force who is for the time being subject to his authority any one or more of the following punishment 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 require prosecution before a criminal court, that is to say,—

- (a) confinement for not more than 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, or extra guard, fatigue or other duty, for not more than thirty days with or without confinement to quarters, lines or camp;
- (c) censure or severe censure:

Provided that this punishment may be awarded to a subordinate officer only by the Commandant.

(4) A jemadar or sub-inspector who is temporarily in command of a detachment or an outpost may, in like manner and for the commission of any like offence, award to any member of the Force for the time being subject to his authority any of the punishments specified in clause (b) of sub-section (3) for not more than fifteen days.

COMMENTS

Member of the Force does not cease to be a member of the Force though he may not be on active duty as a member of the Force at the time of examination; *Deen Dayal Yadav v. D.I.G. of Police*, 1974 Lab. IC 929.

12. Place of imprisonment and liability to dismissal on imprisonment.—(1) Every person sentenced under this Act to imprisonment may be dismissed from the Force, and shall further be liable to forfeiture of pay, allowance and any other moneys due to him as well as of any medals and decorations received by him.

(2) Every such person shall, if he is so dismissed, be imprisoned in the prescribed prison, but if he is not also dismissed from the Force, he may, if the Court or the Commandant so directs, be confined in the quarter-guard or such other place as the Court or the Commandant may consider suitable.

COMMENTS

(i) A member of the CRPF is guilty of misconduct, if he is found to be guilty of copying at a written examination for promotion; *Deen Dayal Yadav v. D.I.G. of Police*, 1974 Lab IC 929.

(ii) The punishment of removal or dismissal from force can not only be passed under section 12 of the Act, but also under section 11; *Deen Dayal Yadav v. D.I.G. of Police*, 1974 Lab. IC 929.

13. Deductions from pay and allowances.—The following penal deductions may be made from the pay and allowances of a member of the Force by his company officer, that is to say,—

- (a) all pay and allowances for every day of absence either on desertion or without leave and for every day of imprisonment awarded by a Criminal Court or of confinement awarded under section 11;
- (b) all pay and allowances for every day whilst he is in custody on a charge for an offence of which he is afterwards convicted;
- (c) all pay and allowances for every day on which he is in hospital on account of sickness certified by the medical officer attending on him at the hospital to have been caused by an offence committed by him under this Act;
- (d) all pay and allowances ordered to be forfeited under section 11; and
- (e) such sum as may be ordered by the Commandant or assistant commandant in order to make good any expenses caused by the member of the Force, or any loss of, or damage or destruction done by him to, any arms, ammunition, equipment, clothing, instruments or decorations belonging to the Force or to any buildings or property.

14. Collective fines.—Whenever any weapon, part of a weapon or ammunition, forming part of the equipment of a company or other similar unit of the Force, is lost or stolen the Commandant may, after making such inquiry as he thinks fit and subject to such rules as may be prescribed, impose a collective fine upon the subordinate officers and men of such unit, or upon so many of them as, in his judgment, should be held responsible for such loss or theft.

ARREST

15. Arrest.—(1) Any member of the Force who commits any offence specified in section 9 or section 10 may be placed on open or close arrest by any officer of the Force.

(2) Where any subordinate officer orders an arrest under sub-section (1), he shall forthwith or at the earliest opportunity report the arrest to his company or detachment Commander who shall after investigating the case order the release or the continued arrest of the member of the Force arrested.

MISCELLANEOUS

16. Powers and duties conferrable and imposable on members of the Force.—(1) The Central Government may, by general or special order, confer or impose upon any member of the Force any of the powers or duties conferred or imposed on a police officer of any class or grade by any law for the time being in force.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898)* the Central Government may invest the Commandant or an assistant commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by member of the Force and punishable under this Act, or any offence committed by a member of the Force against the person or property of another member:

Provided that—

- (i) when the offender is on leave or absent from duty, or
- (ii) when the offence is not connected with the offender's duties as a member of the Force, or

* See now Code of Criminal Procedure, 1973 (2 of 1974).

- (iii) when it is a petty offence, even if connected with the offender's duties as a member of the Force,

the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed, so directs, be inquired into or tried by an ordinary Criminal Court having jurisdiction in the matter.

17. Protection for acts of members of the Force.—(1) In any suit or proceeding against any member of the Force for any act done by him in pursuance of a warrant or order of a competent authority it shall be lawful for him to plead that such act was done by him under the authority of such warrant or order.

(2) Any such plea may be proved by the production of the warrant or order directing the act and if it is so proved the member of the Force shall thereupon be discharged from liability in respect of the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such warrant or order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding (whether civil or criminal) which may lawfully be brought against any member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder, shall be commenced within three months after the act complained of was committed, and not otherwise, and notice in writing of such proceeding and of the cause thereof shall be given to the defendant or his superior officer at least one month before the commencement of such proceeding.

18. Power to make rules.—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying 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:—

- (a) regulating the classes and grades of, and the pay, pension and other remuneration of members of the Force, and their conditions of service in the Force;
- (b) regulating the powers and duties of officers authorised to exercise any functions by or under this Act;
- (c) fixing the period of service for members of the Force;
- (d) regulating the award of minor punishment under section 11, and providing for appeals from, or the revision of, orders under that section, or the remission of fines imposed under that section, and the remission of deductions made under section 13;
- (e) regulating the several or collective liability of members of the Force in the case of the loss or theft of weapons and ammunition;
- (f) for the disposal of criminal cases arising under this Act and for specifying the prison in which a person convicted in any such case may be confined.

¹(3) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more

1. Ins. by Act 4 of 1986, sec. 2 and Sch. (w.e.f. 15-5-1986).

successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule, or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.]

COMMENTS

The conditions of service in the CRPF are governed by the Central Reserve Police Force Act, 1949 and the rules made thereunder in the year 1955. In pursuance of the powers conferred on the Central Government under section 18, Central Reserve Police Force Rules, 1955, were framed; *A.K. Narula v. Union of India*, 1993 Lab IC 73.

19. Validation of acts done before commencement of Act.—Any order made, thing done, or action taken by or in relation to a member of the Force, on or after the 15th day of August, 1947, but before the commencement of this Act, shall for all purposes be deemed to have been made, done or taken under this Act, as if this Act were in force on the day on which such order was made, thing was done or action was taken.

THE SCHEDULE RECRUITING ROLL

(See section 5)

After you have served in the Force for such period as the Central Government may prescribe, you may, at any time when not on active duty, apply for discharge, through the officer to whom you may be subordinate, to the Commandant, 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 Force to exceed one-tenth of the sanctioned strength in which case you shall be bound to remain until this objection is waived or removed. But when on active duty, you shall have no claim to a discharge, and you shall be bound to remain to do your duty until the necessity for retaining you in the Force ceases when you may make your application in the above-mentioned manner:

Provided that, if you wish to withdraw from the Force, you may submit your resignation at any time before the expiration of the first three months of your service, but not afterwards until the completion of the period prescribed as aforesaid; the Commandant may either accept your resignation forthwith or at the end of three months from the date of its receipt:

Provided, also, that the Commandant may, if he thinks fit, allow you to resign at any time on your giving three months' notice of your wish to do so.

.....
Signature of the member of the Force in acknowledgement
of the above having been read out to him.

.....
Space for impression of the member's left thumb to be taken
in the presence of the enrolling officer.

.....
Signed in my presence after I had ascertained that the
candidate understood the purport of what he signed.

Place.....

.....
Commandant,

Date.....

.....
or other authorised enrolling officer.