



The Police (Uttar Pradesh Amendment) Act, 1984
Act 10 of 1984

Keyword(s):
Civil Aviation Personnel

Amendments appended: 5 of 1985, 33 of 2001

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No. 931(2)/XVII-V-1-1(Ka)-6-1984

Dated Lucknow, April 30, 1984

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 Police (Uttar Pradesh Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 10 of 1984), as passed by the Uttar Pradesh Legislature and assented to by the Governor on April 29, 1984:

THE POLICE (UTTAR PRADESH AMENDMENT) ACT, 1984

[U.P. Act No. 10 of 1984]

(As passed by the Uttar Pradesh Legislature)

AN

ACT

176]76

further to amend the Police Act, 1861 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Thirty-fifth Year of the Republic of India as follows:—

1. This Act may be called the Police (Uttar Pradesh Amendment) Act, 1984. Short title.
2. In the Police Act, 1861, hereinafter referred to as the principal Act, in section 1, for the existing fifth clause defining the words 'District Superintendent', the following clause shall be substituted, namely:— Amendment of section 1 of Act V of 1861.

"the words 'District Superintendent' and 'District Superintendent of Police' shall include an Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent or other person appointed by general or special order of the State Government to perform all or any of the duties of a District Superintendent of Police under this Act in any district."
3. In the principal Act, in section 4,— Amendment of section 4.
 - (i) for the words "Inspector General of Police, and in such," the words "Director General-cum-Inspector-General of Police and in such Inspectors-General", shall be substituted;
 - (ii) for the words "Assistant District Superintendents", the words "Additional District Superintendents, Joint District Superintendents and Assistant District Superintendents" shall be substituted.
4. In the principal Act, in section 5, for the words "Inspector General of Police", the words "Director General-cum-Inspector General of Police" shall be substituted. Amendment of section 5.
5. In the principal Act, in section 7, for the words "Inspector General", the words "Director General-cum-Inspector-General, Inspectors General", shall be substituted. Amendment of section 7.
6. In the principal Act, in section 8, for the words "Inspector General" wherever occurring, the words "Director General-cum-Inspector General" shall be substituted. Amendment of section 8.
7. In the principal Act, in section 10, for the words "Inspector General" the words "Director General-cum-Inspector General" shall be substituted. Amendment of section 10.
8. In the principal Act, in section 12, for the words "Inspector General", wherever occurring, the words "Director General-cum-Inspector General" shall be substituted. Amendment of section 12.
9. In the principal Act, in section 13, for the words "Inspector General", wherever occurring, the words "Director General-cum-Inspector General or Inspector General", shall be substituted. Amendment of section 13.
10. In the principal Act, in section 14, for the words, "Inspector General", wherever occurring, the words "Director General-cum-Inspector General", shall be substituted. Amendment of section 14.
11. In section 15 of the principal Act, in sub-section (2), for the words "Inspector General", the words "Director General-cum-Inspector General" shall be substituted. Amendment of section 15.

- Amendment of section 30. 12. In section 30 of the principal Act, in sub-section (1), for the words "Assistant District Superintendent", the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent" shall be *substituted*.
- Amendment of section 30-A. 13. In section 30-A of the principal Act, in sub-section (1), for the words "Assistant District Superintendent", the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent" shall be *substituted*.
- Amendment of section 32. 14. In the principal Act, in section 32, for the words "Assistant District Superintendent" the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent" shall be *substituted*.
- Amendment of section 42. 15. In the principal Act, in section 42, for the words, "an Assistant District Superintendent", the words "Additional District Superintendent or Joint District Superintendent or Assistant District Superintendent" shall be *substituted*.
- Amendment of section 45. 16. In the principal Act, in section 45, for the words "Inspector General" the words "Director General-cum-Inspector General" shall be *substituted*.

By order,
G. B. SINGH,
Sachiv.

No. 552(2)/XVII-V-1—1 (Ka)-3-1982

Dated Lucknow, March 27, 1985

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 Police (Uttar Pradesh Sanshodhan) Adhiniyam, 1984 (Uttar Pradesh Adhiniyam Sankhya 5 of 1985) as passed by the Uttar Pradesh Legislature and assented to by the President on March 23, 1985:

THE POLICE (UTTAR PRADESH AMENDMENT) ACT, 1984

[U. P. ACT NO. 5 OF 1985]

(AS PASSED BY THE UTTAR PRADESH LEGISLATURE)

AN
ACT

further to amend the Police Act, 1861, in its application to Uttar Pradesh

IT IS HEREBY enacted in the Thirty-fifth Year of the Republic of India as follows :—

177072

Short title and commencement.

1. (1) This Act may be called the Police (Uttar Pradesh Amendment) Act, 1984.

(2) It shall come into force on such date as the State Government may, by notification appoint in this behalf.

2. In the Police Act, 1861, as amended in its application to Uttar Pradesh, after section 32, the following sections shall be inserted, namely :—

Insertion of new sections 32-A and 32-B in Act no. V of 1861.

“32-A. (1) The Magistrate of the district may, whenever he consider it necessary so to do for preservation of the public peace or public safety or for the maintenance of public order, by public notice or by order directed to individuals in any place prohibit, in any area within his jurisdiction, the carrying of arms or the holding of or taking part in any mass drill or mass training with arms where it arouses reasonable apprehension that the participant in such drill or training are likely to cause fear or alarm or a feeling of insecurity among the public or any section thereof.

Explanation—For the purpose of this section “arms” means any type of offensive weapon and includes lathi, danda, stick and belcha.

(2) No prohibition under this section shall remain in force for more than three months :

Provided that if the State Government considers it necessary so to do for the preservation of public peace or public safety or for the maintenance of public order, it may, by notification, direct that a public notice or order issued by Magistrate of the district under sub-section (1) shall remain in force for such further period, not exceeding six months from the date on which such notice or order would have, but for such direction, expired as it may specify in the said notification.

(3) The Magistrate of the district may, either on his own motion or on the application of any person aggrieved, rescind or alter any order made by him under sub-section (1).

(4) The State Government may, either on its own motion or on the application of any person aggrieved, rescind or alter any order made by it under the proviso to sub-section (2) or by the Magistrate of the District under sub-section (1).

(5) Where an application under sub-section (3) or sub-section (4) is received, the Magistrate of the District or the State Government, as the case may be, shall afford to the applicant an opportunity of appearing before him or it either in person or by Pleader and showing cause

against the order ; and if the Magistrate of the District or the State Government, as the case may be, rejects the application wholly or in part, he or it shall record in writing the reasons for so doing.

32-B. (1) Whoever contravenes any prohibition made under section 32-A, shall be liable, on conviction before a Magistrate, to imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees or with both.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, an offence punishable under this section shall be cognizable."

By order,
B. L. LOOMBA,
Sachiv.

Dated Lucknow, October 6, 2001

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 Police (Uttar Pradesh Sanshodhan) Adhiniyam, 2001 (Uttar Pradesh Adhiniyam Sankhya 33 of 2001) as passed by the Uttar Pradesh Legislature and assented to by the Governor on October 5, 2001.

THE POLICE (UTTAR PRADESH AMENDMENT) ACT, 2001

(U.P. Act No. 33 of 2001)

(As passed by the Uttar Pradesh Legislature)

AN

ACT

further to amend the Police Act, 1861 in its application to Uttar Pradesh.

IT IS HEREBY enacted in the Fifty-second Year of the Republic of India as follows :—

1. (1) This Act may be called the Police (Uttar Pradesh Amendment) Act, 2001.

Short title,
extent and
commencement

(2) It extends to the whole of Uttar Pradesh.

(3) It shall be deemed to have come into force on August 10, 2001.

2. In section 1 of the Police Act, 1861, hereinafter referred to as the principal Act *after* the definition of the word "property", the following definition shall be inserted, namely :—

Amendment of
section 1 of Act
no. 5 of 1861

"The expression 'civil aviation personnel' shall mean such officers and employees of the Civil Aviation Department posted in the maintenance, security and general administration wing of the Civil Aviation Directorate, Uttar Pradesh immediately before the commencement of the Police (Uttar Pradesh Amendment) Act, 2001, as may be specified in this behalf by the State Government by notification, and shall include any person appointed as a civil aviation personnel after such commencement."

Insertion of new
section 2-A

3. After section 2 of the principal Act, the following section shall be inserted, namely :—

“2-A (1) The provisions of this section shall have effect notwithstanding
Civil aviation personnel anything contained in any other provisions of this Act or
to be police force in any other law for the time being in force.

(2) On and from such date as the State Government may, by notification appoint in this behalf, the entire civil aviation personnel employed immediately before that date shall, for the purposes of this Act, become members of a police force and shall be formally enrolled in accordance with the provisions of section 8-A and any new such members shall, thereafter, be appointed in such manner, as shall from time to time, be ordered by the State Government :

Provided that any civil aviation personnel employed before the said date may, by notice addressed to the Director General, Civil Aviation, Uttar Pradesh served within a period of thirty days from the said date, intimate his option not to become a member of the said police force, and upon receipt of such notice, the post in the Civil Aviation Department held until then by him shall stand abolished and his services shall stand terminated and he shall be paid an amount equivalent to his three months salary as compensation.

(3) The pay and allowances payable to, and the other terms and conditions of service of civil aviation personnel shall be such as may be prescribed by rules made by the State Government.

(4) The civil aviation personnel shall discharge such duties as may be specified by general or special orders of the State Government from time to time pertaining to maintenance of aircraft belonging to, or hired by, the State Government, security at the Airport at Lucknow or at any other airport specified by a general or special order of the State Government and other duties incidental thereto or connected therewith.

(5) The civil aviation personnel shall have such privileges and exercise such powers necessary for the discharge of the said duties as may be specified by general or special orders of the State Government.

(6) The administration of the civil aviation personnel shall be vested in the Director General, Civil Aviation, Uttar Pradesh who shall be assisted by the Additional Director (Administration) Civil Aviation, Uttar Pradesh and such other officers and employees as may be specified by the State Government from time to time.”

Insertion of a new
section 8-A

4. After section 8 of the principal Act, the following section shall be inserted, namely :—

“8-A. Every civil aviation personnel who has, by virtue of this Act, become a
Enrolment of civil member of a police force, shall receive on the
aviation personnel commencement of the Police (Uttar Pradesh
Amendment) Act, 2001, and every such personnel appointed, after such
commencement, as such member, shall receive on his appointment, a certificate
in the form given below under the seal of the Director General, Civil Aviation,
Uttar Pradesh or such other officer as the State Government may appoint in this
behalf.

Form of Enrolment

CERTIFIED that Sri..... has been appointed as a civil aviation personnel being a member of a police force under the Police Act, 1861.”

U.P.
Ordinance
no. 16 of
2001

5. (1) The Police (Uttar Pradesh Amendment) Ordinance, 2001 is hereby repealed.

Repeal and
savings

(2) Notwithstanding such repeal anything done or any action taken under the provisions of the principal Act, as amended by the Ordinance referred to in sub-section (1), shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if this Act were in force at all material times.

By order,
Y.R. TRIPATHI,
Pramukh Sachiv.

STATEMENT OF OBJECTS AND REASONS

The Civil Aviation Department of the State Government maintains the Government aircrafts for the transport of the Ministers and other high functionaries of the State requiring, in the interest of public order, special precaution for their security. It was therefore considered necessary that the personnel of Civil Aviation Department posted in the maintenance, security and general administration wings should function as a part of police force and was, decided to amend the Police Act, 1861 in its application to Uttar Pradesh accordingly.

Since the State Legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision so the Police (Uttar Pradesh Amendment) Ordinance, 2001 (U.P. Ordinance no. 16 of 2001) was promulgated by the Governor on August 10, 2001.

This Bill is introduced to replace the aforesaid Ordinance.