THE TELANGANA SPECIAL PROTECTION FORCE ACT, 1991.

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THE TELANGANA SPECIAL PROTECTION FORCE ACT, 1991.[1]

ACT No.25 OF 1991.

1. (1) This Act may be called the [2]Telangana Special Protection Force Act, 1991. Short title, extent and commencement.

(2) It extends to the whole of the State of [2]Telangana.

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

2. In this Act, unless the context otherwise requires,- Definitions.

(a) „armed force" means the Special Protection Force constituted under section 3;

(b) „autonomous body" means an institution wholly or partially run on the funds or grants of or controlled by the Government;

(c) „Director-General‟ means the Director General of the Force appointed under section 4;

(d) „enrolled members of the Force‟ means any subordinate officer, under officer or any other member of the Force of the rank not lower than that of an under officer;

1. The Andhra Pradesh Special Protection Force Act, 1991 received the assent of the Governor on the 23rd October, 1991. The said Act in force in the combined State, as on 02.06.2014, has been adapted to the State of Telangana, under section 101 of the Andhra Pradesh Reorganisation Act, 2014 (Central Act 6 of 2014) vide. the Telangana Adaptation of Laws Order, 2016, issued in G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

2. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

(e) „establishment‟ means an office, guest house or such other institutions run by the Government;

(f) „Force custody‟ means the arrest or confinement of a member of the force in accordance with the rules made under this Act;

(g) „Government‟ means Government of [3]Telangana;

(h) „industrial undertaking‟ means any undertaking pertaining to a scheduled industry and includes an undertaking engaged in any other industry, or in any trade, business or service which may be regulated by law made by the Parliament or Legislature of the State;

(i) „industrial undertaking in public sector‟ means an industrial undertaking owned, controlled or managed by the Government and includes,-

(i) a Government company as defined in section 617 of [4]the Companies Act, 1956; Central Act 1 of 1956.

(ii) a Corporation established and is controlled by the Government;

(j) „Managing Director‟ in relation to an industrial undertaking, means the person, who exercises control over the affairs of that undertaking and includes a general manager, manager, chief executive officer or called by any other name;

(k) „Member of the Force‟ means a person appointed as such to the Force under this Act;

3. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016. 4. Now see the provisions of the Companies Act, 2013 (Central Act No.18 of 2013).

(l) „Prescribed‟ means prescribed by rules made under this Act;

(m) „scheduled industry‟ means any industry engaged in the manufacture or production of the articles mentioned in the First Schedule to the Industries Development and Regulation Act, 1951; Central Act 65 of 1951.

(n) „State‟ means the State of [5]Telangana;

(o) „strategic and vital installations‟ means all such vulnerable points or areas as specified by the Government from time to time, and declared essential for the maintenance of the life of the community and which require special protection against sabotage;

(p) „subordinate officer‟ means a person appointed to the force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;

(q) „supervisory officer‟ means any of the officers appointed under section 4 and includes any other officer appointed by the Government as supervisory officer of the Force;

(r) „under officer‟ means a person appointed to the Force as a Head Constable, or Constable.

Constitution of the Force.

3. (1) The Government shall, as soon as may be after the commencement of this Act, by notification constitute an armed force called, "The [5]Telangana Special Protection Force".

(2) The Force shall consist of such number of supervisory officers, subordinate officers, under officers and

5. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

other enrolled members and shall receive such pay and other remuneration as may be prescribed.

(3) The Headquarters of the Force shall be at Hyderabad or at such other places as may be specified by the Government from time to time.

Appointment and powers of the Director-General and Supervisory Officers.

4. (1) The Government may appoint a person to be the Director-General of the Force and may appoint other person to be Inspectors-General, Deputy Inspectors General, Commandants, Deputy Commandants and Assistant Commandants of the Force.

(2) The Director-General and every other supervisory officer so appointed under sub-section (1) shall have and may exercise, such powers and perform such duties as may be prescribed.

Appointment of enrolled members of the Force.

5. The Director-General or such supervisory officer as may be authorised by the Government shall enroll members of the Force in the manner prescribed.

Certificates of members of the Force.

6. Every enrolled member under section 5 shall be granted, on his appointment, a certificate in the form prescribed under the seal of the Director-General or such other supervisory officer as the Director General may specify in this behalf, and the person holding such certificate shall exercise the powers of an enrolled member of the Force and perform such duties as may be prescribed.

Superintendence and administration of the Force.

7. (1) The Director-General shall be the principal administrative officer of the Force subject to the overall control of the Government. He shall exercise such powers and perform such duties as may be prescribed.

(2) Subject to the provisions of the sub-section (1) the administration of the Force within such local limits as may

be prescribed shall be carried on by the Inspector-General, Deputy Inspector General, Commandant, Deputy Commandant or Assistant Commandant in accordance with the provisions of this Act and any rules made thereunder and every supervisory officer placed in charge of the protection and security of Government Treasuries, Institutions, autonomous bodies, industrial under-takings assets owned and controlled by the State and Central

Governments and strategic and vital installations in the State shall function on such terms and conditions as may be prescribed and shall subject to any direction that may be given by the Government or the Director-General in this behalf, discharge his functions under the general supervision, direction and control of the authority in charge of the institutions, autonomous bodies or strategic and vital installations and managing directors of industrial undertakings.

Duties of members of Force.

8. It shall be the duty of every officer and member of the Force:-

(i) to obey and execute all orders lawfully issued to him by his superior authority;

(ii) to protect and safeguard the Government Treasuries, institutions, autonomous bodies, industrial undertakings and assets owned and controlled by the State Government or strategic and vital installations under their control;

(iii) to protect and safeguard such other industrial undertakings and installations for the protection and security of which he is deputed under section 9;

(iv) to protect and safeguard the employees of the Industrial Undertakings and installations referred to in clauses (ii) and (iii);

(v) to do any other act conductive to the protection and security of the institutions, autonomous, bodies, industrial undertakings and assets or strategic and vital installations referred to in clauses (ii) and (iii) and the employees referred to in clause (iv).

Deputation of the Force.

9. Subject to any general direction of the Government and the recovery of charges of the force on such terms and conditions as may be prescribed under clause (j) of sub-section (2) of section 21 of the Act, it shall be lawful for the Director-General on a request received in this behalf from the authority in charge of the establishments, institutions, autonomous bodies, industrial undertakings and assets, or strategic vital installations, which are not owned or controlled by the State Government or which are financed, owned or controlled by the Central Government, showing the necessity thereof, to depute such number of the members of the Force as the Director-General may consider necessary for the protection and security thereof and any installations attached thereto and the members of the Force so deputed shall be at the charge of such officer or authority as directed by the Director-General or any other officer on his behalf:

Provided that in the case of an establishment, institution, autonomous body, undertaking, strategic or vital installations controlled or managed,-

(a) by a Government Company in which the Government is not having interest, no such request shall be entertained unless it is made with the consent of the Director-General or with the approval of the Government;

(b) if the Director-General is of the opinion that the circumstances necessitating the deputation of the members of the Force in relation to an institution, autonomous body, an industrial undertaking and assets or strategic and vital

installations under sub-clause (a) have ceased to exist, he may withdraw the members of the Force so deputed without assigning any reason thereof;

(c) every member of the Force while discharging his functions during the period of deputation shall continue to exercise the same powers and be subject to the same responsibilities, discipline and penalties as would have been applicable to him under this Act, if he had been discharging those duties in relation to an establishment, an institution, an autonomous body, an industrial undertaking and assets or strategic and vital installations of State Government.

Power to arrest without warrant.

10. (1) Any member of Force, may without any order from a Magistrate and without a warrant arrest:-

(i) any person, who voluntarily causes hurt to or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain or assaults, threatens to assault or uses or threatens or attempts to use criminal force to any employee, referred to in clause (iv) of section 8, or to him or any other member of the Force in discharge of his duty as such employee or in execution of his duty as such member, as the case may be, or with intent to prevent or to deter him from discharging his duty as such member or in consequence of anything done or attempted to be done by him in the lawful discharge of his duty as such member;

(ii) any person who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in or who is found taking precautions to conceal his presence under circumstances which afford reason to believe that he is taking such precautions with a view to committing, a cognizable offence which relates to property belonging to, or in the premises of, any establishment, institution, autonomous body, industrial

undertaking and assets or any strategic and vital installations referred to in clauses (ii) and (iii) of section 8, or relates to other installations, or to property in the premises of the other installations, referred to in these clauses or the establishments, institutions, autonomous bodies, industrial undertakings and assets or strategic vital installations for the protection of which he is deputed under section 9;

(iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve danger, to the life of any person engaged in carrying on any work relating to any establishment, institution, autonomous body, undertaking, or installations referred to in clauses (ii) of this sub-section.

(2) If any person is found trespassing on the premises of any industrial undertaking referred to in clause (ii) of sub-section (1), he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any member of the Force.

Power to search without warrant.

11. (1) Whenever any member of the Force, has reason to believe that any such offence as is referred to in section 10 has been or is being committed and that, a search warrant cannot be obtained without affording the offender an opportunity of escaping or concealing evidence of the offence, he may detain the offender and search his person, belongings and premises forthwith and, if he thinks proper, arrest any person whom he has reason to believe to have committed the offence.

Central Act 2 of 1974.

(2) The provisions of the Code of Criminal Procedure 1973 relating to searches under that Code shall, so far as may be apply to searches under this section.

Procedure to be followed after arrest.

12. Any member of the Force making an arrest under this Act, shall, without unnecessary delay, make over the person so arrested to a police officer, or, in the absence of a police officer, take such person or cause him to be taken to the nearest police station together with a report of the circumstances occasioning the arrest.

Protection of action done in good faith.

13. No suit or prosecution shall be entertained in any Court against the Force or against any officer or member of the Force or against any person acting under the order or direction of the Force or any officer or member of the Force for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

Cognizance of offence.

14. No court shall take cognizance of an offence against any member of the Force with regard to any act done by him while discharging or purporting to act in the discharge of his duty except with the prior sanction of the Government.

Members of the Force to be considered and liable to be employed anywhere in the State and outside also.

15. (1) Every member of the Force shall be considered to be always on duty and shall, at any time, be liable to be employed at any place within the State of [6]Telangana and always on duty outside also.

(2) No member of the Force shall engage himself in any employment or office other than his duties under this Act.

(3) A member of the Force shall not by reason of his suspension from his office cease to be a member of the Force, and he shall during that period be subject to the same responsibilities, discipline and penalties to which he would have been subject if he were on duty.

6. Substituted by G.O.Ms.No.45, Law (F) Department, dated 01.06.2016.

Punishments and appeals.

16. (1) Subject to the provisions of Article 311, the Director-General of the Force may appoint any of the supervisory officers to impose such penalties after conducting enquiries in accordance with the provisions of the [7]Telangana Civil Services (Classification, Control and Appeal) Rules, 1963 and non-appealable penalties by way of summary disposal in the manner prescribed.

Explanation: - For the purpose of this section,-

(a) punishments classified as non-appealable shall consists of,-

1. Fatigue duty;

2. Extra Drill; and

3. Confinement to barracks for seven days; and (b) Punishments which are classified as appealable shall consist of,-

1. Censure.

2. Fine.

3. Withholding of increment or promotion.

4. Reduction in Rank.

5. Recovery from pay.

6. Compulsory retirement.

7. Now see the Telangana Civil Services (Classification, Control and Appeal) Rules, 1991.

7. Removal from service.

8. Dismissal from service; and

9. Suspension:

Provided that in respect of class (b) of punishments an appeal shall lie within thirty days from the date of the communication of the order to such appellate authority as may be prescribed.

Restrictions respecting rights to form Association.

17. (1) No member of the Force, shall, without the previous sanction in writing of the Government or of the prescribed authority,-

(a) be a member of, or be associated in any way with, any trade union, labour union, political party or with any class of trade unions, labour unions or political parties; or

(b) be a member of, or be associated in any way with, any other society, institution, association or organisation that is not recognised as part of the Force or is not of a purely social, recreational or religious nature; or

Explanation: - If any question arises as to whether any society, institution, association or organisation is of purely social, recreational or religious nature under clause (b) of this sub-section, the decision of the Government thereon shall be final.

(2) No member of the Force shall participate in or address, any meeting or take part in any demonstration organized by anybody of persons for any political purpose or for such other purposes as may be prescribed.

Surrender of certificate, arms etc., by persons ceasing to be members of the Force.

18. (1) Every person who for any reason ceases to be an enrolled member of the Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, the arms, accoutrements, clothing and other articles which have been furnished to him for the performance of duties as an enrolled member of the Force.

(2) Any person who wilfully neglects or refuses to surrender the articles as required by sub-section (1) shall be liable for forfeiture of financial benefits and prosecution under the Law.

(3) Nothing in this connection shall be deemed to apply to any article which, under the orders of the Director-General, has become the property of the person to whom the same was furnished.

Application of Act, 1922 to the members of the Force.

19. The police (Incitement to Disaffection) Act, 1922 shall apply to member of the Force as it applies to members of a police Force.

Certain Acts not to apply to members of the Force.

20. Nothing contained in the Payment of Wages Act, 1936, or the Industrial Disputes Act, 1947, or the Factories Act, 1948, except the provisions relating to health and safety or any corresponding law relating to investigation and settlement of industrial disputes in force in the State shall apply to members of the Force.

Power to make Rules.

21. (1) The Government shall, in addition to the rule making powers conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-

(a) regulating the classes, ranks, grades, pay and remuneration of members of the Force and their conditions of service in the Force;

(b) regulating the powers and duties of members of the Force authorised to exercise any functions by or under this Act;

(c) fixing the period of service for members of the Force;

(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles to be furnished to the members of the Force;

(e) prescribing the places of residence of members of the Force;

(f) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

(g) regulating the punishments and prescribing authorities to whom appeals may be preferred from orders of punishment, or remission of fines or other punishments, and the procedure to be followed for the disposal of such appeals;

(h) regulating matters with respect of force custody under this Act including the procedure to be followed for taking persons into custody;

(i) regulating matters with respect to disposal of cases relating to offences under this Act and specifying places in which persons convicted under this Act may be confined;

(j) the terms and conditions subject to which members to the Force may be deputed under section 9 and the charges thereof.

(3) Every rule made under this Act, shall immediately after it is made, be laid before the Legislature of the State if it is in session and if it is not in session, in the session immediately following, for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if before the expiration of the session in which it is so laid or the session immediately following the Legislature agrees in making any modification in the rule or in the annulment of the rule, the rule shall from the date on which the modification or annulment is notified, have effect only in such modified form or shall stand annulled 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.