

The Special Protection Group Act, 1988

February 27, 2013

Preamble

[Act No. 34 OF 1988]

[2nd June, 1988]

An Act to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and the members of his immediate family and for matters connected therewith

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows :-

Section 1. Short title and commencement

(1) This Act may be called the Special Protection Group Act, 1988,

(2) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint,

1. 1-8-1988: Vide Notification No.S.O.735(E), dated 1-8-1988, Gazette of India, Extraordinary 1988, Pt.II; sec.3 (ii).

Section 2. Definitions

In this Act, unless the context otherwise requires, —

(a) "Active duty" in relation to a member of the Group means any duty as such member during the period when he is posted to physically protect the Prime Minister of India and the members of his immediate family, wherever he or they may be;

(b) "Director " means the Director of the Group appointed under sub-section (1) section 5;

(c) "Group" means the Special Protection Group constituted under section 4;

(d) "Member of the Group" means a person who has been appointed to the Group by the prescribed authority whether before or after the commencement of this Act;

(e) "Members of immediate family" means wife, husband, children and parents;

(f) "Prescribed" means prescribed by rules made under this Act;

(g) "Proximate security" means protection provided from close quarters, during journey by road, rail, aircraft, watercraft or on functions, engagements, residence or halt and shall comprise ring round teams, isolation cordons, the sterile zone around, and the rostrum and access control to the person or members of this immediate family;

(h) All words and expression used and not defined in this Act but defined in the Indian Penal Code (45 of 1860.) shall have the meanings respectively assigned to them in that Code.

Section 3. Members subject to this Act

Every member of the Group shall be subject to this Act, wherever he may be.

Section 4. Constitution of the Group

(1) There shall be an armed force of the Union called the Special Protection Group for prescribed proximate security to the Prime Minister and the members of his immediate family.

(2) Subject to the provisions of this Act, the Group shall be constituted in such manner as may be prescribed and the terms and conditions of service of the members of the Group shall be such as may be prescribed.

(3) Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may be appointed to the Group by the Central Government by a general or special order and for such period as may be specified in such order, and the person so appointed shall, during the period of this appointment, be deemed to be a member of the Group, and the provisions of this Act shall, so far as may be, apply to such person or member.

Section 5. Control direction, etc

(1) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to-

(i) the Prime Minister and members of his immediate family; and

¹ [(ii) any former Prime Minister or to the members of his immediate family-

(a) for a period of one year from the date on which the former Prime Minister ceased to hold office and beyond one year based on the level of threat as decided by the Central Government, so however that not more than twelve months shall elapse between two consecutive assessments made in regard to the need for proximate security:

Provided that while deciding the level of threat, the Central Government shall take into account, among other things, the following factors, namely:-

(A) that the threat emanates from any militant or terrorist organisation or any other source; and

(B) that the threat is of a grave and continuing nature;

(b) on their visits abroad, based on entitlement to proximate security and the level of threat as assessed by the Central Government;"]

(2) Subject to the provisions of this Act, the Group shall be constituted in such manner as may be prescribed and the terms and conditions of service of the members of the Group shall be such as may be prescribed.

(3) Notwithstanding anything contained in this section, any person or any member of any other armed force of the Union may be appointed to the Group by the Central Government by a general or special order and for such period as may be specified in such order, and the person so

appointed shall, during the period of this appointment, be deemed to be a member of the Group, and the provisions of this Act shall, so far as may be, apply to such person or member.

1. Substituted by act Special Protection Group (Amendment) Act, 2003. (Act NO. 20 OF 2003] w.e.f 13-3-2003

Section 6. Liability for service in and outside India

Every member of the Group shall be liable to serve in any part of India as well as outside India.

Section 7. Members of the Group always on active duty

Every member of the Group, not on leave or under suspension, shall, for all purposes of this Act, be always on active duty and may at any time be employed or deployed in any manner which is consistent with the duties and responsibilities of the Group under this Act.

Section 8. Resignation and withdrawal from the post

No member of the Group shall be at liberty —

- (a) To resign his appointment during the term of his engagement; or
- (b) To withdraw himself from all or any of the duties of his appointment, except with the previous permission in writing of the prescribed authority.

Section 9. Tenure of service

Every member of the Group shall hold office during the pleasure of the President.

Section 10. Restrictions respecting right to form associations, freedom of speech, etc

(1) No member of the Group shall, without the previous sanction in writing of the Central Government or of the prescribed authority, —

- (a) Be a member of, or be associated in any way with, any trade union, labour union, political association or with any class of trade unions, labour unions or political associations; or
- (b) Be a member of, or be associated in any way with, any society, institution, association or organisation that is not of a purely social, recreational or religious nature; or
- (c) Communicate with the press or publish or cause to be published any book, letter or other document except where such communication or publication is in the bona fide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature.

Explanation

If any question arises as to whether any society, institution, association or organisation is of a purely social, recreational or religious nature under clause (b) or whether any book, letter or

document is a communication or publication in the bona fide discharge of his duties or is of a purely literary, artistic or scientific character or is of a prescribed nature under clause (c), the decision of the Central Government thereon shall be final.

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

Section 11. Termination of service

The prescribed authority may, by order in writing, terminate the appointment of any member of the Group in the public interest and such termination shall be deemed to be discharged simplicity and shall not amount to dismissal or removal.

Section 12. Appeal

(1) Any member of the Group aggrieved by an order under section 11 may, within thirty days from the date of such order, prefer an appeal to a Board to be constituted by the Central Government.

(2) The Board shall consist of such persons as may be period.

(3) The decision of the Board shall be final and shall not be called in question in any court or tribunal.

(4) The Board shall have power to regulate its own procedure.

Section 13. Powers and duties conferable on members of the Group

The Central may, by general or special order published in the Official Gazette, direct that, subject to such conditions and limitations as may be specified in that order, any member of the Group may exercise or discharge such powers or duties as may be specified in the said order for giving effect to the provisions of this Act.

Section 14. Assistance to Group

It shall be the duty of every Ministry and Department of the Central Government or the State Government or the Union territory Administration, every Indian Mission, every local or other authority or every civil or military authority to act in aid of the Director or any member of the Group whenever called upon to do so in furtherance of the duties and responsibilities assigned to such Director or member.

Section 15. Protection of action taken under this Act

No suit, prosecution or other legal proceeding shall lie against the Group or any member thereof on whom powers have been conferred or duties have been imposed under this Act, or any order issued or any rule made thereunder for anything which is in good faith done or purported to be done or omitted to be done in pursuance of this Act or any order issued or any rule made thereunder or any order issued under any such rule.

Section 16. Power to make rules

(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions 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) The manner in which the Group shall be constituted and the terms and conditions of service its members under sub-section (2) of section 4;

(b) The authorities to be prescribed under section 8m sub-section (1) of section 10 and section 11;

(c) The nature of the communication or publication under clause (c) of sub-section (1) of section 10;

(d) The purposes, other than political purposes, for which a person subject to this Act shall not participate in, or address, any meeting or take part in any demonstration under sub-section (2) of section 10;

(e) The persons who shall be member of the Board under sub-section (2) of section 12;

(f) Any other matter which has to be, or may be, prescribed.

Section 17. Laying of orders and rules

Every order issued under section 13 and every rule made under section 16 shall be laid, as soon as may be after it is issued or 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 successive sections, 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 order or the rule or both Houses agree that the order or rule should not be made, the order or 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 order or rule.

Section 18. Provision as to existing Special Protection Group

(1) The Special Protection Group in existence at the commencement of this Act shall be deemed to be the Group constituted under this Act.

(2) The members of the Special Protection Group in existence, at the commencement of this Act shall be deemed to have been appointed as such under this Act.

(3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Special Protection Group referred to in sub-section (1) and in relation to any person appointed, shall be as valid and as effective in law as if such thing or action was done or taken under this Act.

