

# **Jammu and Kashmir Governors Special Security Force Act, 2018**

JAMMU & KASHMIR

India

## **Jammu and Kashmir Governors Special Security Force Act, 2018**

### **Act 42 of 2018**

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Jammu and Kashmir Governors Special Security Force Act, 2018(Act No. 42 of 2018)[Dated 13th December, 2018.]An Act to provide for the constitution and regulation of a separate security force in the State of Jammu and Kashmir for providing proximate security to the Governor, members of his immediate family and for matters connected therewith or incidental thereto.In exercise of the powers vested under Proclamation P-1/18 of 2018 dated 20th of June, 2018 the Governor is pleased to enact as follows :-

### **1. Short title and commencement.**

(1)This Act may be called the Jammu and Kashmir Governors Special Security Force Act, 2018.(2)It shall come into force on such date, as the State Government may, by notification in the Government Gazette, appoint and different dates may be notified for coming into force of different provisions of the Act.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"Act" means the Jammu and Kashmir Governor's Special Security Force Act, 2018 ;(b)"Active duty" in relation to a Member of the Force means any duty as such member during the period when he is posted to physically protect the Governor of Jammu and Kashmir and the Members of his immediate family, wherever he or they may be ;(c)"Director" means the Director of the Force appointed under sub-section (1) of section 5 ;(d)"Force" means the Jammu and Kashmir Governor's Special Security Force constituted under section 4 ;(e)"Government" means the Government of Jammu and Kashmir ;(f)"Member of the Force" means a person, who has been appointed to the Force by the prescribed authority ;(g)"Member of the immediate family" means wife, husband, children and parents ;(h)"Prescribed"

means prescribed by rules made under the Act ;(i)"Prescribed Authority" means an authority notified by the Government in an Official Gazette ;(j)"Proximate Security" means protection provided from close quarters, during journey by road, rail, aircraft, watercraft on foot or any other means of transport and shall include the places of functions, engagements, residence or halt and shall comprise ring round teams, isolation cordons, the sterile zone around, convoy security and the rostrum and access control to the person or members of his immediate family ;All words and expression used and not defined in the Act but defined in the Jammu and Kashmir State Ranbir Penal Code shall have the meanings respectively assigned to them in that Code.

### **3. Members subject to the Act.**

- Every member of the Force wherever he may be, shall be subject to the provisions of the Act.

### **4. Constitution of the Force.**

(1)There shall be a separate force in the State of Jammu and Kashmir called the Jammu and Kashmir Governor's Special Security Force, for providing proximate security to-(a)the Governor of Jammu and Kashmir ;(b)the members of immediate family of the Governor :Provided that any member or members of the immediate family of the Governor or any such person or class of persons covered under clause (b) may decline such proximate security.(2)Subject to the provisions of this Act, the Force shall be constituted in such manner as may be prescribed and the terms and conditions of service of the members of the Force shall be such as may be prescribed :Provided that selection of all members of the Force shall be made with the prior concurrence of the Governor.(3)Notwithstanding anything contained in this section, any person or any member of any other Police Force of the State of Jammu and Kashmir may be appointed to the Force by the 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 Force and the provisions of this Act shall, as far as may be, apply to such person or member.

### **5. Control Direction etc.**

(1)The general superintendence, direction and control of the Force shall vest in and be exercised by the Government and subject thereto and to the provisions of the Act and rules, the command and supervision of the Force shall vest in an officer, to be appointed by the Government, with the prior concurrence of the Governor as the Director of the Force :Provided that the Government may, by general or special order, delegate all or any of these powers under this sub-section to such officer or authority as may be specified in such order.(2)The Director shall, in the discharge of his duties under this Act, be assigned such number of Joint Directors, Deputy Directors, Assistant Directors and other officers as may be appointed by the Government with the prior concurrence of the Governor.(3)The scale and level of proximate security shall be such as may be determined by the Director.

## **6. Liability of Service in any part of the State and elsewhere.**

- Every member of the Force shall while discharging duties under this Act be liable to serve in any part of the State of Jammu and Kashmir or in any part of India.

## **7. Members of the Force always on active duty.**

- Every member of the Force, not on leave or under suspension, shall, for the 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 Force under this Act.

## **8. Resignation and withdrawal from the post.**

- No member of the Force shall be at liberty, -(a) to resign his appointment during the term of his engagement, except serving one month's prior notice to the Government ; 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.

## **9. Tenure of service.**

- Every member of the Force shall hold office during the pleasure of the Governor.

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

(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 or 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 organization 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 organization is of 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 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 any body of persons for any political purpose or for such other purposes as may be prescribed.

## **11. Termination of service.**

- The prescribed authority or the Governor, may by order in writing, terminate the appointment of any member of the Force in the public interest and such termination shall be deemed to be discharge simpliciter and shall not amount to dismissal or removal.

## **12. Appeal.**

(1)Any member of the Force 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 Government.(2)The Board shall consist of such persons as may be prescribed.(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 the power to regulate its own procedure.

## **13. Powers and duties conferrable on members of the Force**

-The Government may, by general or special order published in the Government Gazette, direct that, subject to such conditions and limitations as may be specified in that order, any member of the Force 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.

## **14. Assistance to Force.**

- It shall be the duty of every Department in the Government and every local or other authority to act in aid of the Director or any member of the Force whenever called upon to do so in furtherance of the duties and responsibilities assigned to such Director or Member.

## **15. Protection of action taken under the Act.**

- No suit, prosecution or other legal proceeding shall lie against the Force 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 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, except without the previous sanction of the Government.

## **16. Power to make rules.**

(1)The Government may, by notification in the Government Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the forgoing power, such rules may provide for all or any of the following matters, namely :-(a)the manner in which the Force shall be constituted and the terms and conditions of service of its members under sub-section (2) of section 4 ;(b)the authorities to be prescribed under section 8, 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 the 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 members of the Board under sub-section (2) of section 12 ;(f)any other matter which is required to be, or may be, prescribed.