

The Jammu and Kashmir Special Security Group Act, 2000

JAMMU & KASHMIR

India

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Act 6 of 2000

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The Jammu and Kashmir Special Security Group Act, 2000 Act No. 6 of 2000 An Act to provide for the constitution and regulation a separate security force in the State of Jammu and Kashmir for providing proximate security to the Chief Minister, Members of his immediate family and matters connected therewith. Be it enacted by the Jammu and Kashmir State Legislature in the Fifty-first Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Jammu and Kashmir Special Security Group Act, 2000. (2) It shall come into force at once.

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 Chief Minister of Jammu and Kashmir and the members of his immediate family or any class of persons referred to in clause (c) of sub-section (1) of section 4, wherever he or they may be; (b) "Director" means the Director of the Group appointed under sub-section (1) of section 5; (c) "Government" means the Government of Jammu and Kashmir; (d) "Group" means the Jammu and Kashmir Special Security Group constituted under section 4; (e) "member of the Group" means a person who has been appointed to the Group by the prescribed authority; (f) "member of the immediate family" means wife, husband, children and parents; (g) "Proximate Security" means protection provided from close quarters, during journey by road, rail, aircraft, watercraft or 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; (h) All words

and expressions used and not defined in this 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 this Act.

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

4. Constitution of the Group.

(1) There shall be a separate force in the State of Jammu and Kashmir called the Jammu and Kashmir Special Security Group for providing proximate security to:-(a) the Chief Minister of Jammu and Kashmir; (b) the members of immediate family of the Chief Minister; (c) any such person or class of persons and for such period as the Government may, by notification in the Government Gazette, specify: Provided that any member or members of the immediate family of the Chief Minister or any such person or class of persons covered under clauses (b) and (c) may decline such proximate security. (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 Police Force of the State of Jammu and Kashmir may be appointed to the Group 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 his 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.

5. Control Direction etc.

(1) The general superintendence, direction and control of the Group 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 Group shall vest in an officer to be appointed by the Government as the Director of the Group: Provided that the Government may, by general or special order, delegate all or any of these powers under this sub-section to such an officer or authority as may be specified in such order. (2) The Director shall in the discharge of his duties under this Act, be assisted by such number of Joint Directors, Deputy Directors, Assistant Directors and other officers as may be appointed by the Government. (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 Group shall be liable to serve in any part of the State of Jammu and Kashmir or in any other part of India.

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.

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.

9. Tenure of service.

- Every member of the Group 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 Group 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 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 Group shall participate in, or address, any meeting or take part in any demonstration organized by any body of persons for any political purposes or for such other purposes as may be prescribed.

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 discharge simpliciter and shall not amount to dismissal or removal.

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 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 power to regulate its own procedure.

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

- 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 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.

14. Assistance to Group.

- 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 Group 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 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 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.

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 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 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 of 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 members of the Board under sub-section (2) of section 12;(f)any other matter which is required to be, or may be, prescribed.(3)Every rule made or notification issued under this Act shall be laid, as soon as may be, after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised

in one session or two or more 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.