

# Haryana State Industrial Security Force Act, 2003

HARYANA

India

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### Act 21 of 2003

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Haryana State Industrial Security Force Act, 2003 Haryana Act No. 21 of 2003 Statement of Objects and Reasons. - The Haryana State Industrial Security Force Act, 2003 was enacted to provide the Haryana State Industrial Security Force for the protection and security to autonomous bodies, establishments, industrial undertakings and the employees of all such industrial undertakings and for matters connected therewith or incidental thereto. It was with a view that the expenditure of the force to be provided will be got reimbursed from the indenting agencies and there would be no liability on the State exchequer. Now it has been noticed that there is no substantial demand for the force and the expenditure incurred on the force will be debited to the State exchequer, which will be an unnecessary burden on the people of Haryana without any fruitful purpose. According to the present calculations, annual expenditure on the force will be over Rs. 47 crores and reimbursement is likely to be of the order of Rs. 2.50 crores only. Apart from the likelihood of incurring huge financial losses, serious irregularities/flaws in the entire process of selection/recruitment were noticed. The Government has decided to repeal the Haryana State Industrial Security Force Act, 2002. Hence this Bill. Published vide Haryana Government Gazette (Extraordinary), dated the 9th June, 2005, page 2608. No. Leg.23/2003. - The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 7th October, 2003, and is hereby published for general information :- An Act to provide for the constitution and regulation of Force of the State for protection and security of Government treasuries, institutions and also to provide protection and security to autonomous bodies, establishments, industrial undertakings and the employees of all such industrial undertakings and for matters connected therewith or incidental thereto. Be it enacted by the Legislature of the State of Haryana in the Fifty-fourth Year of the Republic of India as follows :-

### 1. Short title, extent and commencement.

(1) This Act may be called the Haryana State Industrial Security Force Act, 2003. (2) It extends to the whole of the State of Haryana. (3) It shall come into force on such date as the State Government may, by notification, appoint.

## 2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"autonomous body" means an institution wholly or partially run on the funds or grants of or controlled by the Government;(b)"Director General" means the Director General of the Force appointed under section 4;(c)"enrolled members of the Force" means any upper subordinate, lower subordinate or any other member of the Force of the rank not lower than that of a lower subordinate;(d)"establishment" means an office, rest house or such other institutions run by the Government;(e)"Force" means the State Industrial Security Force constituted under section 3;(f)"Force custody" means the arrest or confinement of a person by the member of the Force in accordance with the rules made under this Act;(g)"Government" means the Government of State of Haryana;(h)"industrial undertaking" means any undertaking pertaining to a scheduled industry and includes as undertaking engaged in any other industry, or in any trade, business or service which may be regulated by law made by the Parliament or Legislative Assembly 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 the Companies Act (Central Act 1 of 1956);(II)a Corporation established and controlled by the Government;(j)"institution" means any organization meant for advancement of trade, business or any other social or an economic services and includes banks, universities and other educational institutions;(k)"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, chief executive officer or called by any other name;(l)"member of the Force" means a person appointed as such to the Force under this Act;(m)"prescribed" means prescribed by rules made under this Act;(n)"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);(o)"State" means the State of Haryana;(p)"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;(q)"upper subordinate" means a person appointed to the Force as an Inspector, a Sub-Inspector or an Assistant Sub-Inspector;(r)"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;(s)"lower subordinate" means a person appointed to the Force as a Head Constable, or Constable.

## 3. Constitution of the Force.

(1)The Government shall, by notification in the Official Gazette, constitute the Force to be called "The Haryana State Industrial Security Force".(2)The Force shall consist of such number of supervisory officers, upper subordinates, lower subordinates and other enrolled members and shall receive such pay and other remuneration as may be prescribed.(3)The Headquarters of the Force shall be at Panchkula or at such other place as may be specified by the Government from time to time.

#### **4. Appointment and powers of the Director General and Supervisory Officers.**

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

#### **5. Appointment of enrolled members of the Force.**

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

#### **6. Certificates of members of the Force.**

- 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.

#### **7. Superintendence and administration of the Force.**

(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 undertakings, assets owned and controlled by the State and Central Governments and strategic and vital installations under their control 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.

#### **8. Duties of members of the Force.**

- 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 and Central Governments and 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 conducive to the protection and security of the institutions, autonomous bodies, industrial undertakings and assets owned and controlled by the State and Central Governments and strategic and vital installations referred to in clauses (ii) and (iii) and the employees referred to in clause (iv).

## **9. Deputation of the Force.**

(1)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, 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 owned and controlled by the State and Central Government and strategic and 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 and vital installations controlled or managed by a company in which the Government is not having interest, Force shall be deputed with the approval of the Government :Provided further that if the Director General is of the opinion that the circumstances necessitating the deputation of the Force have ceased to exist and the Force is needed somewhere as, he may withdraw the Force.(2)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 owned and controlled by the State and Central Government or strategic and vital installations of State Government.

## **10. Power to arrest without warrant.**

(1)Any member of the 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 cognizable offence which relates to property belonging to, or in the premises of any establishment, institution, autonomous body, industrial

undertaking and assets owned and controlled by the State and Central Governments 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 owned and controlled by the State and Central Government or strategic and 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 clause (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.

## **11. Power to search.**

(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.(2)The provisions of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) relating to searches under that Code shall, so far as may be, apply to search under this section.

## **12. Procedure to be followed after arrest.**

- Any member of the Force making 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.

## **13. Protection of action done in good faith.**

- 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.

## **14. Cognizance of offence.**

- 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.

## **15. Members of the Force to be considered always on duty and liable to be employed anywhere in the State and outside also.**

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

## **16. Punishments and appeals.**

(1) In the matters relating to punishment and appeals the provision of the Punjab Police Rules, 1934, as applicable in the State of Haryana will apply to the members of the Force.

## **17. Restrictions to form Association.**

(1) No member of the Force, shall be a member of, or be associated in any way with any trade union, labour union, political party, except of a purely social, recreational and religious nature. Explanation :- If any question arises as to whether any society, institution, association or organisation is of purely social, recreational or religious nature, the decision of the Government shall be final. (2) No member of the Force shall participate in or address, any meeting or take part in any demonstration organised by any body of persons for any political purpose or for such other purposes as may be prescribed.

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

(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.

## **19. Application of Act, 1922 to the members of the Force.**

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

## **20. Power to make rules.**

(1) The Government shall, in addition to the rule making powers conferred on it 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 punishments, 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 of the Force may be deputed under section 9 and the charges thereof.(2)Every rule made under this Act, shall be laid as soon as may be after it is made before the Legislative Assembly while it is in session and if before the expiry of the session in which it is so laid or the session immediately following, the legislative assembly agrees that the rules should be either modified or annulled, 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 the rule.