

The Maharashtra State Security Corporation Act, 2010

MAHARASHTRA

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Act 6 of 2010

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The Maharashtra State Security Corporation Act, 2010 Maharashtra Act No. 6 of 2010 (First published after having received the assent of the Governor in the "Maharashtra Government Gazette", on 19th April, 2010) An Act to provide for the establishment and regulation of the Maharashtra State Security Corporation in the State of Maharashtra and for matters connected therewith or incidental thereto. Whereas it was expedient to establish a Security Corporation in the State of Maharashtra for the purposes of raising a Force for providing better protection and security to the State Government and Central Government offices, undertakings, employees of all such establishments, Public Sector Undertakings, Vital Installations, Financial Institutions, Religious Institutions, Educational Institutions, Cultural Institutions, Medical Institutions and the like; and on a specific request received from the Competent Authority to the infrastructure facilities like Major Bridges, Special Economic Zones, Private Ports and Jetties, Dams and Expressways, etc., either in joint venture with the Government or in respect of which Memorandum of Understanding has been signed between the Government or Government owned Corporation, etc., or separate provisions have been made by any other Government Department, Government Corporation, Government or Semi-Government entities; and to the Commercial Establishments including Malls, Multiplexes, Clubs and Hotels, etc., by providing professional services through well equipped manpower; and to provide technical consultancy services to all such establishments and institutions, etc., to deal with threats emanating including those from the terrorist organizations, anti-social elements and underworld criminals and for matters connected therewith or incidental thereto; And Whereas it had become necessary to provide for the establishment and regulation of the Maharashtra State Security Corporation in the State of Maharashtra; And Whereas both Houses of the State Legislature were not in session; And Whereas the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to make a law, for the purposes aforesaid; and, therefore, promulgated the Maharashtra State Security Corporation Ordinance, 2010, on the 11th March 2010; And Whereas it is expedient to replace the said Ordinance by an Act of the State Legislature; it is hereby enacted in the Sixty-first Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1) This Act may be called the Maharashtra State Security Corporation Act, 2010. (2) It extends to the whole of the State of Maharashtra. (3) It shall be deemed to have come into force on the 11th March, 2010.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "Board" means the Board of Directors constituted under section 9; (b) "charges" means charges as specified by the Corporation; (c) "Commercial Establishment" means an establishment which carries on any industry, business, trade, profession or service or any work in connection with, or incidental or ancillary thereto; (d) "Competent Authority" means the person managing the affairs of the State and Central Government offices, undertakings, Industry, Industrial Undertakings, Public Sector Undertakings, Vital Installations, Financial Institutions, Religious Institutions, Cultural Institutions, Medical Institutions, Commercial Establishments and the like, a Managing Director, Managing Agent, General Manager, Manager, Chief Executive Officer, etc., and who exercise the control over the affairs of such undertakings or establishments or institutions; (e) "Corporation" means the Maharashtra State Security Corporation constituted under sub-section (1) of section 3; (f) "Director-General and Inspector-General", "Additional Director General and Inspector General", "Special Inspector General", "Deputy Inspector General" and "Superintendent" means respectively the "Director-General and Inspector-General of Police", "Additional Director General and Inspector General of Police", "Special Inspector General of Police", "Deputy Inspector General of Police", and "Superintendent of Police" as defined under the Bombay Police Act, 1951; (g) "Educational Institution" means an organization, establishment, foundation, society, or the like, devoted to the promotion of a particular cause or programme, especially one of a public, educational or charitable nature; (h) "enrolled member of Security Force" means any member of the Corporation, other than a Supervisory officer and a subordinate officer; (i) "Financial Institution" means an Institution or organisation which collects funds from the public and places them in financial assets, offers financial services, like a Bank, Stock Exchange, Reserve Bank of India, ICICI, Industrial Development Bank of India, etc., or brokerage and insurance company that offers financial services such as deposit taking, mutual fund, checking accounts, loans, or various investment services including insurance; (j) "Government" or "State Government" means the Government of Maharashtra; (k) "Industry" means an Industry as defined under the Industrial Disputes Act, 1947, and also includes Company as defined under the Companies Act, 1956, or a firm registered under the Indian Partnership Act, 1932, which is engaged in any industry, or in any trade, business or service; (l) "Infrastructure facilities" means the basic physical and organizational structures needed for the operation of a society or enterprise, or the services and facilities necessary for an economy to function such as roads, bridges, expressways, water supply, sewers, power grids, telecommunications and the like; (m) "Medical Institution" means an institution created for the practice of medicine and includes hospitals, medical colleges and related facilities and services; (n) "member of Security Force" means a person appointed as a member of the Security Force under section 6; (o) "prescribed" means prescribed by rules made under this Act; (p) "Religious Institution" means a place of public worship; (q) "Security Force" means a Security Force constituted

under section 4;(r)"State Reserve Police Force" means the State Reserve Police Force constituted under the Bombay State Reserve Police Force Act, 1951;(s)"subordinate officer" means officer of the Corporation, appointed under section 3, including an Inspector, Assistant Inspector, Sub-Inspector or Company Commander, Deputy Company Commander, Assistant Company Commander. or any equivalent officer known by any other designation but does not include the supervisory officer and enrolled member of the Security Force;(t)"supervisory officer" means officer of the Corporation, and includes any officer appointed by the Managing Director as a supervisory officer under section 3, other than a subordinate officer and enrolled member of the Security Force;(u)"Vital Installation" means an establishment, which if damaged or sabotaged, affects the economy, safety and security of the Country or State directly or indirectly, like the Bhabha Atomic Research Centre, Atomic Power Stations, Power Grids, Petroleum Refineries and the like;(v)words and expressions used in this Act, but not defined, in this Act, shall have the meanings respectively assigned to them in the Bombay Police Act, 1951 or in any other Act in force.

3. Constitution of Corporation.

(1)The State Government shall, by notification in the Official Gazette, constitute for the purposes of this Act, a Corporation to be called the Maharashtra State Security Corporation.(2)The Corporation constituted under sub-section (1), shall be a body corporate, having perpetual succession and a common seal, with power to contract, acquire, hold and dispose of property, both movable and immovable, and to do all things necessary for the purposes of this Act, and may sue and be sued by its corporate name.(3)The Corporation shall be headed by an officer of the rank of [Director-General and Inspector-General or] [These words were inserted by Maharashtra 32 of 2012, Section 2 (w.e.f. 24-12-2012).] Additional Director General and Inspector General or Special Inspector General, appointed by the State Government by a notification in the Official Gazette, who shall be the Managing Director of the Corporation.(4)The Managing Director shall appoint requisite number of supervisory officers, subordinate officers, members and enrolled members of the Security Force, by whatever designation called, as per requirements of the Corporation. These members of the Security Force shall be of the rank of Deputy Inspector General or Superintendent or other ranks from the State Police or equivalent ranks from the armed forces, Central Police Forces, other State Police Forces and professionals, who shall be discharging functions under the immediate and overall supervision of the Managing Director.

4. Constitution of Security Force.

- The Corporation shall constitute the Security Force, which shall consist of such number of supervisory officers, subordinate officers, members and enrolled members of the Corporation, who shall receive such pay and remuneration as may be specified by the Managing Director.

5. Powers of Managing Director and Directors of Board.

- The Managing Director of the Corporation, and the Directors of the Board shall exercise such powers as may be prescribed.

6. Appointment of members of Security Force.

(1)The appointment of the members of the Security Force shall be made by the Managing Director, in the manner as may be prescribed:Provided that, the Managing Director, by an order as specified in this behalf, may authorise any other supervisory officer to exercise such power of the appointment under this section.(2)All members of the Corporation shall be employees of the Corporation, either on deputation from the Central Government or the State Government or on contract.

7. Certificate of members of Security Force.

(1)Every member of the Security Force shall, on his appointment, receive a certificate in the form as may be specified by the Board, under the seal of the Managing Director or any other supervisory officer, as the Managing Director may authorise in this behalf. The person holding such certificate shall be vested with the powers of members of Security Force and shall also receive an Identity Card and Uniform, as may be prescribed.(2)Such certificate and Identity Card shall cease to have effect whenever a person named in it ceases, for any reason, to be a member of the Security Force.

8. Training of Security Force.

- The members of the Security Force including enrolled members of the Security Force shall have to undergo in respect of their duties a training as may be prescribed, at the training centre or institution specified as such by the Corporation.

9. Constitution of Board.

(1)There shall be a Board of Directors consisting of the Secretary-in-charge of the Home Department of the Government of Maharashtra, who shall be the Chairperson, and the Managing Director, who shall be the Vice-Chairperson, either of whom shall chair the Board meetings.(2)The Board shall consist of the Managing Director, [Director-General and Inspector-General of Police] [These words were substituted for the words 'Director-General and Inspector-General' by Maharashtra 32 of 2012, Section 3 (w.e.f. 24-12-2012).], the Commissioner of Police, Mumbai, the Commissioner, State Intelligence Department, the Principal Secretary (Special) in the Home Department, Secretary-in-charge of the Finance Department, and Additional Director General and Inspector General or officer in charge of the State Reserve Police Force as Director. The State Government may also appoint not more than two professional Directors on the Board.

10. Duties of Corporation.

- The Corporation shall perform the following duties, namely:-(a)to provide protection and security to State and Central Government offices, undertakings, establishments, institutions, employees of all such establishments, Public Sector Undertakings, Vital Installations, Financial Institutions, Religious Institutions, Cultural Institutions, Medical Institutions and the like; and on a specific

request received from the Competent Authority to the Infrastructure facilities like major bridges, Special Economic Zones, private ports and jetties, dams and expressways, etc., either in joint venture with the Government or in respect of which Memorandum of Understanding has been signed between the Government or Government owned Corporation, etc., or separate provisions have been made by any other Government Department, Government Corporation, Government or Semi-Government entities, and to the Commercial Establishment including Malls, Multiplexes, Clubs and Hotels, etc., by providing professional services through well equipped manpower to deal with threats emanating and including those from the terrorist organizations, anti-social elements and underworld criminals and for matters connected therewith or incidental thereto, on payment of such charges as may be specified by the Corporation;(b)to provide technical consultancy services to and conduct security audits of all such undertakings, establishments or institutions, on the issues of security at their request, on payment of charges as may be specified by the Corporation.

11. Duties of member of Security Force.

- It shall be the duty of every member of the Security Force,-(a)to execute the order issued under this Act;(b)to protect and safeguard the undertakings, establishments or institutions together with such other installations as may be specified by the Corporation, to be vital for the carrying on the work of these undertakings, establishments, institutions and installations situated within the local limits of his jurisdiction;(c)to protect and safeguard such other undertakings, establishments, institutions and installations, on which he is deputed for the protection and security.(d)to protect and safeguard the employees of the undertakings establishments, institutions and installations referred to in clauses (b) and (c);(e)to do any other act conducive to the better protection and security of the undertakings, establishments or institutions and installations referred to in clauses (b) and (c), and the employees referred in clause (d);(f)to provide technical consultancy services relating to security of any undertakings, establishments, institutions and installations;(g)to perform any other duty which may be entrusted to him by the Corporation, from time to time.

12. Discharge of functions by Corporation.

- The Corporation shall discharge all its functions through its officers, members and enrolled members of the Security Force, in accordance with the provisions of this Act and the rules made thereunder and the directions of the Board.

13. Functions of Managing Director.

(1)The Managing Director of the Corporation shall report to the Board.(2)The Managing Director shall be in constant liaison with the [Director-General and Inspector-General of Police] [These words were substituted for the word 'Director-General and Inspector-General' by Maharashtra 32 of 2012, Section 4 (w.e.f. 24-12-2012.), and the Commissioner, State Intelligence Department, the Commissioner of Police, Mumbai and Subsidiary Multiple Agencies Committee to receive intelligence inputs which may guide the operations of the Corporation.

14. Functions of Board.

(1)The Board shall lay down the policy guidelines, from time to time, for discharging the functions of the Corporation.(2)The Board shall also help the Corporation, in discharge of its duties.

15. Providing security.

(1)The State Government offices, Organisations and Public Sector Undertakings of the State Government shall be mandated to take security from the Corporation.(2)All Vital Installations of the State Government shall get a security audit of their installations conducted by the Corporation on payment or the requisite charges, as may be specified by the Corporation and they shall abide by its suggestions including number of members of Security Force required for its security.

16. Power to arrest without warrant.

- In order to give effect to the provisions of this Act, the procedure and power to arrest shall be exercised by the members of the Security Force, as provided under Chapter V of the Code of Criminal Procedure, 1973, and such member shall hand over the custody of a person arrested to the nearest police station without any delay.

17. Officer and member to be public servants.

- The Officers and members of the Security Force, so appointed under this Act, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

18. Member of Security Force deemed to be Special Police Officers.

(1)The members of the Security Force, so appointed under this Act, shall be deemed to be Special Police Officers within the meaning of section 21 of the Bombay Police Act, 1951.(2)Every member of the Security Force shall have power to use allotted weapons as may be required for the discharge of his duties.

19. Surrender of certificate, arms, etc., by person ceasing to be member of Security Force.

(1)Every person who for any reason, ceases to be a member of the Security Force, shall forthwith surrender to any supervisory officer empowered to receive the same, his certificate of appointment, Identity Card, the arms and ammunitions, clothing and all other articles which have been furnished to him for the performance of duties as a member of the Security Force.(2)Any person who wilfully neglects or refuses to surrender his certificate of appointment, Identity Card, the arms and ammunitions, clothing and other articles which have been furnished to him, as required by sub-section (1), shall, on conviction, be punished with imprisonment for a term which may extend to six months, or fine which may extend to ten thousand rupees, or with both.

20. Protection of acts of officers and members of Corporation.

- No member of the Security Force, Managing Director, Director of the Board, officers of the Corporation, Corporation and the Board shall be liable for any criminal or civil action in any suit or proceeding for the act done in good faith in the discharge of duties in furtherance of the object of this Act.

21. Application of Acts.

- The Police (Incitement to Disaffection) Act, 1922 and the Police Forces (Restriction of Rights) Act, 1966 shall apply to the members of the Security Force.

22. Power to make rules.

(1)The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this ACT.(2)Except when the rules are made for the first time, all rules made under this Act shall be subject to the condition of previous publication.(3)Every rule made 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 in two or more successive sessions, and if, before expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made and notify such decision in the Official Gazette, the rules shall, from the date of publication of such notification, 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 or omitted to be done under that rule.

23. Absorption of certain security guards.

- After the constitution of the Corporation, services of certain eligible security guards, appointed by the Security Guards Board under the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 and the Maharashtra Ex-Servicemen's Corporation, constituted by the Government Order, General Administration Department, No. MSM-1099/2390/C.R.No.244/99/28, dated the 18th January 2002, shall be absorbed in the Corporation as a member of the Security Force, on the same salary and other terms and conditions of service which were applicable to them immediately before the constitution of the Corporation; and such conditions of service shall not be varied to their disadvantage or such member of the Security Force shall not be removed from service by the Corporation, except in the manner prescribed.

24. Restrictions on appointment of members of Security Force.

- Notwithstanding anything contained in the Maharashtra Private Security Guards (Regulation of Employment and Welfare) Act, 1981 or in the Government Order, General Administration

Department, No. MSM-1099/2390/C.R.No. 244/99/28, dated the 18th January 2002, no person shall be appointed by the Security Guards Board or the Maharashtra Ex-Servicemen's Corporation as a security guard without consultation with the Corporation.

25. Power to remove difficulty.

(1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion arises, by an order published in the Official Gazette, do anything not inconsistent with the provisions of this Act, which appears to it to be necessary or expedient for the purpose of removing the difficulty: Provided that, no such order shall be made after the expiry of a period of two years from the date of commencement of this Act. (2) Every order made under sub-section (1) shall be laid, as soon as may be, after it is made, before each House of the State Legislature.

26. Repeal of Maharashtra Ordinance IV of 2010 and saving.

(1) The Maharashtra State Security Corporation Ordinance, 2010 is hereby repealed. (2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be, under the corresponding provisions of this Act.