

Madhya Pradesh Audhyogik Suraksha Bal Adhiniyam, 2015

MADHYA PRADESH

India

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Act 19 of 2015

- Published on 24 August 2015
- Commenced on 24 August 2015
- [This is the version of this document from 24 August 2015.]
- [Note: The original publication document is not available and this content could not be verified.]

Madhya Pradesh Audhyogik Suraksha Bal Adhiniyam, 2015 (Madhya Pradesh Act No. 19 of 2015) Last Updated 14th February, 2020 [Received the assent of the Governor on the 24th August, 2015; assent was published in the "Madhya Pradesh Gazette (Extra-ordinary)", dated the 14th September, 2015]. An Act to provide for the constitution and regulation of an armed force of the State for protection and security of industrial establishments, industrial undertakings, private industrial undertakings or institutions, commercial and financial institutions, power generating stations, refineries, places of religious importance, archaeological and heritage sites airports and helipads, National or State Highways, Government buildings, metro network, autonomous bodies, Government installations, Central and State institutions and to provide technical consultancy services to industrial establishments . in the private sector and for matters connected therewith and incidental thereto. Be it enacted by the Madhya Pradesh Legislature in the sixty-sixth year of the Republic of India as follows :-

1. Short title, extent and commencement.

(1) This Act may be called the Madhya Pradesh Audyogik Suraksha Bal Adhiniyam, 2015. (2) It extends to whole of Madhya Pradesh. (3) It shall come into force from the date of its publication in the Madhya Pradesh Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "autonomous body" means an institution acting independently or having the freedom to do so; (b) "cognizable offence" has the meaning assigned to it in clause (c) of Section 2 of the Code of Criminal Procedure, 1973 (No. 2 of 1974); - (c) "Director General" means the Director General of the Force appointed under Section 4; (d) "enrolled member of the Force" means any subordinate officer, under officer or any other

member of the Force of a rank not lower than that of an under officer;(e)"Force" means the State Industrial Security Force constituted under Section 3;(f)"Government" means the State Government;(g)"industrial establishment" means and industrial undertaking or a company as defined under Section 3 of the Companies Act, 2013 (No. 18 of 2013) or a firm registered under Section 59 of the Indian Partnership Act, 1932 (No. 9 of 1932), which is engaged in any industry or in any trade, business or service;(h)"industrial undertaking" means an undertaking pertaining to a scheduled industry and includes an undertaking engaged in any other industry or in any trade, business or service which may be regulated by law made by the Parliament or Legislature of the State;(i)"industrial undertaking in public sector" means an industrial undertaking owned, controlled or managed by-(i)a Government company as defined in clause (45) of Section 2 of the Companies Act, 2013 (No. 18 of 2013);(ii)a corporation established by or under a State Act, which is controlled or managed by the Government.(j)"joint venture" means a venture jointly undertaken by the State Government with a private industrial undertaking;(k)"Managing Director in relation to an industrial undertaking means, the person (whether called a Managing Agent, General Manager, Manager, Chief Executive Officer or by any other name) who exercises control over the affairs of that undertaking;(l)"member of the Force" means a person appointed to the Force under this Act;(m)"place of deployment" means industrial establishments, industrial undertakings, private industrial undertakings or institutions, commercial and financial institutions, power generating stations, transmission and distribution company, refinery, places of religious importance, archaeological and heritage sites, airports and helipads, National or State Highways, Government buildings, metro network, autonomous bodies, Central and State institutions, strategic vital installations etc. for whose protection and security the Force may be deployed under the provisions of this Act;(n)"prescribed" means prescribed by rules made under this Act;(o)"private industrial undertaking" means an industry owned, controlled or managed by a person other than the Central or State Government or any industrial undertaking in public sector;(p)"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 (65 of 1951);(q)"strategic and vital installation" means all such essential and vulnerable points or areas requiring special protection, as may from time to time be specified by the Government;(r)"subordinate officer" means a person appointed to the Force as an Inspector, a Sub- Inspector or an Assistant Sub-Inspector;(s)"supervisory officer" means any officer appointed under Section 4 and includes any other officer appointed by the State Government as a supervisory officer of the Force;(t)"Under Officer" means a person appointed to the Force as a Head Constable or Constable.

3. Constitution of the Force.

(1)There shall be constituted and maintained by the State Government an armed force to be called the State Industrial Security Force for the protection and security of place of deployment and to perform such other duties as may be entrusted to it by the State Government.(2)The Force shall consist of such number of supervisory officers and enrolled members who shall receive such pay and other remuneration as may be prescribed:Provided that nothing in this sub-section apply to the pay, allowances and other service conditions of members of the Indian Police Service.(3)The headquarters of the Force shall be at Bhopal or at such other place as may be specified by the Government from time to time.

4. Appointment and powers of supervisory officers.

(1)The Government shall appoint a person to be the Director General of the Force and may also appoint other supervisory officers such as Additional Director General, Inspector General, Deputy Inspector General, Assistant Inspector General, Commandant, Deputy Commandant and Assistant Commandant as considered necessary.(2)The Director General and every other supervisory officer so appointed, shall exercise such powers and perform such duties as may be prescribed.

5. Appointment of enrolled members of the Force.

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

6. Certificates of members of the Force.

(1)Every enrolled member of the Force shall receive 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 be vested with the powers of an enrolled member of the Force.(2)Such certificate shall automatically expire whenever the person in whose favour it is issued, ceases for any reason, to be an enrolled member of the Force.

7. Superintendence and administration of the Force.

(1)The Director General shall be the principal administrative officer of the Force subject to overall control of the Government. He shall exercise such powers and perform such duties as may be prescribed.(2)Subject to the provisions of sub-section (1), the administration of the Force within such local limits as may be prescribed, shall be carried on by the Additional Director General, Inspector General, Deputy Inspector General, Assistant Inspector General or Commandant, Deputy Commandant and Assistant Commandant in accordance with the provisions of the Act and rules made thereunder and every supervisory officer placed in charge of the protection and security of places of deployment in the State, 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 in co-ordination with the authority in charge of such place of deployment.

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 officer;(ii)to protect and safeguard the premises, their establishments and assets of the place of deployment and any installations attached thereto;(iii)to protect and safeguard the employees and officers of the place of deployment as referred to in clause (ii);(iv)to do any other act conducive to the protection and security of the place of deployment referred to in clause (ii) and the employees and officers referred to in clause (iii);(v)to aid and assist

the local police force, on its arrival consequent to a law and order situation in and around the place of deployment.

9. Deployment 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 place of deployment showing the necessity thereof, to deploy 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 member of the Force so deployed shall be under the charge of such officer or authority as specified by the Director General or any other officer on his behalf: Provided that in the case of an establishment, institution, autonomous body, undertaking, strategic or vital installation controlled or managed by a Company in which the State Government does not have an interest, no such request shall be considered without the approval of the Government. (2) If the Director General is of the opinion that the circumstances necessitating the deployment of the members of the Force in relation to a place of deployment under sub-section (1) have ceased to exist, he may withdraw the members of the Force so deployed without assigning any reason therefor. (3) Every member of the Force while discharging his functions during the period of deployment in an establishment, institution, autonomous body, undertaking, strategic or vital installation controlled or managed by a Company in which the Government does not have an interest, shall exercise the same powers and be subject to the same responsibilities, discipline and penalties under this Act as he would have been, if he had been discharging those duties in relation to an establishment, an institution, an autonomous body and industrial undertaking or strategic and vital installations of the Government.

10. Power to arrest without warrant.

(1) Any member of the Force may without a warrant, arrest any person : - (i) who voluntarily causes hurt to or attempts voluntarily to cause hurt to, or wrongfully restrains or attempts wrongfully to restrain or assaults, or threatens to assault, or uses, or threatens or attempts to use criminal force to any employee or officer 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) who has been concerned in, or against whom a reasonable suspicion exists of his having been concerned in commission of a cognizable offence 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 a cognizable offence which relates to property belonging to, or existing in the place of deployment; (iii) 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 the place of deployment. (2) If any person is found trespassing on the premises of the place of deployment 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 without warrant.

(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 in the place of deployment 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 and belongings 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 (No. 2 of 1974) relating to searches shall apply to searches under this section.

12. Procedure to be followed after arrest.

- Any member of the Force making an arrest under this Act immediately make over the person so arrested to a police officer and 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. Provision for technical consonance services to industrial establishments.

(1) Subject to any general direction which may be issued by the Government, it shall be lawful for the Director General on a request received from the Managing Director of any industrial establishment in the private sector or any other person authorized by him in this behalf, to direct the members of the Force to provide technical consultancy services relating to security, to such industrial establishment in such manner and on payment of such fee as may be prescribed. (2) The fee received under sub-section (1) shall be credited to the Consolidated Fund in such manner as may be prescribed.

14. Members of the State Industrial Security Force to have same privileges and liabilities as a police officer.

- Every member of the State Industrial Security Force shall upon his appointment and as long as he continues to be a member thereof, be deemed to be a police officer and subject to any terms conditions and restrictions as may be prescribed, to have and be subject to, in so far as they are not inconsistent with any provision of this Act or any rules made thereunder, all the privileges and protection and all the liabilities, penalties, punishments as a police officer duly enrolled is by virtue of the Police Act, 1861 (V of 1861), or any other law for the time being in force while discharging or purporting to discharge his duties under this Act and the rules made thereunder.

15. Protection of action taken in good faith.

- No suit or prosecution shall be entertained by any Court against the Force or against any officer or member thereof or against any person acting under the order or direction of the Force or any officer or member thereof for anything which is in good faith done or intended to be done under this Act or any rules made thereunder.

16. 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.

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

18. Punishments and appeals.

- Subject to the provisions of article 311 of the Constitution and to such rules as the State Government may make under this Act, supervisory officer may -(i) dismiss, remove, order compulsory retirement or reduce in rank any enrolled member of the Force, whom he thinks remiss or negligent in the discharge of his duty, or unfit for the same; or (ii) award any one or more of the following punishments to any enrolled member of the Force who discharges his duty in a careless or negligent manner, or who by any act of his own renders himself unfit for the discharge thereof, namely :- (a) fine, which may extend to any amount not exceeding seven days' pay or reduction in pay scale: Provided that the supervisory officer may, for special reasons to be recorded in writing, impose a fine exceeding seven days pay; (b) drill, extra guard, fatigue or other duty; (c) removal from any office of distinction or deprivation of any special emolument; (d) withholding of increment of pay with or without cumulative effect; (e) withholding of promotion; (f) censure. Any enrolled member of the Force aggrieved by an order made under clause (i) or (ii) of this section may, within thirty days from the date on which the order is communicated to him, prefer an appeal against the order to such authority as may be prescribed. In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed: Provided that the prescribed authority may entertain the appeal after the expiry of the said period of thirty days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

19. Restrictions respecting right to form associations 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, political party or with any association or confederation of trade unions, labour unions or political parties; or (b) be a member of, or be associated in any way with, any other society, institution, association or organization that is not recognized as part of the Force or is not of a purely social, recreational or religious nature; or 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) of this sub-section, the decision of the Government thereon shall be final.(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 bonafide discharge of his duties or is of a purely literary, artistic or scientific character.(2)No member of the Force shall participate in or address, any meeting or take part in any demonstration for any political purpose.

20. Responsibilities of member of the Force during suspension.

- A member of the Force shall not by reason of his suspension from office, cease to be a member of the Force and he shall, during that period, be subject to the same responsibilities, discipline and penalties as he would have been, if he was on duty.

21. 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 had been furnished to him for the performance of his duties as an enrolled member of the Force.(2)Any person who willfully 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.(3)Nothing in this section shall be deemed to apply to any article which under the orders of the Director General, has become the property of the person to whom the same was furnished.

22. Application of Act No. 22 of 1922 to the members of the Force.

- The Police (Incitement to Disaffection) Act, 1922 (No. 22 of 1922) shall apply to members of the Force as it applies to members of the Police Force.

23. Certain Acts not to apply to the members of the Force.

- Nothing contained in the Payment of Wages Act, 1936 (No. 4 of 1936) or the Industrial . Disputes Act, 1947 (No. 14 of 1947) or the Factories Act, 1948 (No. 63 of 1948), except the provisions thereof relating to health and safety, shall apply to members of the Force.

24. 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)In particular and without prejudice to the generality of the foregoing powers, such rules may provide for,-(a)regulating the classes, ranks, grades, insignia, pay and remuneration of members of the Force and their conditions of service;(b)regulating the powers and duties of members of the Force authorized to exercise any function 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 applies may be preferred from orders of punishment, or remission of fines or other punishments and the procedure to be followed for the disposal of such appeals;(h)the terms and conditions subject to which members of the Force may be deployed under section 9 and the charges therefore;(i)prescribing the guidelines for use of fire arms;(j)prescribing the norms to maintain relationship with hiring institutions.(3)Every rule made under this section shall, as soon as may be after it is made, be laid before the Legislative Assembly of the State.

25. Power to remove difficulties.

- If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order not inconsistent with the provisions of this Act, remove 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.