

SPG ACT

Special Protection Group



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MINISTRY OF LAW AND JUSTICE
(Legislative Department)

New Delhi, the 7th June, 1988
Jyaistha 17, 1910(Saka)

The following Act of Parliament received the assent of the president on the 2nd June, 1988, and is hereby published for general information:

THE SPECIAL PROTECTION GROUP ACT 1988 [AS AMENDED IN 1991, 1994 & 1999]

An Act to provide for the constitution and regulation of an armed force of the Union for providing proximate security to the Prime Minister of India and * former Prime Minister of India and members of their immediate families and for matters connected therewith.

Be it enacted by Parliament in the Thirty ninth year of the Republic of India as follows:

1. (1) This Act may be called the Special Protection Group Act 1988 (amended in 1991, 1994 & 1999).
(2) It shall come into force at once.
2. 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 protected the Prime Minister of India and ^{*}the former Prime Minister of India and members of their immediate families, wherever he or they may be;
 - (b) “Director” means the Director of the Group appointed under sub-section (I) of Section 5 ;
 - (c) “Group” means the Special Protection Group constituted under section 4;
 - (d) “Member of the Group” means a person who has been appointed to the Group by the prescribed authority whether before or after the commencement of the Act;
 - (e) “members of the immediate family” means wife, husband, children and parents;
 - (f) “prescribed” means prescribed by rules made under this Act.
 - (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, and the rostrum and access control to the person or members of his immediate family.

[In the matter of Shri P.V.Narasimha Rao, former Prime Minister the Supreme Court while laying down the scope and application of the section 2(a) (active duty) and 2(g) (proximate security), has observed thus; “The will of the Parliament reflected in the act is bold, unequivocal, comprehensive and wide in nature, nowhere permitting withdrawal limiting or proscribing of the proximate security statutorily conferred on the protectee... The SPG protectee cover cannot be lifted from the protectee. It goes with the person of the protectee as the shadow would a man. It is for the SPG to devise how to render meaningful protection to the protectee wherever he is vide section 2(g)”.]

- (h) all words and expressions used and not defined in this Act but defined in the Indian Penal Code shall have the meanings respectively assigned to them in that code.

3. Every member of the group shall be subject to this Act, wherever he may be.
4. (l). There shall be an armed force of the Union called the Special Protection Group for providing proximate security to –
 - (i) the Prime Minister and the members of his immediate family, and
 - (ii) any former Prime Minister or to the members of his immediate family-
 - a) for a period of ~~**~~ten years from the date on which the former Prime Minister ceased to hold the office of the Prime Minister; and
 - b) ~~**~~for any period beyond the period of ten years referred to in sub-clause (a) in a case where the level of threat faced by the former Prime Minister or by any member of his immediate family is of such a nature that such level of threat justifies the provision of proximate security to such former Prime Minister of such member of his immediate family, as the case may be:

Provided that, while assessing the level of threat, the Central Government shall take into account the following factors, namely:-

- (A) that the threat emanates from any militant or terrorist organization; and
- (B) that the threat is of grave and continuing nature:

Provided further that the Central Government shall assess the level of threat periodically in such a manner that not more than twelve months shall elapse between two consecutive assessments.

(1A) Notwithstanding anything contained in sub-section(1),-

- a) any former Prime Minister or any member of the immediate family of the Prime Minister or of a former Prime Minister may decline security;
- b) where the proximate security is withdrawn from a former Prime Minister, whether before or after the commencement of the Special Protection Group(Amendment) Act ,1999 such proximate security shall also stand withdrawn from the immediate family members of such former Prime Minister :

Provided that where the level of threat faced by any member of the immediate family of a former Prime Minister warrants proximate security or any other security, such security shall be provided to that member.

- (2) Subject to that provisions of the 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 armed force of the Union may be appointed to the Group by the Central 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. (1) The general superintendence, direction and control of the group shall vest in, and be exercised by, the Central Government and subject thereto and to the provisions of this Act and the rules, the command and supervision of the Group shall vest in an officer to be appointed by the Central Govt. as the Director of the Group.
 - (2) The Director shall, in the discharge of his duties under this Act, be assisted by such number of Deputy Directors, Assistant Directors, Joint Assistant Directors and other officers as may be appointed by the Central Government.
6. Every member of the Group shall be liable to serve in any part of India as well as outside India.
7. 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. No member of the Group shall be at liberty-
 - (a) To resign his appointment during the term of his engagements; 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. Every member of the group shall hold office during the pleasure of the President.
10. (1) No member of the group shall without the previous sanction in writing of the Central 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 bonafide 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 a purely social, recreational or religious nature under clause (b) or whether any book, letter or document is a communication or publication in the bonafide discharge of his duties or is of a purely literary, artistic or scientific characyer or is of a prescribed nature under clause (c) the decision of the Central 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. 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. (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 Central Govt.
- (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. The Central Govt may by general or special order published in the official 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 the Act.
14. It shall be the duty of every Ministry and Department of the Central Govt or the State Govt or the Union Territory administration, every Indian Mission, every local or other authority or every civil or military 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.

[In the matter of Shri P.V.Narasimha Rao, the Supreme Court held, while specifying the scope of section 14 of the Act, assistance can be requisitioned by the Group by enjoining, among others, every local or other authority or civil or military authority to act in aid of the Director or any member, whenever called upon to do so in furtherance of the duties and responsibilities assigned to such Director or member- “The language employed is wide enough to include assistance to the Group from all civil and local authorities when taking a protectee to a Court of Law. We see no reason why the Court Administration is isolated from such requirement as long as the assistance sought does not obstruct or in any other manner hinder court proceedings. We need not stretch this aspect of the matter any further for reasons which are obvious”.]

15. 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 purported to be 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. (1) The Central Govt. may by notification in the official Gazette, make rules for carrying out the provisions 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 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 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 person who shall be members of the Board under sub-section(2) of section 12:
 - (f) any other matter which has to be, or may be, prescribed.
17. Every order issued under section 13 and every rule made under section 16 shall be laid as soon as may be after it is issued or made, before each House of Parliament 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 the expiry of the session immediately following the session or the successive sessions aforesaid, both houses agree in making any modification in the order or the rule or both Houses agree that the order or rule, should not be made, the order or 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 order or rule.
18. (1) The Special Protection Group in existence at the commencement of this Act shall be deemed to be the group constituted under this Act.
(2) The members of the Special Protection Group in existence at the commencement of this Act shall be deemed to have been appointed as such under this Act.
(3) Anything done or any action taken before the commencement of this Act in relation to the constitution of the Special Protection Group referred to in sub-section (1) and in relation to any person appointed, shall be as valid and as effective in law as if such thing or action was done or taken under this Act.

Sd/-

Secy. to the Govt. of India.

THE GAZETTE OF INDIA

EXTRAORDINARY

Part-II – Section 1

PUBLISHED BY AUTHORITY

No. 231 New Delhi, Monday, March 17, 2003/Phalgun 26, 1924

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 17th march, 2003/Phalgun 26, 1924(Saka)

The following Act of Parliament received the assent of the President on the 13th March, 2003, and is hereby published for general information:-

THE SPECIAL PROTECTION GROUP (AMENDMENT) ACT, 2003

No.20 on 2003

[13th March, 2003]

An Act further to amend the Special Protection Group Act, 1988.

Be it enacted by Parliament in the Fifty fourth Year of the Republic of India as follows:-

1. This Act may be called the Special Protection Group(Amendment) Act, 2003.
2. In the Special Protection Group Act, 1988 (hereinafter referred to as the principal Act), in sub-section(l) of section 4, for clause(ii), the following clause shall be substituted, namely:-

“ (ii) any former Prime Minister or to the members of his immediate family....
(a) for a period of one year from the date on which the former Prime Minister ceased to hold office and beyond one year based on the level of the threat as decided by the Central Government, so however that not more than twelve months shall elapse between two consecutive assessments made in regard to the need for proximate security:

Provided that while assessing the level of threat, the Central Government shall take into account among other things, the following factors, namely;

- (A) that the threat emanates from any militant or terrorist organization or any other source, and
 - (B) that the threat is of grave and continuing nature;
 - (b) on their visits abroad, based on entitlement to proximate security and the level of threat as assessed by the Central Government”
3. In section 5 of the principal Act, in sub-section (2), for the words “Deputy Directors, Assistant Directors, Joint Assistant Directors”, the words “Inspectors General, Deputy Inspectors General, Assistant Inspectors General” shall be substituted.

SUBHASH C. JAIN

Secy to the Govt. of India

* As amended in 1991

** As amended in 1994

*** As amended in 1999