

CENTRAL INDUSTRIAL SECURITY FORCE ACT, 1968

50 of 1968

[2nd December, 1968]

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SCHEDULE 1 :- SCHEDULE

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At present security arrangements at important industrial

undertakings in the public sector are handled by the Watch and ward staff of the Organisation concerned. The Watch and Ward staff is generally engaged in guarding the entrances or The perimeter of the industrial undertaking and in preventing entries of unauthorized persons. Unplanned recruitment, Inadequate supervision, training and discipline have made the existing watch and ward staff ill equipped to discharge its Responsibilities. It is considered necessary to strengthen the security arrangements in vital industrial undertakings. For that purpose it is proposed to constitute a centrally recruited, organized and trained Industrial Security Force. The Force will primarily be responsible for the watch and ward of industrial undertakings owned by the Central Government and may be deployed at the request and cost of management's, for security duties of industrial undertakings in public sector. 2. The Bill is intended to give effect to these proposals. 3. The following are the principal features of the Bill: -

- (a) The Central Industrial Security Force will be constituted and maintained primarily for the better protection And maintenance of Industrial undertakings owned by the Central Government (clause 3 of the Bill).
- (b) The Superintendence of the Force shall vest in the Central Government and subject thereto the administration Of the Force shall vest in the Inspector General of the Force who will be assisted by a Deputy Inspector-General, a Chief Security Officer and other Security Officers, etc. (clause 7 of the Bill).
- (c) On a request being received from the Managing Director of an industrial undertaking in public sector, such number of officers and members of the Force as the Inspector-General may consider necessary may be deputed by the Inspector-General for the protection and security of that industrial undertaking and the cost to be incurred in connection with such officers and members while on deputation shall be borne by the industrial undertaking and not by the Government (clause 14 of the Bill).
- (d) The duties of the officers and members of the Force have been spelt out in great detail (clause 10 of the Bill).
- (e) Limited powers of arrest and search without warrant have been given to a superior officer under specified circumstances (clauses II, 12 and 13 of the Bill).
- (f) Other provisions of the Bill deal with matters relating to recruitment, training, supervision, discipline, removal, dismissal, etc., of the members of the Force.

- Gaz. of Ind.. 2-8-1966, Pt. II, S. 2, Ext., P. 435. Act 14 of 1968.- The Central Industrial Security Force has been constituted under the Central Industrial Security Force Act, 1968 with the object of providing for the better protection and

security of industrial undertakings owned by the Central Government, as well as those in public sector. This Force has now been in existence for a period of about 13 years. During this period, the sanctioned strength of the Force has grown from about 2,000 to about 49,000 officers and men and the Force is at present deployed in 115 industrial undertakings. The responsibilities of the Force have also grown greatly in magnitude as well as complexity. The Force is today concerned inter alia with providing security to highly sensitive undertakings like the installations of Department of Space. Department of Atomic Energy, Oil Refineries, Petrochemical Plants, Steel Plants and major ports. The security of these installations has a bearing not only on economic and industrial growth but also on the security and defence of the country. In view of these circumstances and also based on actual experience of the working of the Force, an urgent need has been felt for making the Force an armed force of the Union and for giving some additional powers for dealing with the problems of security of the industrial undertakings. It is therefore proposed to amend the Central Industrial Security Force Act to convert the force into an armed force of the Union and to make it a more effective instrument for providing security to vital industrial undertakings.

2. The following are principal features of the Bill:-

- (a) The Force will be made an armed force of the Union and consequential changes made in the rank. Structure and nomenclature of the Force (clauses 2, 3, 4, 5, 6, 7, 8 and 13 of the Bill).
- (b) Power of the members of the Force to arrest without warrant is being extended so as to cover assaults, use of criminal force, wrongful restraint and voluntarily causing hurt to members of the Force. This provision broadly covers offences under S.353 of Indian Penal Code, 1860 (assault on public servant in discharge of duties) and S.332 Indian Penal Code, 1860 (Voluntarily causing hurt to a public servant in discharge of duties). Power to arrest without warrant is also being extended to cover offences against property which may be lying in the premises of an industrial undertaking or installation. Similarly, power to arrest without warrant has been extended to cognizable offences involving imminent danger to the life of persons engaged in carrying on the work of the undertaking (clause 9 of the Bill).
- (c) Restrictions have been proposed on the right to form association on the lines of similar restrictions in other armed forces of the Union (clause 10 of the Bill).
- (d) Punishment for offences which may be committed by members of the Force, such as violation of duty, wilful breach of rules, regulations, lawful orders, cowardice, etc., has been

enhanced from six months to one year, A provision has been made for investment of powers of a Magistrate on the Commandant for inquiring into or trying such offences under certain circumstances (clause- 11 of the Bill). 3. The Bill seeks to achieve the above objects. - Gaz. of Ind., 15-4-1983, Pt. II, S. 2, Ext" P. 8 (No. 10), Act 20 of 1989.- The Central Industrial Security Force (CISF) was raised under the Central Industrial Security Force Ad, 1968 to provide protection and security to Central Government Industrial Undertakings. At present, it is deployed in 182 Government/Public Undertakings all over the country. The demands from Government/Public Undertakings for deployment of the CISF have grown in recent years due to the prevailing security environment in some parts of the country. The managements of these undertakings expect CISF to provide security not only to vital industrial installations but also to the employees of these undertakings. Increasingly therefore, the CISF, as an Armed Force of the Union, is being called upon to ensure the protection of machinery and property as well as the employees who are essential to running these Undertakings. The Force is expected to be in a position to provide effective security to the employees of these Undertakings so that they could attend to their jobs without any fear while on duty. 2. At present, under section 11 (1) (iii), the CISF can only act in times of "imminent danger" which is interpreted to mean immediate danger which cannot be instantly met or one that cannot be guarded against by calling on the assistance of others or the protection of the law. The CISF cannot exercise its limited powers of arrest under this section unless these conditions are met. The word "imminent" qualifying the word "danger" is a serious limitation upon the freedom of CISF to act in the face of a threat and does not seem warranted in the present circumstances. It is proposed, therefore, to remove the word "imminent" occurring in clause (iii) of sub-section (1) of Section 11 of the CISF Act. 3. It is also considered appropriate to take the opportunity to substitute the word "remove" for the word "suspend" in clause (1) of section 87 of the Act. This will bring section 8 of the Act in conformity with provisions contained in the Constitution and other Service Rules. 4. The Bill seeks to achieve the above mentioned objects. - Gaz. of India, 5-12-1988, Pt. U.S. 2, Ext., P. 3 (No. 58).

1. Short title, extent and commencement :-

(1) This Act may be called The Central Industrial Security Force Act, 1968.

(2) It extends to the whole of India.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the Official Gazette, appoint.

1. The Act came into force on 10-3-1969, see Gaz. of Ind., 3-3-69, Pt. II, S. 3(ii), Ext" Page 291,

2. Definitions :-

(1) In this Act, unless the context otherwise requires,-

¹(a) "Director-General" means the Director-General of the Force appointed under section 4 ;

(aa) "enrolled member of the Force" means .any subordinate officer, under officer or anyother member of the Force of a rank lower than that of an under officer;

(ab) "Force" means the Central Industrial Security Force constituted under section 3 ;

(ac) "Force custody" means the arrest or confinement of a member of the Force in accordance with rules made under this Act;

(b) "industrial undertaking" means any 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 Parliament by law;

(c) "industrial undertaking in public sector" means an industrial undertaking owned, controlled or managed by -

(i) a Government company as defined in Section 617 of the Companies Act, 1956 ,

(ii) a corporation established by or under a Central, Provincial or State Act, which is controlled or managed by the Government;

²(ca) "industrial establishment" means an industrial undertaking or a company as defined under section 3 of the Companies Act, 1956 (1 of 1956) or a firm registered under section 59 of the Indian Partnership Act, 1932 (9 of 1932), which is engaged in any industry, or in any trade, business or service;

³[(d) x x x x x]

(e) "Managing Director", in relation to an industrial undertaking, means a 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;

(f) "members of the Force" means a person appointed to the Force under this Act ⁴[x x x x];

(g) "prescribed" means prescribed by rules made under this Act;

(h) "scheduled industry" means any industry engaged in the manufacture or production of the articles mentioned in the First Schedule to Industries (Development and Regulation) Act, 1951;

⁵[(ha) "subordinate officer" means a person appointed to the Force as an Inspector, a Sub- inspector or an Assistant Sub-Inspector;]

(i) "supervisory officer" means any of the officers appointed under Section 4 and includes any other officer appointed by the Central Government as a supervisory officer of the Force.

⁵[(j) "under officer" means a person appointed to the Force as a Head Constable. Naik or Lance Naik;]

⁷ [(2) Any reference in this Act to a law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.]

1. Substituted for cl. (a) by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 3 (15-6-1983).

2. Inserted vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

3. Cl. (d) omitted, the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 3 .

4. Words "other than a supervisory officer" omitted, the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 3 .

5. Inserted, the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 3 .

7. Substituted for sub-sec. (2), the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 3 .

3. Constitution of the Force :-

(1) There shall be constituted and maintained by the Central Government ¹[an armed force of the Union] to be called the Central Industrial Security Force for the better protection and Security of

Industrial undertakings owned by that Government.²["and to perform such other duties as may be entrusted to it by the Central Government"]

(2) The Force shall be constituted in such manner, shall consist of such number of³ [supervisory officers, subordinate officers, under officers and other enrolled members] of the Force who. shall receive such pay and other remuneration as may be prescribed.

1. Substituted for the words "a Force" by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 4 (15-6-1983).

2. THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

3. Substituted for the words "supervising officers and members", the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 4.

4. Appointment and powers of Supervisory Officers :-

¹(1) The Central 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 or Assistant Commandants of the Force.]

(2) The² [Director-General] and every other supervisory officer so appointed shall have, and may exercise, such powers and authority as is provided by or under this Act.

1. Substituted for sub-sec. (1) by the Central industrial Security Force (Amendment) Act (14 of 1983), S.5 (15-6-1983).

2. Substituted for the words "Inspector-General", the Central industrial Security Force (Amendment) Act (14 of 1983), S.5.

5. Appointment of members of the Force :-

The¹ [appointment of the enrolled members of the Force shall rest with the Director-General] who shall exercise that power in accordance with rules made under this Act. Provided that the power of appointment under this section may also be exercised by such other supervisory officer as the Central Government may by order specify in this behalf,

1. Substituted for the words "appointment of members of the Force shall rest with the Inspector-General", by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 6 (15-6-1983).

6. Certificates of members of the Force :-

¹[(1) Every enrolled member of the Force shall receive on his appointment a certificate in the form specified in the Schedule, under the seal of the Director-General or such other supervisory officer as the Director-General may specify in this behalf, by virtue of which the person holding such certificate shall be vested with the powers of an enrolled member of the Force.]

(2) Such certificate shall cease to have effect whenever the person named in it ceases for any reason to be ² [an enrolled member] of the Force.

1. Substituted for sub-section (1) by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 7 (15-6-1983).

2. Substituted for the words "a member", the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 7.

7. Superintendence and administration of the Force :-

¹[(1) The superintendence of the Force shall vest in the Central Government, and subject thereto and to the provisions of this Act and of any rules made thereunder, the command, supervision and administration of the Force shall vest in the Director-General.]

(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 ²[an Inspector-General, a Deputy Inspector-General, a Commandant, a Deputy Commandant or an Assistant Commandant] in accordance with the provisions of this Act and of any rules made thereunder and every supervisory officer placed in charge of the protection and security of an industrial undertaking shall, subject to any directions that may be given by the ³ [Central Government or the Director-General] in this behalf, discharge his functions under the general supervision, direction and control of the Managing Director of that undertaking.

1. Substituted for sub-sec. (1) by the Central Industrial Security Force (Amendment) Act (14 of 1983), S.8 (15-6-1983).

2. Substituted for the words "a Deputy Inspector-General, Chief Security Officer or Security Officer", the Central Industrial Security Force (Amendment) Act (14 of 1983), S.8.

3. Substituted for the words "Central Government", the Central Industrial Security Force (Amendment) Act (14 of 1983), S.8.

8. Dismissal, removal, etc., of members of the Force :-

Subject to the provisions of article 311 of the Constitution and to

such rules as the Central Government may make under this Act, any supervisory officer may -

(i) dismiss, ¹[remove] ²[order for compulsory retirement of] or reduce in rank any ³[enrolled members] 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 ³[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 to any amount not exceeding seven days' pay or reduction in pay scale;

(b) drill, extra guard, fatigue or other duty;

(c) removal from any office of distinction or deprivation of any special emolument.

⁵ (d) withholding of increment of pay with or without cumulative effect;

(e) withholding of promotion;

(f) censure.

1. Substituted for the word "suspend", by the Central Industrial Security Force (Amendment) Act (20 of 1989), S. 3 (18-5-1989).

2. THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

3. Substituted for the word "member" by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

5. Inserted vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

9. Appeal and revision :-

(1) Any ¹[enrolled member] of the Force aggrieved by an order made under section 8 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, and ²["subject to the provisions of sub-section (2A), sub-section (2B) and sub-section (3)"]the decision of the said authority thereon shall be final: 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.

(2) In disposing of an appeal, the prescribed authority shall follow such procedure as may be prescribed.

³(2A) Any enrolled member of the Force aggrieved by an order passed in appeal under sub-section (1) may, within a period of six months from the date on which the order is communicated to him, prefer a revision petition against the order to such authority as may be prescribed and in disposing of the revision petition, the said authority shall follow such procedure as may be prescribed.

(2B) The authority, as may be prescribed for the purpose of this sub-section, on a revision petition preferred by an aggrieved enrolled member of the Force on suo moto, may call for, within a prescribed period, the records of any proceeding under section 8 or sub-section (2) or sub-section (2A) and such authority may, after making inquiry in the prescribed manner, and subject to the provisions of this Act, pass such order thereon as it thinks fit.

(3) The Central Government may call for and examine the record of any proceeding⁴ ["under section 8, sub-section (2), sub-section (2A) or sub-section (2B)"]of this section and may make such inquiry or cause such inquiry to be made and subject to the provisions of this Act, may pass such order thereon as it thinks fit: Provided that no order imposing an enhanced penalty under sub-section (2) or sub-section

(3) shall be made unless a reasonable opportunity of being heard has been given to the person affected by such order.

1. Substituted for the word "member" by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

2. Substituted for "subject to the provisions of sub-section (3). ", vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th

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4. Substituted for " under section 8 or under sub-section (2) ", vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

10. Duties of members of the Force :-

It shall be the duty of every ¹[x x x x] member of the Force -

(a) promptly to obey and execute all orders lawfully issued to him by his superior authority;

(b) to protect and safeguard the industrial undertakings owned by the Central Government together with such other installations as are specified by that Government to be vital for the carrying on of work in those undertakings, situate within, the local limits of his jurisdiction: Provided that before any installation not owned or controlled by the Central Government is so specified, the Central Government shall obtain the consent of the Government of the State in which such installation is situate;

(c) to protect and safeguard such other industrial undertakings and installation for the protection and security of which he is deputed under section 14 ;

²[(d) to protect and safeguard the employees of the industrial undertakings and installations referred to in clauses (b) and (c);

(e) to do any other act conducive to the better protection and security of the industrial undertakings and installations referred to in clauses (b) and (c) and the employees referred to in clause (d).]

³ (f) to provide technical consultancy services relating to security of any private sector industrial establishments under section 14A;

(g) to protect and safeguard the organisations owned or funded by the Government and the employees of such organisations as may be entrusted to him by the Central Government;

(h) any other duty which may be entrusted to him by the Central Government from time to time.

1. Words "supervisory officer and" omitted by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

2. Substituted for cl. (d) by the Central Industrial Security Force (Amendment) Act (20 of 1989), S. 4(18-5-1989).

3. Inserted vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

11. Power to arrest without warrant :-

¹[(1) Any member of the Force may) without any order from a Magistrate and without a warrant, arrest -

¹[(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 (d) of section 10 , 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;] or

(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, a cognizable offence which relates to property belonging to, or in the premises of, any industrial undertaking referred to in clauses (b) and (c) of section 10, or relates to the other installations, or to property in the premises of the other installations, referred to in those clauses; (iii) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve ³[x x] danger to the life of any person engaged in carrying on any work relating to any undertaking or installations referred to in clauses (b) and (c) of section 10 .]

(2) If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) of section 10, he may, without prejudice to any other proceedings which may be taken against him, be removed from such premises by any ⁴ [x x x] member of the Force.

1. Substituted for sub-sec. (1) by the Central Industrial Security Force (Amendment) Act (14 of 1983), S.9 (15-6-11983).

3. Word "imminent" omitted, the Central Industrial Security Force (Amendment) Act (20 of 1989), S. 5

4. Words "supervisory officer or" omitted, the Central Industrial Security Force (Amendment) Act (14 of 1983), S.9.

12. Power to search without warrant :-

(1) Whenever ¹[x x x] any member of the Force, not below the prescribed rank, has reason to believe that any such offence as is referred to in section 11 has been or is being committed and that a search warrant cannot be obtained without affording the offender an opportunity of escaping or of 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 ² [Code of Criminal Procedure, 1973] relating to searches under that Code shall, so far as may be, apply to searches under this section.

1. Words "any supervisory officer, or" omitted by the Central Industrial Security Force (Amendment) Act (14 of 1983). S. 13 and Sch. ('15-6-1983).

2. Substituted for the words "Code of Criminal Procedure, 1898". the Central Industrial Security Force (Amendment) Act(14 of 1983). S. 13 and Sch. .

13. Procedure to be followed after arrest :-

Any ¹ [x x x] member of the Force making an 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.

1. Words "supervisory officer or" omitted by the Central Industrial Security Force (Amendment) Act (14 of 1983), S.13 and Sch. (15-7-1983).

14. Deputation of the Force to industrial undertakings in

public sector :-

(1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the ¹[Director-General], on a request received in this behalf from the Managing Director concerned of an industrial undertaking in public sector, showing the necessity thereof, to depute such number of ²[x x x x] members of the Force as the ¹[Director-General] may consider necessary for the protection and security of that industrial undertaking and any installations attached thereto and the ²[x x x] members of the Force so deputed shall be at the charge of the Managing Director: Provided that in the case of an undertaking, owned, controlled or managed,-

(i) by a Government company of which the Central Government is not a member;

(ii) by a corporation established by or under a Provincial or State Act, no such request shall be entertained unless it is made with the consent of the Government of the State in which the undertaking is situate.

(2) If the ¹[Director-General] is of the opinion that circumstances necessitating the deputation of the ²[x x x] members of the Force in relation to an industrial undertaking under sub-section (1) have ceased to exist, or for any other reason it is necessary so to do, he may, after informing the Managing Director of that industrial undertaking, withdraw the ²[x x x] members of the Force so deputed : Provided that the Managing Director may, on giving one month's notice in writing to the ¹[Director-General] require that the ²[x x x] members of the Force so deputed shall be withdrawn, and the Managing Director shall be relieved from the charge from the date of expiration of such notices or from any earlier date on which the Force is so withdrawn.

(3) Every ² [x x x] 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 functions in relation to an industrial undertaking owned by the Central Government.

1. Substituted for the words "Inspector-General" wherever it occurs by the Central Industrial Security Force (Amendment) Act (14 of

1953). S. 13 and Sch. (15-6-1983).

2. Words "Supervisory Officers and" in sub-sec. (I) and words "officers and "in sub-sees. (1), (2) and words "officer and" in sub-sec. (3) omitted, the Central Industrial Security Force (Amendment) Act (14 of 1953). S. 13 and Sch. .

14A. Technical Consultancy Service to industrial establishments :-

1 .-

(1) Subject to any general directions which may be issued by the Central Government, it shall be lawful for the Director-General, on a request received from the Managing Director of an industrial establishment in the private sector or any other person authorised by him in this behalf, to direct the members of the Force to provide technical consultancy services relating to security, to such industrial establishments 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 of India. Explanation.- For the purposes of this section, the expression "Managing Director", in relation to an industrial establishment, means the person (whether called general manager, manager, chief executive officer or a partner of a firm or by any other name), who exercises control over the affairs of the establishment.

1. THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999
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15. Officers and members of the Force to be considered always on duty and liable to be employed anywhere in india :-

(1) Every ¹[x x x x] member of the Force shall, for the purpose of this Act, be considered to be always on duty, and shall, at any time, be liable to be employed at any place within India.

(2) Save as provided in section 14 , no ¹ [x x x] members of the Force shall engage himself in any employment or office other than his duties under this Act.

1. Words "supervisory officer and "in sub-sec. (1) and "supervisory officer or" in sub-sec. (2) omitted by the Central

Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

15A. Restrictions respecting right to form association etc :-

(1) No member of the Force 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 other society, institution, association or organisation that is not recognised as part of the Force or 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.

(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 purposes or for such other purposes as may be prescribed.]

16. Responsibilities of members 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 to which he would have been subject if he were on duty.

17. Surrender of certificate, arms, etc., by persons ceasing to be members of the Force :-

(1) Every person who for any reason ceases to be ¹[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 a member of the force.

(2) Any person who wilfully neglects or refuses to surrender his certificate of appointment or the arms, accoutrements, clothing and

other articles furnished to him, as required by sub-section (1) shall, on conviction, be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

(3) Nothing in this section shall be deemed to apply to any article which, under the orders of the ² [Director-General], has become the property of the person to whom the same was furnished.

1. Substituted for the words "a member" by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

2. Substituted for the words "Inspector-General", the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. .

18. Penalties for neglect of duty, etc :-

¹ [(1) Without prejudice to the provisions contained in section 8 , every member of the Force who shall be guilty of any violation of duty or wilful breach or neglect of any rule or regulation or lawful order made by a supervisory officer, or who shall withdraw from the duties of his office without permission, or who, being absent on leave, fails without reasonable cause, to report himself for duty on the expiration of the leave, or who engages himself without authority in any employment other than his duty as a member of the Force, or who, shall be guilty of cowardice, may be taken into Force custody and shall, on conviction, be punished with imprisonment for a term which may extend to one year.

(2) Notwithstanding anything contained in Code of Criminal Procedure, 1973 , an offence punishable under this section shall be cognizable and non-bailable.

(2A) Notwithstanding anything contained in Code of Criminal Procedure, 1973 , the Central Government may invest the Commandant with the powers of a Magistrate of any class for the purpose of inquiring into or trying any offence committed by an enrolled member of the Force and punishable under this Act, or any offence committed by an enrolled member of the force against the person or property of another member of the Force: Provided that -

(i) when the offender is on leave or absent from duty; or

(ii) when the offence is not connected with the offender's duties as an enrolled member of the Force; or

(iii) when it is a petty offence even if connected with the offender's duties as an enrolled member of the Force; or

(iv) when, for reasons to be recorded in writing, it is not practicable for the Commandant invested with the powers of a Magistrate to inquire into or try an offence, the offence may, if the prescribed authority within the limits of whose jurisdiction the offence has been committed so requires, be inquired into or tried by an ordinary criminal court having jurisdiction in the matter.]

(3) Nothing contained in this section shall be construed to prevent, any member of the Force from being prosecuted under any other law for any offence made punishable by that law, or for being liable under any such law to any other or higher penalty or punishment than is provided for such offence by this section: Provided that no person shall be punishable twice for the same offence.

1. Substituted for sub-sees. (1) and (2) by the Central Industrial Security Force (Amendment) Act (14 of 1983), S.I 1 (15-6-1983).

19. Application of Act 22 of 1922 to officers and members of the Force :-

Police (Incitement to Disaffection) Act, 1922 , shall apply to ¹ [x x x] members of the Force as it applies to members of a police force.

1. Words "supervisory officers and" by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 13 and Sch. (15-6-1983).

20. Certain Acts not to apply to members of the Force :-

Nothing contained in Payment of Wages Act, 1936 , or Industrial Disputes Act, 1947, or Factories Act, 1948 , or any corresponding law relating to investigation and settlement of industrial disputes in force in a State shall apply to members of the Force.

21. Protection of acts of officers and members of the Force :-

(1) In any suit or proceeding against any ¹[x x x] member of the Force for any act done by him in the discharge of his duties, it shall be lawful for him to plead that such act was done by him under the orders of a competent authority.

(2) Any such plea may be proved by the production of the order directing the act, and if it is so proved, the ¹[x x x] member of the Force shall thereupon be discharged from any liability in respect of

the act so done by him, notwithstanding any defect in the jurisdiction of the authority which issued such order.

(3) Notwithstanding anything contained in any other law for the time being in force, any legal proceeding, whether civil or criminal, which may lawfully be brought against any ¹ [x x x] member of the Force for anything done or intended to be done under the powers conferred by, or in pursuance of, any provision of this Act or the rules thereunder shall be commenced within three months after the act complained of shall have been committed and not otherwise; and notice in writing of such proceeding and of the cause thereof shall be given to the person concerned and his supervisory officer at least one month before the commencement of such proceeding.

1. Words "supervisory officer or" omitted by the Central Industrial Security Force (Amendment) Act (14 of 1983), S.13 and Sch. (15-6-1983).

22. Power to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules¹ 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, pay and remuneration of ²[x x x] members of the Force and their conditions of service in the Force;

(b) regulating the powers of duties of ²[x x x] members of the Force authorised to exercise any function by or under this Act;

(c) fixing the period of service for ²[x x x] 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 shall 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;

⁵[(gg) regulating matters with respect to Force custody under this Act including the procedure to be followed for taking persons into such custody;

(ggg) regulating matters with respect to disposal of cases relating to offences under this Act and specifying the places in which persons convicted under this Act may be confined:]

⁶(gggg) prescribing authority under sub-section (2A) of section 9 and the procedure to be followed by such authority in disposing of the revision petition;

(ggggg) prescribing authority under sub-section (2B) of section 9, the period within which such authority may call for the records and the manner in which such authority may make inquiry;";]

(h) the terms and conditions subject to which ²[x x x] members of the Force may be deputed under section 14 and the charges therefor; ⁸[***]

⁹(hh) the manner in which and the fee on payment of which the technical consultancy services shall be provided under sub-section (1) of section 14A; and.

(i) any other matter which has to be, or may be, prescribed ³[or in respect of which rules are required to be made under this Act].

(3) Every rule made under the section shall be laid as soon as may be after it is 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 ¹¹ [or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session 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.

"The Committee feel that specific provision be made in the clause to provide for making of rules regarding the terms and conditions subject to which supervisory officers and inembers of the Force may be deputed for the protection of industrial undertakings in the

public sector and for charges in respect thereof. A new paragraph (h) has accordingly been added to sub-clause (2) of the clause". - J.C.R.

1. For Central Industrial Security Force Rules, 1969, see Gaz. of Ind., 14-11-1969, Pt. II, Section 3 (ii), Ext.. P. 1441.

2. Words "supervisory officers and" in els. (a), (b), (c) and (h) omitted by the Central Industrial Security Force (Amendment) Act (14 of 1983), S. 12 (15-6-1983).

5. Inserted, Gaz. of Ind., 14-11-1969, Pt. II, Section 3 (ii), Ext.. P. 1441.

6. Inserted vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

8. Omitted for "and ", vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

9. Inserted vide THE CENTRAL INDUSTRIAL SECURITY FORCE (AMENDMENT AND VALIDATION) ACT, 1999 (40 Of 1999), Dt. December 29, 1999 Published in Received the assent of the President on the 29th December, 1999 and was published in the Gazette of India, (Extra.), Part II Sec. 1, No.-53, dated December 29, 1999

11. Substituted for the words "or in two successive sessions, and if before the expiry of the session in which it is so laid or the sessions, immediately following", Gaz. of Ind., 14-11-1969, Pt. II, Section 3 (ii), Ext.. P. 1441.

SCHEDULE 1

SCHEDULE

(See Section 6) A. B. has been appointed [an enrolled member] of the Central Industrial Security Force under the Central Industrial Security Force Act, 1968, and is vested with the powers, functions and privileges of [an enrolled member] of the Force.
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