

**THE UTTAR PRADESH SPECIAL SECURITY FORCE ACT,
2020**

[U. P. Act no. 27 OF 2020]

[As passed by the Uttar Pradesh Legislature, and assented to by the Governor under Article 200 of the ‘Constitution of India’ on August 28, 2020 and was published in the Uttar Pradesh Gazette Extraordinary on August 31, 2020.]

AN

ACT

to provide for the constitution and regulation of a specific trained police force of the State of Uttar Pradesh for protection and security of persons and installations where it is deployed and for matters connected therewith or incidental thereto.

IT IS HEREBY enacted in the Seventy-first Year of the Republic of India as follows:-

**Short title,
extent and
commencement**

1. (1) This Act may be called the Uttar Pradesh Special Security Force Act, 2020.

(2) It extends to the whole of the State of Uttar Pradesh.

(3) It shall be deemed to have come into force with effect from August 06, 2020.

Definitions

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

(a) “Commandant”, “Deputy Commandant”, and “Assistant Commandant” mean persons appointed as such by the State Government on or after the constitution of the Special Security Force;

(b) “Director General of Police” means the person appointed as such by the State Government as the head of the Uttar Pradesh Police Force;

(c) “Establishment” means any public or private building, premises or campus being used in connection with the affairs of any organization serving educational, commercial, recreational, philanthropic, cultural purposes and includes any place of public congregation or a mass transit system as notified by the State Government;

(d) “Force” means the Uttar Pradesh Special Security Force constituted under section 3;

(e) “Industrial Undertaking” means any undertaking as notified by the State Government pertaining to a scheduled industry [as defined in clause (i) of section 3 of the Industries (Development and Regulation) Act, 1951] and includes an undertaking engaged in any other industry, or in any trade, business or service which may be regulated by Parliament or State Legislature by law;

(f) “Installation” means any statue, monument, building, premises or campus being used in connection with the affairs of any organization, including offices, associated buildings, residential area and property of that organization in that premises or campus as notified by the State Government;

(g) “Member of the Force” means a person appointed to the Force;

(h) “Private” means an installation or establishment, controlled or managed by a person other than Central or State Government or their agencies;

(i) “Subordinate Officer” means a person appointed to the Force in Inspector or a Sub-Inspector rank;

(j) “Supervisory Officer” means in relation to an officer of the Force, any officer of a rank which is prescribed as higher than that of such officer;

(k) “Uttar Pradesh Police” means the force of the State of Uttar Pradesh constituted under the Police Act, 1861;

(l) “UP Pradeshik Armed Constabulary” means the force constituted under the UP Pradeshik Armed Constabulary Act, 1948;

(m) “UP Police Recruitment and Promotion Board” means the Board constituted for recruitment and promotion by the Government Order 1256/6-30-10-2008-27(7)/08.

(2) Words and expressions used and not defined in this Act but defined in the Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973 shall have the meanings respectively assigned to them therein;

**Constitution of
the Force**

3. (1) There shall be constituted and maintained by the State Government a Force to be called the Uttar Pradesh Special Security Force for the better protection and security of a body or a person or the residential premises thereof notified as such by the State Government by name, nomenclature or category; Strategic and vital Installations including the High Court of Judicature at Allahabad and Lucknow bench, District Judgeships and any other court notified by the State Government, administrative office premises, shrines, metro rail, airports, banks, other financial institutions, industrial undertakings and any other installations or establishments notified by the State Government, as such, for this purpose.

(2) The Force shall be constituted in such manner and shall consist of such numbers of supervisory officers, sub-ordinate officers, under officers and other enrolled members of the Force as may be prescribed by the State Government.

(3) The members of the Force shall receive such pay and other remuneration as may be prescribed as notified by the State Government.

(4) The structure, the number of battalions and compositional strength of each battalion of the Force shall be such as may be prescribed. At the commencement of this Act, five battalions shall be raised in the first phase and further such battalions shall be raised as may be prescribed as notified by the State Government.

(5) The Headquarters of the Force shall be at Lucknow and subordinate offices thereof shall be at such places as may be prescribed.

**Appointment
and powers of
supervisory
officers**

4. (1) The State Government may appoint a person to be the Additional Director General of the Force and other persons to be the Inspector General, the Deputy Inspector General, the Commandant, the Deputy Commandant and such other subordinate officers as may be required.

(2) The Additional Director General and every other supervisory officer so appointed under sub-section (1) shall have, and may exercise, such powers and authorities as provided under this Act.

**Recruitment to
the Force**

5. The recruitment of the subordinate officers and members of the Force shall be done by the UP Police Recruitment and Promotion Board which shall exercise such powers as may be prescribed in the rules made under section 17 which shall be in accordance with general rules made by the Personnel Department of the State Government.

**Superintendence
and
administration
of the
Force**

6. (1) The superintendence of the Force shall vest in the Director General of Police and subject to the provisions of this Act and the rules made thereunder, and the command, supervision and administration of the Force shall vest in the Additional Director General referred to in section 4.

(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 supervisory officers in accordance with the provisions of this Act or the rules made thereunder, and every supervisory officer placed in charge of the protection and security of body of person(s) and/or his residential premises notified as such by the State Government by name, nomenclature or category; the High court of Judicature at Allahabad and Lucknow bench, District Judgeships and any other court that may be notified by the State Government, vital installations, industrial undertakings, shrines, administrative premises, metro, airports, banks and other financial institutions and any other installation or establishment notified by the State Government, as such, for this purpose subject to any direction that may be given by the State Government or the Additional Director General in this behalf.

(3) Subject to the provisions of this Act and the rules made thereunder, the Superintendent of Police of the district, in co-ordination with the Supervisory officer of the Force, shall have the power to oversee the functioning of the Force within his jurisdiction.

Deployment of the Force for providing services to private Establishments

7. Subject to any general directions which may be issued by the State Government, it shall be lawful for the Director General of Police, on a request received from authorized person of a private industrial establishment or any other establishment in the private sector to direct the members of the Force to provide services under this Act to such establishment in such manner and on payment of such fee as may be prescribed.

Duties of members of the Force

8. It shall be the duty of every member of the Force;

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

(b) to protect and secure a body or a person or the residential premises thereof notified by the State Government by name, nomenclature or category, Hon'ble High court of Judicature at Allahabad and Lucknow bench, District Judgeships and any other court as notified by the State Government, vital installations, industrial undertakings, shrines, administrative premises, metro, airports, banks and other financial institutions and any other installations or establishments notified by the State Government, as such, for this purpose;

(c) to protect and safeguard the employees of establishments referred in clause(b);

(d) to perform any other duty which may be entrusted by the State Government, from time to time.

Augmentation of the Force

9. For the purpose of augmenting the Force during its deployment in any case, the Director General of Police may, cause deployment of UP Pradeshik Armed Constabulary in coordination with the Force.

Power to arrest without warrant

10. (1) Any member of the Force may, without any order from a Magistrate and without a warrant, arrest,—

(a) 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 (c) of section 8, 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;

(b) 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 establishments referred to in clause (b) of section 8, or relates to other installations, or to property in the premises of the other installations under his charge;

(c) any person who commits or attempts to commit a cognizable offence which involves or which is likely to involve danger to the life of any person engaged in carrying on any work relating to any establishments referred to in clause (b) of section 8.

(2) If any person is found trespassing on the premises of any establishment referred to in clause (b) of section 8, he may, without prejudice to any other proceeding which may be taken against him, be removed from such premises by a member of the Force.

(3) The manner in which the powers under this section are exercised shall be governed by rules prescribed in this behalf.

Power to search without warrant

11. (1) Whenever any member of the Force, has reasons to believe that any offence referred to in section 10 has been committed or is being committed and that a search warrant may not 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 provision of the Code of Criminal Procedure, 1973 relating to searches shall, *mutatis mutandis* apply to searches under this section.

(3) The manner in which the powers under this section are exercised shall be governed by rules prescribed in this behalf.

Procedure to be followed after arrest

12. Any member of the Force making an arrest under this Act, shall, without delay, hand 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.

Members of the Force to be considered always on duty and liable to be employed anywhere in the State

13. (1) Every 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 the State.

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

Terms and Conditions of service

14. Every member of the Force shall be subjected to all Act, relevant discipline, appeal rules, conduct rules and all other rules and Government Orders governing all terms and conditions of the service as applicable to a members of the Uttar Pradesh Police.

Protection of action taken in good faith

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

Cognizance of offence

16. No Court shall take cognizance of an offence against any member of the Force with regard to any thing done or any action taken or purporting to have been done or taken in the discharge of his duty except with the prior sanction of the State Government.

Power to make rules

17. (1) The State Government may by notification make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) Regulating the classes, ranks, grades, pay and remuneration of members of the Force and their conditions of service and recruitment in the Force;

(b) regulating the powers and duties of members of the Force authorized to exercise any functions by or under this Act;

(c) prescribing the manner in which induction and basic training and service specialized training is to be imparted;

(d) prescribing the description and quantity of arms, accoutrements, clothing and other necessary articles; and vehicles, equipments and other necessary resources to be furnished to the members of the Force;

(e) prescribing the places of residence of the members of the Force;

(f) regulating the procedure of conducting enquiry, punishment and prescribing authorities to whom appeal may be preferred from orders of punishment and the procedure to be followed for the disposal of such appeal;

(g) the manner in which and the fee on payment of which the security to be provided to private organizations.

Power to remove difficulties

18. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the *Gazette*, make necessary provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for removing the difficulties:

Provided that no order shall be made under this sub-section after the expiry of the 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.

Repeal and saving

19. (1) The Uttar Pradesh Special Security Force Ordinance, 2020 is hereby repealed.

U.P. Ordinance no. 18 of 2020

(2) Notwithstanding such repeal, anything done or any action taken under the provisions of the principal Act as amended by the Ordinance referred to in sub-section (1) shall be deemed to have been done or taken under the corresponding provisions of the principal Act as amended by this Act as if the provisions of this act were in force at all material times.

STATEMENT OF OBJECTS AND REASONS

To maintain the smooth and strong security arrangements of the *vital* establishments and of notified persons, as at Centre and in other states, there is no Special Security Force established in the State of Uttar Pradesh. The work of protecting these sites and persons is being done by the police and Uttar Pradesh Provincial Armed Constabulary force which are not specially trained and skilled for this task. Therefore, for the purpose of making security arrangements of important establishments etc. of the State, and in view of the orders of the Hon'ble High Court of Judicature at Allahabad in PIL No. 2436 of 2019 (In Re Suo Moto Relating to Security and Protection in All Court Campuses In the State of Up Vs. State of U.P), it had been decided to establish the Uttar Pradesh Special Security Force in the State of U.P.

Since the State legislature was not in session and immediate legislative action was necessary to implement the aforesaid decision, the Uttar Pradesh Special Security Force Ordinance, 2020 (U.P. Ordinance no. 18 of 2020) was promulgated by the Governor on August 2, 2020.

This Bill is introduced to replace the aforesaid Ordinance.
