

THE ODISHA INDUSTRIAL SECURITY FORCE ACT, 2012

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NOTIFICATION

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No.11568-Legis 2/12/L—The following Act of the Odisha Legislative Assembly having been assented to by the Governor on the 8th October 2012 is hereby published for general information.

ODISHA ACT 7 OF 2012

THE ODISHA INDUSTRIAL SECURITY FORCE ACT, 2012

AN ACT TO PROVIDE FOR THE CONSTITUTION AND REGULATION OF AN ARMED FORCE OF THE STATE FOR BETTER PROTECTION AND SECURITY OF INDUSTRIAL UNDERTAKINGS OWNED BY THE STATE GOVERNMENT, CERTAIN OTHER INDUSTRIAL UNDERTAKINGS INCLUDING PRIVATE INDUSTRIAL UNDERTAKINGS AND CERTAIN OTHER ESTABLISHMENTS AND EMPLOYEES OF ALL SUCH UNDERTAKINGS AND ESTABLISHMENTS AND FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL THERETO.

BE it enacted by the Legislature of the State of Odisha in the Sixty-third Year of the Republic of India as follows:-

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Odisha Industrial Security Force Act, 2012.
- (2) It extends to the whole of the State of Odisha.
- (3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions. 2. In this Act, unless the context otherwise requires,—

- (a) “autonomous body” means an institution wholly or partially run on the funds or grants of, or controlled by, the Central Government or the State Government;
- (b) “enrolled member of the Force” means any subordinate officer, under officer or any other member of the Force of a rank lower than that of an under officer;
- (c) “establishment” means-
 - (i) an office, guest house or such other institutions belonging to the Government;
 - (ii) an establishment other than referred to in sub-clause (i), which is owned, controlled or managed by a body corporate or firm or an individual or association or other body of individuals;
- (d) “Force” means the Odisha Industrial Security Force constituted under section 3;
- (e) “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 law made by Parliament or Legislative Assembly of the State;
- (f) “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 Act or State Act, which is controlled or managed by the State Government;
- (g) “Inspector General” means the Inspector General of the Force appointed under section 4;
- (h) “Managing Director”, in relation to industrial undertaking means the person, who exercises control over the affairs of that undertaking and includes General Manager, Manager, Chief Executive Officer or by whatever name called;
- (i) “member of the Force” means a person appointed to the Force under this Act;
- (j) “prescribed” means prescribed by the rules made under this Act;

- (k) “private industrial undertakings” means an industrial undertaking owned, controlled or managed by a person other than the Central or State Government or any industrial undertaking in public sector;
- (l) “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;
- (m) “strategic and vital installations” means all such vulnerable points or areas as specified by the State Government, from time to time, and declared essential for the maintenance of the life of the community and which require special protection against sabotage;
- (n) “subordinate officer” means a person appointed to the Force as a Sub-Inspector or an Assistant Sub-Inspector;
- (o) “supervisory officer” means any of the officers appointed under section 4 and includes any other officer appointed by the State Government as supervisory officer of the Force;
- (p) “under officer” means a person appointed to the Force as Head Constable or Constable.

65 of 1951.

Constitution
of the Force.

3. (1) The State Government shall, as soon as may be, after the commencement of this Act, by notification, constitute and maintain an Armed Force of the State to be called the Odisha Industrial Security Force for better protection and security of industrial undertakings owned by that Government, industrial undertaking in public sectors, private industrial undertakings and establishments.

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

(3) The Headquarters of the Force shall be at Bhubaneswar or at such other place as may be specified by the State Government.

Appointment
and powers of
the supervisory
officers.

4. (1) The State Government may appoint a person to be the Inspector General of the Force and may appoint other persons to be Deputy Inspector General, Commandants, Deputy Commandants, Assistant Commandants and Inspectors of the Force.

(2) The Inspector-General and every other supervisory officer so appointed under sub-section (1) shall have, and may exercise, such powers and authority as is provided by or under this Act.

Appointment of enrolled members of the Force.

5. The appointment of the enrolled members of the Force shall rest with the Inspector General, who shall exercise 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 State Government may, by order, specify in this behalf.

Certificates of members of the Force.

6. (1) Every enrolled member of the Force shall receive, on his appointment, a certificate in the form as may be prescribed, under the seal of the Inspector General or such other supervisory officer as the Inspector 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 an enrolled member of the Force.

Superintendence and administration of the Force.

7. (1) The superintendence of the Force shall vest in the State 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 Inspector 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 the Deputy Inspector General, Deputy Commandant or 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, private industrial undertaking, autonomous body, establishment and strategic and vital installations shall, subject to any direction that may be given by the State Government or the Inspector General in this behalf, discharge his functions under the general supervision, direction and control of the authority-in-charge of that autonomous body, establishment, strategic and vital installation and Managing Director of that undertaking.

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

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 safeguard the establishments, industrial undertakings owned by the State Government or strategic and vital installations under their control;
- (c) to protect and safeguard such other industrial undertakings, private industrial undertakings and installations to which he is deputed under section 9;
- (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 establishments, industrial undertakings and installations referred to in clauses (b) and (c) and the employees referred to in clause (d);
- (f) to perform any other duty which may be entrusted to him by the State Government, from time to time.

Deputation of the Force.

9.(1) Subject to any general directions of the State Government and the recovery of charges of the Force on such terms and conditions as may be prescribed under clause (g) of sub-section (2) of section 21 of the Act, it shall be lawful for the Inspector-General on a request received in this behalf from the authority- in- charge of the concerned establishment, not belonging to State Government or autonomous bodies, or from the Managing Director concerned of an industrial undertaking in public sector or private sector or strategic and vital installation under their control showing the necessity thereof, to depute such number of members of the Force as the Inspector-General may consider necessary for the protection and security thereof and any installations attached thereto and the members of the Force so deputed shall be at the charge of the authority-in-charge or the Managing Director, as the case may be.

(2) Every 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 duties in relation to an establishment, an industrial undertaking and strategic and vital installations of the State Government.

(3) If the Inspector General is of the opinion that circumstances necessitating the deputation of the members of the Force in relation to an establishment, autonomous body, industrial undertaking and strategic and vital installation under sub-section (1) have ceased to exist, or for any other reason it is necessary so to do, he may, after informing the concerned authority-in-charge of that establishment, autonomous body or strategic vital and installation or as the case may be, concerned Managing Director of that industrial undertaking, withdraw the members of the Force so deputed:

Provided that the authority-in-charge or Managing Director may, on giving one month's notice in writing to the Inspector General, require that the members of the Force so deputed shall be withdrawn and the authority-in-charge, or as the case may be, the Managing Director shall be relieved from the charge from the date of expiration of such notice or from any earlier date on which the Force is so withdrawn.

(4) For the purpose of augmenting the Force during its deployment in any case, the Inspector General may, in consultation with the appropriate authority in relation to any auxiliary force cause deployment of such auxiliary force in coordination with the Force:

Explanation.— For the purpose of this sub-section, the expression “auxiliary force” means,—

- (a) Home Guards appointed under the Odisha Home Guard Act, 1961; or Odisha Act
22 of 1961.
- (b) any person appointed to act as Special Police Officer under the Police Act, 1861; or 5 of 1861.
- (c) Private security guard employed by any private security agency under Private Security Agency (Regulation) Act, 2005. 29 of 2005.

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 (d) of section 8, or to him or any other members 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 establishment, autonomous body, industrial undertaking or any strategic and vital installations referred to in clauses (b) and (c) of section 8, or relates to other installations, or to property in the premises of the other installations, referred to in those clauses;

(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 establishment, autonomous body, undertaking, or installations referred to in clauses (b) and (c) of section 8.

(2) If any person is found trespassing on the premises of any industrial undertaking referred to in clauses (b) and (c) 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.

Power to
search
without
warrant.

11.(1) Whenever any member of the Force, has reasons to believe that any such offence as is referred to in section 10 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, belongings and premises 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 under that code shall, so far as may be, apply to searches under this section.

2 of 1974.

Procedure to be followed after arrest.

12. Any 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.

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 of Odisha.

(2) Save as provided in section 9, no member of the Force shall engage himself in any employment or office other than his duties under this Act.

Responsibilities of members of the Force during suspension.

14. 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 subjected if he were on duty.

Restrictions to form an association etc.

15. (1) No member of the Force shall, without the previous sanction in writing of the State 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 class 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.

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 State Government thereon shall be final.

(2) No member of the Force 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.

Penalties
and appeal.

16.(1) Subject to the provisions of article 311 of the Constitution and to such rules as the State Government may make under this Act, the Inspector General or any other supervisory officer appointed by him may impose any of the following penalties, namely:--

- (i) extra drill,
- (ii) fatigue duty,
- (iii) guard duty,
- (iv) withholding of increment,
- (v) withholding of promotion,
- (vi) reduction of rank,
- (vii) recovery of pay,
- (viii) compulsory retirement,
- (ix) removal from service,
- (x) dismissal from service.

(2) The penalties specified in clauses (i) to (iii) of sub-section (1) shall be non-appealable and may be imposed by way of summary disposal in the manner prescribed.

(3) The penalties specified in clauses (iv) to (x) of sub-section (1) may be imposed after conducting an inquiry in accordance with such procedure as may be prescribed.

(4) Any enrolled member of the Force aggrieved by an order made under sub-section (3) may, within thirty days from the date of communication of the said order, prefer an appeal, to such authority as may be prescribed.

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

17.(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 have been furnished to him for the performance of duties as an enrolled member of the Force.

(2) Any person who willfully neglects or refuses to surrender his certificate of appointment, the arms, accoutrements, clothing and other articles furnished to him as required by sub-section (1), shall be liable for forfeiture of the 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 Inspector-General, has become the property of the person to whom the same was furnished.

Protection of action done in good faith.

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

Cognizance of offence.

19. No Court shall take cognizance of an offence against any member of the Force with regard to any act done by him in the discharge of his duty or purporting to act in the discharge of his duty except with the prior sanction of the State Government.

Application of the Act 22 of 1922 to the members of the Force.

20. The Police (Incitement to Disaffection) Act, 1922 shall apply to members of the Force as it applies to the members of a Police Force.

22 of 1922.

2

Power to make rules.

21.(1) The State Government shall, in addition to the rule making powers conferred on them by any other provisions of this Act, have power to make rules generally to carry out all or any of the purposes 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 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) fixing the period of service for the 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 the members of the Force;
- (f) regulating the procedure of conducting enquiry, punishments and prescribing authorities to whom appeals may be preferred from orders of punishment and the procedure to be followed for the disposal of such appeals;
- (g) the terms and conditions subject to which members of the Force may be deputed under section 9 and the charges thereof; and
- (h) institution, management and regulation of any fund for any purpose connected with the administration of the Force;

Power to
remove
difficulties.

22.(1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the official 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 difficulty:

Provided that no order shall be made under this section after expiry of the period of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before the Odisha Legislative Assembly.

By Order of the Governor
D. RAUT
Principal Secretary to Government