

Chhattisgarh Auxiliary Armed Police Force Act, 2011

(Act No. 19 of 2011)

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[Dated 28.09.2011]

An Act to provide for the constitution and regulation of an Auxiliary Armed Police Force in the State to aid and assist the security forces in the maintenance of public order, prevention, control and combating maoist/naxal violence, insurgency, etc. and matters connected therewith and incidental thereto.

Be it enacted by the Chhattisgarh State Legislature in the Sixty-second Year of the Republic of India, as follows : -

CHAPTER I

Preliminary

1. Short title, extent and commencement. - (1) This Act may be called the Chhattisgarh Auxiliary Armed Police Force Act, 2011.

(2) It extends to the whole State of Chhattisgarh.

(3) It shall be deemed to have come into force with retrospective effect from the fifth day of July, 2011.

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

(a) "*appointing authority*" means Superintendent of Police of the concerned Police District;

(b) "*family member*" means wife, children, and parents of the member of the force;

(c) "*force*" means the Chhattisgarh Auxiliary Armed Police Force constituted under the provisions of this Act;

(d) "*Government*" means the State Government of Chhattisgarh;

(e) "*maoist/naxal violence*" means and includes planned and organised acts of violence by members of the CPI (Maoists), all its formations and front organisations, which have been declared a terrorist organisation and banned under the Unlawful Activities (Prevention) Act, 1967 and under the Chhattisgarh Jan Suraksha Adhiniyam, 2005 (No. 14 of 2006);

- (f) "*member of the force*" means a member of the Chhattisgarh Auxiliary Armed Police Force appointed under the provisions of this Act;
- (g) "*permanent incapacitation*" means a disability of 50% and above suffered by a member of the force which is of permanent nature and there are no chances of variation in the degree of disability and the injury/disability renders the victim unfit for normal life for the rest of his life ;
- (h) "*police district*" means the territory notified as police district under the Chhattisgarh Police Act, 2007 (No. 13 of 2007);
- (i) "*prescribed*" means prescribed by rules made under this Act;
- (j) "*screening committee*" means the screening committee constituted under Section 7 of this Act;
- (k) "*security force*" means and includes State Police, Central Reserve Police Force, Border Security Force, Indo Tibetan Border Police, Central Industrial Security Force or any para military or armed force of any State Government or the Government of India;
- (l) "*selection committee*" means selection committee constituted under Section 11 of this Act;
- (m) "*sensitive areas*" means areas that are apprehended to be likely targets of naxal/maoist violence or any other violence;
- (n) "*State*" means State of Chhattisgarh.

(2) Words and expressions used in this Act but not defined specifically shall have the same meaning as defined under the Chhattisgarh Police Act, 2007 (No. 13 of 2007).

3. Act not in derogation of any other law. - The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

CHAPTER II

Constitution and Organisation of the Force

4. Constitution of the Auxiliary Armed Police Force. - (1) There shall be an Auxiliary Armed Police Force for the State to be known as Chhattisgarh Auxiliary Armed Police Force to aid and assist the security forces in the maintenance of public order and preventing, controlling and combating maoist/naxal violence and insurgency, etc.

(2) The Auxiliary Armed Police Force shall consist of such number of persons as may be determined by the State Government from time to time.

5. Functions and duties of members of the force. - (1) The functions and duties of a member of the force shall be the following -

(a) to aid and assist security forces in -

- (i) maintaining public peace and order;
- (ii) preserving internal security;
- (iii) patrolling sensitive areas; and
- (iv) gathering intelligence.

(b) to protect public property;

(c) to help people in situations arising out of natural or man-made disasters;

(d) to assist government/public agencies in providing relief measures;

(e) to assist the security forces in providing security to public authorities in discharging their functions;

(f) to perform such other duties and discharge such other responsibilities as may be enjoined upon him by the State Government through a notification published in the Official Gazette.

(2) Notwithstanding anything contained in sub-section (1) above, the members of the force, while performing any of the above mentioned duties, shall not be deployed in the front line positions of an operation and shall always work under supervision of the security forces other than in discharge of duties where there is no apprehended danger to their lives.

6. Direction, supervision, etc. - (1) The general superintendence over the Auxiliary Armed Police Force in respect of all matters shall vest in the State Government.

(2) The overall administration and direction of the force shall vest in the Director General of Police.

(3) Subject to the above and to the provisions of this Act, the command and supervision of the force shall vest in the Superintendent of Police of the concerned Police District.

7. Appointment of members of the force. - (1) Appointments to the Auxiliary Armed Police Force for any Police District shall be made by the Superintendent of Police of the District from amongst the persons selected in accordance with the provisions contained in the following sub-sections and Section 11 of this Act.

(2) Selection of persons to be appointed as members of the Auxiliary Armed Police Force for a Police District shall be made from amongst persons domiciled in the District, who are conversant with the local area, topography and local language/dialect, by a selection committee to be constituted by the Inspector General in charge of the concerned police range.

(3) The selection committee shall consist of three members, not below the rank of Deputy Superintendent of Police, of which at least one member shall belong to Scheduled Tribes.

(4) The minimum and the maximum age limit for selection to the force shall be 18 years and 45 years, respectively.

(5) Only such person who meets the physical fitness criteria laid down for appointment as Police Constable of the State Police shall be selected for appointment to the force.

(6) Only such person who has passed class five school certificate examination shall be selected for appointment to the force :

Provided that a person deemed to be a member of the Auxiliary Armed Police Force under sub-section (1) of Section 11 and does not possess the aforesaid qualification, shall be imparted specially designed course in elementary education during the training specified under Section 8.

(7) No person, who has been convicted for any offence or against whom criminal proceedings have been instituted in any court or possesses such other disqualification as may be prescribed, shall be selected for appointment to the force.

(8) The procedure for selection of persons for appointment to the force shall be such as may be prescribed.

8. Training of members of the force. - (1) Every member of the Auxiliary Armed Police Force shall be imparted such compulsory training for a period not less than six months, as may be prescribed.

(2) The training curriculum shall, among other matters, include -

(i) arms training of six months for the use of such firearms as prescribed;

(ii) community policing;

(iii) intelligence gathering;

(iv) first aid and medical care;

(v) basic knowledge of human rights;

(vi) basic knowledge of criminal law and procedure.

(3) If any member has undergone the prescribed training prior to his appointment to the force, the period of such earlier training shall be included in the training period prescribed.

9. Remuneration allowances, etc. - (1) Every member of the force shall be paid fixed remuneration as prescribed by the State Government; and such dearness allowance and special naxal area allowance as admissible to the Chhattisgarh Police Executive Force, Constable (GD). Any other allowances may also be paid to the member of the force as ordered by the State Government from time to time.

(2) Other conditions of service of members of the force shall be such as may be prescribed.

10. Termination from force, etc. - (1) A member of the force who attains age of 55 years shall be ceased to be a member of the Auxiliary Armed Police Force.

(2) If a member of the force acquires any disqualification specified in sub-section (7) of Section 7, or found guilty of such misconduct as may be prescribed, the appointing authority may, after giving an opportunity of being heard and for the reasons to be recorded in writing, terminate such member from the force.

(3) A member who has been terminated from the force by the appointing authority, may make representation to such authority as may be prescribed, and such prescribed authority shall consider the representation of the aggrieved member within a period of sixty days and pass appropriate order on the representation made.

11. Provisions in respect of existing Special Police Officers. - (1) Notwithstanding anything contained in any judgment, order or decree of any court, every person serving as a Special Police Officer on the date of this Act shall, for a period of six months from the date of this Act, be deemed to be a member of the Chhattisgarh Auxiliary Armed Police Force :

Provided that all such persons shall be subject to screening by a screening committee for their continued employment to the Chhattisgarh Auxiliary Armed Police Force, and all such persons found fit in such screening shall continue in service and deemed to have become members of the Chhattisgarh Auxiliary Armed Police Force from the date of this Act.

(2) The provisions of sub-section (3) of Section 7 shall apply *mutatis-mutandis* to the constitution of the screening committee for the purpose of sub-section (1).

(3) Notwithstanding anything contained in any judgment, order or decree of any court, every person serving as a special police officer on the date of this Act, shall have a right to continue.

CHAPTER III

Miscellaneous

12. Relief and Rehabilitation. -

(A) Relief in case of death/permanent incapacitation. - If any member of the force dies or is permanently incapacitated in the course of assisting security forces in combating against naxals/maoists, then he/his family members shall be provided relief and rehabilitation as under - -

(i) in case of death of a member of the force the surviving spouse or if there is no surviving spouse then the family shall be entitled to get an amount by way of Ex-gratia which shall not be less than Rs. 5 lakh;

(ii) in case of permanent incapacitation a member of the force shall be entitled to get an amount by way of Ex-gratia which shall not be less than Rs. 3 lakh.

(B) Employment, Housing and Medical Facility. -

(i) in case of death of a member of the force any adult member of the family shall be given compassionate appointment as per the instructions issued by the State Government;

- (ii) family members of the deceased shall be provided free housing facility in district under the scheme designed for this purpose by the State Government from time to time;
- (iii) a member of the force and his family members would be entitled to get medical facility/assistance as admissible to the employees of the State Government;
- (iv) any other relief as may be declared by the State Government from time to time.

13. Eligibility for appointment to the post of constable in the State Police. - The members of the force shall be eligible for appointment to the post of constable in class III Police Executive Service in the State Police, subject to the criteria as may be prescribed by the State Government.

14. Protection for acts of members of the Auxiliary Armed Police Force. - No. suit, prosecution or other legal proceeding shall lie against any member of the force for any act which is in good faith done or purported to be done or omitted to be done during the course of performance of his duty under this Act.

15. Power to make rules. - (1) The State Government may, by notification to be published in Official Gazette, make rules for carrying out the purposes of and to give effect to this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before the State Legislative Assembly.

16. Power to remove difficulties. - (1) If any difficulty arises in giving effect to any provision of this Act, the State Government may pass such order, to be published in the Official Gazette, as may be necessary or expedient for removing the difficulty.

(2) Every order passed under sub-section (1) shall, as soon as may be after it is passed, be laid before State Legislative Assembly.

17. Repeal and Saving. - (1) The Chhattisgarh Auxiliary Armed Police Force Ordinance, 2011 (No. 3 of 2011) in its application to the State of Chhattisgarh is hereby repealed.

(2) The repeal under sub-section (1) shall not affect the previous operation of this Ordinance so repealed and anything done or action taken or deemed to have been done or taken (including any appointment or delegation made, notification, order, direction or notice issued, regulation or rules made) by or under the provisions of the repealed Ordinance shall, insofar as it is not inconsistent with the provision of this Act, be deemed to have been done or taken under the provisions of this Act, and shall continue in force unless and until repealed by anything done on any action taken under this Act.