

AS INTRODUCED IN LOK SABHA

Bill No. 365 of 2019

THE SPECIAL PROTECTION GROUP (AMENDMENT)

BILL, 2019

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further to amend the Special Protection Group Act, 1988.

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Protection Group (Amendment) Act, 2019. Short title and commencement.

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

Amendment
of section 4.

2. In section 4 of the Special Protection Group Act, 1988,—

34 of 1988.

(i) for sub-section (I), the following sub-section shall be substituted, namely:—

"(I) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to,—

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(a) the Prime Minister and members of his immediate family residing with him at his official residence; and

(b) any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister.";

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(ii) in sub-section (IA), for clause (b), the following clause shall be substituted, namely:—

"(b) where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister.".

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STATEMENT OF OBJECTS AND REASONS

The Special Protection Group Act, 1988 (the Act) was enacted to provide for the constitution and regulation of the Special Protection Group (SPG) as an armed force of the Union for providing proximate security to the Prime Minister and his immediate family members. The Act was amended in 1991, 1994, 1999 and 2003 to extend SPG cover to former Prime Ministers and their immediate family members also, for different periods from demitting office of the Prime Minister. In 2003, it was last amended to extend SPG cover to former Prime Ministers and their immediate family members for one year of the demitting office of Prime Minister and thereafter based on level of threat periodically assessed by the Central Government.

2. In the Act, there is no cut off period for providing the SPG protection to former Prime Ministers or members of their immediate families. Thus, the number of individuals to be provided SPG cover can potentially become quite large. In such a scenario, there can be severe constraint on the resources, training and related infrastructure of SPG. This can also impact the effectiveness of SPG in providing adequate cover to the principle protectee, the Prime Minister in office.

3. Now, therefore, it is considered essential to amend the Act to focus on core mandate, as the security of the Prime Minister, as Head of the Government, is of paramount importance for Government, governance and national security. It assumes special significance in the given geo-political context of the country, its hostile neighbourhood and the multi-layered dimensions of threat the country is exposed to. In recognition of this critical security imperative for the Prime Minister in office, a special enactment was made to constitute the Special Protection Group with the sole objective of providing proximate security to the Prime Minister and the members of his immediate family.

4. The proposed Bill provides for the following, namely:—

(a) to substitute sub-section (I) of section 4 so as to provide that the Special Protection Group shall provide proximate security to the Prime Minister and members of his immediate family residing with him at his official residence and to any former Prime Minister and such members of his immediate family as are residing with him at the residence allotted to him, for a period of five years from the date he ceases to hold the office of Prime Minister;

(b) to substitute clause (b) of sub-section (IA) of section 4 so as to provide that where the proximate security is withdrawn from a former Prime Minister, such proximate security shall also stand withdrawn from members of immediate family of such former Prime Minister.

5. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 21st November, 2019.

AMIT SHAH.

THE FINANCIAL MEMORANDUM

The provisions of the proposed Bill does not involve any expenditure either recurring or non-recurring from the Consolidated Fund of India.

ANNEXURE

EXTRACTS FROM THE SPECIAL PROTECTION GROUP ACT, 1988

(34 OF 1988)

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4. (I) There shall be an armed force of the Union called the Special Protection Group for providing proximate security to—

Constitution of the Group.

(i) the Prime Minister and the members of his immediate family; and

(ii) any former Prime Minister or to the members of his immediate family—

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

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

(A) that the threat emanates from any militant or terrorist organisation or any other source; and

(B) that the threat is of a grave and continuing nature;

(b) on their visits abroad, based on entitlement to proximate security and the level of threat as assessed by the Central Government.

(IA) Notwithstanding anything contained in sub-section (I),—

(a) any former Prime Minister or any member of the immediate family of the Prime Minister or of a former Prime Minister may decline proximate security;

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

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

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further to amend the Special Protection Group Act, 1988.

(Shri Amit Shah, Minister of Home Affairs)