

(Authoritative English Text of this Government Notification number Home-C(a)3-4/2005, dated _____ as required under clause (3) of article 348 of the Constitution of India)

Government of Himachal Pradesh
Home Department

No.HOME-C(A)3-4/2005. Dated:Shimla 28, June 2011.

NOTIFICATION

In exercise of the powers conferred by section 25 of the Private Security Agencies (Regulation) Act, 2005, the Governor of Himachal Pradesh is pleased to make the following rules for carrying out the purposes of the Act ibid, namely:-

1. Short title commencement.- (1) These rules may be called the Himachal Pradesh Private Security Agencies(Regulation) Rules,2011.

(2) They shall come into force from the date of their publication in the Rajpatra, Himachal Pradesh.
2. Definitions.- (1) In these rules, unless the context otherwise requires,-
 - (a) "Act" means the Private Security Agencies (Regulation) Act,2005;
 - (b) "Agency" means the Private Security Agency established under the Act;
 - (c) "Controlling Authority" means, an officer appointed by the State Government by notification under the Act;
 - (d) "Form" means a form appended to these rules;
 - (e) "Government" means the Government of Himachal Pradesh;

- (f) "guard" means a Guard employed by an Agency;
- (g) "Police fund" means the fund constituted under section 130 of the Himachal Pradesh Police Act, 2007;
- (h) "recognized institute" means a training institute approved or recognized by the Controlling Authority for imparting training to the incumbent guards; and
- (i) "section" means a section of the Act.

(2) Words and expressions used in these rules but not defined shall have the same meaning(s) as respectively assigned to them in the Act.

3. Verification of the antecedents of the Agency.- (1) The Superintendent of Police of the concerned districts shall verify the antecedents of the applicants for grant of license.

(2) Every applicant while making an application to the Controlling Authority for the issue of a fresh license or renewal thereof shall enclose Form-I for verification of his antecedents. The fees under section 7 shall be submitted with the application form in the shape of a demand draft drawn in favour of Controlling Authority which shall be deposited in Bank account of Controlling Authority.

(3) If the applicant is a company, a firm or an association of persons, the application shall be accompanied by Form-I for every proprietor or majority share holder, partner or director of the company, as if they were also the applicants.

(4) On receipt of application under sub-rule (1) the Controlling Authority shall make such enquiries through the Superintendent of Police of the concerned district, as it may consider necessary, to verify the contents of the application and the particulars of the applicant.

4. Verification of character and antecedents of private security guards and supervisors. - (1) Before any person is employed or engaged as a guard or supervisor, the Agency shall satisfy itself about the character and antecedents of such person in any one or more of the following manners, namely:-

- (a) by verifying the character and antecedent of the person by itself;
- (b) by relying upon the character and antecedent verification certificate produced by the person to the satisfaction of the Agency:
Provided that the character and antecedent certificate shall be valid if the Agency does not have any adverse report regarding the person's character and antecedents from any other source; and
- (c) by relying upon the report received from the police authorities assigned under the authority of the District Superintendent of Police.

(2) The person desirous of getting employed or engaged as a guard or supervisor shall submit Form II to the Agency. If the person has stayed in more than one district during the last three years, one copy each of Form II for each district shall be submitted.

(3) The Agency shall cause an inquiry into the correctness of the particulars filled in, either by itself or by sending the Form to the concerned District Superintendent of Police, who shall be responsible for the correctness of the record while submitting his report to the Agency. Where the Agency wishes to utilize the services of Himachal Pradesh Police for verification of character and antecedents of any applicant, the Agency shall deposit Rs. 250/- per candidate in the shape of a Demand Draft drawn in favour of the Controlling Authority, if the candidate is a domicile/permanent resident of Himachal Pradesh. In the case of the candidates of other States, the fee shall be Rs. 1000/- per candidate. The report supplied by the Superintendent of Police of the district, concerned shall be sufficient for the purpose of verification of character and antecedents.

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The fee collected for the purpose of verification under sub rule (3) shall be deposited in the police fund and utilized as per the provisions governing the said fund.

(5) The Superintendent of Police of the concerned district shall ensure that character and antecedent verification report is issued within 30 days of the receipt of the character and antecedent Form from the Agency. In the event of such report not being issued within 30 days, the fee shall stand waived off in case of applicants who are bonafide residents of Himachal Pradesh.

(6) The report of the Police regarding character and antecedents of person shall be graded as confidential. It shall be addressed in named cover to a designated officer of the Agency requesting for verification of character and antecedents.

(7) Character and antecedents verification report once issued shall remain valid for three years, unless for reasons to be recorded in writing, the Superintendent of Police comes to the conclusion that a further report regarding character and antecedents of the person is required to be made to the Agency, which may result in such person being disengaged from his duty or otherwise being considered unsuitable for duty, as a guard or supervisor.

(8) On the basis of police verification or on the basis of their own verification, as the case may be, the Agency shall issue in Form- III a character certificate and this certificate shall be valid for a period of three years and shall not be taken back by such Agency even if the person ceases to be an employee of that Agency.

5 **Security Training.**- (1) The Agency with a valid licence to operate shall impart training to its employees from a recognized institute on proper turn out, physical fitness, premises security, personal security, firefighting and such other training as may be approved by the Controlling Authority as per the syllabus framed by the Controlling Authority:

Provided that such training may not be required in case of a person who has the experience of having served in Armed or Police forces of the Union or the Police Force of the State for a period of not less than 5 years or who has worked in Home Guards

organization or in Fire Services Department for not less than 8 years and is physically fit.

(2) The recognized institute shall issue the training certificate to the employees of the Agency in Form IV. All certificates issued to any person under these rules shall have the photograph of the holder embedded in it.

6 Standard of Physical fitness for security guard.-(1) A person shall be eligible for being engaged as guard if he fulfills the physical fitness standards approved by the Controlling Authority as specified below:-

- (i) shall have a clear vision with or without corrective lenses and shall not have such low vision as to render him unfit for duty of a supervisor or guard,
- (ii) hearing shall be free from defect and he shall be able to hear and respond to the spoken voice and the alarms generated by security equipments;
- (iii) the candidate shall have dexterity and strength to perform searches, handle objects and use force for restraining individuals in case of need; and
- (iv) a candidate shall be free from evidence of any contagious or infectious disease. He shall not be suffering from any disease, which is likely to be aggravated by service or is likely to render him unfit for service or endanger the health of the public.

(2) Agency shall ensure that every guard working for it undergoes a medical examination after every two years from his last such examination so as to ensure the continued maintenance of physical standards.

(3) The guard shall produce the medical fitness certificate from an authorized medical officer who shall be a Medical Practitioner

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registered with any of the Medical Councils of a State. The Form for fitness shall be such as may be approved by the Controlling Authority.

Provided that the standards in sub-rule (1) shall not apply to a person who has served in Armed or Police Force of the Union or any State for a period of 5 years and in case of Home Guards or Fire Services personnel, for a period of 8 years before their discharge from the said force provided they were not discharged from the said force for any medical reasons.

7. Supervisors.- Deployment of supervisor shall be made as per the following norms:-

- (a) For every 30 guards or less deployed as one unit, one head guard shall be employed who shall have minimum 1 year service as guard.
- (b) For every 30 guards or more deployed as one unit, one Assistant Supervisor shall be employed in addition to head guard, who shall have minimum 2 year's service as head guard.
- (c) For every 100 guards employed by the Agency one Supervisor shall be recruited.
- (d) For every 200 or more guards employed by the Agency, in addition to supervisors, one Security Officer shall be employed.

8. Uniforms.- The Agency shall issue uniform and kit to every employee and the guards shall wear the same while on duty. The uniform and badges provided to the guards shall not be similar to that of the Army or Navy or Air Force or B.S.F or C.P.Os or any State Police or Central and State Govt. or Armed Police Forces in India.

9. Manner of making application for grant of licence.-(1) Every application by an Agency for the grant of a licence under sub-section

(1) of section 7 shall be made to the Controlling Authority in Form-V accompanied by an affidavit under sub-section (2) of section 7.

(2) Every application referred to in sub-rule (1) shall be accompanied by fee as stipulated in sub-section (3) of section 7 through Demand Draft drawn in favour of the Controlling Authority.

(3) Every application referred to in sub-rule (1) shall be either personally delivered to the Controlling Authority or sent to him by registered post.

(4) On receipt of the application referred to in sub-rule (1) the Controlling Authority shall after noting thereon the date of receipt of the application, grant an acknowledgement to the applicant.

10. Grant of Licence.- The Controlling Authority, after receiving an application under sub-rule (1) of rule 9 shall grant a licence to the Agency in Form -VI after completing all the formalities. Before such licence is granted, the Controlling Authority shall satisfy itself about the suitability of the applicant and also the need for granting the license for the area of operation applied for.

11. Conditions for grant of license.- (1) The licensee shall inform the Controlling Authority regarding any change in the address of persons forming the Agency and change of management within thirty days of such change.

(2) The licensee shall immediately intimate the Controlling Authority about any criminal charge framed against the persons forming the Agency or against any guard or supervisor engaged or employed by the Agency. A copy of such communication shall also be sent to the officer in charge of the police station where the person charged has his permanent residence.

(3) Every licensee shall abide by the requirements of physical standards for the guards and their training as specified in these rules and the conditions on which the license is granted.

(4) The fees paid for the grant of license shall be non-refundable.

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12. Renewal of license.-(1) Every Agency shall apply to the Controlling Authority for renewal of the license, after every five years.

(2) The fees chargeable for renewal of the license shall be the same as for the grant thereof.

(3) The form of application for renewal of license shall be the same as the form for the application for original license.

(4) The license shall be renewed subject to the following conditions, namely:-

(i) the applicant continues to maintain his principal place of business within the jurisdiction of the Controlling Authority; and

(ii) the applicant continues to adhere to the terms and conditions attached to the grant of license.

13. Appeals and procedure.-(1) The Secretary (Home) to the Government of Himachal Pradesh shall be Appellate Authority, for appeals filed against orders of Controlling Authority.

(2) Every appeal under sub section (1) of section 14 shall be preferred in Form VII to be signed by the aggrieved person or his authorized signatory and presented to the Appellate Authority in person or sent to him by registered post accompanied by a fee of Rs. 2000/- in the shape of Demand Draft drawable in favour of the Appellate Authority which shall be deposited in its account.

14. Register to be maintained by the Agency.- The register required to be maintained by the Agency under section 15 shall be in Form-VIII.

15. Photo identity Card. - (1) Photo identity card to be issued by the Agency under sub-section (2) of section 17 shall be in Form-IX and a photo similar to the one in the Identity Card duly attested shall be pasted in Part II of the Register maintained under rule 14. All columns of Form IX shall be filled up legibly.

(2) The photo identity card issued shall be maintained up to date and any change in the particulars shall be entered therein or a new photo

Identity Card shall be issued in place of the old one which shall be retained by the Agency for a period of 3 years after replacement. (131)

(3) The guard shall return the photo identity card issued to him to the Agency issuing it, if he is no longer engaged or employed by it.

(4) Any loss or theft of photo identity card shall be immediately brought to the notice of the Agency that has issued it.

16. Other conditions.- (1) Every Agency shall issue and make it obligatory for its guards to put on; while on duty, in addition to the uniform,-

- (a) an arm badge distinguishing the Agency;
- (b) shoulder or chest badge to indicate his position in the organization;
- (c) whistle attached to the cord and to be kept in the left pocket;
- (d) shoes with eyelet and laces; and
- (e) headgear which may also carry the distinguishing mark of the Agency.

(2) Every private security guard shall while on duty, carry a note book and a writing instrument with him.

(3) Every guard while on active security duty shall wear and display photo identity card issued under section 17 of Act, on the outer most garments above waist level on his person in a conspicuous manner.

Form-1
(See rule 3)

Form for verification of Antecedents of Applicant (To be filled at the level of agency)
Thumb impression of the applicant-----

Passport size
Recent
Photograph
Attested by Class-I

Signature of the applicant-----

For officials use only		

Fee Amount Rs.-----Cash/D.D./Treasury Challan No.-----

Name of Bank-----D.D. No.-----

Date of issue-----

Please read the instructions carefully before filling the form. Please fill in BLOCK LETTERS(CAUTION): Please furnish correct information or suppression of any factual information in the form will render the candidate unsuitable for grant of license).

1. Name of applicant in capital letter(initials not allowed)
Last name-----first name-----
2. If you have ever changed your name, please indicate the previous name(s) in full-----
3. Sex(male/female)-----
4. Date of birth-----
5. District-----State & Country-----Pin code-----
6. Father's /Legal Guardian's Full name(including surname, if any)

7. Mother's Full Name (including surname, if any);
8. If married, Full Name of spouse(including surname, if any)
9. Present Residential Address including street No./Police station, village and District (with PIN code)

10. Telephone No./Mobile No.-----S.TD. No.-----
Please give date since residing at the above mentioned address : DD/MM/YYYY-----
11. Permanent Address including Street No./Police Station, village and District (With PIN Code)

12. If you have not resided at the address given at COLUMN (9) continuously for the last five years, please furnish the other address (addresses with duration(s) resided. You should furnish additional photocopies of this form for each

additional place of stay during the last five year. Forms may be photocopied,
but photograph and signature in original are required on each a fresh

From-----to-----Form-----to-----

13. In case of stay abroad particulars of all places where your have resided for
more than one year after attaining the age of twenty-one year.....
.....
.....
14. Other Details:
(a) Education Qualification;
(b) Previous held if any along with name and address of employees:
(c) Reason for laving last employment
(d) Visible Distinguishing Mark:
15. Did you earlier operated any Private Security agency.
16. Are you a citizenship.....
.....
17. Have you at any time been convicted by a court in India for any criminal
office and sentenced to imprisonment. If so, give any of the court, cases
number and offence (Attach copy of judgement)

Form-II
{ See rule-4(2) }
Form for verification of Character and antecedents
for Security Guard and supervisor

Thumb Impression of the Applicant.....
 Specimen signature of the Applicant

(i).....
 (ii).....
 (iii).....

Pass port size
 recent photo
 graph attested
 by Class-I
 Gazetted
 Officer

FOR OFFICE USE ONLY		
Form number	Name of the Police Station send for Police verification	Date

Fee Amount Rs.....Cash/D.D/Treasury/ Challan No.....

Name of Bank.....D.D.No.....

Date of Issue.....

Please read the instruction carefully before filling the form. Please fill in BLOCK LETTERS(Caution: Please furnish correct information, Furnishing of incorrect information or suppression of any factual information will render the candidate unsuitable for grant of license for employment/engagement in the Private Agency)

1. Name of applicant as should appear in the photo-identity Card.(Initials not allowed).....
 Last name..... First name.....
2. If you have ever changed your name, please indicate the previous name(s) in full.

3. Sex(Male/Female).....
4. Date of Birth.....
5. Place of Birth/Village/Town.....
 District..... State and Country.....PS.....
6. Father's Name/Legal Guardian's Full Name (including surname, if any:.....

7. Mother's full Name (Including surname, if any.....

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Form-III
(See Rule -4(1)
CHARACTER AND ANTECEDENT CERTIFICATE

This is to certify that Mr/Mrs.....
Son/Daughter of.....
whose particular are given below has good moral character and reputation and that the
applicant has been staying at the following address continuously for the last one year:-

Date of Birth:.....
Place of Birth:.....
Educational Qualification:.....
Profession:.....
Present address:
Permanent Address:.....

Issuing Authority

Signature

Full Name & Designation
Address/Tel No.....
(Seal)

Date of Issue .

Photograph
To be attested

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Form-IV
(See rule 5 (2))

Training Certificate

Serial number

Name of the Training Institution:

Address of the Training Institution:

License No.....

Certified that Shri/Smt./Km.....
Son/Daughter of.....
Resident of.....
has completed the prescribed training for the engagement or employment as a Private
Security Guard from this institution from
.....to.....

His Signature is attested below.
Signature of the Certificate Holder

Signature of issuing authority
Designation

Place of issue.....
Date of Issue.....

Photograph of the
person trained

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Form -V
(See rule 9)

**APPLICATION FOR NEW LICENCE/RENEWAL OF
LICENCE TO ENGAGE IN THE BUSINESS OF
PRIVATE SECURITY AGENCY**

To

The Controlling Authority
.....
.....

The undersigned hereby applies for obtaining a license to run the business of Private Security Agency and the necessary particulars in this regard are as under :-

1. Full Name of the Applicant:.....
2. Nationality of Applicant:.....
3. Son/daughter of:.....
4. Residential Address:.....
.....
.....
5. Address where the applicant desires to start his Agency:.....
.....
6. Name of the Private Security Agency:.....
.....
7. Name and Addresses of Proprietor, Partner, Majority share holder, Director and Chairman of the Agency & registered with:.....
.....
8. Name and extent of facilities available:.....
.....
(Attach separate sheet if required)
9. Qualifications of staff engaged for imparting instruction;
Name:.....
Age:.....
Designation:.....
(Please attach separate sheet if required)
10. Equipment which will be used for Security service.
 - (a) Door Framed Metal Detector(DFMD)
 - (b) Hand Held Metal Detector (HHMD)
 - (c) Mine detector
 - (d) Other Detector
 - (i) Wireless Telephones.
 - (ii) Alarms Devices.
 - (iii) Armored Vehicles.
 - (iv) Arms.
(Please attach separate sheet if required)

11. The particulars of the uniforms including colour in case the applicant intends to use any uniforms for the Private Security Guard and Supervisor of the Agency.

12. Does the applicant intends to operate in more than one district /if so the name of the Districts.

1.....2.....3.....
.....4.....5.....

13. Does the applicant intend to operate in entire state?

14. Does the applicant possess the training facility at it own or will get it on outsourcing basis? If the training facilities are to be outsourced the name and address of the training Institution and the facilities to be provided should be furnished.

Signature

Name of the applicant.....

Address of the application.....

Telephone of the applicant.....

Date of application.....

Enclosures:

1. Copy of current Income tax clearance certificate.
2. Affidavits as prescribed in sub-section (2) of the section 7 of the Act.
3. Company Regulations under Company Act or Security regulation Act, 1850 or any financial regulations act.

Form-VI
(See rule 10)

License to run the business of Private Security Agency.

1. Serial No.....
2. Date.....
3. Shri.....(Name of applicant)
Son/daughter of
r/o.....
..... (full address)
..... is hereby granted the license/ renewal license for the State of
Himachal Pradesh to run business of
Private Security Agency in the District(s)/State
..... with office at
..... (address of the office).
Place of issue.....
Date of issue.....
This licence is valid upto.....

Signature
Name of granting Authority.

Designation

Official Address.

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Form-VII
(See rule 13 (2))
Form for Appeal

Appeal under section 14 of the Act.

Appellants/o
.....r/o

Controlling Authority.....vs.....

The above named applicant appeal to the Home Secretary, Government of Himachal Pradesh from the order of Controlling Authority dated against refusal of license to run Private Security Agency and sets forth the following grounds of objections to the order appealed from, namely:-----

- 1.....
- 2.....
- 3.....
- 4.....

Enclosed lists of documents

Signature
Name of the applicant
Designation of the appellant

Date.....
Place.....

(14)

Form-VIII
(See rule 14)
(Part-I Management Details)

SN	Name of Person Managing.	Parent's/ Father's Name	Present address & Phone No.	Permanent Address.	Nationality	Date of Joining/ leaving the Agency.

(Part-II Private Security Guard and Supervisor)

SN	Name of Private Security Guard/ Supervisor.	Father's Name	Present address & phone No.	Date of joining/ leaving the Agency.	Permanent address.	Photograph	Badge No.	Salary with date

(Part-III Customer)

SN	Name of the customer and phone No.	Address of the place where security is provided.	Number and Rank of Security Guard provided.	Date of commencement of service.	Date of discontinuation of service

(Part-IV Duty Roster)

SN	Name of Private Security Guard and Supervisor.	Address of the place of duty.	Whether provided any arms/ ammunition.	Date and time of commencement of duty.	Date and time of ending of duty.

Form-IX
(See Rule-16)
Photo-identity card for Private Security Guard/ Supervisor
(Name of the Private Security Agency)

Photograph of the
Holder duly
Attested by the
issuing authority

1. Name.....
2. Officials Designation.....
3. Identification No.....
4. Date of Issue.....
5. Valid upto.....
6. Signature of the card holder.....

Office seal

Signature of the
Issuing Authority
(with seal)

Issued vide order No.....dated

LIST OF DOCUMENTS REQUIRED FOR NEW/ RENEWAL OF LICENCE UNDER PRIVATE SECURITY AGENCIES (REGULATION) ACT, 2005 & H.P. RULES, 2011

1. Form No.-1 (for proprietor, each partner, each member of board of Director, each majority share holder) (three Sets of each Form)
2. Form No.-V (application form) 2 Sets
3. Copy of current income tax clearance certificate
4. Affidavit as prescribed in sub Section-2 of the section-7 of the Act. (duly attested by the Notary)
5. Copy of PAN Card,
6. Identity proof (Voter Card/ Aadhar Card)
7. Copy proof of residence, age & qualification
8. Two passport size photograph .
9. Company Regulation under Company Act or security Regulation Act, 1850 or any financial regulations act.
10. NOC/ rent agreement, owner of land/ shop owning agency for obtaining licence under the Act & Rules, for the office of the agency.
11. Other supporting documents .
12. Fees for licence : Whole State = 25,000/-
5 Districts = 10,000/-
One District = 5,000/-

Fees under Section-7 of the Act shall be submitted with the application form in the shape of Demand Draft in favour of Controlling Authority i.e. (Additional Director General of Police/ Law & Order-cum- Controlling Authority, H.P. Shimla-2.) payable at Shimla.

Note:- requisite form may please be download from HP police web site i.e. www.hppolice.nic.in

1. Typed neatly and clean on A4 Size paper and No Column should be left blank. With every address, police station of the area must be mentioned.
2. No Column should be left blank. If the information is nil, the same should be written as 'NIL'.
3. Details of proprietor, every director and every majority shareholder, every partner, be made available in Form No.-V

Form-1
(See rule 3)

Form for verification of Antecedents of Applicant (To be filled at the level of agency)
Thumb impression of the applicant-----

Passport size
Recent
Photograph
Attested by Class-I

Signature of the applicant-----

For officials use only		

Fee Amount Rs.-----Cash/D.D./Treasury Challan No.-----

Name of Bank-----D.D. No.-----

Date of issue-----

Please read the instructions carefully before filling the form. Please fill in BLOCK LETTERS(CAUTION): Please furnish correct information or suppression of any factual information in the form will render the candidate unsuitable for grant of license).

1. Name of applicant in capital letter (initials not allowed)
Last name-----first name-----
2. If you have ever changed your name, please indicate the previous name(s) in full-----
3. Sex (male/female)-----
4. Date of birth-----
5. District-----State & Country-----Pin code-----
6. Father's /Legal Guardian's Full name (including surname, if any)

7. Mother's Full Name (including surname, if any);
8. If married, Full Name of spouse (including surname, if any)
9. Present Residential Address including street No./Police station, village and District (with PIN code)

10. Telephone No./Mobile No.-----S.T.D. No.-----
Please give date since residing at the above mentioned address : DD/MM/YYYY-----
11. Permanent Address including Street No./Police Station, village and District (With PIN Code)

12. If you have not resided at the address given at COLUMN (9) continuously for the last five years, please furnish the other address (addresses with duration(s) resided. You should furnish additional photocopies of this form for each

additional place of stay during the last five year. Forms may be photocopied, but photograph and signature in original are required on each a fresh

From-----to-----Form-----to-----

13. In case of stay abroad particulars of all places where your have resided for more than one year after attaining the age of twenty-one year.....
.....
.....
.....
14. Other Details:
(a) Education Qualification;
(b) Previous held if any along with name and address of employees:
(c) Reason for laving last employment
(d) Visible Distinguishing Mark:
15. Did you earlier operated any Private Security agency.
16. Are you a citizenship.....
.....
17. Have you at any time been convicted by a court in India for any criminal office and sentenced to imprisonment. If so, give any of the court, cases number and offence (Attach copy of judgement)

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Form -V
(See rule 9)

APPLICATION FOR NEW LICENCE/RENEWAL OF
LICENCE TO ENGAGE IN THE BUSINESS OF
PRIVATE SECURITY AGENCY

To

The Controlling Authority

.....
.....

The undersigned hereby applies for obtaining a license to run the business of Private Security Agency and the necessary particulars in this regard are as under :-

1. Full Name of the Applicant:.....
2. Nationality of Applicant:.....
3. Son/daughter of:.....
4. Residential Address:.....
.....
.....
5. Address where the applicant desires to start his Agency:.....
.....
6. Name of the Private Security Agency:.....
.....
7. Name and Addresses of Proprietor, Partner, Majority share holder, Director and Chairman of the Agency & registered with:.....
.....
8. Name and extent of facilities available:.....
.....
(Attach separate sheet if required)
9. Qualifications of staff engaged for imparting instruction;
Name:.....
Age:.....
Designation:.....
(Please attach separate sheet if required)
10. Equipment which will be used for Security service.
 - (a) Door Framed Metal Detector(DFMD)
 - (b) Hand Held Metal Detector (HHMD)
 - (c) Mine detector
 - (d) Other Detector
 - (i) Wireless Telephones.
 - (ii) Alarms Devices.
 - (iii) Armored Vehicles.
 - (iv) Arms.

(Please attach separate sheet if required)

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11. The particulars of the uniforms including colour in case the applicant intends to use any uniforms for the Private Security Guard and Supervisor of the Agency.

12. Does the applicant intends to operate in more than one district /if so the name of the Districts.

1.....2.....3.....
.....4.....5.....

13. Does the applicant intend to operate in entire state?

14. Does the applicant possess the training facility at it own or will get it on outsourcing basis? If the training facilities are to be outsourced the name and address of the training Institution and the facilities to be provided should be furnished.

Signature

Name of the applicant.....

Address of the application.....

Telephone of the applicant.....

Date of application.....

Enclosures:

1. Copy of current Income tax clearance certificate.
2. Affidavits as prescribed in sub-section (2) of the section 7 of the Act.
3. Company Regulations under Company Act or Security regulation Act, 1850 or any financial regulations act.

Proforma for security agencies

SN	Point	Information
1.	Name of the Agency	
2.	Owners with Address	
3.	Aadhar/PAN No. of Owners	
4.	E-mail address of company for routine correspondence	
5.	When license issued in H.P.	
6.	Districts for which license issued in H.P.	
7.	How many institution establishments being currently provided with security guards	
8.	Districts of operation in H.P.	
9.	No. of Security Guards employed	
10.	No. of Head Guards	
11.	No. of Asstt. Supervisor	
12.	No. of Supervisors	
13.	No. of Security Officer	
14.	No. of Security Guards, Head Guards, Asst. Supervisors , Supervisors & security officer attended security training at training centre of H.P. Police	
15.	No. of Security Guards, Head Guards, Asst. Supervisors , Supervisors & security officer attended security training at other institutions in H.P. and outside the state.	
16.	Date of commencement of providing guards	
17.	No. of Security Guards, Head Guards, Asst. Supervisors , Supervisors & security officer whose police verification has not been completed (Rank wise.)	

Disclaimer : Text of this Act/Bill/Rules is provided for information only. We undertake no responsibility for any errors/mistakes in the same. Please refer to the Gazette of India for the authentic text.

The Private Security Agencies (Regulation) Act, 2005¹

[No. 29 OF 2005]

[June 23, 2005]

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An Act to provide for the regulation of private security agencies and for matters connected therewith or incidental thereto

Be it enacted by Parliament in the Fifty-sixth Year of the Republic of India as follows:—

Prefatory Note—Statement of Objects and Reasons.—Due to increase in the number of business establishments and increasing demands for security, there has been a proliferation of private security agencies in the recent years. The growing tendency to hire security guards from private sources by an industrial or business undertaking has led to coming up of large number of private security agencies all over the country. Though these private security agencies have helped in meeting the security needs of business establishments, there has been a growing concern about the manner of functioning of these agencies, many of which seem to conduct their operations without due care for verifying the antecedents of the personnel employed as private security guards and supervision.

2. Private multi-national security agencies have also established their branches in the country, which unless properly regulated, may have serious security implications. Unless suitable safeguards are devised, these developments are likely to have wide ranging security implications, which may not be in national interest. There is also a danger of the employees of the private security agencies encroaching upon the duties of the police, using weapons in an illegal manner and wearing uniforms which resemble those of the police. In many instances, personnel employed by these agencies have also been involved in criminal activities.

3. For all these reasons, Union Government has been considering to regulate the functioning of these private security agencies, so that they are run within legal parameters and are accountable to a regulatory mechanism. In view of above, it is proposed to regulate the private security agencies through an Act which provides for a Controlling Authority to be appointed by the State Governments for the purpose of granting licences and also to make holding of licences mandatory for the carrying on of business of security agencies and other related matters.

4. The Bill seeks to achieve the above objects.

1. Short title, extent and commencement.—(1) This Act may be called the **Private Security Agencies (Regulation) Act, 2005**.

1. Received the assent of the President on June 23, 2005 and published in the Gazette of India, Extra., Part II, Section 1

- (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

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

- (a) "armoured car service" means the service provided by deployment of armed guards along with armoured car and such other related services which may be notified by the Central Government or as the case may be, the State Government from time to time;
- (b) "Controlling Authority" means the Controlling Authority appointed under sub-section (1) of Section 3;
- (c) "licence" means a licence granted under sub-section (5) of Section 7;
- (d) "notification" means a notification published in the Official Gazette;
- (e) "prescribed" means prescribed by rules made under this Act;
- (f) "private security" means security provided by a person, other than a public servant, to protect or guard any person or property or both and includes provision of armoured car service;
- (g) "private security agency" means a person or body of persons other than a government agency, department or organisation engaged in the business of providing private security services including training to private security guards or their supervisor or providing private security guards to any industrial or business undertaking or a company or any other person or property;
- (h) "private security guard" means a person providing private security with or without arms to another person or property or both and includes a supervisor;
- (i) "State Government", in relation to a Union territory, includes the Administrator of that Union territory appointed by the President under Article 239 of the Constitution.

3. Appointment of Controlling Authority.—(1) The State Government shall, by notification, designate an officer not below the rank of a Joint Secretary in the Home Department of the State or an equivalent officer to be the Controlling Authority for the purposes of this Act.

(2) The State Government may, for efficient discharge of functions by the Controlling Authority, provide it with such other officers and staff as that Government considers necessary.

4. Persons or Private Security Agency not to engage or provide private security guard without licence.—No person shall carry on or commence the business of private security agency, unless he holds a licence issued under this Act :

Provided that the person carrying on the business of private security agency, immediately before the commencement of this Act, may continue to do so for a period of one year from the date of such commencement and if he has made an application for such licence within the said period of one year, till the disposal of such application :

Provided further that no private security agency shall provide private security abroad without obtaining permission of the Controlling Authority, which shall consult the Central Government before according such permission.

5. Eligibility for licence.—An application for issue of a licence under this Act shall only be considered from a person after due verification of his antecedents.

6. Persons not eligible for licence.—(1) A person shall not be considered for issue of a licence under this Act, if he has been—

- (a) convicted of an offence in connection with promotion, formation or management of a company (any fraud or misfeasance committed by him in relation to the company), including an undischarged insolvent; or
- (b) convicted by a competent court for an offence, the prescribed punishment for which is imprisonment of not less than two years; or
- (c) keeping links with any organisation or association which is banned under any law on account of their activities which pose threat to national security or public order or there is information about such a person indulging in activities which are prejudicial to national security or public order; or
- (d) dismissed or removed from government service on grounds of misconduct or moral turpitude.

(2) A company, firm or an association of persons shall not be considered for issue of a licence under this Act, if, it is not registered in India, or having a proprietor or a majority shareholder, partner or director, who is not a citizen of India.

7. Application for grant of licence.—(1) An application for grant of licence to a private security agency shall be made to the Controlling Authority in such form as may be prescribed.

(2) The applicant shall submit an affidavit incorporating the details in relation to the provisions contained in Section 6, ensure the availability of the training for its private security guards and supervisors required under sub-section (2) of Section 9, fulfilment of conditions under Section 11 and of cases registered with police or pending in a court of law involving the applicant.

(3) Every application under sub-section (1) shall be accompanied by a fee of—

- (a) Rupees Five thousand if the private security agency is operating in one district of a State;
- (b) Rupees Ten thousand if the agency is operating in more than one but up to five districts of a State; and
- (c) Rupees Twenty-five thousand if it is operating in the whole State.

(4) On receipt of an application under sub-section (1), the Controlling Authority may, after making such inquiries as it considers necessary and obtaining no objection certificate from the concerned police authority, by order in writing, either grant a licence or refuse to grant the same within a period of sixty days from the date of receipt of application with complete particulars and the prescribed fee:

Provided that no order of refusal shall be made unless—

- (a) the applicant has been given a reasonable opportunity of being heard; and
- (b) the grounds on which licence is refused is mentioned in the order.

(5) A licence granted under this section—

- (a) shall be valid for a period of five years unless the same is cancelled under sub-section (1) of Section 13;
- (b) may be renewed from time to time after the expiry of five years, for a further period of five years on payment of such fee as may be prescribed; and
- (c) shall be subject to such conditions as may be prescribed.

8. Renewal of licence.—(1) An application for renewal of licence shall be made to the Controlling Authority, not less than forty-five days before the date of expiry of the period of validity thereof, in such form as may be prescribed and shall be accompanied by the requisite fee and other documents required under Sections 6, 7 and 11 of this Act.

(2) The Controlling Authority shall pass an order on application for renewal of licence within thirty days from the date of receipt of application complete in all respects.

(3) On receipt of an application under sub-section (1), the Controlling Authority may, after making such inquiries as he considers necessary and by order in writing, renew the licence or refuse to renew the same :

Provided that no order of refusal shall be made except after giving the applicant a reasonable opportunity of being heard.

9. Conditions for commencement of operation and engagement of supervisors.—(1) Every private security agency shall, within six months of obtaining the licence, commence its activities.

(2) Every private security agency shall ensure imparting of such training and skills to its private security guards and supervisors as may be prescribed :

Provided that the person carrying on the business of private security agency, before the commencement of this Act, shall ensure the required training to its security guards and supervisors within a period of one year from the date of such commencement.

(3) Every private security agency shall, within sixty days from the date of issue of the licence, employ such number of supervisors, as may be prescribed.

(4) A private security agency shall not employ or engage a person as a supervisor unless he fulfils the conditions specified in sub-section (1) of Section 10.

(5) While engaging a supervisor of private security guards, every private security agency shall give preference to a person who has experience of serving in the Army, Navy, Air Force or any other Armed forces of the Union or State Police including armed constabularies and Home Guards for a period of not less than three years.

10. Eligibility to be a private security guard.—(1) A private security agency shall not employ or engage any person as a private security guard unless he—

- (a) is a citizen of India or a citizen of such other country as the Central Government may, by notification in the Official Gazette, specify;
- (b) has completed eighteen years of age but has not attained the age of sixty-five years;
- (c) satisfies the agency about his character and antecedents in such manner as may be prescribed;
- (d) has completed the prescribed security training successfully;
- (e) fulfils such physical standards as may be prescribed; and
- (f) satisfies such other conditions as may be prescribed.

(2) No person who has been convicted by a competent court or who has been dismissed or removed on grounds of misconduct or moral turpitude while serving in any of the armed forces of the Union, State Police Organisations, Central or State Governments or in any private security agency shall be employed or engaged as a private security guard or a supervisor.

(3) Every private security agency may, while employing a person as a private security guard, give preference to a person who has served as a member in one or more of the following, namely:—

- (i) Army;
- (ii) Navy;
- (iii) Air Force;

- (iv) any other armed forces of the Union;
- (v) Police, including armed constabularies of States; and
- (vi) Home Guards.

11. Conditions of licence.—(1) The State Government may frame rules to prescribe the conditions on which licence shall be granted under this Act and such conditions shall include requirements as to the training which the licensee is to undergo, details of the person or persons forming the agency, obligation as to the information to be provided from time to time to the Controlling Authority regarding any change in their address, change of management and also about any criminal charge made against them in the course of their performance of duties of the private security agency or as the case may be, a private security guard employed or engaged by them.

(2) The State Government may make provision in the rules to verify about imparting of required training by the private security agency under sub-section (2) of Section 9 and to review continuation or otherwise of licence of such private security agency which may not have adhered to the condition of ensuring the required training.

12. Licence to be exhibited.—Every private security agency shall exhibit its licence or copy thereof in a conspicuous place of its business.

13. Cancellation and suspension of licence.—(1) The Controlling Authority may cancel any licence on any one or more of the following grounds, namely:—

- (a) that the licence has been obtained on misrepresentation or suppression of material facts;
- (b) that the licence holder has used false documents or photographs;
- (c) that the licence holder has violated the provisions of this Act or the rules made thereunder or any of the conditions of the licence;
- (d) that the licence holder has misused information obtained by him during the discharge of his duties as the private security agency to any industrial or business undertaking or a company or any other person;
- (e) that the licence holder by using any letter-head, advertisement or any other printed matter or in any other manner represented that the private security agency is an instrumentality of the Government or such agency is or has been using a name different from that for which licence has been granted;
- (f) that the licence holder is or has been impersonating or permitting or aiding or abetting any body to impersonate as a public servant;
- (g) that the private security agency had failed to commence its activities or to engage a supervisor within the specified time period;
- (h) that the licence holder is or has wilfully failed or refused to render the services agreed to any person;
- (i) that the licence holder has done any act which is in violation of a court order or an order of a lawful authority or is or has been advising, encouraging or assisting any person to violate any such order;
- (j) that the licence holder has violated the provisions of the Acts given in the Schedule which may be modified by the Central Government, by notification in the Official Gazette;
- (k) that there have been repeated instances when the private security guard or guards provided by the private security agency—

- (i) failed to provide private security or were guilty of gross negligence in not providing such security;
- (ii) committed a breach of trust or misappropriated the property or a part thereof which they were supposed to protect;
- (iii) were found habitually drunk or indisCIPLINED;
- (iv) were found to be involved in committing crimes; or
- (v) had connived or abetted a crime against the person or property placed under their charge; or
- (f) that the licence holder has done any act which poses a threat to national security, or did not provide assistance to the police or other authority in the discharge of its duties or acted in a manner prejudicial to national security or public order or law and order.

(2) Where the Controlling Authority, for reasons to be recorded in writing, is satisfied that pending the question of cancelling of licence on any of the grounds mentioned in sub-section (1), it is necessary to do so, that Controlling Authority may, by order in writing, suspend the operation of the licence for such period not exceeding thirty days as may be specified in the order and require the licence holder to show cause, within fifteen days from the date of issue of such order, as to why the suspension of the licence should not be extended till the determination of the question of cancellation.

(3) Every order of suspending or cancelling of a licence shall be in writing and shall specify the reasons for such suspension or cancellation and a copy thereof shall be communicated to the person affected.

(4) No order of cancellation of licence under sub-section (1) shall be made unless the person concerned has been given a reasonable opportunity of being heard.

14. Appeals.—(1) Any person aggrieved by an order of the Controlling Authority refusing the licence under sub-section (4) of Section 7 or renewal under sub-section (3) of Section 8 or order of suspension of licence under sub-section (2) of Section 13 or cancellation of licence under sub-section (1) of that section, may prefer an appeal against that order to the Home Secretary of the State Government within a period of sixty days of the date of such order :

Provided that an appeal may be admitted after the expiry of the said period of sixty days if the appellant satisfies the State Government that he has sufficient cause for not preferring the appeal within that period.

(2) Every appeal under sub-section (1) shall be made in such form as may be prescribed and shall be accompanied by a copy of the order appealed against.

(3) Before disposing of an appeal, the State Government shall give the appellant a reasonable opportunity of being heard.

15. Register to be maintained by a private security agency.—(1) Every private security agency shall maintain a register containing—

- (a) the names and addresses of the persons managing the private security agency;
- (b) the names, addresses, photographs and salaries of the private security guards and supervisors under its control;
- (c) the names and addresses of the persons whom it had provided private security guards or services; and
- (d) such other particulars as may be prescribed.

(2) The Controlling Authority may call for such information as it considers necessary from any private security agency, supervisor or private security guard to ensure due compliance of the Act.

16. Inspection of licence, etc.—The Controlling Authority or any other officer authorised by it in this behalf may at any reasonable time, enter the premises of the private security agency and inspect and examine the place of business, the records, accounts and other documents connected with the licence and may take copy of any document.

17. Issue of photo identity card.—(1) Every private security guard shall be issued a photo identity card, by the private security agency employing or engaging the guard.

(2) The photo identity card under sub-section (1) shall be issued in such form as may be prescribed.

(3) Every private security guard or supervisor shall carry on his person the photo identity card issued under sub-section (1) and shall produce it on demand for inspection by the Controlling Authority or any other officer authorised by it in this behalf.

18. Disclosure of information to unauthorised person.—(1) Any person who may be or has been employed or engaged as a private security guard by the private security agency shall not divulge to anyone other than the employer, or in such manner and to such person as the employer directs, any information acquired by him during such employment with respect to the work which he has been assigned by such employer, except such disclosure as may be required under this Act or in connection with any inquiry or investigation by the police or as may be required by an authority or process of law.

(2) All private security guards of a private security agency shall render necessary assistance to the police or to such authority in the process of any investigation pertaining to the activities of that agency.

(3) If violation of any law is noticed by any private security guard during the course of discharge of his duties, he shall bring it to the notice of his superior, who in turn shall inform the police either through his employer or agency or on his own.

19. Delegation.—The State Government may, by notification, direct that any power or function (except the powers to make rules under Section 25)—

(a) which may be exercised or performed by it, or

(b) which may be exercised or performed by the Controlling Authority,

under this Act, may, in relation to such matter and subject to such conditions, if any, as may be specified in the notification, be also exercised or performed by such officer or authority subordinate to the Government or officer subordinate to the Controlling Authority, as may be specified in such notification.

20. Punishment for contravention of certain provisions.—(1) Any person who contravenes the provisions of Section 4 shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to twenty-five thousand rupees, or with both.

(2) Any person or private security agency who contravenes the provisions of Sections 9, 10 and 12 of the Act, shall be punishable with a fine which may extend to twenty-five thousand rupees, in addition to suspension or cancellation of the licence.

21. Penalty for unauthorised use of certain uniforms.—If any private security guard or supervisor wears the uniform of the Army, Air Force, Navy or any other armed forces of the Union or Police or any dress having the appearance or bearing any of the distinctive marks of that uniform, he and the proprietor of the private security agency shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to five thousand rupees, or with both.

22. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

23. Indemnity.—No suit, prosecution or other legal proceeding shall lie against the Controlling Authority or any other officer authorised by it in respect of anything in good faith done or intended to be done under this Act.

24. Framing of model rules for adoption by States.—The Central Government may frame model rules in respect of all or any of the matters with respect to which the State Government may make rules under this Act, and where any such model rules have been framed the State Government shall, while making any rules in respect of that matter under Section 25, so far as is practicable, conform to such model rules.

25. Power of State Government to make rules.—(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 power, such rules may provide for all or any of the following matters, namely:—

(a) the procedure for verification of character and antecedents under clause (c) of sub-section (1) of Section 10; the type of training under clause (d) of sub-section (1) of Section 10; the physical standard under clause (e) of sub-section (1) of Section 10; and other conditions under clause (f) of sub-section (1) of Section 10;

(b) the number of supervisors to be employed under sub-section (3) of Section 9;

(c) the form of an application for grant of licence under sub-section (1) of Section 7;

(d) the form in which the licence to be granted under sub-section (4) of Section 7 and conditions subject to which such licence to be granted under Section 11;

(e) the form of an application for renewal of licence under sub-section (1) of Section 8;

(f) the form under sub-section (2) of Section 14 for preferring an appeal;

(g) particulars to be maintained in a register under sub-section (1) of Section 15;

(h) the form in which photo identity card under sub-section (2) of Section 17 be issued;

(i) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the State Government under this section shall be laid, as soon as may be after it is made, before each House of the State Legislature where it consists of two Houses, or where such Legislature consists of one House, before that House.

(4) In respect of Union territories, every rule made to carry out the provisions of the Act shall be laid before each House of Parliament and where there exists a Legislative Assembly, before that Assembly.

THE SCHEDULE

[See Section 13(1)(j)]

- (1) The Payment of Wages Act, 1936 (4 of 1936).
 - (2) The Industrial Disputes Act, 1947 (14 of 1947).
 - (3) The Minimum Wages Act, 1948 (11 of 1948).
 - (4) The Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952).
 - (5) The Payment of Bonus Act, 1965 (21 of 1965).
 - (6) The Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970).
 - (7) The Payment of Gratuity Act, 1972 (39 of 1972).
 - (8) The Equal Remuneration Act, 1976 (25 of 1976).
 - (9) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979).
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