

## **Gujarat Private Security Agencies Rules, 2007**

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## **Gujarat Private Security Agencies Rules, 2007**

In exercise of the powers conferred by Sec. 25 read with Sec. 11 of The Private Security Agencies (Regulation) Act, 2005 (No. 29 of 2005), the Government of Gujarat hereby makes the following rules, namely:

### **1. Short title and commencement :-**

- (1) These rules may be called the Gujarat Private Security Agencies Rules, 2007.
- (2) They shall come into force from the date of their publication in the Official Gazette.

### **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 as denned in the Act;

(c) "Controlling Authority" means, the Controlling Authority appointed under sub-sec. (1) of Sec. 3;

(d) "Form" means, Form appended to these Rules;

(e) "Licence" means a licence granted under the Act;

(2) Words and expressions-used but not defined in these Rules shall have the same meanings respectively assigned to them in the Act.

### **3. Verification of antecedents of the applicants :-**

(1) Every applicant while making an application to the Controlling Authority for the issue of a fresh licence or renewal, shall enclose the Form for verification of his antecedents. If the applicant is a company, a firm or an association of persons, of the application shall be accompanied by Form I for every proprietor or majority shareholder, partner or direction of the company, as if they were also the applicants.

(2) On receipt of such application the Controlling Authority shall make such inquires, as it considers necessary to verify the contents of the application and the particulars of the applicant.

(3) The Controlling Authority shall obtain a No Objection Certificate from the District Superintendent of Police of the concerned district where the Agency intends to commence its activities. For this purpose it will send to him a copy of the application for the licence and its attachments for verification and report.

(4) The District Superintendent of Police in addition to the causing of verification of antecedents of every individual in whose name the antecedent form is filled up, shall also furnish the following information :

(i) whether the applicant or the company earlier operated any Private Security Agency either individually or in partnership of others and if so the details thereof; and

(ii) whether the applicant possesses any special qualification or skill, which may facilitate his operations of Private Security Agency.

### **4. Verification of character and antecedents of private**

## **security guard and supervisor :-**

(1) Before any person is employed or engaged as a security 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 :

(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:

Provided that the character and antecedent certificate shall be valid and the Agency does not have any adverse report regarding the person's characters and antecedents from any other source as prescribed herein under, produced by the person provided it is valid and the Agency does not have any adverse report regarding the person's character and antecedents from any other source.

(c) by relying on the report received from the police authorities signed under the authority of the District Superintendent of Police or an officer of the equivalent or higher rank. .

(2) The person desirous of getting employed or engaged as security guard or supervisor shall submit Form-II to the Agency. If the person has stayed in more than one District during the last five years, the number of forms will be as many as Districts.

(3) The Agency shall cause an enquiry into the correctness of the particulars filled in either by itself or by sending the form to the respective District Superintendent of Police.

(4) Every application for the verification of antecedents shall be made hi Form-I accompanied by demand draft or banker cheque of Rs. 500/- payable to the Controlling Authority.

(5) The police authorities will establish identity of the individual and verify the character and antecedents of the person by making a visit to the locality where the person claims to have resided or residing and ascertain his identity and reputation from the respectable residents of the locality. They shall also consult the police station record of the concerned police station and other records at the District Police Headquarter before preparing the character and antecedents' verification report. This report shall contain the comments of the police on every claim of the person in

character and antecedent Form and also a general report about his activities including means of the livelihood in the period of verification. The police will specifically state if there is a criminal case registered against the person at any point of time or if he has ever been convicted of criminal offence punishable with imprisonment.

(6) The police authorities shall specifically comment if engaging or employing the person under verification by the Private Security Agency will pose a threat to National Security.

(7) The police authorities shall ensure that character and antecedent verification report is issued within ninety days of the receipt of the character and antecedents form.

(8) The report of the police authorities regarding character and antecedents of a person shall be graded as confidential. It will be addressed in named cover to a designated officer of the Security Agency requesting for character and antecedents.

(9) Character and antecedents verification report once issued will remain valid for three years.

(10) On the basis of police verification and on the basis of their own verification, the Agency shall issue a character certificate in Form III which will not be taken back by such Agency even if the person ceases to be the employee of that Agency.

## **5. Security Training :-**

(1) The Controlling Authority shall frame the detailed training syllabus required for training the security guards. This training shall be for a minimum period of hundred hours of classroom instruction and sixty hours field training, spread over at least twenty working day. The ex-servicemen and former police personnel shall however be required to attend a condensed course only, of minimum forty hours of classroom instruction and sixty hours of field training spread over at least seven working days.

(2) The training shall include the following subjects, namely:

(a) conduct in public and correct wearing of uniform;

(b) physical fitness training :

(c) physical security, security of the assets, security of the building or apartment, personnel security, household security;

- (d) fire fighting;
- (e) crowd control;
- (f) Examining identification papers including identity cards, passports and smart cards;
- (g) should be able to read and understand English alphabets and Arabic numerals as normally encountered in the identification documents, arms license, travel documents and Security inspection sheet;
- (h) identification of improvised explosive devices ;
- (i) first-Aid;
- (j) crisis response and disasters management;
- (k) defensive driving (compulsory for the driver of Armored vehicle and optional for others);
- (l) handing and operation of non-prohibited weapons and firearms (optional);
- (m) rudimentary knowledge of IPC, right to private defense, procedure for lodging first information report in the police station, Arms Act (only operative sections), Explosives Act (Operative sections);
- (n) badges of rank in police and military forces ;
- (o) identification of different types of Arms in use in Public and Police ;
- (p) use of Security equipments and devices (for example; security alarms and screening equipments); and
- (q) leadership and management (for supervisors only).

(3) The security guard will have to successfully undergo the training prescribed by the State Government. On completion of the training each successful trainee will be awarded a certificate in Form IV by the training institute or organization.

(4) The competent Authority will inspect the functioning of training facility from time to time either by itself or through its own officers. Normally such inspection will be conducted atleast two times every year.

(5) All the agencies shall submit a list of successful trainees to the Controlling Authority in the manner prescribed by it.

## **6. Standard of physical fitness for security guards :-**

(1) A person shall be eligible for being engaged employed as security guard if he fulfills the standards of physical fitness as specified below :

(i) Height and Weight according to standard table of height and weight.

(ii) Eye sight: far sight vision 6/6, near vision 0.6/0.6 with or without correction, free from colour blindness, should be able to identify and distinguish colour display in security equipments and read and understand display in English alphabets and Arabic numerals.

(iii) Free from knock knee and flat foot and should be able to run one Kilo Meter in six minutes.

(iv) Hearing: free from defect; should be able to hear and respond to the spoken voice and the alarms generated by security equipments,

(v) The candidate should have dexterity and strength to perform searches, handle objects and use force for restraining the individuals in case of need.

(2) A candidate shall be free from evidence of any contagious or infectious disease. He shall not be suffering from any disease which is likely of be aggravated by service or is likely to render him unfit for service or endanger the health of the public.

(3) Agency shall ensure that every security guard working for it undergoes a medical examination after every 12 months from his last such examination so as to ensure his continued maintenance of physical standard as prescribed for the entry level.

## **7. Provision for Supervisor :-**

(1) There shall be one supervisor to supervise the work of not more than fifteen private security guards.

(2) In case the private security guards are on security duty in different premises and it is not practical to supervise their work by one supervisor, the Agency shall depute more number of

supervisors so that at least for every six private security guards, there is one supervisor available for assistance, advice and supervision.

#### **8. Manner of making application for grant of licence :-**

(1) Every application by an Agency for the grant of a licence under clause (1) of Sec. 7 of the Act, shall be made to the Controlling Authority in Form V.

(2) Every application referred to in sub-rule (1) shall be accompanied by a demand draft or banker's cheque showing the payment of fees as prescribed under clause (3) of Sec. 7, payable to 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 by him of the application, grant an acknowledgment to the applicant.

#### **9. Grant of licence :-**

(1) The Controlling Authority after receiving an application under sub-rule (1) of Rule 8 shall grant a licence to the Private Security Agency in Form VI after completing all the formalities and satisfying itself about the suitability of the applicant and also the need for granting the licence for the area of operation applied for.

(2) The Controlling Authority either by itself or through its officers may verify the training and skills imparted to the private security guard and supervisors of any Private Security Agency.

(3) The Controlling Authority may review the continuation or otherwise of licence of such security agencies which may not have adhered to the conditions of ensuring the required training.

#### **10. Conditions for grant of licence :-**

(1) The licensee shall successfully undergo a training relating to the private security service as prescribed by the Controlling Authority within the time frame fixed by it.

(2) The licensee shall intimate the name, parentage, date of birth,

permanent address, address for correspondence and the principle profession of each person forming the Agency within fifteen days for receipt of the licence to the Controlling Authority.

(3) The licensee shall inform the Controlling Authority regarding any change in the address of persons forming the Agency, change of management within seven days of such change.

(4) The licensee shall immediately intimate to the Controlling Authority about any criminal charge framed against the persons forming the Agency or against the private security guard or supervisor engaged or employed by the Agency, in the course of their performance of duties as Private Security Agency. A copy of such communication shall also be sent to the officer in charge of the police station where the person charged against resides.

(5) Every licence shall abide by the requirements of physical standards for the private guards and their training as prescribed in these rules as the condition on which the licence is granted.

(6) Save as provided in these rules, the fees paid for the grant of licence shall be non-refundable.

#### **11. Renewal of licence :-**

(1) Every Agency shall apply to the Controlling Authority for renewal of the licence.

(2) The fees for renewal of the licence shall be carried as prescribed in sub-sec. (3) or Sec. 7. (3) The form for application of renewal of licence shall be same as the form for the application for original licence.

#### **12. Conditions for renewal of licence :-**

The renewal of the licence shall be granted subject to the following conditions:

(i) The applicant continues to maintain his principle place of business in the jurisdiction of the Controlling Authority.

(ii) The applicant continues to ensure the availability of the training for its private security guards and superiors requirement under sub-sec. (2) of Sec. 5 of the Act.

(iii) The applicant continues to adhere to the licence conditions.

(iv) The police authorities have no objection to the renewal of the



licence to the applicant.

### **13. Appeals and procedure :-**

(1) Every appeal under sub-sec. (1) of Sec. 14 of the Act shall be preferred in Form VII signed by the aggrieved person or his authorized advocate Hand presented to the Secretary incharge of Home Department in person or sent to him by Registered Post.

(2) The appeal shall be filed under Sec. 14 of the Act. Every appeal shall be accompanied by demand draft or banker cheque of Rs. 1000/- payable to the Secretary incharge of Home Department, Government of Gujarat.

### **14. Register to be maintained by the Agency :-**

The register required to be maintained under the Act by the Agency shall be in Form VIII.

### **15. Photo Identity Card :-**

(1) Every photo identity card issued by the Agency under sub-sec. (2) of Sec. 17 shall be in Form IX.

(2) The photo identity card shall convey a full-face image in colour, full name of the private security guard, name of the Agency and the identification number of the individual to whom the photo identity card is issued.

(3) The photo identity card shall clearly indicate the individual's position in the Agency and the date upto which the photo identity card is valid.

(4) The photo identity card shall be maintained up date and any change in the particulars shall be entered therein.

(5) The photo-identity card issued to the private security guard will be returned to the Agency issuing it, once the private security guard is no longer engaged or employed by it.

(6) Any loss or theft of photo-identity card will be immediately brought to the notice of the Agency that issued it.

### **16. Other conditions :-**

(1) Notwithstanding whether the Agency mandates its private security guards to put on uniform while on duty or not, every private security agency will issue and make it obligatory for its security guards to put on:

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

(2) The clothes worn by the private security guard while on active duty shall be such that they do not hamper in his efficient performance. In particular they will neither be too tight nor too loose as to obstruct movement or bending of limbs.

(3) Every private security guard may carry a notebook and a writing instrument with him.

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

**17. . :-**

All the Agency in addition to the duties as specified by the Act and the above rules:

(1) shall inform in writing to Commissioner of Police/Superintendent of Police/Nodal authority of names of Security Guard with details as and when they leaves the services of the agency within forty eight hrs. of relieve with full particulars.

(2) shall inform in writing any addition in security man power and as when it happened within forty eight hrs. without fail with full particulars.

(3) All sensitive installations or places of common congregations including religious places and places of congregation namely ports, shopping malls etc. as specified by local police authorities and are managed by Private Security Agency it will be mandatory for the Security Agency to supply details relating to agency of man power etc. and full police verification process will be under taken by police authorities. It will be the duty of the Agency to inform the Commissioner of Police/Superintendent of Police/Nodal Officer of

entering into a contract or canceling a contract in such locations within forty eight hrs.