

Bihar Private Security Agencies Rules, 2011

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Rule BIHAR-PRIVATE-SECURITY-AGENCIES-RULES-2011 of 2011

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Bihar Private Security Agencies Rules, 2011Published vide Notification No. S.O. 13950, dated 22.9.2011S.O. 13950. - In exercise of powers conferred by Section- 25 of The Private Security Agencies (Regulation) Act, 2005 (Act-29 of 2005, Government of India), Government of Bihar, hereby, makes the following rules to regulate the Private Security Agencies in the state of Bihar:-

1. Short Title and Commencement.

(1)These rules may be called the Bihar Private Security Agencies Rules, 2011.(2)They will come into force from the date of their publication in the official gazette.

2. Definition.

- 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;(c)"Controlling Authority" means, the controlling Authority so declared under the Act;(d)"Form" means a form appended to these Rules;(e)"Licence" means a licence granted under the Act;(f)Words and expressions not defined in these rules but defined in the Act, shall have the same meaning respectively assigned to them in the Act.

3. Controlling Authority.

- [(1)] [Renumbered by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).] An officer in the rank of a Joint Secretary or above of the Home Department shall be the controlling Authority under the Bihar Private Security Agencies Rules 2011 in the light of the power delegated vide Section 3 of the Private Security Agencies (Regulation) Act 2005.(2)[. The Controlling Authority shall be responsible for creating a web management system, where, as far as possible, relevant information such as Act, Rules, procedures, circulars and notices may be made

available for general public. The State Government shall stimulate and notify rules regarding the online processing of licence and registration of applications through official website of Home Department of the Government of Bihar.] [Inserted by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).]

4. Appellate Authority.

- The appeal against the order of the Controlling Authority shall be made to the Principal Secretary/Secretary, Home Department in the light of section 14 of the Private Security Agencies Act 2005. The time limit for making appeal shall be in accordance with the provisions of the Act

5. Verification of Antecedents of 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-1 for verification of his antecedents. If the applicant is a company, a firm or an association of persons, the application shall be accompanied by Form-1 for every proprietor, majority share holder, partner or director of company, as if they were also the applicants. (2) On receipt of such application the Controlling Authority shall make such inquiries, 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, a copy of the application for licence and its attachments shall be sent to the concerned Districts Superintendent of Police, 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 with 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.

6. Verification of Character and Antecedent of Personal Security Guards and Supervisor.

(1) Before any person is employed or engaged as a Private 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, as prescribed herein under produced by the person provided it is valid and the Private 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 District Superintendent of Police or an officer signed under the authority of District Superintendent of Police or an officer of the equivalent or higher rank. (2) The person desirous of getting employed or engaged as Private 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 the number of districts.(3)The Agency shall cause an inquiry conducted about the correctness of the particulars filled in either by itself or by sending the form to the respective District Superintendent of Police.(4)For the verification of character and antecedent, the Private Agency will apply to the District Superintendent of the Police in Form-X and will pay an amount of Rs. 100/- as service charge of the above verification to the District Superintendent of Police. If the person has stayed in more than one district during the last five years, the Private Agency will pay fee to all districts.(5)The Police 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 is residing and ascertain his identity and reputation from the respectable residents of the locality. They will also consult the records of the Police Station concerned and other records at the District Police Headquarter before preparing the character and antecedent verification report. This report will 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 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 will specifically comment if the 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 character and antecedent form.(8)The report of the police regarding character and antecedent of person will be graded as confidential. It will be addressed in named cover to a designated officer of the Private Security Agency requesting for character and antecedents.(9)Character and antecedent's 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 Private agency shall issue in Form-Ill a character certificate and this certificate will not be taken back by such Private Agency even if the person ceases to be the employee of the Private Agency.(11)Those Private Security Agencies who are themselves giving certificate of character and antecedent to their Private Security Guards and supervisors, shall be responsible for such certificate of character and antecedent. If the character and antecedent of such Private Security Guards and supervisors are found doubtful later on, the licence of the concerned security Agency shall be cancelled, a fine of Rs. 50,000/- shall be imposed or a criminal case shall be instituted or both the punishment may be given to it.

7. Training.

(1)The Controlling Authority shall frame the detailed training syllabus required for training the Private Security Guards. This training shall be for a minimum period of hundred hours of classroom instructions and sixty hours of field training, spread over at least twenty working days. The ex-servicemen and former Police personnel shall however be required to attend a condensed course only, of minimum forty hours of class-room instructions and sixteen hours of field training, spread over at least seven working days.(2)The training will include the following subjects, namely:-(b)Physical fitness training;(c)Physical security, security of the assets, security of the building or apartment, personnel security, house hold security;(d)Firefighting;(e)Crowd control;(f)Examining identification papers including identity cards, passports and smart cards;(g)Reading and understanding English alphabets and Arabic numerals as normally recorded

in the identification documents and security inspection sheet etc;(h)Identification of improvised explosive devices;(i)First-Aid;(j)Crisis response and disasters management;(k)Defensive driving (compulsory for the driver of Armoured vehicle and optional for others);(l)Handling and operation of non-prohibited weapons and fire arms (optional);(m)Rudimentary knowledge of Indian Penal Code, 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 equipment and devices (For example security alarms and screening equipments); and(q)Leadership and management (for supervisors only).(3)All the Private Security Agencies shall select appropriate training institution themselves as per the training prescribed in Rule 5(2) and furnish names and address in clause-14 of form-(V). The training institution must be situated within the State of Bihar.(4)The controlling authority shall issue licence after being satisfied about their capability and available training facilities as mentioned by the Private Security Agency in application form.(5)The private security guard will have to successfully undergo the training prescribed by the Competent Authority. On completion of training each successful trainee will be awarded a certificate in Form-IV by the training institute or organization, which shall be valid for a period of three years.(6)The Competent Authority will inspect the functioning of training facility form time to time either by Itself or through Its own officers. Normally such inspection will be conducted at least two times every year.(7)All the private agencies shall submit a list of successful trainees to the controlling Authority in the manner prescribed by it.

8. Standard of Physical Fitness for Private Security Guards.

(1)A person shall be eligible for being engaged or employed as private security guard if he fulfils the standards of physical fitness as specified below:-(i)Height 160 cms. (For Female 150cms), weight according to standard table of height and weight, chest 80 cms. with an expansion of 4 cms (for females no minimum requirement for chest measurement).(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 kilometer 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 should be free from any contagious or infections 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 private security guard working for it undergoes a medical examination after every twelve months from his last such examination so as to ensure his continued maintenance of physical standard as prescribed for the entry level.

9. 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 practicable to supervise their work by one supervisor, the private 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.

10. Manner of Making Application for Grant of Licence.

(1) Every application by an Agency for the grant of licence under clause (i) of section 7 of the Act, shall be made to the controlling Authority in the format prescribed in Form-V. (2) Every application referred to in sub-rule (i) shall be accompanied by a demand draft or bankers cheque showing the payment of fees as prescribed under clause (3) of section 7, payable to Controlling authority The Home (Special) Department, Bihar, Patna and payable at State Bank of India, Secretariat Branch, Patna. (3) [Applications as referred in sub rule 1 shall be submitted to the Controlling Authority, either personally or by registered post, only after pre-registering it, through the web site, as created under rule 3(2). The applications shall accompany an affidavit by the applicant as per section 7(2) of the Act in prescribed Form-XI.] [Substituted by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).] (4) On receipt of the application referred in sub-rule(i), the Controlling Authority shall after noting thereon the date of receipt by him of the application, grant an acknowledgement to the applicant.

11. Grant of Licence.

(1) The controlling Authority, after receiving an application under sub-rule (i) of rule-8 shall grant a licence to the Private Security Agency in Form-VI after completing all the formalities and satisfying itself about [Validity period of the licence will be of 5 years, unless cancelled under the Act and Rules.] [Substituted 'The licence will be valid for 3 years.' by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).] (2) The Controlling Authority either by itself or through its officers may verify the training and skills imparted to the Private Security Guards and supervisors of any Private Security Agency. (3) The Controlling Authority may review the continuation or otherwise of licence of such private security agencies which may not have adhered to the conditions of ensuring the required training. If found in future that the private security Agencies is not adhering to the conditions for grant licence and its continuance, the controlling Authority shall cancel the licence.

12. Conditions for Grant of Licence.

(1) The licensee shall successfully undergo a training relating to the Private Security Services 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 age the principal profession of each person forming the agency within fifteen days of 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 private Agency or against the private security guard or supervisor engaged or employed by the Agency, in 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 licensee shall abide by the requirements of physical standards for the private security guards and their training as prescribed in these rules as the condition on which the licence is granted.(6)Such private guard may be unarmed or carry licensed weapon as the situation warrants. The licensed weapon to be carried by the private guard must be issued in his name.(7)Save as provided in these rules, the fees paid for the grant of licence shall be non-refundable.

13. Renewal of Licence.

- [(1) Every Private Agency shall apply to the Controlling Authority for the renewal of Licence in prescribed Form-V, not less than 45 days before the date of expiry of the validity of licence.] [Substituted by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).](2)The fees chargeable and procedure for renewal of licence shall be same as for the grant thereof.(3)[. The applicant shall submit an affidavit regarding the correctness of all the information furnished in the application and to abide by the conditions for the licence, in Form-XI along with the application.] [Inserted by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).](4)[. [Renumbered by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).] The renewal of license shall be for a period of three years.

14. Condition for Renewal of Licence.

- The renewal of the licence will be granted subject to the following conditions:-(i)The applicant continues to maintain his principal 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 supervisors required under subsection (2) of Section-5 of the Act.(iii)The applicant continues to adhere to the licence conditions.(iv)The Police have no objection to the renewal of the licence to the applicant.(2)[. [Renumbered '(v)' by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).] The form for application of renewal of licence will be same as the form for the application for original licence.(3)[. The Controlling Authority shall renew the license, after being satisfied with the application, compliance of the conditions of renewal by the applicant and the affidavit mentioned in Rule 13(3).] [Inserted by Bihar Notification No. 14-31/2016-10148, dated 24.11.2017 (w.e.f. 22.09.2011).]

15. Appeals And Procedure.

(1)Every appeal under sub-section (1) of section 14 of the Act shall be preferred in form-VII signed by the aggrieved person or his authorised advocate and presented to the appellate officer in person or sent to him by registered post.(2)For appeal under section-14 of the Act the aggrieved person will pay an amount of Rs. 500/- as fee to the Appellate Authority through a Bank Draft to the Appellate Authority.

16. Register to be Maintained by the Private Agency.

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

17. Photo Identity Card.

(1)Every photo identity card issued by the Private Security Agency under sub-section (2) of section-17 shall be in Form-IX and should be tamperproof.(2)The photo Identity card shall convey a full-face Image In colour, full name of private security guard, name of the private Agency and identification number of the individual to whom the photo identity card is issued.(3)The photo identity card shall clearly indicate the individuals position in the Private Agency and the date upto which the photo identity card is valid.(4)The photo identity card shall he maintained up to 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 private 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 private Agency that issued it.

18. 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.(f)The uniform colour and badges should be such that it does not resemble those worn by Armed Forces, Central police organizations or State Police.(2)The clothes worn by the Private Security Guard while on active duty shall be such that they do not hamper 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 will carry a notebook and a writing instrument with him.(4)Every private security guard while on active security duty will wear and display photo identity card issued under section 17 of the Act, on the outer most garment above waist level on his person in a conspicuous manner.