

# **The Orissa Private Security Agencies Rules, 2009**

ODISHA

India

## **The Orissa Private Security Agencies Rules, 2009**

### **Rule THE-ORISSA-PRIVATE-SECURITY-AGENCIES-RULES-2009 of 2009**

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The Orissa Private Security Agencies Rules, 2009 Published vide Notification S.R.O. No. 225/2009, dated 25th June 2009, Orissa Gazette Extraordinary No. 974 dated 14.7.2009 Home (Special Section) Department S.R.O. No. 225/2009. - In exercise of the powers conferred by Section 25 of the Private Security Agency (Regulation) Act, 2005 (29 of 2005), the State Government hereby makes the following rules, namely :

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

(1) These rules may be called the Orissa Private Security Agencies Rules, 2009. (2) They shall come into force on the date of their publication in the Orissa Gazette.

#### **2. Definition.**

(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; (c) "Controlling Authority" means the Controlling Authorities notified by the State Government under Sub-section (1) of Section 3 of the Act; (d) "Form" means a Forms appended to these rules; and (e) "License" means a license granted under the Act; (f) "Schedule" means the schedules annexed to the Act; (g) "Government" means the Government of Orissa. (2) The Words and expressions which are not defined in these rules but are defined in the Act, shall have the same meaning as 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 issue of a license or renewal shall enclose the Form duly filled in by him for verification. 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 shareholder, partner or director of the company, as if they were also the

applicants.(2)On receipt of the application under Sub-rule (1) of this rule, the Controlling Authority shall make such inquiries as it deems 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 Superintendent of Police of the concerned district, or in case of Bhubaneswar-Cuttack from the Commissioner of Police, Bhubaneswar-Cuttack as the case may be, where the applicant intends to commence its activities. For the purpose, the Controlling Authority shall send to him a copy of the application for licence and its attachments for verification.(4)The Superintendent of Police, or Commissioner of Police, or an officer authorized by him not below the rank of DCP as the case may be, 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 under Sub-rule (1) of this rule earlier operated any 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 Agency.

#### **4. Verification of character and antecedents of the private security guard and supervision.**

(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 manner :-(a)by verifying the character and antecedents 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 certificates shall be valid if the Agency does not have any adverse report regarding the person's character and antecedents from any other source as prescribed herein under.(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 of the concerned district or the Commissioner of Police or an officer not below the rank of Deputy Commissioner of Police, in case of Commissionerate.(2)The person desirous of getting employed or engaged as security guard or supervisor shall submit Form II duly filled in by him to the Agency. If the person has stated 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 inquiry into the correctness of the particulars filled in either by itself or by sending the Form to the respective District Superintendent of Police or Commissioner of Police, as the case may be.(4)While sending the Form to the District Superintendent of Police or Commissioner of Police for verification, the Agency shall pay a fee of Rs. 1000/- (Rupees one thousand only) if it is within the State and Rs. 2000/- (Rupees two thousand) only if his domicile has been outside the State in the form of Demand Draft or Banker's Cheque drawn in favour of the Controlling Authority.Provided that the fees as prescribed above is subject to revision by the State Government.(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 residing and ascertain his identity and reputation from the respectable residents of the locality. They will also consult the police station record of the concerned police station and other records at the District Police Headquarters before preparing the character and antecedents 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 the activities including means of livelihood in the period of verification.(6)The police will specifically comment if the engaging or

employing the person under verification by the 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 antecedent Form.(8)The report of the police regarding character and antecedes of a person will 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 antecedent 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 in Form III a character certificate and this certificate 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 Agencies which are applying for a licence are required to submit the detailed training syllabus required for training the security guards to the Controlling authority for approval. This training shall be for a minimum period of hundred hours of classroom instruction and sixty hours of field training, spread over atleast 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 classroom instructions and sixteen hours of field training spread over at least seven working days.(2)The Training will include following subjects namely :-a. Conduct in public and correct wearing of uniforms.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 licence, travel documents and security inspection sheet.h. Identification of improvised explosive devices;i. First-Aid.j. crisis response and disaster management;k. defensive driving (compulsory for the driver of Armoured Vehicle and optional for others).l. handling and operation of non prohibited weapons and firearms (optional).m. rudimentary knowledge of Indian Penal Code specially on right of private defence, procedure for lodging first information report in the Police Station, Arms Act (only operative sections) and Explosive Act (operative sections);n. badages of rank in police and military forces;o. Identification of different types of arms in use by public and Police;p. use of security equipments and devices (for example; security alarms and screening equipments); andq. leadership and management (for Supervisors only).(3)The Private security guards will have to successfully undergo the training prescribed by the Competent Authority. On completion of the training each successful trainee will be awarded a certificate in Form No. 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 at least two times every year.(5)All the Agencies shall submit a list of successful trainees to the Controlling Authority in the manner prescribed by.

## **6. 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 150 cms.), 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). Provided that a person belonging to Scheduled Tribes, is eligible for relaxation of height by 5 c.m.(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 any defect; able to hear and respond to the spoken voice and alarms generated by security equipments.(v)The candidate must have dexterity and strength to perform searches, handle objects and use force for restraining the individuals in case of need.(2)A candidate must be free from any contagious or infectious disease. He must 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.(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.

## **7. Provisions for Supervisors.**

(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 grant of a licence shall be made in the format prescribed in Form-V.(2)Every application referred to in Sub-rule (1) shall be accompanied by a non-refundable demand draft or Bankers' cheque showing the payment of fees as specified under clause (3) of Section 7 of the act, payable to the Controlling Authority where the application is being made.(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 there on the date of receipt of the application,grant an acknowledgement 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 Agency in Form-VI after completing all the formalities and satisfying itself about the suitability of the applicant and also 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 guards and supervisors of any Agency.(3)The Controlling Authority may review the continuation or otherwise of licence of such Agencies which may not have adhered to the conditions of ensuring the required training.Note. - In the name of the Private

Security Agency, no words like, Indian, National or any other such words which give the impression of any Government patronage, shall be used.

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

(1)The licence 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 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 Agency or against the security guard or supervisor engaged or employed by the Agency, in the course of their performance of duties. 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 security guards and their training as prescribed in these rules as the condition on which the licence is granted.

## **11. Renewal of licence.**

(1)Every Agency shall apply to the Controlling Authority for renewal of the licence.(2)The fees chargeable for renewal of the licence shall be the same as for the grant thereof.

## **12. Conditions for the 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 security guards and supervisors required under Sub-section (2) of Section 9 of the Act;(iii)The applicant continues to adhere to the conditions of the license conditions.(iv)The police have no objection to the renewal of the licence to the applicant.(3)The Form for application of renewal of licence shall be in Form V.

## **13. Appeals and procedure.**

- Every appeal under Sub-section (1) of Section 14 of the Act shall be preferred in Form VII signed by the aggrieved persons or his advocate and presented to the Secretary to Government. Home Department, Government of Orissa, Secretariat, Bhubaneswar in person or sent to him by Registered post along with a fee of Rs. 500/- (Rupees five hundred only) by Demand Draft or a Bankers Cheque drawn in favour of the controlling Authority.

## 14. Register to be maintained by the Agency.

- The register required to be maintained under the Act by the Agency shall be in Form No. VIII.

## 15. Photo identity card.

(1) Every photo identity card issued by the Agency under Sub-section (2) of Section 17 shall be in Form IX. (2) The photo identity card shall convey a full-face image in color, 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 up to which the photo-identity card is valid. (4) The photo identity card shall be maintained upto 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, if 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 security guards to put on uniform while on duty or not, every Agency will issue and make it obligatory for its security guards to put on (a) an arm badge clearly distinguishing the Agency; (b) shoulder or chest badge to indicate his position in the organisation; (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 guards while on active duty shall be such that it would not hamper in his efficient performance. In particular it will neither too tight nor too loose so 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 the photo identity-card issued under Section 17 of the Act on the outer most garment above waist level in a conspicuous manner. Form I (See rule 3) Form for verification of Antecedents of Applicant

Thumb Impression of the Applicant.....      Passport recent Photograph attested by Group A  
Gazetted Officer

Signature of the Applicant.....

For official use only

Form number      Name of the police station sent for police verification      Date

Fee Amount Rs...../D.D.....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. Furnishing of incorrect information or suppression of any factual information in the form will render the candidate unsuitable for grant of licence)

1. Name of applicant (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 &Country.....
  6. Father's Full Name/Legal Guardian's Full Name (including surname, if any):(Initials not allowed).....
  7. Mother's Full Name (including surname, if any) :(Initials not allowed).....
  8. If married, Full Name of Spouse(including surname, if any)(Initials not allowed).....
  9. Present Residential Address, including Street No./Police station, village and District (with PIN code).....  
Telephone No./Mobile No .....
  10. Please give the date since residing at the above-mentioned address :DD MMYYYY.....
  11. Permanent Address including Street No./police station, village and District (with PIN code).....  
If you have not resided at the address given at Column (9) continuously for the last five year, please furnish other(addresses) with duration(s) resided. You should furnish additional photocopies of this form for each of stay during the last five year. Forms may be photocopied, but photograph and signature in original are not to be attached.
  12. From.....To.....From.....To.....
  13. In case of stay abroad particulars of all places where you have resided for more than one year after attaining twenty-one years.....
  14. Other Details :  
(a) Educational Qualification :  
(b) Previous positions held if any along with name and address of employers :  
(c) Reason for leaving last employment :  
(d) Visible Distinguishing Mark :  
Did you earlier operated any Private Security Agency or were its partner, majority shareholder or Director? If so, give the name, address of the Agency and its license particulars.
  15. Are you a citizen of India by :Birth/Descent/Registration/Naturalisation : If you have ever possessed any other citizenship, please indicate previous citizenship.....  
Have you at any time been convicted by a Court in India for any criminal offence and sentenced to imprisonment? If so, give name of the Court, case number and offence (Attach copy of judgement).....
  16. Are any criminal proceedings pending against you before a Court in India ? If so, give name of Court, case number and offence.....
  17. Self-Declaration :  
The information given by me in this form and enclosures is true and I am solely responsible for accuracy

(Signature/T.I.\* of applicant)

Date

Place .....

20. Enclosure :

(Signature/T.I.\* of applicant)

(\*Left Hand Thumb Impression if Male and Right Hand Thumb Impression if Female)For Office Use OnlyFile No.....Date of issue of C&A Report.....(Signature of Police station in charge)Name of Police Station.....Name of Police district.....\* N.B. Cancel whatever is not applicable.Form II(See rule 4)Form for verification of Character and antecedents of Security Guard and Supervisor

Thumb Impression of the Applicant..... Passport Size recent Photograph attestedby Class I Gazetted Officer

Signature of the Applicant.....

For official use only

Form number      Name of the police station sent for policeverification      Date

Fee Amount of Rs.....Cash/D.D.....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. Furnishing of incorrect information or suppression of any factual information in the form will render the candidate unsuitable 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 & Country.....

6. Father's Full Name/Legal Guardian'sFull Name (including surname, if any) : (Initials notallowed).....

7. Mother's Full Name (includingsurname, if any) : (Initials not allowed).....

8. If married, Full Name of Spouse(including surname, if any).(Initials notallowed).....

9. Present Residential Address,including Street No./Police station,village and District (withPIN code).....

Telephone No./Mobile No.....

10. Please give the date since residingat the above mentioned address : DD/MM/YYYY.....

11. Permanent Address including StreetNo./police station, village and District (with PIN code).....

If you have not resided at the address given at Column (9)continuously for the last five year, please furnish duration(s) resided. You should furnishadditional photocopies of this form for each additional place of residence. Photocopy, butphotograph and signature in original are required on each form.



- From.....To.....From.....To.....
13. In case of stay abroad particulars of all places where you have resided for more than one year after attainment of 18 years.....
14. Other Details :
- (a) Educational Qualifications.....
- (b) Previous posts held along with name and address of employer.....
- (c) Reason for leaving last employment.....
- (d) Visible Distinguishing Mark.....
- (e) Height (cms).....
15. Are you working in Central Government/State Govt/PSU/Statutory Bodies Yes/No.....
16. Are you a citizen of India by : Birth/Descent/Registration/Naturalisation If you have ever possessed any previous citizenship.....
17. Have you at any time been convicted by a Court in India for any criminal offence & sentenced to imprisonment number and offence. (Attach copy of judgement).....
18. Are any criminal proceedings pending against you before a Court in India ? If so, give name of Court, case number and offence.....
19. Has any Court issued a warrant or summons for appearance or warrant for arrest or an order prohibiting name of Court, case number and offence.....
20. Self Declaration :
- The information given by me in this form and enclosures is true and I am solely responsible for accuracy (Signature/T.I.\* of applicant)
- (\*Left Hand Thumb Impression if Male and Right Hand Thumb Impression if Female)
- Date.....
- Place.....
21. Particulars of person to be intimated in the event of death or accident:
- Name.....
- Address.....
- Mobile/Tel. No.....
22. Enclosures :.....
- (Signature/T.I. of applicant)

\* For Office Use Only File No..... Date of issue of C&A Report..... (Signature of Police station in charge) Name of Police Station..... Name of Police district..... \* N.B. Cancellation entries not applicable. Form-III (See rule 4) Character and Antecedent Certificate This is to certify that Mr./M/s..... Son/Daughter of..... whose particulars 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 Name Designation Address/Tel. No. Date of Issue Form IV (See rule 5) Training Certificate Serial Number Name of the Training

Agency Address of the Training Agency License No. Certified that.....son/daughter of.....resident of .....has completed the prescribed training for the engagement or employment as a Private Security Guard from.....till.....His signature is attested below. Signature of the Certificate Holder Signature of issuing authority Designation Place of issue Date of issue Form V (See rule 8) 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 operating services in the area of Private Security Agencies.

**1. Full name of the applicant :**

**2. Nationality of the applicant :**

**3. Son/wife/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 shareholder, Director and Chairman of the Agency :**

**8. Name and extent of facilities available :**

**9. Qualifications of staff engaged for imparting instructions;**

Name.....Age.....Designation.....

**10. Equipments which will be used for Security services**

(a) Door Framed Metal Detector (DFMD) (b) Hand Held Metal Detector (HHMD) (c) Mine detector (d) Other Detectors (i) Wireless Telephones (ii) Alarm Devices (iii) Armoured Vehicles (iv) Arms

**11. The particulars of the uniform including color in case the applicant intends to use any uniform for the Private Security Guards and Supervisors of the Agency:**

**12. Does the applicant intends to operate in more than one districts? If so the name of the Districts. 1.....2.....3.....4.....5.....**

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

**14. Does the applicant possesses the training facility in its own or will get it on out sourcing basis ? The name and address of training facility should be furnished.**

SignatureName of the applicantAddress of the applicationTelephone number of the applicantDate of applicationEnclosure :

**1. Copy of current Income tax Clearance Certificate**

**2. Affidavit as prescribed in Section 7 Sub-section (2) of the Act.**

**3. Other enclosures**

Form VI(See rule 8)Government of.....License to engage in the business of Private Security AgencySerial No.....Date.....Shri.....(name of the Applicant)S/o.....r/o..... (Full Address)..... is granted the license by the Controlling Officer for the State of ..... to run the business of Private Security Agency in the district(s) of/ State of (Strike of the inapplicable words)..... with office at ..... (address of the office)Place of Issue.....Date of issue.....This license is valid up to.....SignatureName of granting AuthorityDesignationOfficial AddressRenewal(See rule 8)

Date of Renewal Date of expiry

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

SignatureName of renewing AuthorityDesignationOfficial AddressForm VII(See rule 9)Form for AppealAn Appeal under Section 14 of the ActAppellant.....S/o r/o.....VersusControlling authority/.....The ..... above named appeal to the (State Home Secretary) ..... from the order of (Controlling Authority) dated ..... day of ..... and against refusal of license to run Private Security Agency ..... and sets forth the following grounds of objection to the order appeal from namely .....

1. ....

2. ....

3. ....

4. ....

Enclosed list of documents  
Signature Name and Designation of the Appellant  
Date Place Form  
VIII(See rule 10)Register of Particulars(Part-I Management details) {||-| Sl. No.| Name of person(s) managing the Agency| Parent's/ Father's name| Present address & phone no.| Permanent Address| Nationality| Date of joining/ leaving the Agency|-|||||}(Part II Private Security Guards and Supervisor) {||-| Sl. No.| Name of Guard/ Supervisor| Father's name| Present address and phone no.| Date of Joining/ leaving the Agency| Permanent Address| Photograph| Badge No.| Salary with date|-| 1.|||||||-| 2.|||||||}(Part III Customers) {||-| Sl. No.| Name of the Customer & phone no.| Address of the place where Security is provided| Number and ranks of Security Guards provided| Date of commencement of services| Date of discontinuation of services|-|||||}

Agency name phone no. the Agency

1.

(Part II Private Security Guards and Supervisor) {||-| Sl. No.| Name of Guard/ Supervisor| Father's name| Present address & phone no.| Date of Joining/ leaving the Agency| Permanent Address| Photograph| Badge No.| Salary with date|-| 1.|||||||-| 2.|||||||}(Part III Customers) {||-| Sl. No.| Name of the Customer & phone no.| Address of the place where Security is provided| Number and ranks of Security Guards provided| Date of commencement of services| Date of discontinuation of services|-|||||}(Part IV Duty Roster) {||-| Sl. No.| Name of the Private Security Guard/ Supervisor| Address of the place of duty| Whether provided wit any arms/ ammunition| Date and time of commencement of duty| Date and time of ending of duty|-|||||}Form IX(See rule 11)Photo-Identity card for Private Security Guard/Supervisor(Name of the Private Security Agency)Name.....Official Designation.....Identification no.....Date of issue.....Valid up to.....Signature of the card holder.....Signature of the issuing authority