

West Bengal Private Security Agencies (Regulation) Rules, 2007

WEST BENGAL

India

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Rule

WEST-BENGAL-PRIVATE-SECURITY-AGENCIES-REGULATION-RULE of 2007

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062.

In exercise of the power conferred by section 25 of the Private Security Agencies (Regulation) Act, 2005 (29 of 2005), the Governor is pleased hereby to make the following rules, namely : Rules

1. Short title and commencement

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

2. Definitions

- . (1) In these rules, unless there is anything repugnant in the subject or context, (a)the Act" means the Private Security Agencies (Regulation) Act, 2005;(b)"Agency" means the Private Security Agency;(c)"Form" means a Form appended to these rules.(2)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. Verification of the 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 Form I 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 I for every proprietor, majority shareholder, partner and director of the company, as if they were also the applicants. (2) On receipt of application under sub-rule (1) of this rule, 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 Superintendent of Police of the concerned District, or in case of Kolkata from the Commissioner of Police, Kolkata or an officer authorised by him not below the rank of Deputy Commissioner of Police, 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 and report. (4) The Superintendent of Police, or Commissioner of Police, Kolkata or an officer authorized by him not below the rank of Deputy Commissioner of Police, 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 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 Agency.

4. Verification of character and antecedents of the 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 if the Agency does not have any adverse report regarding the person's character and antecedents from any other source as prescribed hereinafter; (c) by relying on the report received from the police authorities signed under the authority of the Superintendent of Police or an officer of the equivalent or higher rank of the concerned district or the Commissioner of Police, Kolkata or an officer not below the rank of Deputy Commissioner of Police, as the case may be. (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 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 Police Headquarter 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 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.(4)The police will specifically comment if the engaging or employing the person under verification by the Agency will pose a threat to National Security.(5)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.(6)The report of the police regarding character and antecedents of a person will be graded as confidential. It will be addressed in named cover to a designated officer of the Agency requesting for character and antecedents.(7)Character and antecedents verification report once issued will remain valid for three years.(8)On the basis of verification, the Agency shall issue in Form III a character and antecedent 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 Controlling Authority shall frame the detailed training syllabus required for training the security guard and Supervisor. This training shall be for a minimum period of hundred hours of classroom instruction and sixty hours of field training, spread over at least twenty working days. The ex-servicemen and former police personnel shall 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 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 licence, travel documents and security inspection sheet;(h)identification of improvised explosive devices and knowledge of preliminary step to handle the situation;(i)first-aid;(j)crisis response and disasters management;(k)defensive driving (compulsory for the driver of Armoured vehicle and optional for others);(l)rudimentary knowledge of the Indian Penal Code, 1860, the Code of Criminal Procedure, 1973 including knowledge of sections 37 and 39 of the Code of Criminal Procedure, 1973 regarding aid to Magistrate and police, right to private defence, procedure for lodging first information report in the police station, the Arms Act, 1959 (only operative sections), Explosives Act (operative sections);(m)badges of rank in police and military forces;(n)preliminary knowledge to protect the scene of crime till the arrival of police and collecting of evidence in the scene of crime;(o)knowledge regarding possible modes of collection of intelligence by foreign nationals;(p)knowledge of Article 51A of Constitution of India regarding Fundamental duties;(q)identification of different types of arms in use in public and police;(r)use of security equipment and devices (for example; security alarms and screening equipment); and(s)leadership and management (for supervisors only).(3)The private security guard and supervisor will have to successfully undergo the training prescribed under sub-rule (2). On completion of the training each successful trainee shall be awarded a certificate in Form IV by the training institute or organization.(4)The private security guard and supervisor will have to undertake refresher course training for fifty hours biennially.(5)The Controlling Authority shall inspect the functioning of training facility from time to time either by himself or through the officers authorised by him in this behalf.

6. Standard of physical fitness for security guards and supervisor.

(1) A person shall be eligible for being engaged or employed as security guard or Supervisor 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 requirement of chest measurement) : Provided that a person belonging to the Gorkhas or Nepalis or Sikimese or Scheduled Castes or Scheduled Tribes is eligible for relaxation of height by 5 cms., (ii) eye sight : Far sight vision 6/6, near vision 0.6/0.6 with or without correction, free from colour blindness, shall be able to identify and distinguish colour display in security equipment and read and understand display in English alphabets and Arabic numerals, (iii) free from knock knee and flat feet and shall be able to run one kilometer in six minutes, (iv) hearing : free from defect; shall be able to hear and respond to the spoken voice and the alarms generated by security equipment, (v) the candidate shall 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 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.

7. Provision 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 if available for assistance, advice and supervision.

8. Manner of making application for grant of licence

. (1) Every application under sub-section (1) 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 (1) shall be accompanied by receipted challan in T.R. Form under head of Account "018-Fees under the Private Security Agencies (Regulation) Act, 2005, for regulating the functioning of Security Agencies" with detailed heads "13-Licence Fees" and "16-Other Fees" sub-ordinate to the Receipt Head of Account "0070-Other Administrative Services-60-Other Services-800-Other Receipts including Census" showing the payment of fees as prescribed under sub-section (3) of section 7 of the Act. (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 acknowledgement to the applicant.

9. Grant of licence

. (1) The Controlling Authority, after receiving an application under sub-rule (1) of rule 8 of these rules shall grant a licence in Form VI after completing all the formalities and satisfying himself

about the suitability of the applicant under the provisions of the Act and also the need for granting the licence for the area of operation applied for.(2)The Controlling Authority either by himself or through the officers authorised by him in this behalf 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 security agencies which may not have adhered to the conditions of ensuring the required training.

10. Conditions for grant of licence

. (1) The licence shall undergo training to get themselves acquainted with the knowledge and the Indian Penal Code, 1860, Code of Criminal Procedure, 1973, within the time frame fixed by the Controlling Authority.(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 Private 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 private security guards and supervisor and their training as prescribed in these rules as the condition on which the licence is granted.

11. Conditions for the renewal of licence

. The renewal of the licence under section 8 of the Act 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 sub-section (2) of section 9 of the Act;(iii)the applicant continues to adhere to the conditions of the licence;(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 the format prescribed in Form V.

12. 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 person and presented to the Home Secretary of the State Government being the appellate authority in person or sent to him by registered post.

13. Register to be maintained by the Agency

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

14. Photo identity card

. (1) Every photo identity card issued by the Agency under sub-section (2) of section 17 of the Act 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 or Supervisor, 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 individuals 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 and the Supervisor will be returned to the Agency issuing it, once the private security guard or the Supervisor 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 issues it.

15. Other conditions

. (1) Every Agency shall 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 and Supervisor while on 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 and Supervisor will carry a notebook and a writing instrument with him.(4)Every private security guard and Supervisor while on security duty will wear and display photo identity card issued under section 17 of the Act, on the outermost garment above waist level on his person in a conspicuous manner.(5)Form I(See rule 3)Form for verification of Antecedents of Applicant

Thumb Impression of theApplicant.....Signature of
theApplicant.....

{|

Passport size recent photograph attested byClass I/Gr. A GazettedOfficer
|-||}

For official use only

Form number Name of the Police station sent for policeverification date

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 license)

1. Name of Applicant (Initials not allowed)

Last Name..... First Name Middle 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 (Copy of birth certificate to be enclosed).....

5. Place of Birth : Village/Town.....District..... State and Country.....

6. Father's/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 (a copy of evidence to be enclosed)

.....(a)Telephone No./Mobile No.(b)Nature of residence : Home/Rented/Others.....

10. Please give the 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 (a copy of evidence to be enclosed)

.....

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 years. Forms may be photocopied, but photograph and signature in original are required on each form.

(i) From..... to..... (ii) From..... to..... (iii) From..... to.....

13. In case of stay abroad particulars of all places where you have resided for more than one year after attaining the age of twenty-one years

.....

14. Other Details :

(a) Educational Qualifications : (a copy of certificate to be enclosed) (b) Previous positions held if any along with name and address of employers : (c) Reason for leaving last employment : (d) Visible Distinguishing Mark :

15. Did you earlier operate any Private Security Agency or were its partner, majority shareholder or Director? If yes, furnish the name, address of the Agency and its licence particulars.

16. Are you a citizen of India by Birth/Descent/Registration/Naturalisation:

If you have ever possessed any other citizenship, please indicate previous citizenship.....

17. 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)

18. Are any criminal proceedings pending against you before a court in India ? If so, give name of court, case number and offence.

.....

19. 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. Enclosures :

(Signature/T.I.* of Applicant) (*Left Hand Thumb Impression if Male and Right Hand Thumb Impression if Female.) For office use only File No. Date of issue of character and antecedent Report..... Form II (See rule 4) Form for verification of Character and Antecedents of Security Guard and Supervisor

Thumb Impression of the Applicant..... Signature of the Applicant.....

{|

Passport size recent photograph attested by Class I/Gr. A Gazetted Officer
|-||}

For official use only

Form number Name of the Police station sent for police verification date

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 Security Agency.)

1. Name of Applicant (Initials not allowed)

Last Name..... First Name..... Middle 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 (a copy of birth certificate to be enclosed).....

5. Place of Birth : Village/Town District..... State and Country

6. Father's/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 (a copy of evidence to be enclosed)

.....

No./Mobile No.....(b)Nature of residence : Home/Rented/Others.....

10. Please give the 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 (a copy of evidence to be enclosed)

.....

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 years. Forms may be photocopied, but photograph and signature in original are required on each form.

(i)From..... to.....(it)From..... to.....(iii)From.....to.....

13. In case of stay abroad particulars of all places where you have resided for more than one year after attaining the age of twenty-one years

.....

14. Other Details :

(a)Educational Qualifications :(a copy of certificate to be enclosed).....(b)Previous posts held along with name and address of employer(s) :.....(c)Reason for leaving last employment :.....(d)Visible Distinguishing Mark :.....(e)Height (cms) :.....

15. Are you working in Central Government/State Government/PSU/Statutory Bodies? Yes/No.

.....

16. Are you a citizen of India by : Birth/Descent/Registration/Naturalisation? If you have ever possessed any other citizenship, please indicate previous citizenship.

.....

17. 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 iudgement)

.....

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 any other prohibiting you departure from India? If so, give 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/TL * of Applicant)DatePlace(*Left Hand Thumb Impression if Male and Right Hand Thumb Impression if Female.)

21. Particulars of person to be intimated in the event of death or accident :

NameAddress with PIN codePolice StationMobile/Tel. No.

22. Enclosures :

.....(Signature/T.I.* of Applicant)For office use onlyFile No.....Date of issue of character and antecedentReport.....Name of district.....*N.B.: Cancel entries not applicable.Comments
:.....Signature of the authorised person ofPrivate Security Agency withDesignation, Seal and date.Form III(See rule 4)Name of the Private Security AgencyCharacter and Antecedent CertificateThis is to certify that Mr./Mrs..... 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 BirthEducational QualificationProfessionPresent AddressPermanent AddressIssuing AuthoritySignature.....NameDesignation -Address/Tel. No.....Office SealDate of issue.....Form IV(See rule 5)Training CertificateSerial Number.....Name of the Training Institute/OrganisationAddress of the Training Institute/OrganisationLicence No.Certified that..... son/daughter of..... resident of has completed the prescribed training for the engagement or employment as a Private Security Guard/ Supervisor.His signature is attested below.Signature of the Certificate Holder.Signature of Issuing AuthorityDesignationOffice Seal :.....Place of issue.....Date of issue.....Form V(See rules 8 and 11)Application for New Licence/Renewal of Licence to engage in the Business of Private Security AgencyToThe Joint SecretaryHome (Political) DepartmentGovernment of West BengalWriters' Buildings, Kolkata-700 001The undersigned hereby applies for obtaining a licence to run the business of opening 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 the Agency :

6. Name of the Private Security Agency :

7. Name and address of Proprietor,

Partner, Majority shareholder, Director and Chairman of the agency :

8. Name and extent of facilities available :

9. Qualification of staff engaged for imparting

instruction :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 Telephone(ii)Alarm Device(iii)Armoured Vehicles

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

12. Name of the district where the applicant intends to operate :

13. Does the applicant intends to operate in more than one districts? If so, the name of the districts :

1.

..... 2.....

3.

..... 4.....

5.

.....

14. Does the applicant intends to operate in the entire State?

15. Does the applicant possess the training facility in its own or will get it on outsourcing basis? The name and address of training facility should be furnished.

16. Particulars of fees deposited : Rs. (in figures).....(.....)(in words)

vide challan No..... date..... (copy to be enclosed).Signature
:.....Name of the Applicant :.....Address of the applicant
:.....Name of the Police Station :.....Telephone number of the
applicant :.....Date of application :.....Enclosure :.....

1. Copy of current Income Tax Clearance/Professional Tax/Trade Licence/Certificate.

2. Affidavit as prescribed in sub-section (2), section 7 of the Act.

3. Other enclosures, if any.

Form VI(See rule 9)Government of West BengalLicence to engage in the business ofPrivate Security AgencySerial No.....Date.....Shri.....(name of the Applicant)S/o R/o.....(Full Address)
..... is granted the licence by the Controlling Authority of the State of West Bengal
..... to run the business of Private Security Agency in the district(s) of/State of (Strike out the inapplicable words) with office at (address of the office).Place of issue
.....Date of issueThis licences is valid up to
.....Signature :.....Name of Authority :.....Designation
:.....Official Address :.....Form VII(See rule 12)Form of AppealAn Appeal
under section 14 of the ActAppellantS/o/D/o.....
R/o.....VersusControlling Authority/.....The
.....above named appeal to the (State Home Secretary)..... from the
order of Controlling Authority datedday of against refusal of licence/renewal of

licence to run Private Security Agency and sets forth the following grounds of objection to the order appeal from namelyGrounds:

1.

.....

2.

.....

3.

.....

4.

.....Enclosed list of documents

:Place.....Date.....Signature :.....Name and Designation of the Appellant :Form VIII(See rule 13)Register of Particulars(Part 1: Management details)

Sl. No.	Name of person (s) managing the Agency	Parent's/ Father's name	Present address and Phone No.	Permanent Address	Nationality	Date of Joining/ leaving the Agency
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1.

(Part : 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
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1.

2.

(Part III : Customers)

Sl. No.	Name of the Customer and phone No.	Address of the place where Security is provided	Number and ranks of Security Guards provided	Date of commencement of duty	Date and time of ending of duty
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(Part IV : Duty Roster)

Sl. No.	Name of the Private Security Guard/Supervisor	Address of the place of duty	Whether provided with any arms/ammunition	Date and time of commencement of duty	Date and time of ending of duty
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Form IX(See rule 14)Photo-Identity Card for Private Security Guard/Supervisor (Name of the Private Security Agency)

Photograph of the holder duly attested by theissuing authority

NameOfficial

Designation.....Identification No.....Date of

IssueValid up toSignature of the cardholder.....Signature of theIssuing AuthorityOfficial SealBy order of the

Governor,Sd/- P RAYAddl. Chief Secy. to the Govt. of West Bengaland Principal Secy., Home Department.