## Jammu and Kashmir Private Security Agencies (Regulation) Rules, 2016

JAMMU & KASHMIR India

# Jammu and Kashmir Private Security Agencies (Regulation) Rules, 2016

## Rule

## JAMMU-AND-KASHMIR-PRIVATE-SECURITY-AGENCIES-REGULATIO of 2016

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Jammu and Kashmir Private Security Agencies (Regulation) Rules, 2016Published vide Notification No. SRO-114, dated 1st April, 2016SRO-114. - In exercise of powers conferred by section 26 of the Jammu and Kashmir Private Security Agencies (Regulation) Act, 2015 (Act No. IX of 2015), the Governor hereby make the following rules, namely:-

### 1. Short title and commencement.

(1) These rules may be called the Jammu and Kashmir Private Security Agencies (Regulation) Rules, 2016.

## 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 provides,-(a)"Act" means the Jammu and Kashmir Private Security Agencies (Regulation) Act, 2015;(b)"Controlling Authority" means the Controlling Authority appointed under sub-section (1) of section 3;(c)"Form" means a Form appended to these rules;(d)"Government" means the Government of Jammu and Kashmir;(e)"Guard" means the Private Security Guard as defined in clause (i) of section 2 of the Act;(f)"License" means a license as under clause (d) of section 2 of the Act;(g)"Rules" means the Jammu and Kashmir Private Security Agencies (Regulation) Rules, 2016.(2)Words and expressions used in the rules but not defined

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above shall have the same meaning(s) respectively assigned to them in the Act.

### 3. Manner of making application for grant of license.

(1)Every application by an Agency for the grant of a license under sub-section (1) of section 6 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) above shall be accompanied by fee as specified under sub-section (2) of section 6 of the Act, in the form of crossed bank draft or banker's cheque payable to the Controlling Authority, as under :-(a)Rs. 5000/- only, if the Agency is operating in one district ;(b)Rs. 10,000/- only, if the Agency is operating in more than one but up to five districts ;(c)Rs. 20,000/- only, if the Agency is operating in the whole State.(3)Every application referred to in sub-rule (1) above shall be either personally delivered to the Controlling Authority or sent to him by registered post or through a representative :Provided that where an application is delivered personally or through a representative, the Controlling Authority shall, after noting thereon the date of receipt of the application, acknowledge the receipt to the applicant or his representative, as the case may be.

## 4. Verification of the antecedents of the applicant(s).

(1) Every applicant while making an application to the Controlling Authority for the issue of a fresh license or renewal shall enclose the Form-I duly filled in all respects for verification of his antecedents. In case, the applicant is a company or a firm, or an association of persons, separate Form-I for every proprietor or shareholder or partner or director of the company would be required to be enclosed, as if they were also the independent applicants. (2) On receipt of the application, the Controlling Authority shall make such inquiries, as it considers necessary to verify the contents of the application and particulars in Form-I.(3)The Controlling Authority or any officer authorized by him, shall forward the application along with its attachments to the CID and the District Superintendent of Police concerned for verification/report of particulars of the applicant and recommendations thereof.(4)On the basis of verification so conducted, the District Superintendent of Police and the CID will give its No Objection or otherwise, as the case may be, to the commencement of the activities by the Agency in a district(s).(5)The CID and the District Superintendent of Police shall furnish the requisite No Objection or otherwise within thirty (30) days of receipt of requisition from the Controlling Authority or any other officer authorized for the purpose.(6)The CID and the District Superintendent of Police in addition to the verification of antecedents of every individual in whose name the antecedent form is filled up, shall also furnish the following information :-(a)Whether the applicant is/was indulging in activities prejudicial to the National Security or Public Order and if so, details thereof; and(b)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(c)Whether the applicant possesses any special qualification or skill, which may facilitate his operations of Private Security Agency.

## 5. Verification of character and antecedents of the guard.

(1) Before any person is employed or engaged as a guard or supervisor, the Agency shall satisfy itself about the character and antecedents of such person in anyone 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 to the satisfaction of the Agency: Provided that the character and antecedent certificate shall be valid only if 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 issued by the concerned District Superintendent of Police or higher rank posted in the said district and No Objection Certificate from CID, J&K.(2)The person seeking employment or engagement as guard or supervisor shall submit the information/particulars in Form-II to the Agency. In case, the person has stayed in more than one district during the last three years, he shall have to submit a separate form for each district.(3)The Agency shall cause an inquiry into the correctness of the particulars filled in by the applicant in Form-II either by itself or by sending the form to the respective District Superintendent of Police and CID Headquarters, J&K. Where Form-II is forwarded to the District Superintendent of Police for verification, the Agency shall pay a fee of Rs. 50/- in the form of a Treasury Receipt creditable to Major Head-0055.(4)The police authorities shall ensure that verification of character and antecedents shall be conducted in a similar manner in which the verification of Police Constable is conducted for appointment in Police Department and verification report is issued within ninety days of the receipt of the character and antecedent from the Agency in a sealed cover. (5) Character and antecedents verification report once issued will remain valid for three years.(6)The Agency shall either based on report of the District Superintendent of Police or having been satisfied as to the correctness of the particulars of the applicant by an inquiry conducted by itself, issue Character and Antecedent Certificate in Form-III :Provided that no such certificate shall be cancelled or withdrawn except in circumstances where the police report is cancelled by the District SP concerned or the persons ceases to be an employee of the Agency.

## 6. Security training.

(1)The training for the guards will be mandatory and shall comprise 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 of the papers including identity cards, passports and smart cards; (g)identification of improvised explosive devices; (h)first aid; (i)crisis response and disasters management; (j)defensive driving (compulsory for the driver of armoured vehicle and optional for others); (k)handling and operation of non-prohibited weapons and firearms (optional); (l)rudimentary knowledge of Ranbir Penal Code, Samvat 1989 (Act No. XII of 1989) right to private defense, procedure for lodging First Information Report in the Police Station, Arms Act (only operative sections); Explosives Act (operative sections); (m)badges of rank in police and military forces; (n)identification of different types of arms in use in public and police; (o)use of security equipments and devices (like security alarms and screening equipments); and(p)leadership and management (for supervisors only).(2)The duration of the training shall be for a minimum period of hundred hours of theoretical instruction and sixty hours of practical training,

spread over at least, twenty working days in the recognized training Institutes of Police and Central Armed Forces to imbibe and instill mental alertness, confidence, drill and discipline besides knowhow of electronic security gadgetry and arms/explosives. The payment for training will be borne by the Agency: Provided that such training may not be required in case of a person who has the experience of having served in Armed or Police Forces of the Union or the Police Force of the State for a period of not less than 5 years or who has worked in Home Guards Organization or in Fire Services Department for not less than 8 years and is physically fit.(3)On completion of the training, each successful trainee will be awarded a certificate in Form-IV by the recognized training institute. All certificates issued in Form-IV to any person under these rules shall have the photograph of the holder embedded in it.(4)The Controlling Authority will inspect the functioning of the training facilities from time to time. Normally such inspection will be conducted at least twice a year.(5)All the Agencies shall submit a list of successful trainees to the Controlling Authority inter alia indicating therein (a) name and address of the institute, (b) particulars of the training guards/supervisors,(c)duration of training, (d) performance during training, (e) name and designation of the person authorized to issue certificates.

## 7. Standard of physical fitness for guards.

(1)A person shall be eligible for being engaged or employed as a guard if he fulfills the standards of physical fitness as specified below:-(i)an able bodied person with a clear vision with or without corrective lenses and shall not have such low vision as to render him unfit for duty of a supervisor or guard; (ii) should be free from any hearing defect and should be able to hear and respond to the spoken voice and the alarms generated by security equipments; (iii) should have dexterity and strength to perform searches, handle objects and use force for restraining the individuals in case of need; (iv) should be free from evidence of any contagious or infectious disease and should not be suffering from any disease which is likely to be aggravated by service or is likely to render him unfit for service or endanger the health of the public.(2) Every Agency shall ensure that every guard working for it undergoes a medical examination after every twelve months from his last such examination, so as to ensure to continued maintenance of physical standard as specified.(3) The guard shall produce the medical fitness certificate from authorized medical officer registered with any of the Medical Councils of a State.

## 8. Provision for supervisors.

(1)For the purpose of supervising the guards, the Agency shall employ or engage one supervisor to supervise the work of not more than fifteen guards.(2)In case, the guards are on security duty in different premises and it is not practicable to supervise their work by one supervisor, the Agency shall depute such number of supervisors so that at least for every six private security guards there is one supervisor available for assistance, advice and supervision.

#### 9. Grant of license.

- The Controlling Authority, after receiving an application under sub-rule (1) of rule 3, shall grant a license to the 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 license for the area of operation applied for. This shall be done within a period of sixty days from the date of receipt of the application: Provided that where the Controlling Authority does not agree with the No Objection Certificate from the concerned police authority, he would briefly record the reasons of his disagreement and place the matter before the Government upon the decision of the Government, and the Controlling Authority may proceed to grant or refuse the license, as the case may be.(2)The Controlling Authority may review the continuation or otherwise of license of the Agency which may not have adhered to the conditions of license.(3)The license if granted shall be valid for a period of five years, unless the same is cancelled by the Controlling Authority under sub-section (1) of section 12 of the Act.(4)The Controlling Authority shall not refuse the license unless the applicant has been given a reasonable opportunity of being heard and the grounds on which license is refused shall be recorded in the order.

## 10. Conditions for grant of license.

(1)The licensee shall successfully undergo training relating to the private security service as notified by the Government within the time frame fixed by it.(2)The licensee shall inform the Controlling Authority regarding any change in the address of persons forming the Agency and change of management within seven days of such change.(3)The licensee shall immediately intimate the Controlling Authority about any criminal charge framed against the persons forming the Agency or against the guard engaged or employed by the Agency, in the course of their performance of duties as Agency. A copy of such communication shall also be sent to the officer incharge of the police station where the person charged against resides.(4)Every licensee shall abide by the requirements of physical standards for the guards and their training as prescribed in these rules.(5)Save as provided in these rules, the fees paid for the grant of license shall be non-refundable.

#### 11. Renewal of license.

(1) Every Agency shall apply for renewal of license in Form-V to the Controlling Authority not less than 60 days before the date of expiry of the period of validity of the license thereof.(2) The fees chargeable for renewal of the license shall be the same as for the grant of license thereof.

#### 12. Conditions for renewal of license.

(1)The renewal of the license will be subject to the following conditions, namely :-(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 guards required under sub-section (2) of section 8 of the Act; (iii)the applicant continues to adhere to the conditions of license; (iv)the District Police has No Objection to the renewal of the license of the applicant.

## 13. Appeals and procedure.

(1) Every appeal under sub-section (1) of section 13 of the Act shall be preferred in Form-VII signed

by the aggrieved person or any other person authorized by him in this behalf and presented to the Appellate Authority in person or sent to him by registered post.(2)Every appeal shall be accompanied by a certified copy of the order appealed against.

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

- Register required to be maintained under the Act by the Agency shall be in Form-VIII and shall contain the details as per section 14 of the Act.

## 15. Photo identity card.

(1)The Agency shall issue an identity card to every guard in Form-IX. The identity card shall contain a full-face colour photo of the guard, name of the Agency, name of the guard, designation, identification number and the period of validity. Any change in the particulars of the guard shall be entered therein on his identity card. The photo identity card issued to guard shall be returned to the Agency issuing it, once he is no longer on the roles of the Agency.(2)Any loss or theft of photo identity card shall immediately be brought to the notice of the Agency that issued it.

#### 16. Miscellaneous.

(1) Notwithstanding whether the Agency mandates its private security guards to put on uniform while on duty or not, every Agency will issue and make it obligatory for its 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; (f) the uniform of the security guard shall be different from the police and other forces with regard to badges and none of the guards/supervisors should be permitted to wear presidential stars as shoulder/cap badges.(2)The clothes worn by the 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 his limbs. (3) Every guard will carry a notebook and a writing instrument with him.(4) Every guard while on active security duty will wear and display photo identity card issued under these rules on his outer most garment above waist level in a conspicuous manner.(5)If a guard is involved in a criminal case at the place of his duty, it is the Agency which shall be responsible for reporting the matter to the nearest Police Station as well as the Police Station of his native place. (6) An arms license will be issued to the guard only in his personal capacity by the licensing authority under the Arms Act/Rules after fulfilling the conditions laid therein.(7)The Agency shall ensure recording of CCTV footage in the premises where the services will be provided and shall save records up to two months for facilitating the investigating agencies in any case(s) if need be.(8)Not more than two guards may be deployed for providing security to any person at any time at any place. (9) The Agency shall deploy the guards only for the purpose of private security as defined under clause (g) of section 2 of the Act.(10)The Agency shall provide list of employees to the Superintendent of Police/District Magistrate of the territorial district on monthly basis so as to have first hand information for maintaining of surveillance.(11)The Controlling Authority may, at any time, enter the premises of the Agency, inspect and examine the

place of business, the records, accounts and other documents connected with the license and may take record(s), copy of any relevant document(s).(12)The fee charged for the services rendered by the Agency shall be reasonable and if at any point of time, it is reported to the Controlling Authority that the fee charged is not reasonable or uniform, he may issue appropriate directions to the Agency for bringing rationality in the fees so charged.(13)The Agency may consider covering each guard/supervisor under insurance cover.

	Form-I	Passport sizeRo byIstClassGaze	ecentPhotograph Attested ette Officer
(See Rule 4)		J	
Form for Verification of	Antecedents		
	the applicant		Signature of the
_	the appreaint		_
Form number	Name of the police station sent for policeverification	Date	v
Fee Amount Rs.	Cash/I	). D	Name of Bank
	Date of Issue		
••	nt (Initials not allotted)Middle Name		First
Name			
in full			
3. Sex (Male/female	e) Date of	f Birth	
4. Place of Birth: V	illage/Town	<del> </del>	
	State and Countr		
5. Father's full nam	e/Legal Guardian's full । रो)	name (includ	ing surname, if any) :

	name of spouse (including s	• • • • •	als not
and District (with F	ntial Address including Stre PIN	·	/illage 
	Off		Fax
9. Please give the o	date since residing at the a	bove-mentioned addre	ss
District (with PIN	dress including Street No./F		and 
for the last five year duration(s) resided for each additional	resided at the address givents, please furnish the othed. You should furnish additionally the lateral photograph and signature in	r address (addresses) ional photocopies of th st five years. Forms ma	with nis form ay be
Address	From	То	
12. In case of stay	abroad, particulars of all pl	aces where you have r	racidad

## 13. Other Details-

	(b)Previous position held, if any,
along with name and address of	(a)Paggang for
leaving last employment	(c)Reasons for
	(d)Visible Distinguishing
Mark :(e)Have service on account of misconduct or moral t	you ever been dismissed/removed from Government
-	vate Security Agency or were its partner,? If yes, then furnish the name, address of lars.
-	Birth/Descent/Registration/Naturalisation? ther citizenship, please indicate (the
and sentenced to imprisonment? and offence (Attach copy of judge	
	ganization or association which is banned under any law
18. Self-Declaration :	
The information given by me in this form an responsible for its accuracy.(Signature/Thu	nd the enclosures is true and correct and I am solely
:Place	mb Impression* of applicant)Date
:Place 19. Enclosures :	mb Impression* of applicant)Date
19. Enclosures :  Impression* of applicant)(*Left Hand Thum	mb Impression* of applicant)Date  b Impression if male and Right Hand Thumb
19. Enclosures :	mb Impression* of applicant)Date  ab Impression if male and Right Hand Thumb  File

of issue of C&A report_		(Signature of Police
Station Incharge)Name	of Police Station	Name of Police
District	Note (i) There passpo	ort size photograph duly attested
by G. O. on reverse of pl	hotograph in respect of applicants ;(ii)Proof	f of Age ;(iii)Certificate of
incorporation issue by F	ROC, Sale Tax No. (ST-2), Labour Licence, I	Registration under ESI Act & EPF
Act ;(iv)Site Plan of office	ce ;(v)Proof of Residence of Applicants ;(vi)	Prescribed Fees ;(vii)NOC from
land-owned Agency for	carrying on trade of Security Agency busine	ess at the premises.
	Form-II Passport siz	zeRecentPhotograph Attested Gazette Officer
	byIstClassG	Sazette Officer
(SeeRule 5)		
Form for Verification of	f Character and	
Antecedentsof Guard/S	Supervisor	
Thumb Impression* of t	theapplicant	Signature of the
	Name of the police station	
Form number	sent for policeverification  Date	
Fee Amount Rs.	Cash/D. D	Name of Bank
and Branch		D. D.
	Date of Issue	
instructions carefully be	efore filling the form. Please fill in Block Let	ters :(Caution : Please furnish
correct information. Fur	rnishing of incorrect information or suppre	ssion of any material information
in the form will render t	the candidate unsuitable for employment/en	ngagement in private agencies).
1. Name of applica	int as should appear in the photo	identity card (Initials not
allotted): Last Nar	me	Middle Name
	First Name	
		_
2. If you have ever	changed your name, please indic	ate the previous name(s)
in full.	, , , , , , , , , , , , , , , , , , ,	, ,
III IQIII		
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J. Jex (Illale/Tellial	e)Date of Birtii	<del></del>
1 Place of Pirth : \	Villago/Town	
4. Place of Birth: \	District of	Ot all and d
		State and
Country	<del></del>	

i. Father's full name/Legal Guardian's full name (including surname, if any) : Initials not allowed)					
	ne (including surname, if any)	•			
•	ame of spouse (including sur	• • •			
	tial Address including Street PIN Code)	•			
Telephone No./Mobile					
No		Off			
District (with PIN Code)		<del> </del>			
continuously for th (addresses) with d photocopies of this	resided at the address given ne last five years, please furnis uration(s) resided. You should s form for each additional place be photocopied, but photogra ch form.	sh the other address d furnish additional ce of stay during the last five			
Address	From	To			

12. In case of stay abroad, particulars of for more than one year after attaining the years.	
13. Other Details :	
(a)Educational qualifications : any, along with name and address of employee(s)	
:(d)Have you ever bee account of misconduct or moral turpitude ? (Yes/No (f)Heights	)(e)Visible Distinguishing Mark :
14. Are you working in Central Government	
15. Are you a citizen of India by : (Birth/Diffusion of India	tizenship, please indicate previous
16. (a) Have you, at any time, been convious offence and sentenced to imprisonment number and offence (Attach copy of judgment)	? If so, give name of the court, case
(b)Are any criminal proceedings pending against you court, case number and offence warrant or summons for appearance (as an accused) your departure from India ? If so, give name of court offence	(c)Has any court issued a or warrant for arrest or an order prohibiting
been keeping links with any organizations or associated of there activities which pose threat to national or put	tion which is banned under any law on account
17. Self-Declaration The information gi enclosures is true and correct and I am s	-
(Signature/Thumb Impression* of applicant)(*Left I Hand thumb Impression if Femail).Date ::	_

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

No			
19. Enclosures :			
-	)For Office Use Only :File		
No		_Date of issue of C&A	
		Station Incharge)Name of Police	
	Name of Polic		
		ree passport size photographs ;(ii)Proof of	•
•		ation Certificate) ;(iii)Proof of Residence	
;(iv)Training Certificate.I	Form III(See rule 5)Character ar	nd Antecedent CertificateThis is to certify	
that Mr./Ms	S	S/o/D/o	
Shri		R/o	
		reputation and that the applicant has	
been staying at the follow	ring address continuously for the	last one year.Date of Birth	
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of Birth			
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qualification			
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AuthoritySignatureName	DesignationAddress/TeI. No.Da	te of	
Issue	Form-IV(See Rule 6)Train	ing CertificateSerial numberName of the	
Training AgencyAddress	of the Training AgencyLicense N	o.Certified	
that		son/daughter of	
		resident	
of	has completed prescribed	training for the engagement of	
employment as a Private			
from	till	His signature is	
		e of issuing authority,Designation.Place of	•
	Date of issue		
		age in the Business of Private Security	
AgencyToThe Controlling	•	. C	
	9		
		the business of operating services in the	

area of Private Security Agencies:

. Full name of the applicant
2. Nationality of the applicant
3. Son/Wife/Daughter of
I. Residential Address
5. Address, where the applicant desires to start his Agency
6. Name of the Private Security Agency
Note Registration Number of the Agency also be indicated).
7. Name and Address of Proprietor, Partner, Majority Shareholder, Director and Chairman of the Agency
Note Nationality of each Partner, Majority Shareholder, Director and Chairman of the Agency bondicated).
3. Name and extent of facilities available :
D. Qualification of staff engaged for imparting instructions :
Name :Age

10. Equipments which will be used for security services-

DFMDHHMDMine DetectorOther DetectorsWireless TelephonesAlarm DevicesArmored VehiclesArmsArmory(Note. - Strike off the equipment(s) not to be used for security services.

11. 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. Does the applicant intend to ope please mention name of the districts		strict ? If so,
1.		
2.		
3.		
4.		
5.		
13. Does the applicant intend to ope	erate in the entire State?	(Yes/No)
14. Does the applicant possess the toutsourcing basis? The details of transcure).	•	•
SignatureName of the applicant,Address of the application.Enclosures :-	e applicant,Telephone number o	f the applicant,Date of
1. Copy of current income tax clears	ance certificate.	
2. Affidavit as prescribed as in secti	on 6, sub-section (2) of t	he Ordinance.
3. Other enclosures.		
Form-VI(See Rule 9)Licence to engage in the b	•	•
of the applicant) S/o	R/o	
address) is granted the license by the Controlli		•
ofto run tl		gency in the district(s)
of/State of (Cancel the inapplicable words)		_ with office
at	(address of the office).Place of	
Issue	Da	
Issue	Th	is licence is valid up
to		tureName of granting
authority, Designation, Official address. The lice	-	
to	SignatureName of	renewing

authority, Designation, Official Address, Date of Renewal. Form-VII (See Rule 13) Form for Appeal An

appeal to the	Principal Secreta	ry/Secretary (F	Iome), aga	inst the order	of Controllin	ng Authority	
dated		and aga	ainst refusa	al of licence to	run private	security agency,	
namely			and set	s forth the fol	lowing round	ls of appeal,	
namely:-							
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4.							
<b>7.</b>							
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Management							
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(Part-III Customers)	Name of the Customer and		Number a		f encement of	Date of discontinuation	

provided

			provided			
1						
(Part-IV Duty Roster)						
S. No.	Name of the PrivateSecurity Guard/Supervisor	Address of the placeof duty	provided withany	Date and ti ofcommend duty		Date and time ofending of duty
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(See Rule	: 15)					
Photo Ide	entity Card for					
PrivateSe	curityGuard/Supervis	or				
Name of t	he Private Security Ag	ency			Name (	of the Private
Security (	Guard/Supervisor		Offic	cial		
Designati	on				_Identificati	ion No. of the
Guard/St	pervisor		Date	of Issue		
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