

In pursuance of the provision of Clause (3) of Article 348 of the Constitution of India, the Governor is pleased to order the publication of the following English translation of Notification No. 262/XX-5/22/02C(01)2021, Dehradun dated April 07, 2022 for general information:

No. 262/XX-5/22/02C(01)2021
Dated Dehradun, April 07, 2022

NOTIFICATION

In exercise of the powers conferred by sub-section 1 of section 25 read with section 24 of the Private Security Agencies (Regulation) Act, 2005 (29 of 2005) and in supersession of the Private Security Agencies Central Model Rules, 2006, except as respects things done or omitted to be done before such supersession, the Governor is pleased to allow to make the following rules, namely:-

The Uttarakhand Private Security Agencies Rules, 2022.

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| Short title and commencement | 1. (1) These rules may be called the Uttarakhand Private Security Agencies Rules, 2022.
(2) It shall come into force on the date of their publication in the Official Gazette. |
| Definitions | 2. In these rules, unless the context otherwise requires,-
(a) "Act" means the Private Security Agencies (Regulation) Act, 2005 (29 of 2005);
(b) "Agency" means the Private Security Agency;
(c) "Controlling Authority" means Authority defined in clause (b) of Section 2 of 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. |
| Application for grant of licence | 3. (1) Every agency while making an application in Form I to the Controlling Authority for the grant of licence shall also enclose the Form II for verification of his antecedents.
(2) If the applicant is a company, a firm or an association of persons, the application in Form I shall be accompanied by Form II for every proprietor or majority shareholder partner or director of the company, as if they were also the applicants. In addition, he shall submit an Affidavit in Form III incorporating the details in relation to the |

- provisions contained in sub-section (2) of section 7 of the Act.
- (3) On receipt of Form I, Form II and Form III, the Controlling Authority shall make such inquiries, as it considers necessary to verify the contents of the application and the particulars of the applicant.
 - (4) The Controlling Authority shall utilise electronic data bases of crime and criminals like the Crime and Criminal Tracking Networks and Systems (CCTNS), Interoperable Criminal Justice System (ICJS) for the purpose of verification of antecedents of the applicant.
 - (5) Wherever any applicant's antecedents have been verified in any other State earlier and licence is granted, it shall not be necessary for the Controlling Authority to verify the antecedents afresh provided that the licence for which antecedents are verified is under period of validity.
 - (6) Form I shall be accompanied by a demand draft or banker's cheque or electronic evidence showing the payment of fees as prescribed under sub-section (3) of section 7 of the Act, payable to the Controlling Authority of the State concerned where the application is being made.
 - (7) The application referred to in sub-rule (1) shall be either personally delivered to the Controlling Authority or sent to him by registered post or through electronic means.
 - (8) On receipt of the application referred to in sub-rule (1), the Controlling Authority shall after noting there on the date of receipt by him of the application, grant an electronic or digital acknowledgement to the applicant.
 - (9) The Controlling Authority, after receiving an application in Form I shall grant a licence to the private security agency in Form IV after making such inquiry as it considers necessary, and after compliance with the provisions of the Act:
Provided that if the private security agency has already obtained a licence from the Controlling Authority of any other State then requirement of training of the such licensee shall not be necessary.
 - (10) The Controlling Authority either by itself or through its officer or any other means shall verify the premises of the private security agency at the address or addresses provided by the agency.
 - (11) The Controlling Authority shall cause a physical copy of the licence to be delivered by post within fifteen days

of issue to the principal office of the private security agency in the State concerned as mentioned in the application for grant of licence which the private security agency shall be bound to display at its place of business.

(12) In case of rejection of the application for grant of licence, no order of refusal shall be made unless,-

- (a) the applicant has been given a reasonable opportunity of being heard; and
- (b) the grounds on which licence is refused is mentioned in the order.

(13) The Controlling Authority shall pass an order on Form I within sixty days from the date of receipt of it complete in all respects.

Conditions for grant of licence

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

(2) The Controlling Authority shall frame the detailed training syllabus required for training the licensee.

(3) The training shall be for a minimum period of six working days. The training shall broadly include the following subjects, namely;-

(i) Present security scenario:

- (a) VIPs Security
- (b) Internal Security
- (c) Institutional Security;

(ii) Role and Functioning of Private Security Agencies:

- (a) Fire Fighting
- (b) Disaster/Emergency Management protocol
- (c) Security Duties
- (d) Checking of various documents
- (e) Information security
- (f) Access Control
- (g) Explosives, IEDs
- (h) Anti Sabotage Checks (ASC)
- (i) Security related equipments
- (j) Communication Equipments
- (k) Patrolling
- (l) Post duties

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- (iii) Legal provisions:
- (a) The Private Security Agencies (Regulation) Act, 2005 (29 of 2005) and its associated State Rules.
 - (b) Relevant Labour Laws
- (iv) Management of Security Agencies:
- (a) Uniform
 - (b) Training of personnel of private security agencies
 - (c) Documentation and records to be maintained by the licensee
 - (d) Data Sharing Protocol
- (v) Interface with public, Police and other departments:
- (a) Interface with Public
 - (b) Liaison with police and other concerned Government Departments
- (vi) Private Security Guard – DO's and DON'Ts (Conduct Rules)
- (4) 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.
 - (5) The licensee shall inform the Controlling Authority regarding any change in the address of persons forming the Agency or change of management within thirty days of such change.
 - (6) The licensee shall immediately intimate to the Controlling Authority about any criminal charge framed against the persons forming the Agency or against a private security guard or supervisor engaged or employed by the Agency, in the course of 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.
- 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.
- (7) Save as provided in these rules, the fees paid for the grant of licence shall be non-refundable.
 - (8) The licensee shall commence its activities within six months of obtaining the licence.

Renewal of
licence

- (9) Commencement of activities shall include establishment of office premises and engagement of supervisors as provided under sub-section (3) of section 9 of the Act and in accordance with rule 10.
5. (1) Every Agency shall apply to the Controlling Authority for renewal of the licence in Form I along with Form II and Form III not less than forty-five days before the date of expiry of the period of validity thereof and after complying other conditions of section 8 of the Act.
- (2) If the applicant is a company, a firm or an association of persons, the application in Form I shall be accompanied by Form II for every proprietor or majority shareholder, partner or director of the company, as if they were also the applicants.
- (3) The Controlling Authority shall verify the antecedents of the applicant in the same manner as mentioned in sub-rule (4) of rule 3.
- (4) The Controlling Authority, after receiving an application in Form I shall grant a renewal of licence in Form IV after making such inquiry as it considers necessary and after compliance with the provisions of the Act.
- (5) In case of non-receipt of the application for renewal of licence within the period mentioned in sub-rule (1), the agency shall be treated as un-licensed agency after the expiry of licence.
- (6) After expiry of period of applying for renewal of licence, the Agency may apply for fresh licence as per section 7 of the Act.
- (7) The fees chargeable for renewal of the licence shall be the same as for the grant of licence as mentioned in sub-rule (6) of rule 3.
- (8) Applications received after the period stipulated in sub-rule (1) and before the expiry of licence shall not be processed for renewal of licence.
- (9) The Controlling Authority shall pass an order on application for renewal of licence in Form I within thirty days from the date of receipt of application complete in all respects.
- (10) The validity of renewed licence shall be counted from the date of expiry of the previous licence and shall be upto a period of five years irrespective of its date of renewal. In case the application is decided by the controlling authority after expiry of the existing licence.

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- the intervening period shall deem to be under valid licence.
- (11) The Controlling Authority and the Private Security Agencies shall not be liable for delays occurring by reason of circumstances beyond human control, including but not limited to acts of civil or military authority, national emergencies, riot, acts of God.
6. Conditions for renewal of licence
- (a) The renewal of the licence shall be granted subject to the following conditions, namely:-
- (b) The applicant continues to maintain his principal place of business in the jurisdiction of the Controlling Authority;
- (c) The applicant continues to ensure the availability of the training for its private security guards and supervisors required under sub-rule (2) of rule 8 of these rules;
- (d) The applicant continues to adhere to the licence conditions;
- (e) The applicant has no criminal antecedents as may be verified from a database of crime and criminals.
7. (1) Verification of character and antecedents of the private security guard and supervisor.
- (a) 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 manner, namely:-
- (b) by relying upon the character and antecedents verification certificate produced by the person: Provided that the character and antecedent certificate shall be valid and the Agency does not have any adverse report regarding the person's character and antecedents from any other source;
- (c) by accessing electronic databases of crime and criminal like the Crime and Criminal Tracking Networks and Systems(CCTNS), Interoperable Criminal Justice System (ICJS) for verification of the character and antecedents through the Controlling Authority or the Police.
- (2) The person desirous of getting employed or engaged as security guard or supervisor shall submit Form V to the Agency. In addition, he shall submit an Affidavit in Form VI incorporating the details in relation to the provisions contained in sub-section (2) of section 10 of the Act.
- (3) The State Government shall arrange to accept the fee

to be deposited electronically for character and antecedent verification.

- (4) The authority to which the application is made shall ensure that character and antecedent verification report is issued within fifteen days of the receipt of the character and antecedent form.
- (5) Character and antecedents verification report once issued shall remain valid for five years irrespective of the change in employer status.
- (6) On the basis of character and antecedents' verification, the Agency shall issue in Form VII a character and antecedents certificate and this certificate shall not be taken back by such Agency even if the person ceases to be the employee of that Agency.

Security
Training

8 (1) The Controlling Authority shall frame the detailed training syllabus required for training the security guards in accordance with National Skill Qualification Framework. For entry level, 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 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 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/ apartment, personnel security, house hold 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 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 firearms (optional);
- (m) Elementary knowledge of Indian Penal Code, right to private defense, procedure for lodging first information report in the police station, Arms Act, 1959 (only operative sections); Explosives Act, 1884 (only operative sections);
- (n) badges of rank in police and military forces;
- (o) identification of different types of arms in use in Public and Police;
- (p) use of security equipments and devices (for example; security alarms and screening equipments); and
- (q) leadership and management (for supervisors only).
- (3) The security guard shall have to successfully undergo the training prescribed by the Controlling Authority.
- (4) On completion of the training each successful trainee shall be awarded a certificate in Form VIII by the training institute.
- (5) The training certificates issued to the guards/ supervisors from Training Institutes in one State shall be accepted in other State also.
- (6) The Controlling Authority shall inspect the functioning of training facility from time to time either by itself or through its own officers. Normally such inspection shall be conducted at least two times every year.
- (7) All the training agencies shall submit a list of successful trainees to the Controlling Authority in the manner prescribed by it.
- (8) Based on training completed and requirement of the job, private security agency may have their own designations:
provided that no agency shall adopt any of the ranks of the armed forces, paramilitary forces or State Police Forces.
- (9) 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 training agency.

- (10) The Controlling Authority may review the continuation or otherwise of licence of such security agencies which may not have adhered to the conditions of trained personnel on its rolls.

Standard of
physical fitness
for security
guards

9. (1) A person shall be eligible for being engaged or employed as security guard if he fulfils the standards of physical fitness as specified below:-
- (a) Height, 160 cms (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).
- (b) 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.
- (c) Free from knock knee and flat foot and should be able to run one kilometer in six minutes.
- (d) Hearing: Free from defect; should be able to hear and respond to the spoken voice and the alarms generated by security equipments.
- (e) 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 evidence of any contagious or infectious disease. He should not be suffering from any disease which is likely to be aggravated in 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.

Provision for
Supervisors

- 10.(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.

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| Appeals and procedure | 11. | Every appeal under sub-section (1) of section 14 of the Act shall be preferred in Form IX signed by the aggrieved person or his authorized advocate and presented to the Home Secretary to the State Government in person or in electronic or digital form or sent to him by registered post. |
| Register to be maintained by the Agency | 12. | The register required to be maintained under the Act by the Agency shall be maintained electronically in Form X. |
| Photo identity card | 13. (1) | Every photo identity card issued by the Agency under sub-section (2) of section 17 of the Act shall be in Form XI. |
| | (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 employee 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 up to date and any change in the particulars shall be entered there in. |
| | (5) | The photo identity card issued to the private security guard shall be returned to the Agency issuing it, once the private security guard is no longer engaged or employed by it. |
| | (6) | Any loss or theft of photo identity card shall be immediately brought to the notice of the Agency that issued it. |
| Other conditions | 14. (1) | Notwithstanding whether the Agency mandates its private security guards to put on uniform while on duty or not, every private security 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; |

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- (e) a headgear which may also carry the distinguishing mark of the Agency.
 - (2) The clothes wear by the private security guard while on active duty shall be such that they do not hamper in his efficient performance of duty. In particular they shall neither be too tight nor too loose as to obstruct movement or bending of limbs.
 - (3) Every private security guard shall carry a notebook and a writing instrument with him.
 - (4) Every private security guard while on active security duty shall wear and display photo-identity card issued under section 17 of the Act, on the outer most garment above waist level on his person in conspicuous manner.

