

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:3666
ANSWERED ON:19.03.2013
DIRECTIVES ON PRIVATE SECURITY GUARD
Ray Shri Rudramadhab

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Supreme Court has issued directives to the Union and the State Governments that persons above the age of sixty five and those dismissed from service for misconduct or moral turpitude cannot be employed as private security guard;
- (b) if so, the details thereof;
- (c) whether the Union and the State Governments have set up any regulatory mechanism to ensure proper implementation of the Supreme Court directives by the private agencies and also, issued such directives to private security agencies and Resident Welfare Associations in this regard; and
- (d) if so, the details thereof and if not, the manner in which the Government monitors/keep a check on the functioning of private security agencies?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a) to (d) : No such Supreme Court directives have been received in the Ministry of Home Affairs. However, one of the conditions prescribed in Section 6(1) of the Private Security Agencies (Regulation) Act, 2005 is that a person shall not be considered for issue of a licence under the Private Security Agencies (Regulation) Act, 2005, if he has been dismissed or removed from Government service on grounds of misconduct or moral turpitude. The conditions for eligibility to be private security guard have been prescribed under Section 10(1) of the Act which, inter-alia, has a provision that a private security agency shall not employ or engage any person as a private security guard unless he has completed eighteen years of age but has not attained the age of sixty five years.

For regulating the working of private security agencies, the Central Government has enacted the Private Security Agencies (Regulation) Act, 2005 published in Part -II Section 1 of the Gazette of India (Extraordinary) dated 23rd June, 2005 and has also notified the Private Security Agencies Central Model Rules, 2006 published in Part-II Section 3 Sub-section (ii) of the Gazette of India (Extraordinary) dated 26.4.2006. So far, 31 States / UTs have framed and notified rules based on the provisions of the aforesaid Act and Central Model Rules. As per the Private Security Agencies (Regulation) Act, 2005 and the Central Model Rules, 2006 notified by the Central Government, it is for the Controlling Authority of the concerned State / UT Governments to ensure proper verification of the credentials of the persons recruited as guards / supervisors by the private security agencies.