BALOCHISTAN PRIVATE SECURITY COMPANIES ORDINANCE, 2001

(Baln. Ordinance L of, 2001)

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[1]THE BALOCHISTAN PRIVATE SECURITY COMPANIES ORDINANCE, 2001

(Baln. Ordinance L of 2001)

[*28th November, 2001*]

An Ordinance to provide for regulation of Private Security Companies in the Province of Balochistan.

Preamble. WHEREAS it is expedient to provide for regulation, licensing and control of Private Security Companies in the Province of Balochistan for matters connected therewith and ancillary thereto:

AND WHEREAS the Government of Balochistan is satisfied that circumstances exist which render it necessary to take immediate action;

NOW, THREFORE, in pursuance of Article 4 of the Provisional Constitution (Amendment) Order, 1999 (Chief Executive's Order No. 9 of 1999), and in exercise of all powers enabling him in that behalf, the Governor of Balochistan is pleased to make and promulgate the following Ordinance:—

Short title, extent and commencement.

1. (1) This Ordinance may be called the Balochistan Private Security Companies Ordinance, 2001.

(2) It extends to the whole of the Balochistan.

(3) It shall come into force at once.

Definitions.

2. In this Ordinance, unless there is anything repugnant in the subject or context;

(a) "company" means a company incorporated under the Companies Ordinance, 1984[2] (XLVII of 1984);

(b) "Competent Authority" means 'the Home Secretary Balochistan;

(c) "licence" means a licence granted under this Ordinance for carrying on the business of a

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[1] This Ordinance was promulgated by the Governor of Balochistan on 23rd October, 2001; published in the Balochistan Gazette (Extraordinary) No. 189, dated 28th November, 2001; and declared continue in to be force by Article 270 AA (2) of the Constitution of the Islamic Republic of Pakistan (1974).

[2] An Ordinance promulgated by the President of Pakistan; published in the Gazette of Pakistan (Extraordinary), part-1, dated 8th October, 1984; and protected under Article 270 A of the Constitution of Pakistan, 1974.

private security company by providing for considerations" security guards or security arrangements for the protection of persons or property or to prevent the theft or unlawful taking of property;

(d) "licensee" means the holder of a licence;

(e) "Licensing Officer" means the Licensing Officer appointed by the Home Secretary Balochistan and shall include an Assistant Licensing Officer;

(f) "private security company" means any company registered under the Companies Ordinance, 1984 (XLVII of 1984), carrying on, maintaining or engaged in the business of providing for consideration security guards or making other arrangements for the security of other person and their property functioning under a valid licence issued by the competent authority;

(g) "prescribed" means prescribed by rules made under this Ordinance; *and*

(h) "security guard" includes any watchman or other person engaged by the licensee for the protection of persons or property or to prevent the theft;

Ordinance not to apply to Civil Armed Forces and Armed Forces, etc.

3. The provisions of this Ordinance shall not apply to:—

(a) any member of Armed Forces, Police, Levies, Balochistan Reserve Police and civil armed force;

(b) any inspector, guard, watchman, or other persons employed by an individual employer for inspection, protection, guarding of his residence or commercial or business premises or for the protection of persons or property of such employer who is not engaged in the business of private security company.

Private Security Companies employees not to wear certain uniform.

4. The persons employed by the private security company shall not wear uniform akin to uniform of armed forces, police, levies, BRP or any civil armed force and shall wear the uniform as may be prescribed.

Prohibition of Maintenance of a company without a licence.

5. No person shall carry on the business of a private security arrangements for consideration unless holds a licence for the purpose issued under this Ordinance.

Procedure for grant and renewal of licence, etc.

6. (1) Whoever desires to engage in the business of maintaining a private security company shall, after he has got such company registered under the Companies Ordinance, 1984 [1], make an application for grant of a licence to the Licensing Officer and shall, with his application, furnish such information, attach documents and pay such fee in the form and manner as may be prescribed.

(2) On receipt of an application under sub-section (1), the Licensing Officer may after such verification and enquiry as he may deem necessary and subject to such conditions, including furnishing of security, as may be prescribed, grant or refuse to grant the licence.

(3) A licence issued under sub-section (2) shall be:—

(a) valid for such period as may be prescribed, *and*

(b) renewable on an application made in the form and on payment of such fee as may be prescribed, provided that the licensee has not violated any of the provisions of this Ordinance or the Companies Ordinance, 1984.

(4) A licence shall not be granted if,—

(ii) satisfactory evidence has not been produced of the good moral character of the officers of the company holding managerial or executive position: or any of its officers holding a managerial or an executive position has been convicted of an offence involving fraud or moral turpitude.

(iii) it is not in the public interest to do so;

(iv) security clearance is not provided as may be prescribed; *or*

[1] Ordinance XLVII of 1984; published in the Gazette of Pakistan (Extraordinary), part I, dated 8th October, 1984.

(v) the private security company is not registered under the Companies Ordinance, 1984[1]:

Provided that the reasons for refusal to grant a licence shall be recorded in writing and shall be communicated to the applicant.

(5) The Licensing Officer may at any time under the directions of the Provincial Government, vary or revoke any of the conditions of a licence or impose any additional conditions thereto.

(6) The Licensing Officer shall, before taking any action under sub-section (5), notify to the licensee his intention of the proposed action and provide him an opportunity to show cause against such action.

Appeal.

7. Any Person aggrieved of any order made by the Licensing Officer under section 6 may within thirty days, appeal against such order to the Home Secretary, Government of Balochistan whose decision shall be final.

Exhibition of Licence.

8. Every licensee shall exhibit 'his licence or a certified copy thereof in a conspicuous place at his principal place of business and at every branch where the licensee carries on the business of private security company.

Penalties.

9. Any person who—

(a) carries on the business of private security company without a licence;

(b) fails to comply with the conditions of the licence;

(c) fails to exhibit the licence or certified copy thereof at a conspicuous place in the office or place of business of the private security company;

(d) not being the holder of a licence keeps, uses or exhibits any sign, writing. painting or other mark employing that he holds a licence to carry on the business of a private security company;

(e) being a licensee or an applicant for grant of a

[1] Ordinance XLVII of 1984; published in the Gazette of Pakistan (Extraordinary), part I, dated 8th October, 1984.

licence knowingly makes a false or incorrect statement or omits to furnish any particular which he is required to furnish; *and*

(f) being a licensee. violates the relevant provisions of the Companies Ordinance 1984[2];

shall be punishable with imprisonment which may extend to three years or with fine which may extend to two hundred (200) Rupees or with both and in case of default in payment of fine, the offender shall be liable to imprisonment which may extend, to one year.

Revocation of Licence.

10. (1) The Licensing Officer may by an order in writing, revoke a licence:—

(a) if he is satisfied that the licensee:—

(i) has ceased to carry on the business for which he has obtained the licence or has applied for liquidation, winding up of the company has been dissolved;

(ii) has obtained the licence by providing false information in contravention of the provision of this Ordinance;

(iii) has been convicted of any offence involving moral turpitude or, any of the officer of the licensee holding a managerial or executive position, partner, employee or security guard has been convicted of any offence involving fraud or moral turpitude;

(iv) is contravening or has contravened any of the provisions of this Ordinance or the rules made there under; *or*

(b) if it is found that the security guards employed by him do not possess the

[2] Ordinance XLVII of 1984; published in the Gazette of Pakistan (Extraordinary), part I, dated 8th October, 1984.

prescribed qualifications or training;

(c) if the company fails to provide service to its clients as per agreement signed by it; or as per prescribed procedure; *and*

(d) if it is considered necessary to do so in the public interest.

(2) The Licensing Officer shall, before revoking any licence under sub-section (1), give the licensee a notice to show cause in writing specifying a date, not less than thirty days from the date of the notice, upon which the revocation shall take effect unless the licensee satisfies the Licensing Officer that the licensee was not liable to be revoked.

(3) When the Licensing Officer revokes a licence under sub-section (1), he shall forthwith inform the licensee by notice in writing of such revocation specifying date thereof, and also to the Registrar of Companies.

(4) The person whose licence has been revoked may within thirty days of the receipt of the notice referred to in sub-section (3) prefer appeal in writing against the revocation to the Secretary Home whose decision thereon shall be final.

Effect of revocation of license, etc.

11. (1) Where an order of revocation becomes effective under section 10, the licensee shall cease to carry on the business of a private security company.

(2) Notwithstanding the revocation of licence, the enforcement or right or claim of any person against the licensee or by the licensee of any right or claim against person arising out of, or concerning, any matter or thing done prior to the revocation of the licence shall not be affected.

Employment of staff by the licensee.

12. (1) The licensee may, in the conduct of his business, employ as many persons as he may consider necessary to be security guards and members of staff and shall at all times during such employment be responsible for the good conduct of each and every persons employed by him.

(2) The Licensee shall not employ as a security guard any person who—

(a) has been convicted of any offence involving moral turpitude or dismissed from Government service on charges of misconduct; *and*

(c) is, in the opinion of the Licensing Officer, not a fit and proper person to be employed as security guard.

(3) Notwithstanding anything contained in sub-section (1), no person shall be employed by a licensee as a security guard until he has submitted to the Licensing Officer a statement containing complete particulars and other information of such person in the prescribed form and the Licensing Officer has conveyed his no objection in writing to the recruitment of such security guard be the licensee.

(4) Every licensee shall maintain the list of all persons employed by him with their full particulars and antecedents at the place of his business.

Possession of arms and ammunition by the licensee.

13. (1) A licensee may possess and keep arms, ammunition and other equipments which may be necessary for performance of the functions of the private security company in accordance with the law and rules applicable for possessing and keeping of arms and ammunition and shall use and retain such arms and ammunition and equipments in the manner as may be prescribed.

(2) A licence to retain any arms, ammunition and other equipments may be issued by Provincial Authorities on the recommendations of the Licensing Officer.

Identification papers.

14. (1) Every security guard shall at all times carry proper identification papers issued by the licensee in such form and containing such particulars as may be prescribed and produce such papers for inspection when so required by the Licensing Officer or any police officer duly authorized in this behalf and shall surrender the identification papers to the licensee when he ceases to be such security guard with the licensee.

(2) Any person, other than security guard, or who has ceased to be a security guard, carrying identification papers of a security guard shall, in addition to any other punishment to which he may be liable under any other law for impersonation be punished with a fine not exceeding thirty thousand rupees and imprisonment for a term which may extend to one month.

Power to inspect and search.

15. (1) Where the Licensing Officer is satisfied upon receipt of any information or after such enquiry as he may think necessary that there is sufficient reason to believe that any

premises is used for carrying on business of a private security company by a person who is not the holder of a license, he may, by warrant or writing under his hand authorize any person named therein, or any police officer not below the rank of Sub-Inspector with such assistance and by such force as is necessary to enter for searching the premises and all person found therein and to seize all documents and things reasonably supposed to have been used or intended to be used in connection with the business of a private security company which are found in that premises or on such persons.

(2) The powers or inspection and search of Licensing Officer specified in sub-section (1) and section 14, may also be exercised by the District Coordination Officer or the District Police Officer of the District where the head office of the company is located either by himself in person or through a Police Officer authorized by him in writing:

Provided that no female shall be searched except by a female Police Officer;

(3) The District Coordination Officer or District Police Officer of the district where head office of the company is located as the case may be, shall, without delay inform the Licensing Officer the result of the inspection and search carried out under this Ordinance.

(4) For the purposes of any enquiry, the Licensing Officer or any officer authorized by him not below an officer of BPS-16 may. for furtherance or such enquiry—

(a) enter, inspect and examine by day or by night the place of business of every licensee; *and*

(b) require the production of records, accounts and documents kept by licensee and to inspect, examine and obtain copies thereof.

(5) Any person who—

(a) refuses the Licensing Officer or any person authorized by him to enter or search any place;

(b) assaults, obstructs, hinders or delays him and the person authorized by him, enter in execution of his duty under this

Ordinance;

(c) fails to comply with any lawful demand of the Licensing Officer or authorized person in execution or his duty under this Ordinance; *or*

(d) refuses or neglects to give any information which may reasonably be required of him and which has in his power to give,

shall be punished with imprisonment for a term which may extend to one year or fine which may exceeding two hundred thousand rupees, or with both.

Liability of directors, officers, etc.

16. Where an offence under this Ordinance has been committed by the company or any person who at the time of commission of the offence was a director, secretary, manager, partner or an officer of the company or who was purporting to act in any such capacity shall unless proves that the offence was committed without his consent or knowledge and that on learning he exercised due diligence to prevent the commission of the offence be deemed to have abetted such offence.

Power to make rules.

17. (1) The Government may, by notification in the official Gazette make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following namely:—

a. the information and documents to be furnished by an applicant about a licence;

b. the taking and recording of photographs and fingerprints of the persons applying for a licence and of every person employed by a licensee:

c. the form of a licence and the identification papers to be issued to the security guards;

d. the uniform, bedge or emblem to be worn by the employees of a licensee;

e. restrain the use or any arms, ammunition and equipment by a licensee; and his

employees;

f. regulating the activities of a licensee and the manner in which the business of a licensee shall be conducted;

g. training for security guards; *and*

h. matters incidental to the above.

Ordinance not to derogation from other laws.

18. The provisions or this Ordinance shall be in addition to and not in derogation of any other law for the time being in force.

Licensees or their employees not exercise powers exercise-able by a certain Government functionaries.

19. Nothing in this Ordinance shall be construed as conferring on a licensee or his employees any of the powers which by any law are conferred upon or exerciseable by a police officer or officers of customs, immigration, prisons, or any other public officer.

Private Security Companies not to be private Military Organization.

20. The Private security company shall not be construed as Private Military Organization for the purposes of Private Military Organizations (Abolition and Prohibition) Act, 1973 (IV of 1973).

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