



Legislative Assembly of the State of Goa

**The Goa Registration of Security  
Agencies and Security  
Personnel Bill, 2005**

(Bill No. 10 of 2005)

~~It~~<sup>As</sup> introduced in the Legislative Assembly of the State of Goa)

**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
JANUARY, 2005**

# The Goa Registration of Security Agencies and Security Personnel Bill, 2005

(Bill No. 10 of 2005)

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BILL

10 *to provide for registration of security agencies and security personnel functioning or employed in the State of Goa and for making provision for the terms and conditions of their employment and their general welfare, so also, to ensure the security of those employing such security agencies and security personnel, and for matters connected therewith and incidental thereto.*

15 BE it enacted by the Legislative Assembly of Goa in the Fifty-fifth Year of the Republic of India as follows:-

## CHAPTER I

### Preliminary

20 1. *Short title and commencement.*— (1) This Act may be called the Goa Registration of Security Agencies and Security Personnel Act, 2005.

(2) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint, and different dates may be  
25 appointed for different provisions of this Act.

2. *Definitions.*— In this Act, unless the context otherwise requires,-

30 (a) "appellate authority" means any officer not below the rank of Joint Secretary to the Government appointed by the Government to

perform the functions of the appellate authority for the purposes of this Act;

(b) "competent authority" means the Under Secretary to the Government in the Home Department or any other Gazetted officer, 5 appointed by the Government for the purposes of this Act;

(c) "certificate" means a certificate of registration issued under section 4 or section 7 of this Act and includes a provisional certificate 10 issued under section 8 of this Act;

(d) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948 (Central Act 63 of 1948);

(e) "Government" means the Government of 15 Goa;

(f) "Home Department" means the Home Department of the Government;

(g) "industrial establishment" means any establishment, operation or process, belonging to or under the control of the Government, local 20 authority, any body corporate or firm, an individual or association or other body of individuals and includes -

(i) a shop or commercial establishment defined under the Goa, Daman and Diu Shops 25 and Establishments Act, 1973 (Act 13 of 1974);

(ii) a motor transport undertaking as defined under the Motor Transport Workers Act, 1961 (Central Act 27 of 1961);

(iii) a plantation as defined under the Plantations Labour Act, 1951 (Central Act 69 of 1951);

(iv) a mine, query, oilfield, or a minor port;

5 (v) a workshop or other establishment in which articles are produced, adapted or manufactured, with a view to their use, transport or sale;

10 (vi) an establishment in which any work relating to the construction, development or maintenance of buildings, roads, bridges or canals, or relating to operations connected with navigation, irrigation or the supply of water, or relating to the generation, 15 transmission and distribution of electricity or any other form of power is being carried on;

(vii) any other establishment or class of establishments which the Government may, having regard to the nature thereof, the need for protection of persons employed therein and other relevant circumstances, specify, by 20 notification in the Official Gazette;

(h) "prescribed" means prescribed by rules made under this Act;

25 (i) "principal employer", in relation to security personnel deployed in a factory or industrial establishment by the security agency or agent, means the person who has ultimate control over the affairs of the factory or industrial establishment and includes any other person to 30 whom the affairs of such factory or industrial

establishment are entrusted, whether such person is called authorized representative, manager or by any other name prevailing in the factory or industrial establishment;

(j) "security agency or agent" , in relation to security personnel, means an individual or body of individuals or a body corporate, which or who employs security personnel in its or his employment on wages and undertakes to execute any security work or watch and ward work on contract, or supervision over that work for any factory or industrial establishment by engaging the security personnel in its or his employment, and includes a sub-agency or sub-agent;

(k) "security personnel" means security guard, security supervisor or security officer, as the case may be, who is registered as such and is engaged directly or through any security agency or agent to do security work or watch and ward work in any factory or industrial establishment but does not include the members of any principal employer's family or any person who is a direct employee of the principal employer.

CHAPTER II

Registration of Security Agency or Agent

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3. *Registration.*— On and from the date of commencement of this Act, no security agency or agent shall function in the State of Goa, unless it or he is registered with the competent authority in the prescribed manner and on payment of prescribed fees:

Provided that a security agency or agent already

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functioning in the State of Goa on the date of commencement of this Act shall apply for registration with the competent authority within three months from the commencement of this Act.

4. *Certificate of Registration.*— The competent authority shall, unless registration is refused under section 5, direct that the name and the particulars of the security agency or agent, as the case may be, entered in the register maintained for the purpose and shall issue a certificate to the security agency or agent, as the case may be, in the prescribed form and on payment of prescribed fees, within a period of three months from the date of receipt of the application.

5. *Refusal to register.*— The competent authority may refuse to register a security agency or agent under this Act, on any of the following grounds, namely:—

(a) if the security agency or agent, as the case may be, has been declared as insolvent by a Court of competent jurisdiction and has not been discharged;

(b) if the name of the security agency or agent, as the case may be, has been removed from the register under clause (b) or clause (c) of subsection (1) of section 6 and twelve months have not elapsed since the date of such removal.

(c) If in the opinion of the competent authority, there is sufficient ground, to be recorded in writing, for refusing registration:

Provided that no application for registration shall be refused unless the person applying for

registration has been afforded a reasonable opportunity of being heard.

6. *Removal of the name from the Register.*— (1) The competent authority may, after affording a reasonable opportunity of being heard, by an order in writing, remove the name of a security agency or agent, as the case may be, from the register and cancel the certificate on any of the following grounds, namely:-

(a) the security agency or agent, as the case may be, has ceased to be so;

(b) the security agency or agent, as the case may be, is declared an insolvent by a Court of competent jurisdiction and has not been discharged;

(c) if any complaint of malpractice is received and proved against the security agency or agent, as the case may be;

(d) if the security agency or agent, as the case may be, lends, transfers or assigns the Certificate in violation of the provisions of section 11.

(2) Any security agency or agent whose name is removed from the register under sub-section (1) shall forthwith cease to be a security agency or agent.

### CHAPTER III

#### Registration of Security Personnel

7. *Registration.*— No security agency or agent registered under this Act shall employ any person as a security personnel unless such person

produces a certificate of registration issued by the competent authority in the prescribed form, and on payment of prescribed fees.

8. *Conditions for registration.*— (1) No person shall be registered by the competent authority as a security personnel unless he fulfils the following conditions, namely:-

(a) (i) for registration as a security guard, he should have passed the VIIth Standard exam from any recognized school;

(ii) for registration as a security supervisor, he should have passed the Higher Secondary School Certificate examination conducted by any Board recognized by the Government;

(iii) for registration as a security officer, he should possess a degree in any field from an University recognized by the Government or a diploma recognized by the Government:

(b) he has successfully undergone a training course in security work or watch and ward work or supervision, as prescribed, and conducted by agencies approved by the Home Department;

Provided that the requirement of such training course shall not be applicable to an Ex-serviceman who is duly certified to be an ex-serviceman by the Rajya Sainik Board or to a person who has served in a paramilitary force or in the Central Industrial Security Force for a period of at least five years and had not been discharged dishonorably:

Provided further that in case of security officer, no such training shall be required, if he possesses

a Diploma in security and Investigation Technology.

(c)(i) he produces a certificate of good moral character in the form prescribed for the purpose, for a minimum period of fifteen years, 5 from any Mamlatdar/Joint Mamlatdar appointed by the Government for any of the talukas in the State of Goa, or from any Gazetted Officer of the Government alongwith his application for such registration; and

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(ii) he has working knowledge of Konkani or Marathi language:

Provided that in case of Ex-servicemen, the minimum period under clause (c) (i) shall be two years. 15

Provided further that any person, who has worked or has been working as a security personnel in the State of Goa for a period of at least five years preceding the date of commencement of this Act and can produce evidence of the same to the satisfaction of the competent authority, may be exempted from the provisions of the clause (c) 20 (i) above:

(d) he produces a sworn Affidavit stating that he was not convicted and there is no criminal case pending against him, for any offence 25 involving moral turpitude.

(2) Notwithstanding anything contained in sub-section (1), the competent authority may issue a provisional certificate of registration in the prescribed form valid for a period of one year from the date of its issue so as to enable an applicant to 30

complete the training course referred to in sub-section (1):

Provided that if a person who has been granted provisional registration under this sub-section fails 5 to complete the training course referred to in sub-section (1) within the validity period of the provisional certificate of registration, the competent authority may, for good and sufficient reasons, extend the provisional registration for a 10 maximum period of six months, after which, such person shall be eligible only for a permanent registration on successful completion of the Training Course.

#### CHAPTER IV

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#### Appeal

9. Appeal.— (1) Subject to the provisions of sub-section (2), an appeal shall lie from an order of refusal to register passed by the competent authority under this Act to the appellate authority.

20 (2) Every such appeal shall be preferred within 60 days from the date of communication of the order:

Provided that the appellate authority may entertain the appeal after the expiry of the said 25 period of 60 days but not later than 90 days from the date of communication of such order if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time.

(3) On receipt of any such appeal, the appellate 30 authority shall, after giving the appellant a reasonable opportunity of being heard and after

making such enquiry as it deems proper, pass such order as it may deem fit, after recording the reasons therefore and such order shall be final and binding on the appellant.

CHAPTER V

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Offence and Penalties

10. *Penalty for default in registration.*— (1) Any security agency or agent functioning in the State of Goa without proper registration under this Act or in violation of any of the provisions of this Act or the rules made thereunder, shall be punishable by the competent authority with fine which may extend to Rs. 1000/- on the first occasion and to Rs. 5000/- on every subsequent occasion.

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(2) Any industrial establishment or factory or organization or any person engaging the services of security agency or agent which or who is not registered under this Act shall be liable for fine of Rs. 100/- for each day of such violation:

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Provided that in case of engagement of services of a security personnel who does not possess a certificate of registration issued under this Act, the fine shall be at the rate of Rs. 100/- per day per person for such violation.

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*Explanation:*— A person who has made an application within the period specified under the proviso to section 3 and which is pending disposal, shall not be a defaulter for the purpose of this section.

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11. *Certificate not to be assigned.*— Any person who lends, transfer or assigns the certificate issued

under this Act, shall be punishable by the competent authority with fine which may extend to Rs. 1000/- besides being liable for removal of the name from the register under section 6.

5. 12. *Certificate and documents to be shown to persons on demand.*— (1) Any person registered under this Act, as a security personnel shall, at all times on demand, produce and show his certificate or any other document required under this Act or the rules made thereunder to the competent authority or any officer authorized by him in this behalf.

10 (2) Any such person who refuses on demand to show his certificate or document, or allow it to be read by any of the persons authorized to demand it, shall be punishable by the competent authority with fine not exceeding Rs. 1000/-

15 13. *Penalty for malpractice.*— If any security agency or agent or security personnel, as the case may be, commits a malpractice or contravenes any other provision of this Act or the rules made there under for which no specific penalty has been provided, shall be punishable by the competent authority with fine which may extend to Rs. 5000/-

CHAPTER VI

Miscellaneous

14. *Validity of certificate and renewal.*— (1) Every certificate issued under section 4 or section 7 of this Act shall be valid for a period of five years, from the date of its issue or until cancelled under the provisions of this Act, whichever is earlier.

(2) A certificate issued under section 4 or section 7 of this Act may be renewed for a further period of five years on payment of prescribed fees.

15. *Return of Certificate.*— When a certificate is cancelled under this Act, the person holding such certificate shall, within 10 days from the date of communication of the order of cancellation, return it to the competent authority.

16. *Duplicate certificate.*— If a certificate issued under this Act is lost, damaged or destroyed, the competent authority shall, on an application made in that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.

17. *Certificate to be kept exhibited.*— The certificate shall be exhibited by the security agency or the agent holding it in a conspicuous place at the principal place of his business and in case of security personnel, he shall carry it on his person.

18. *Power to inspect.*— The competent authority or any person authorized by him in this behalf may, inspect at all reasonable times, the premises in which a security agency or agent, as the case may be, carries on its or his business or any premises where a security agency or agent operates and require such agency or agent to produce any document kept in pursuance of this Act or the rules made thereunder for inspection, and to verify whether such agency or agent is duly registered under the provisions of this Act.

19. *Powers and duties of police in respect of contraventions and assistance to competent authority.*— Any police officer in charge of a Police

Station shall give immediate information to the competent authority of any contravention of this Act, coming to his knowledge and shall assist the competent authority in the exercise of his lawful authority.

20. *Power to frame scheme.*— The Government may, by notification in the Official Gazette, frame a scheme, generally for making provision for the terms and conditions of employment of the security personnel and their general welfare, in the manner prescribed and such scheme shall be binding.

21. *Power to exempt.*— The Government may, subject to such terms and conditions as deemed fit and for reasons to be recorded by order, exempt for such period as may be specified in the order, any factory or industrial establishment from the operation of all or any of the provisions of this Act.

22. *Bar of jurisdiction of civil courts.*— No civil court shall have jurisdiction to entertain, settle, decide or deal with any matter under this Act.

23. *Protection of action taken in good faith.*— No suit, prosecution or other legal proceedings shall lie against the Government or any authority under this Act for anything which is done or is purported to be done, in good faith under this Act or the rules made thereunder.

24. *Power to make rules.*— (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.



(2) In particular and without prejudice to generality of the foregoing powers, such rules may provide for:—

(a) the maintenance of registers, books and forms by a security agency or agent for 5 conducting its or his business;

(b) the forms of applications for registration and for certificates of registration;

(c) the fee for registration; and its renewal and the manner of its payment; 10

(d) the details of training courses;

(e) fee for issue of duplicate certificate;

(f) the manner of framing schemes under the Act;

(g) any other matter which is to be or may be 15 prescribed.

25. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such 20 provision not inconsistent with the provisions of this Act as may appear to be necessary for removing the difficulty;

Provided that no order shall be made under this section after the expiry of three years from the 25 date of commencement of this Act.

(2) Every order made under sub-section (1) shall be laid before the State Legislature.

## Statement of Objects and Reasons

It has been observed that many security agencies and agents are in operation in this State providing security services to factories, industrial establishments, etc. It has also been observed that these security agencies and or agents operate independently without any statutory provision to regulate their functioning and other matters incidental thereto. It has also come to the notice of the Government that security personnel have been employed in this State without verifying their character and antecedents and of late criminal cases have also been reported involving such security personnel.

The matter has been considered by the Government and it has been found necessary to enact a legislation to make provision for matters, such as, registration of security agencies and security personnels functioning or employed in the State of Goa upon verification of their character and antecedents for a particular prior period and for matters connected therewith and incidental thereto.

This Bill seeks to achieve the above objects.

## Financial Memorandum

There will be no additional expenditure involved in implementing the provisions of this Bill as the same will be done through the existing machinery.

### Memorandum Regarding Delagated Legislation

Clause 1(2) of the Bill empowers the Government to appoint, by notification in the Official Gazette, the date on which the Act shall come into force. Clause 2 (a) of the Bill empowers the Government to appoint any Officer not below the rank of Joint Secretary to the Government as Appellate Authority for the purposes of the Act. Clause 2(b) of the Bill empowers the Government to appoint the Under Secretary to the Government in the Home Department or any other Officer as Competent Authority for the purposes of the Act. Clause 3 of the Bill empowers the Government to frame rules to specify the manner in which the security agency or agent shall be registered with the competent authority and to specify the fees for the purpose. Clause 4 of the Bill empowers the Government to specify by way of rules the form of the certificate of registration of the security agency or agent and the fees to be paid for the purpose. Clause 7 of the Bill empowers the Government to frame rules to specify the form of the certificate of registration of the security personnel and the fees to be paid for the purpose. Clause 8 (1) (b) of the Bill empowers the Government to frame rules to specify the type of training course in security work or watch and ward work or supervision, which has to be undergone successfully by security personnel to be entitled to be registered under this Act. Clause 8 (c) (i) of the Bill empowers the Government to frame rules to specify the form of the certificate of good moral character to be produced by security personnel for registration under this Act. Clause 8 (2) of the Bill empowers the Government to frame rules to specify the form of the provisional certificate of registration. Clause 14 (2) of the Bill empowers the

Government to frame rules to specify the fees for renewal of the certificate issued under section 4 or section 7 of the Act. Clause 16 of the Bill empowers the Government to specify by way of rules the fee to be paid for issue of a duplicate certificate. Clause 20 of the Bill empowers the Government to frame a scheme in the manner to be specified in the rules. Clause 21 of the Bill empowers the Government to issue an order to exempt any factory or industrial establishment from the operation of all or any of the provisions of the Act. Clause 24 of the Bill empowers the Government to make rules for carrying out the purposes of the Act. Clause 25 of the Bill empowers the Government to issue an order remove any difficulty which arises in giving effect to the provisions of the Act.

These delegations are of normal character.

Assembly Hall,  
Porvorim, Goa,  
3rd January, 2005.

MANOHAR PARRIKAR  
Chief Minister

Assembly Hall,  
Porvorim, Goa,  
3rd January, 2005.

S. A. NARVEKAR  
Secretary Legislature