

BALUCHISTAN PRIVATE SECURITY COMPANIES ORDINANCE, 2001

(Baln. Ordinance L of, 2001)

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'THE BALOCHISTAN PRIVATE SECURITY COMPANIES
ORDINANCE, 2001

(Baln. Ordinance L of 2001)

[28" 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, THEREFORE, 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 1. (1) This Ordinance may be called the Balochistan
and Private Security Companies Ordinance, 2001.

commencemen

t. (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? (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

1 This Ordinance was promulgated by the Governor of Balochistan on 23" October, 2001; published in the Balochistan Gazette

(Extraordinary) No. 189, dated 28" November, 2001; and declared continue in to be force by Article 270 AA (2) of the Constitu
the Islamic Republic of Pakistan (1974).

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

(d)

(e)

(f)

(g)

(h)

Ordinance not to 3.

apply to Civil

Armed Forces (a)

and Armed

Forces, etc.

(b)

Private Security 4.

Companies

employees not

to wear certain

uniform.

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;

"licensee" means the holder of a licence;

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

"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;

"prescribed" means prescribed by rules made
under this Ordinance; and

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

The provisions of this Ordinance shall not apply to:—

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

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.

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.

Procedure for grant
and renewal of
licence, etc.

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.

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 ' 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)

(iv)

it is not in the public interest to do so;

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 8" October, 1984.

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Appeal.

Exhibition of
Licence.

Penalties.

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

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.

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.

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.

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 8" 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 19847;

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

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

(1)

(ii)

(iii)

(iv)

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;

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

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;

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

? Ordinance XLVII of 1984; published in the Gazette of Pakistan (Extraordinary), part I, dated 8" October, 1984.

Effect of revocation
of license, etc.

Employment of
staff by the
licensee.

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.

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.

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

Possession of arms
and
ammunition by
the licensee.

Identification
papers.

Power to inspect
and search.

(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.

13. () 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.

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.

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

Liability of
directors,

officers, etc.

Power to make
rules.

Ordinance;

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

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

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

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 he 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.

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

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Ordinance not to

derogation
from other
laws.

Licensees or their

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

Private Security

Companies not
to be private
Military
Organization.

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

matters incidental to the above.

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

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 exercisable by a
police officer or officers of customs, immigration, prisons, or
any other public officer.

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).