

KARNATAKA ACT NO. 44 OF 2017

THE KARNATAKA PUBLIC SAFETY (MEASURES) ENFORCEMENT ACT, 2017

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STATEMENT OF OBJECTS AND REASONS

Act 44 of 2017.- The object of the Karnataka Public Safety (Measures) Enforcement Bill, 2017 is,-

- (i) to enable the need of the Police Department to have access to a public surveillance system to maintain a visual record of individuals in order to prevent, track and detect crimes including thefts and public security and public order;
- (ii) to improve preventive policing to safeguard against security threats including terrorist attacks;
- (iii) to curb crime rates, terrorism, illegal activities, aid in investigation, prosecution and trial of various crimes by ensuring a safer and secured atmosphere to the public;

Therefore, it is considered necessary to provide for,-

- (i) the Public Safety Measures at the Establishments in the State such as Commercial establishments, industrial establishments, religious places, educational institutions, hospitals, sports complexes, railway stations, bus stations, places of organised congregations and such other establishments as specified by the Government by notification;
- (ii) installation of public surveillance system such as CCTVs by owners of establishments at their own cost and to provide for making available video recordings up to 30 days to the designated

police authorities as and when required in the investigation of specific crimes;

- (iii) the liability for installation and proper maintenance of video footage on the notified establishment;
- (iv) penal provisions if notified establishments fails to install the public surveillance.

and matters connected therewith or incidental thereto.

Hence, the Bill.

[L.A. Bill No 36 of 2017, File No. Samvyashae 38 Shasana 2017]

[entry 1 and 2 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 44 OF 2017

(First Published in the Karnataka Gazette Extra-ordinary on the 7th day of December, 2017)

THE Karnataka Public Safety (Measures) Enforcement Act, 2017

(Received the assent of Governor on the 6th day of December, 2017)

An Act to provide for the Public Safety Measures at the Establishments in the State.

Whereas it is expedient to provide for the Public Safety Measure at the Establishments in the State and for matters connected therewith or incidental thereto.

Be it enacted by the Karnataka State Legislature in the Sixty-eighth year of the Republic of India, as follows:-

1. Short title, extent and commencement.- (1) This Act may be called the Karnataka Public Safety (Measures) Enforcement Act, 2017.

(2) It extends to the whole areas of Bruhat Bengaluru Mahanagar Palike and other Corporations constituted under the Karnataka Municipal Corporations Act, 1976, and to such other areas and places as may be identified and notified by the State Government from time to time.

(3) It shall come into force on such date as the State Government may, by notification in the official Gazette, appoint.

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

(a) **“Establishment”** means a place frequented by large number of people with a likelihood of public gathering of hundred people or more at a time or Five Hundred per day such as commercial establishments, industrial establishments, religious places, educational institutions, hospitals, sports complexes, railway stations, bus stations, places of organized congregations, such other establishments as the Government, may by notification declare to be an establishment for the purpose of this Act;

(b) **“Government”** means the state Government of Karnataka;

(c) **“License”** means a valid permission or license to build or run an establishment obtained under the Karnataka Municipal Corporations Act, 1976 or the Bangalore Cinemas (Regulation) Act, 1964 or the Karnataka Education Act, 1983 or any other Act or the rules made under the relevant Acts for this purpose;

(d) **The Licensing (sanctioning) Authority”** means an authority competent to issue license to build or run an establishment under the Karnataka Municipal Corporations Act, 1976 or the Karnataka Cinemas (Regulation) Act, 1964 or the Karnataka Education Act, 1983 or an authority competent to issue permission or license for running an establishment;

(e) **“Notification”** means a notification published by the Government in the Karnataka Gazette and the word notified shall be construed accordingly;

(f) **Prescribed”** means prescribed by the Government by rules made under this Act;

(g) **Public Safety Measures”** means Access Controls and Closed Circuit Television

Surveillance at entry and exit points and common public places of the establishments and their parking areas as prescribed by the Government by installing;

- (i) Access Controls through Physical and Technical means;
- (ii) Surveillance through Closed circuit television surveillance cameras with a provision for storage of video footage for thirty days;
- (iii) The technical equipment; adhering to the specifications notified by the Government; and
- (iv) Any other technical equipment as notified by the Government from time to time to enhance public safety.

3. Liability to provide Public Safety Measures.- (1) Every owner or manager or person or the persons who are running an establishment shall, provide and maintain public safety measures so as to ensure safety and security of the public visiting their establishment; and

(2) Every owner or manager or person or the persons who are running an establishment shall save or store video footage properly for a period of thirty days or as notified by the Government and provide the same as and when required by an Inspector of Police having jurisdiction over the area or any other authority as may be notified by the Government.

4. Liability for filing periodical returns.- (1) Every owner or manager or person or the persons who are running an establishment shall file periodical returns in such manner and in such proforma as may be prescribed, certifying that the Public Safety Measures are provided, properly maintained and the relevant equipments are in working condition, once in every three months, to the concerned Inspector of Police having jurisdiction over the area. Those failing to file periodical returns are liable to pay a fine of rupees two thousand in the first instance and rupees four thousand from subsequent instance.

(2) Every owner or manager or person or the persons who are running an establishment as on the date of commencement of this Act, shall, implement public safety measures within a period of three months from the date of commencement of this Act or before the next date of renewal of license, whichever is earlier.

5. Powers of Inspectors of Police to inspect premises.- The Inspector of Police having jurisdiction over the area, as specified in the rules, may at any time, without prior notice, enter into any establishment, inspect and check as regards the installation and functioning of the public safety measures and in case of any default or violation shall send a report to the Assistant Commissioner of Police (ACP) or as the case may be the Sub Divisional Police Officer (SDPO) concerned having jurisdiction over the area.

6. Failure to provide Public Safety Measures.- (1) The Assistant Commissioner of Police (ACP) or as the case may be the Sub Divisional Police Officer (SDPO) of the area concerned shall, on receipt of report from the concerned Inspector of Police having jurisdiction over the area under section 5, in case of non compliance issue a show cause notice to the owner or manager or person or the persons who are running any such establishment, giving fifteen days time for compliance.

(2) An owner or manager or person or the persons who are running any such establishment, on receipt of show cause notice issued under sub-section (1), fails to comply with the directions of notice, the concerned Assistant Commissioner of Police (ACP) or as the case may be the Sub Divisional Police Officer (SDPO) may, levy a compounding fee on

the owner or manager or person or the persons who are running such establishment,-

- (i) for the first month of default - Rs. 5,000/-
- (ii) for the second month of default - Rs. 10,000/-

(3) In case of any failure on the part of the owner or manager or person or the persons who are running any such establishment, to comply with the directions, within a period of one month supervisory committee as specified in the rules shall examine explanation of the owner or person or persons who are running any such establishment and if the explanation is not satisfactory, the Inspector of Police having jurisdiction over the area shall, seal the premises temporarily and send a report to licensing authority concerned, through the Assistant Commissioner of Police (ACP) or as the case may be the Sub Divisional Police Officer (SDPO) having jurisdiction over the area:

Provided that the religious institutions of Endowments Department or any other religious place and educational institutions shall not be sealed.

(4) The licensing authority concerned shall, on receipt of such report under sub-section (3), issue show cause notice to the owner/manager/ person or the persons who are running any such establishment and shall cancel license.

7. Appeals .- (1) Any person or establishment aggrieved by the order under or any of action of Assistant Commissioner of Police or sub-division police officer taken under this Act, may prefer an appeal to the jurisdictional Deputy Commissioner of Police or Superintendent of Police as the case may be within thirty days from the date of order or action. The Deputy Commissioner of Police or Superintendent of Police as the case may be shall hear and dispose the appeal in such manner as may be prescribed.

(2) Any person or establishment aggrieved by the order of the Deputy Commissioner of Police or Superintendent of Police; may prefer a second appeal to the Commissioner of Police or the Inspector General of Police of the range as the case may be, within thirty days from the date of such order and in all cases order of the Commissioner of Police or the Inspector General of Police shall be final. The Commissioner of Police or the Inspector General of Police shall dispose such applications in such manner as may be prescribed.

8. Protection of action taken in good faith.- No suit, prosecution or legal proceedings shall lie against any authority or officer for anything done in good faith or intended to be done in pursuance of this Act or any rule or order made thereunder.

9. Savings.- The provisions of this Act shall be in addition to and not in derogation of provisions of any other law for the time being in force and nothing contained in this Act, shall exempt any person from any proceeding (whether by way of investigation or otherwise), which might apart from this Act, be instituted or taken against him.

10. Power to make rules.- (1) The Government may, by notification, after previous publication make rules for carrying out all or any of the purposes of this Act.

(2) Every rule made under this Act shall, immediately after it is made, be laid before the Legislature of the State, if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprised in one session or in two successive sessions and if, before the expiration of the session in which it is so laid or the session immediately following the Legislature of the State agrees in making any modification in the rule or in the annulment of the rule, the rule shall, from the date on which the modification or annulment is notified, have effect only in such modified form or

shall stand annulled as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

The above translation of ಕರ್ನಾಟಕ ಸಾರ್ವಜನಿಕ ಸುರಕ್ಷೆಯ (ಕ್ರಮಗಳ) ಜಾರಿ ಅಧಿನಿಯಮ, 2017 (2017ರ ಕರ್ನಾಟಕ ಅಧಿನಿಯಮ ಸಂಖ್ಯೆ: 44) be published in the Official Gazette under clause (3) of Article 348 of the Constitution of India.

VAJUBHAI VALA
GOVERNOR OF KARNATAKA

By Order and in the name of the Governor of
Karnataka

K. DWARAKANATH BABU
Secretary to Government
Department of Parliamentary Affairs