

ANDHRA PRADESH PUBLIC SAFETY (MEASURES) ENFORCEMENT ACT, 2013

(ACT NO. 6 OF 2013)

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title extent and commencement
2. Definitions
3. Liability to provide Public Safety Measures
4. Liability for filing periodical returns
5. Powers of Inspectors of Police to inspect premises
6. Failure to provide Public Safety Measures
7. Protection of action taken in good faith
8. Savings
9. Power to make rules

ANDHRA PRADESH PUBLIC SAFETY (MEASURES) ENFORCEMENT ACT,
2013

(ACT NO. 6 OF 2013)

[6th July, 2013]

AN ACT TO PROVIDE FOR THE PUBLIC SAFETY MEASURES AT THE ESTABLISHMENTS IN THE STATE AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

Be it enacted by the Legislature of the State of Andhra Pradesh in the Sixty-Fourth year of the Republic of India as follows:-

1. Short title, extent and commencement - (1) This Act may be called the Andhra Pradesh Public Safety (Measures) Enforcement Act, 2013.

(2) It extends to the whole areas of Greater Hyderabad Municipal Corporation, Vijayawada Municipal Corporation, Visakhapatnam Municipal Corporation, the Corporations constituted under the Andhra Pradesh Municipal Corporations Act, 1994, and 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 Andhra Pradesh 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 100 people or more at a time, such as commercial establishments, industrial establishments, religious places, educational institutions, hospitals, sports complexes, railway stations, bus stations, places of organized congregations and 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 Andhra Pradesh;

(c) "License" means a valid permission or license to build or run an establishment obtained under the Greater Hyderabad Municipal Corporation Act, 1955 (Act II of 1955) or the Andhra Pradesh Municipal Corporations Act, 1994 (Act 25 of 1994) or the Andhra Pradesh Cinemas (Regulation) Act, 1955 (Act IV of 1955) or Andhra Pradesh Education Act, 1982 (Act 1 of 1982) 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 Greater Hyderabad Municipal Corporation Act, 1955 or the Andhra Pradesh Municipal Corporations Act, 1994 or the Andhra Pradesh Cinemas (Regulation) Act, 1955 or the Andhra Pradesh Education Act, 1982 or an authority competent to issue permission or license for running an educational institution;

(e) "Notification" means a notification published by the Government in the Andhra Pradesh 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 of the establishments and their parking areas 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 30 days;
- (iii) The technical equipments; adhering to the specifications notified by the Government.

3. Liability to provide Public Safety Measures - (1) Every owner/manager/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.

(2) Every owner/manager/person or the persons who are running an establishment shall save/store video footage properly for a period of 30 days 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/manager/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 six months, to the concerned Inspector of Police having jurisdiction over the area.

(2) Every owner/manager/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 six 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, 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, issue a show cause notice to the owner/manager/person or the persons who are running any such establishment, giving 15 days time for compliance.

(2) An owner/manager/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/manager/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/manager/person or the persons who are running any such establishment, to comply with the directions, within a period of two months, 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 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 initiate action as per the provisions of law governing the issuance of license.

7. 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.

8. 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.

9. Power to make rules - (1) The Government may, by notification, 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.

A. SANTHOSH REDDY,
Secretary to Government,
Legislative Affairs & Justice,
Law Department