

**HOME SECRETARIAT
NOTIFICATION**

No:HD 426 SST 2017 Bengaluru, dated: 28.06.2018.

Whereas the draft of the Karnataka Public Safety (Measures) Enforcement Rules, 2018 was published as required by sub-section (1) section 10 of the Karnataka Public Safety (Measures) Enforcement Act, 2017 (Karnataka Act 44 of 2017) in Notification No. HD 426 SST 2017, dated 27.02.2018 in part-IV-A of the Karnataka Gazette (Extra-ordinary) No. 320 dated 27.02.2018 inviting objections and suggestions from all persons likely to be affected thereby within fifteen days from the date of its publication in the Official Gazette.

And whereas the said Gazette was made available to public on 27.02.2018.

And whereas no objections or suggestions were received in respect of the said draft by the State Government.

Now, therefore, in exercise of the powers conferred by sub-section (1) section 10 of the Karnataka Public Safety (Measures) Enforcement Act, 2017 (Karnataka Act 44 of 2017), the Government of Karnataka hereby makes the following rules, namely:-

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Public Safety (Measures) Enforcement Rules, 2018.

(2) They shall come into force from the date of their final publication in the Official Gazette.

2. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Act" means the Karnataka Public Safety (Measures) Enforcement Act, 2017 (Karnataka Act No 44 of 2017);

(b) "Annexure" means Annexure appended to these rules;

(c) "Association" means;

(i) Group of owners of various shops or commercial places in any commercial establishment where such premises is given for lease or owned by them, and;

(ii) Group of individual shops and establishments concentrated in a particular area giving scope for more congregations at any given point of time (Area Shops and Establishment Associations);

(d) "Assistant Commissioner of Police (ACP) or Sub Divisional Police Officer (SDPO)" means, as the case may be having jurisdiction over the area;

(e) "Form" means a form appended to these rules;

(f) "Inspector" means Inspector of Police having jurisdiction over the area;

(g) "License" means a valid permission or license to build or run an establishment obtained under the Karnataka Municipalities Act, 1965 or the Karnataka Cinemas (Regulation) Act, 1964 or Factories Act, 1948 or the Karnataka Education Act, 1983 or any other Act or the rules made under the relevant Acts for this purpose;

(h) "Licensing Authority" means an authority competent to issue license to build or run an establishment under the Karnataka Municipalities Act, 1976, or the Karnataka Cinemas (Regulation) Act, 1964 or Factories Act, 1948 or the Karnataka Education Act, 1983 or an authority competent to issue permission or license for running an establishment;

(i) "Sectoral Committee" means, a committee formed in accordance with the provisions of rule 3;

(j) "Supervisory Committee" means, a committee formed in accordance with the provisions of rule 8;

(2) The words and expressions used but not defined in these rules, shall have the same meaning respectively assigned to them in the Act;

3. Sectoral Committee.- (1) The Commercial Establishments or Group of Establishments of a locality may form a Sectoral Committee consisting of representatives from the owners of such commercial establishments or group of establishments in their locality to aid and assist the supervisory committee in the implementation of the Public Safety Measures.

(2) The formation of such committee shall be informed to the Assistant Commissioner of Police (ACP) or Sub Divisional Police Officer (SDPO) through the Inspector of Police having jurisdiction over the area.

4. Every establishment or association shall provide equipment of minimum technical specifications for Access Control and Surveillance Devices (CC TVs) as under.-

(i) Access Control devices:

Sl. No.	Technical Specifications
(1)	(2)
(1)	Door Frame Metal Detector Checkmate (DFMDC)
(2)	Hand Held Metal Detector (HHMD)
(3)	Vehicle Bottom Search Mirror (For the establishments specified by the Supervisory Committee)

(1)	(2)
(4)	Baggage Scanner (For the establishments specified by the Supervisory Committee)
(5)	Sniffer Dogs (For the establishments specified by the Supervisory Committee)
(6)	Any other equipment or measure suggested by the Supervisory Committee.

(ii) Surveillance Devices (CC TVS):

Sl. No.	Minimum Technical Specifications	
(1)	(2)	
(1)	Resolution	Full HD 1920 X 1080 or higher
(2)	Minimum Illumination	0.01 Lux or higher
(3)	Lens	Focal length 3.6 mm or higher
(4)	Distance to be covered	IR LED (In Built IR) – 50 yards or higher
(5)	Platform Video Format	Open Network Video Interface Format (ONVIF) Compliant or Equivalent (H.264 Compression)
(6)	Required Storage Capacity (N.V.R)	Minimum 30 days
(7)	Any other equipment or measure suggested by the Supervisory Committee.	

- (iii) Every establishment or association shall keep one of the employees or a person from outsourcing agency having trained to operate Electronic Devices like Access control and CCTV Cameras.
- (iv) Every establishment or association shall bear the cost of providing Public Safety Measures.
- (v) Cameras shall run 24 x 7 even when the establishment is closed.
- (vi) The cameras shall be in such a way that it should cover the approach areas at the entry and exit points of establishments and also entry and exit points of parking lots of the establishment up to a distance of fifty yards.
- (vii) It shall have thirty days storage facility.
- (viii) Commissioner of Police in the Commissionerate and Superintendents of Police in the District Police Units shall develop a special wing with personnel who are having knowledge and expertise in the subject of functioning of electronic devices like Access Control and CCTV Devices.

5. Liability for filing periodical returns.- (1) Every owner or Manager or Person or the Persons or Association who are running an establishment shall file periodical returns in such manner certifying that the Public Safety Measures are provided, properly maintained and the relevant equipments in Form No.15 either electronic form or physically, appended to the rules to the Inspector of Police having jurisdiction once in three months.

(2) Every Owner or Manager or Person or the Persons or Association who are running an establishment shall enclose renewal of license along with application Form No.16, while applying before the Competent Licensing Authority.

6. Functions of the Inspector of Police:- (1) The Inspector of Police shall maintain a register of Establishments identified in his jurisdiction under these rules as specified in Form No. 2.

(2) The Inspector of police shall inspect ten percent at random the establishments within the area of jurisdiction, in each quarter and submit Inspection report in Form No. 3, to the Assistant Commissioner of Police or Sub Divisional Police Officer as the case may be, wherever non compliance is noticed report in Form No. 4.

(3) The Inspector of Police shall take assistance of the special wing constituted in this behalf at the time of inspection.

(4) In case of any failure on the part of the Owner or Manager or Person or the Persons or Association who are running any such establishment, to comply with the directions, within a period of two months from the date of levying of the 2nd month compounding fee, the Inspector of Police having jurisdiction over the area shall send a report to the Supervisory Committee through Assistant Commissioner of Police or Sub Divisional Police Officer concerned in Form No. 10.

(5) The Inspector of Police having jurisdiction over the area of establishment shall seal the premises temporarily in Form No. 13 on receipt of the orders from Supervisory Committee in Form No. 12.

(6) The Inspector of Police, at the time of sealing the establishment shall give time of 24 hours for necessary disposal of perishable goods found at the establishment.

(7) The Inspector of Police shall send a report about sealing of establishment to the licensing authority concerned through Assistant Commissioner of Police or the Sub Divisional Police Officer as the case may be having jurisdiction over the area in Form No.14.

7. Functions of the Assistant Commissioner of Police or Sub Divisional Police Officer.- (1) The Assistant Commissioner of Police or Sub Divisional Police Officer as the case may be having jurisdiction over the area under section 6, issue a

show cause notice as in Form No. 5 appended to these rules to the Owner or Manager or Person or Association who are running any such establishment giving fifteen days time for compliance on receipt of a report from the Inspector of Police regarding non compliance.

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

(a) For the first month of default - Rs. 5,000/- (in Form No.7)

(b) For the second month of default - Rs. 10,000/- (in Form No. 8)

(3) The Assistant Commissioner of Police or Sub Divisional Police Officer having jurisdiction over the area shall maintain register of show cause notice or compounding fee in Form No. 6.

(4) The Assistant Commissioner of Police or Sub Divisional Police Officer having jurisdiction over the area shall issue receipt for compounding fee as specified in Form No. 9.

(5) The Assistant Commissioner of Police or Sub Divisional Police Officer having jurisdiction over the area on receipt of report of the Inspector of Police as specified in sub-rule (4) of rule 6 shall place that report before the Supervisory Committee.

(6) The Assistant Commissioner of Police or Sub Divisional Police Officer having jurisdiction over the area shall forward the report of the Inspector of Police having sealed the establishment to the licensing authority.

(7) The compounding fee collected shall be deposited in the relevant Head of Account as may be notified by the Government.

8. Supervisory Committee.- (1) The Supervisory Committee in Police Commissionerate shall be constituted by Jurisdictional Commissioner of Police in their respective cities. The jurisdiction of the Committees so constituted shall be a sub-division and this jurisdiction shall be coterminous with the jurisdiction of Assistant Commissioner of Police in the Police Commissionerates and Sub Divisional Police Officer in the districts.

(2) The Supervisory Committee consisting of a representative each from Municipal Corporation or Municipality, Revenue Department and Police Department. The representatives shall be of the following cadre, namely:-

- (i) Zonal Commissioner or Municipal Commissioner, as the case may be, having jurisdiction shall nominate an officer not below the rank of Assistant City Planner of Bruhat Bengaluru Mahanagara Palike or City Planning Officer in respect of Corporations like Mysuru, Hubballi - Dharwad, etc or Town Planning Officer or Town Planning Supervisor in respect of Other Municipalities;
- (ii) Revenue Divisional Officer having jurisdiction shall nominate an officer not below the rank of Assistant Revenue Officer;
- (iii) Assistant Commissioner of Police or Sub Divisional Police Officer, as the case may be, having jurisdiction over the area;
- (iv) Assistant Commissioner of Police or Sub Divisional Police Officer, as the case may be, having jurisdiction shall be the Convener of the Supervisory Committee.

9. The functions of Supervisory Committee.- (1) The Committee shall identify an establishment under the Act and maintain the same as specified in Form No. 1;

(2) The Supervisory Committee shall on receipt of the report of the Inspector of Police, forwarded through Assistant Commissioner Of Police or SUB DIVISIONAL POLICE OFFICER having jurisdiction of the area in Form No.10 that the establishment has failed to comply with the rules even after levying 2nd month compounding fee, shall issue show cause notice in Form No.11, appended to these rules for sealing the establishment for non compliance;

(3) The Supervisory Committee may visit the establishment, if necessary;

(4) The Supervisory Committee shall pass the sealing order in Form No.12, within seven days from the date of the receipt of explanation for the show cause notice;

(5) Supervisory Committee shall take the assistance of the Sectoral Committee in the effective implementation of Public Safety Measures.

10. The functions of the Licensing Authority.- (1) The Licensing Authority while issuing a license shall make it binding on the establishment for compulsory implementation of public safety measures.

(2) The Licensing Authority shall, at the time of renewal of license, ensure that the establishment is implementing the public safety measures without any violation.

(3) On receipt of report from Assistant Commissioner of Police or SUB DIVISIONAL POLICE OFFICER having jurisdiction regarding temporary sealing of the premises, the licensing authority shall issue show cause notice to the owner or manager or person or the persons or association who are running any such establishment and initiate action as per the provisions governing the issuance of license.

By Order and in the name of The Governor of Karnataka,

K.PADMINI DEVI

Under Secretary to Government,
Home Department, (Law & Order)