

Bill Summary

The Assam Public Safety (Measures) Enforcement Bill, 2023

- The Assam Public Safety (Measures) Enforcement Bill, 2023 was introduced in the Assam Legislative Assembly on March 10, 2023. The Bill seeks to provide for public safety measures at government as well as private establishments. Key features of the Bill include:
- **Public safety measures:** The bill mandates specified establishments and residential buildings to take certain measures for public safety. They must install: (i) access control through physical and technical means, and (ii) closed circuit television (CCTV) cameras at all entry and exit points and common areas. The CCTV cameras must store video footage for 30 days and must be made available to the Police whenever required. Establishments include: (i) any place of business or office with at least five people, (ii) government buildings, public institutions, bus stands, and railway stations, (iii) industrial and commercial establishments, (iv) schools, colleges, sports complexes, hospitals, cinema halls, places of congregation, and storage buildings, and (v) other establishments notified by the state government. Residential buildings refer to a building used for residential purposes which is: (i) above ground level plus two floors and (ii) has one or more family dwelling units or lodgings.
- **Timeline to implement measures:** The obligated entities must implement the required measures within one year from the commencement of the Act, or before the due date for renewal of license in case of establishments, whichever is earlier.
- **Periodical returns:** The obligated entities must file a return every six months certifying that the required measures are operational.
- **Inspection of premises:** An Inspector of Police may enter the premises of an obligated entity to check the functioning of public safety measures. The Inspector must give prior notice. In case of violation of the provisions of the Bill, the Inspector is required to send a report to the Assistant Commissioner of Police, the Deputy Superintendent of Police, or the Sub Divisional Police Officer, having jurisdiction over the area.
- **Penalty for non-compliance:** On receipt of a report from the inspector, the concerned officer will issue a show-cause notice to the entity in violation. The show cause notice will require compliance within 15 days. In case of non-compliance in the stipulated period, the following penalty will be levied: (i) Rs 5,000 for the first month of default and (ii) Rs 10,000 for the second month of default. In case of failure to rectify the violation in two months, the inspector will seal the premises and send a report to the licensing authority of the establishment.
- The licensing authority will issue a show cause notice to the obligated entity in violation and initiate action as per the law governing licensing.
- **Appeal:** Appeals against the actions on the obligated entities may be filed with the Commissioner of Police, Superintendent of Police, or any other prescribed officer, within 30 days of the order.

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