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PART IV

Acts of Gujarat Legislature and Ordinances promulgated and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 1st April, 2022 is hereby published for general information.

K. M. LALA,

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

GUJARAT ACT NO. 6 OF 2022.

(First published, after having received the assent of the Governor, in the "Gujarat Government Gazette", on the 7th April, 2022).

AN ACT

to provide for the Public Safety Measures at the Establishments in the State of Gujarat.

WHEREAS it is expedient to provide for the Public Safety Measures at the Establishments in the State of Gujarat and for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-third Year of the Republic of India as follows:-

- (1) This Act may be called the Gujarat Public Safety (Measures) Enforcement Act, 2022.
- (2) It extends to such areas as may be identified and notified by the Government in the *Official Gazette* from time to time.
- (3) It shall come into force in such areas as notified under sub-section (2) above from such date or dates as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commencement.

- Definitions.** 2. In this Act, unless the context otherwise requires,-
- (a) “District Magistrate” shall include Additional District Magistrate;
 - (b) “Government” means the State Government of Gujarat;
 - (c) “Notification” means a notification published by the Government in the *Official Gazette* and the word “notified” shall be construed accordingly;
 - (d) “prescribed” means prescribed by rules under this Act;
 - (e) “Public Safety Measures” means Access Controls or Closed Circuit Television (CCTV) Camera Systems at entry and exit points of the establishments and their designated parking areas by installing,-
 - (i) Access Controls through physical or technical means or both;
 - (ii) Closed Circuit Television (CCTV) Camera Systems with a provision for storage of video footage for thirty days;
 - (iii) The technical equipment, as per the specifications as may be prescribed.
 - (f) “Public Safety Committee” means the Committee constituted by the State Government under sub-section (1) of section 4.
- Liability to provide Public Safety Measures.** 3. (1) Every owner or manager or the persons running an establishment frequented by such number of people or having such number of average footfalls per day or likelihood of gathering of such number of people at a time as the Government may by notification declare, shall provide and maintain public safety measures for the safety and security of the people visiting such establishments.
- (2) Every owner or manager or the persons running such establishment shall save and store video footage properly for a period of thirty days and shall provide the same as and when required by an authority as may be notified by the Government.
- Constitution and functions of Public Safety Committee.** 4. (1) The State Government shall constitute the Public Safety Committee for one or more areas for the purposes of this Act.
- (2) The Public Safety Committee shall consist of such number of representatives with such designations and such other persons as may be prescribed.
- (3) The Public Safety Committee shall identify establishments under the Act, maintain the records of the establishments, may visit the establishments for threat assessment, issue instructions to the establishments regarding the public safety measures and carry out such other functions as may be prescribed.
- (4) The Public Safety Committee may constitute such number of Public Safety Sub-Committees under it to assist the Public Safety Committee in the effective implementation of public safety measures.
- (5) It shall be obligatory for the establishments to deploy such public safety measures as are ascertained and recommended in writing by the Public Safety Committee, within six months.
- Powers of Public Safety Committee or Public Safety Sub-Committee to inspect the premises.** 5. (1) Any officer of the Government duly authorized by the Public Safety Committee or Public Safety Sub-Committee of the area concerned may, at reasonable hours of the day and after giving notice of at least two days, enter into any premises of any establishment for inspection of the installation and submit a report to the Public Safety Committee in case of any default or violation. The Public Safety Committee may issue necessary instructions in writing to the establishment and the same shall be complied within a period of one month.
- (2) In case of failure of any establishment in complying with the inspection report, the Public Safety Committee may levy a penalty to the owner or manager or persons running such establishments –
- (i) for the first month of default – Rs.10,000;
 - (ii) for the subsequent months of default– Rs.25,000 per month.
- Appeal.** 6. (1) Any person or establishment aggrieved by the recommendation of the Public Safety Committee under sub-section (3) of section 4 or the order of the Public Safety Committee imposing penalty under sub-section (2) of section 5 within thirty days from the date of concerned order may prefer appeal to the District Magistrate.

- (2) The District Magistrate may, after giving an opportunity of hearing to the appellant pass such order as he may deem fit.
- (3) The establishment shall comply with the orders of the District Magistrate and pay the penalty within thirty days from the date of issue of such orders.
- (4) In case any establishment makes default in payment of penalty, the same shall be recovered as an arrear of land revenue.
7. The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force. **Saving.**
8. No suit or legal proceedings shall lie against the members of the Public Safety Committee or the Public Safety Sub-Committee or any member of such Committee or the District Magistrate in respect of anything which is done or intended to be done in good faith under this Act or any rules made thereunder. **Protection of action taken in good faith.**
9. (1) The State Government may, by notification, make rules for carrying out the purposes of this Act. **Power to make rules.**
- (2) In particular and without prejudice to the generality of the foregoing power, such rules may be made to provide for all or any of the matters expressly required or allowed by this Act to be prescribed by rules.
- (3) All rules made under this section shall be laid for not less thirty days before the State Legislature as soon as may be after they are made and shall be subject to rescission by the State Legislature or to such modification as the State Legislature may make during the session in which they are so laid or the session immediately following.
- (4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette*, and shall thereupon take effect.
10. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by an Order published in the *Official Gazette*, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty: **Power to remove difficulties.**
- Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.
- (2) Every order made under this section shall be laid as soon as possible, after it is made, before the State Legislature.

