

THE PUNJAB COMMUNITY SAFETY ACT 2021
(XXXVIII of 2021)

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'THE PUNJAB COMMUNITY SAFETY ACT 2021

(XXXVIII of 2021)

[24 November 2021]

An

Act

to ensure community safety measures in Buildings, health and fitness centers;

WHEREAS it is necessary to ensure community safety measures through legislation in buildings, health and fitness centers and providing for further duties of Punjab Emergency Service and for matters connected therewith or incidental thereto.

Be it enacted by the Provincial Assembly of the Punjab as follows:

1. Short title, extent and commencement.— (1) This act may be cited as the Punjab Community Safety Act 2021.

(2) It extends to whole of the Punjab.

(3) It shall come into force at once.

2. Definitions.— In this Act, unless there is anything repugnant in the subject or context, -

(a) "Building" means a building when there is an 'occupied floor' more

than fifty (50) feet above its lowest level;

(b) "Director General" means the Director General of the Punjab Emergency Service, established under the Punjab Emergency Act 2006 (Act IV of 2006);

(c) "Government" means Government of the Punjab;

(d) "Health club" means an establishment which provides health club services or facilities which purport to improve or maintain the user's physical condition or appearance through exercise. The term may include, fitness club, fitness centers, health spa, gym, a place that houses exercise equipment for the purpose of physical exercises;

(e) "Officer" means a District Emergency Officer of the Punjab Emergency Service;

(f) "Owner" means and include the owner, manager, controller or administrator of a building, or a health club;

(g) "Prescribed" means prescribed by the regulations;

(h) "Safety Measures" mean the measures as prescribed by the Punjab

Emergency Service; and

November 2021; and, was published in the Punjab Gazette (Extraordinary), dated: 24 November 2021, pp. 2515-2517.

(i) "User" means a person who enters into a health club to use the available facilities.

3. Intimation.— (1) The owner shall submit an application containing information of the services as may be prescribed, available with the building or the health club to the officer:

Provided that on receipt of such application the officer shall scrutinize the same and may call for such other information.

(2) The Officer shall inspect the building or the health club to have the first-hand information of the building and services available with the health club and the compliance of the safety measures and standards, as may be prescribed:

provided that the Officer shall take a decision on the application filed under subsection (1) within a period of thirty days, subject to provision of all requisite information by the owner.

(3) | The Officer shall, after being satisfied with the various requirements under this Act, issue a Safety Measure certificate for a one year to the owner, which shall be renewable in such manner and form, as may be prescribed.

4. General provisions.— (1) A health club having the capacity to cater 50 or more users at a time shall ensure the availability of a qualified health physician or MBBS Doctor on the health club's premises during the hours of operation along with the necessary emergency equipment:

Provided that a health club having the capacity to cater less than 50 users at a time shall ensure the availability of a qualified health technician, possessing a health and safety certificate issued by the recognized institute, to attend any medical emergency.

(2) Every owner of a Building shall ensure the availability of a qualified safety manager, who has health and safety certificate by a recognized institute:

Provided that the safety manager shall be responsible for the implementation of safety measures in the Building.

(3) | When the Officer has reasons to believe that any Building or the health club owner has failed to comply with any provisions of this Act, or the regulations, he shall serve a notice on him, intimating the measures which the building or the health club owner should take in order to secure compliance with the relevant provisions of the law.

(4) If the owner fails to comply with the notice within the prescribed time, the Officer may suspend his safety measure certificate or seal the building or the health club.

(5) Whoever contravenes the provisions of this Act shall be imposed, by the officer, the administrative penalty, which may extend to fifty thousand rupees:

Provided that whoever contravenes the provisions of this Act second time shall be imposed the Administrative penalty which may extend to One hundred thousand rupees:

Provide further that the Officer may suspend safety measure certificate or seal the building or the health club on contravention of the provisions of this Act for the third time.

5. Appeal, etc.— Notwithstanding anything contained in any other law for the time being in force, an appeal against any order passed under this Act shall lie to the Director General within thirty days, whose decision shall be final.

6. Immunity.— No suit, prosecution or any other legal proceedings shall lie against the Director General, any officer, employee or consultant of the Punjab Emergency Service, in respect of anything done or intended to be done in good faith under this Act.

7. Regulations.- The Punjab Emergency Service may make regulations, not inconsistent with this Act or with respect to any matter that by this Act is required or permitted to be prescribed, specified or determined.

8. Provisions of this Act to be in addition to and not in derogation of certain laws.— Notwithstanding anything contained to the contrary in any other law for the time being in force, the provisions of this Act shall be in addition to and not in derogation of such laws.

9. Removal of difficulties.- If any difficulty arises in giving effect to any provisions of the Act, the Government may, by notification in the official Gazette, make orders not inconsistent with the provisions of the Act