

AS INTRODUCED IN THE RAJYA SABHA
ON 19TH DECEMBER, 2008.

Bill No. LXXVIII of 2007

THE GYMNASIUMS AND FITNESS CENTRES (REGULATION)
BILL, 2007

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to provide for regulation and control of gymnasiums and fitness centres which are engaged in activities, such as, giving training on weight lifting and body building and conduct courses for weight reduction and proper nutrition in the country and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Gymnasiums and Fitness Centres (Regulation) Act, 2007.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the State Government and in all other cases the Central Government;

(b) "competent authority" means any office or officer notified by the appropriate Government under section 4 to perform functions assigned under this Act;

(c) "gymnasium or fitness centre" means any establishment by whatever name called engaged in giving training on weight lifting, body building and giving nutritional advice on fitness and weight reduction;

(d) "instructor" means any person engaged for giving training on weights, body building and nutritional advice to members enrolled in any gymnasium or fitness centre;

(e) "member" means any person enrolled with any gymnasium or fitness centre;

(f) "prescribed" means prescribed by rules made under this Act.

Compulsory registration of Gymnasium and fitness centres.

3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, no person or establishment shall run a gymnasium or a fitness centre without prior registration with the competent authority.

(2) Any person or establishment running a gymnasium and fitness centre before the commencement of this Act shall apply for registration to the competent authority within a period of forty-five days from the date of commencement of this Act in such form and manner as may be prescribed.

Procedure for registration.

4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority for the purposes of registration of gymnasiums and fitness centres within its jurisdiction.

(2) On receipt of an application for registration of gymnasium or the fitness centres, the competent authority shall scrutinize the application and may call for such other information or documents from the applicant as may be prescribed.

(3) The competent authority shall, before registering any gymnasium or the fitness centre, inspect the site to have the first hand information of the infrastructure available with the gymnasium or the fitness centre and the compliance of the norms and standards fixed by the appropriate Government in this regard.

(4) The competent authority shall, after being satisfied with the various requirements under this Act, grant a registration certificate to the applicant in such manner and form as may be prescribed which shall be valid for two years.

(5) The competent authority shall renew the registration only after re-inspecting the gymnasium or the fitness centres and on fulfilment of requirements fixed in this behalf by the appropriate Government under this Act.

(6) The competent authority may refuse to register a gymnasium or fitness centre or renew its registration if fails to comply with the norms and standards fixed by the appropriate Government:

Provided that in case of non-registration or non-renewal of registration of a gymnasium or a fitness centre, the competent authority shall record reasons in writing and communicate the same to the applicant.

(7) The competent authority shall take a decision on the application filed under sub-section (2) within a period of thirty days.

Appropriate Government to prescribe norms for gymnasium and fitness centres.

5. The appropriate Government shall,—

(a) fix the fee to be charged by the gymnasium and fitness centres from members for various activities;

(b) prescribe minimum qualification for instructor in the gymnasium and fitness centre;

(c) fix the instructor-member ratio for gymnasium and fitness centres;

(d) lay down norms for minimum infrastructure for starting and running gymnasium and fitness centres;

(e) prescribe such other norms as may be necessary for the purpose.

6. Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to five lakhs rupees. Penalty.

7. (1) Where a contravention of any of the provisions of this Act or any rule, direction or order made thereunder has been committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly. Offences by a Company.

Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

(2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule direction or order made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

Explanation.:—For the purpose of this section:—

(i) "company" means any body corporate and include a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm,

8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by 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 orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time being in force. Overriding effect of the Act.

10. The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

With the increase in the awareness among the public to have good health and physique, gymnasium and fitness centres are mushrooming in every nook and corner of big cities. Some big fitness centres have branches in many parts of the country, including small towns. These gymnasiums and fitness centres charge a hefty fee from their members who with a view to have better looks and physique spend the money. Many of these gymnasiums and fitness centres are not having adequate infrastructure to run their activities and are operating from small room, garage, terrace etc. The activities of body building and weight lifting is closely linked with the diet of a person and if the person is not advised about the proper diet, it may have an adverse effect on the health of a person. This is a highly specialised job which must be carried out by professionals under strict supervision and hygienic environment. Many of the so-called gymnasiums are not having qualified instructors and are running without any nutritionist or dietician. These gymnasiums are just fleecing their members besides playing with the health of lakhs of people. As of now, there is no effective law to regulate the operations of gymnasiums and fitness centres. Therefore, it is high time to regulate the activities of these gymnasiums to protect the interest of public at large.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 4 of Bill provides that the appropriate Government shall appoint competent authority for the purposes of registration of gymnasium and fitness centres. The expenditure for appointing competent authorities in respect of Union Territories shall be borne by the Central Government. It is expected that an annual recurring expenditure of rupees twenty crore may be involved.

Non-recurring expenditure to the tune of rupees two crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause **10** of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. As the matter will relate to details only, the delegation of powers is of normal character.

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(Shri Vijay J. Darda, M.P.)