



MODEL PUBLIC HEALTH

**ACT
DRAFT**



**CENTRAL BUREAU OF HEALTH INTELLIGENCE
DIRECTORATE GENERAL OF HEALTH SERVICES
MINISTRY OF HEALTH AND FAMILY WELFARE
GOVERNMENT OF INDIA
NEW DELHI**

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CHAPTER 1

SHORT TITLE, EXTENT, COMMENCEMENT AND DEFINITIONS

An Act to make provision for health services in the States/
Union Territory of

WHEREAS it is expedient to make provision for advancing/improving the health of the people of the State/Union Territory and all other purposes connected thereof—

It is hereby enacted as follows:—

1. This Act may be called the Public Health Act 19.....

2. It extends to the whole of the States/Union Territory of.....

2.1. The provisions of this Act (except chapter..... and part of chapter.....) shall come into force in the whole of the State/Union/Territory of..... at once.

2.2. The government may, from time to time, by notification extend all or any of the provisions of chapter to any local area or may cancel or modify any such notification.

3. The provisions of part of chapter shall come into effect at once, in

(i) corporations.

(ii) municipalities.

3.1. The government may from time to time by notification.....extend the provisions of part.....of chapter..... to any other local area in the State/UTs and may cancel or modify any such notification.

4. Definitions

4.1. "Building" includes—

4.1.1. a house, out-house, stable, latrine, godown, shed, hut, wall (other than boundary wall not exceeding two meters in height) and any other structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever;

4.1.2. structure on wheels or simply raised on the ground without foundations;

4.1.3. a ship, vessel, boat (when outside the port limits of major ports as defined under the Indian Ports Act, 1908);

4.1.4. tent, van and any other structure used for human habitation; but does not include a temporary shed erected on ceremonial or festive occasions.

4.2. "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and their young ones.

4.3. "City Corporation" means the Municipal Corporation of the city.

4.4. "Commencement of this Act" in relation to any provision, means the date specified in a notification under section (3) in respect of that provision.

4.5. "Communicable disease" means an infectious disease as defined in Chapter X, Part II.

4.6. "Dairy" includes—

4.6.1. any farm, cattleshed, milk store, milk shop or other place from which milk is sold or supplied for sale or in which milk is kept for sale or manufactured into butter, ghee, cheese, cream, curd, butter-milk or dried, sterilized or condensed; and;

4.6.2. in relation to a dairy-men who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk: but does not include (a) a shop or place in which milk is sold for consumption on the premises only or (b) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place.

4.6.3. "Dairyman" includes any person who sells milk, either wholesale or by retail.

4.7. "Director of Health Services" means and includes the Chief Administrative Medical Officer of the Union Territories/States, or the Director of Medical and Health Services of the Union Territories/States or the Director of Health Services of the Union Territories/States or the Director of Public Health of the Union Territories/States.

4.8. "Drain" means a house-drain or a public drain of any other description and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying of sullage, sewage, offensive matter, polluted water, rain water, drain water, or sub-soil water.

4.9. "Dwelling House" means a building constructed, used or adopted to be used, wholly or partly for human habitation or in connection therewith.

4.10. "Executive Authority" means the executive officer or other functionary of a local authority who is vested with the general executive powers by or under the Act creating the local authority.

4.11. "Factory" means any premises as defined in the Factories Act, 1948.

4.12. "Filth" means—

- (a) nightsoil and other contents of latrines, cesspools and drains;
- (b) dung and refuse of useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and
- (c) putrid and putrefying substances.

4.13. "Government" means the Union Territories/State or Central Government.

4.14. "Guardian" includes any person who has or is presumed to have accepted the care or custody of any Child.

4.15. "Health Officer" means administrative medical officer or any other officer vested with the powers under the Act by the Government.

4.16. "House drain" means any drain actually used or intended to be used, for the drainage of one or more premises.

4.17. "Hut" means any building which is constructed principally of wood, mud, leaves, grass, thatch or metallic sheets and includes any temporary structure of whatever size of any small building and whatever material used which the local authority may declare to be a hut for the purpose of this Act.

4.18. "Latrines" includes a privy, water-closet and urinal, whether public or private, or whether open or flushout or any construction for purposes of urination or defecation.

4.19. "Local area" means the area within the jurisdiction of a local authority.

4.20. "Local authority" means—

- (a) a city corporation,
- (b) a municipal council or committee, or
- (c) any other body (not being a Cantonment authority governed by the Cantonments Act, 1924) constituted by law or the local administration of a village, town or other local areas.

4.21. "Lodging House" means a hotel, a boarding house, a choultry, dharmasala or religious place or rest house not maintained by the Government or a local authority, an unlicensed migration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment but does not include—

- (a) a students hostel under public or private control, or
- (b) a house under section 172 for accommodating visitor to a fair or festival, or
- (c) a retiring room and rest house provided by a railway administration and normally used by passengers or railway servants or both.

4.22. "Magistrate" does not include an honorary or village magistrate;

4.23. "Milk" includes cream, skimmed milk, separated milk and condensed, sterilised, desiccated or toned or boiled milk;

4.24. "Notification" means a notification published in the official gazette.

4.25. "Nuisance" includes any act, omission, place or thing that causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injuries to the health or property of the public or the people in general who dwell or occupy property in the vicinity or persons who may have occasion to use any public right.

4.26. "Occupier" means any person for the time being paying or liable to pay, to the owner the rent or any portion of the rent of the land or building in respect of which the word is used or for damages on account of the occupation of such land or building, and also a rent-free tenant:

Provided that (a) an owner living in or otherwise using his own land or building shall be deemed to be the occupier thereof; and

(b) includes a person having the charge, management or control of a building, or a part of a building or a house, premises or in the case of a lodging house which is let out to lodgers, the person receiving the rent payable by the tenants and lodgers either on his own account or as the agent of another person, and in the case of ship, vessel or boat, the master or other person in charge thereof; and

(c) in the case of land, building or house not occupied by any tenant or other person, the owner of the building or premises.

4.27. "Offensive matter" includes—

- (a) filth as defined in clause 4.13;
- (b) sewage as defined in clause 4.38; and
- (c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stables refuse, broken glass or pottery debris and waste paper.

4.28. "Offensive trade" means any trade in which the substance dealt with or are likely to become a nuisance as defined in clause 4.25.

4.29. "Owner" includes any person receiving for the time being the rent of any land or building or on any part of any land or building whether of his own account or as trustee for any person or society or for any religious or charitable purposes or as a receiver or as one who would so receive such rent if the land, building or part thereof were let to a tenant.

4.30. "Parent" means the father or mother of a child and includes foster and step parents.

4.31. "Premises" includes buildings and lands.

4.32. "Prescribed" means prescribed by the Government by rules under this Act.

4.33. "Private street" means any street, road, square, court, allays, lane, passage or riding-path which is not a "Public Street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises.

4.34. "Public Building" means a building used or adopted to be used—

(a) as a place of public workshop or as school, college or other place of instruction (not being a dwelling house so used) or as a hospital, work house, public theatre, public cinema, public hall, public library or public lecture-room, public concert-room, public exhibition room, or as a public place or assembly;

(b) for any other public purpose; or

(c) as an hotel, eating house, lodging house, refuge or shelter.

4.35. "Public Street" means any street, road, square, court, allay lane, passage or riding-path, whether a thoroughfare or not, over which the public have a right of way and includes—

(a) the roadway over any public bridge or causeway;

(b) the feetway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah or other structure which lies on either side of the adjacent property whether that property is private property or property belonging to the Government.

4.36. "Public Health Services" or "Health Services" means services for the prevention and treatment of diseases and promotion of health and includes environmental sanitation, immunisation and any other services provided under this Act and the establishment and maintenance of any institution for the purpose of any such services.

4.37. "Registered Medical Practitioner" means a medical practitioner registered under the Indian Medical Council Act of 1956.

4.38. "Sewage" means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactures of all kinds.

4.39. "Trade waste" includes industrial and factory wastes.

4.40. "Urban local areas" means the area within the jurisdiction of an urban local authority.

4.41. "Urban local authority" means a city corporation, a municipal council or committee, or a panchayat or any other local authority notified by the Government as an urban local authority for the purpose of this Act.

4.42. "Veneral disease" means syphilis, gonorrhoea, soft chancre (chanoroid), **veneral granuloma** (granuloma inguinale) or (lymphogranuloma venerum).

4.43. "Water course" includes any river, stream, or channel, whether natural or artificial, other than a drain.

4.44. "Work Place" means any premises including the precincts thereof "not being a factory or a workshop wherein is carried on any official business, industrial manufacturing or trade process at which not less than five persons are employed for wages or any other remuneration.

4.45. "Workshop" means any premises including the precincts thereof (not being a factory) wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adopted for use on a commercial basis and not less than 5 persons are employed for that purpose for wages or any other remuneration.

CHAPTER II

HEALTH AUTHORITIES AND THEIR FUNCTION

5. Board of Health

5.1. The government shall, as soon as after the commencement of this Act, by notification, constitute a Board of Health consisting of:

- (a) Minister of Health—President.
- (b) Minister of Education and Social Welfare.
- (c) Minister of Food and Agriculture.
- (d) Minister of Local Self-government.
- (e) Minister of Public Works.
- (f) Deputy Minister of Health, where any.
- (g) Two representatives from the legislature.
- (h) a representative each of IMA and IPHA.
- (i) a representative each of the Department of Planning, Finance, Industry and any other government department nominated by the government.
- (j) a behavioural scientist and a public administrator.
- (k) Secretary for Health.
- (l) Administrative Medical Officer of the State-Member Secretary—(ex-officio).

(where there are Directors of Medical Services, Director of Public Health and Preventive Medicine, Director of Public Health, Director of Medical Education, Director of Health Services, everybody shall be a member.

5.2. Meetings of the Board and the mode of transactions of business at such meetings shall be governed by such regulations as may be framed by it.

5.3. Members, unless their seats become vacant earlier by resignation, death or otherwise, shall hold office for a period of three years and shall be eligible for renomination or reappointment.

5.4. The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the President, the Secretary or a member.

5.5. The Board shall advise the Government on all matters of policy, priority, implementation and evaluation of health measures.

6. Functions of the Health Board.

6.1. Issuing of technical and administrative rules with which health services have to comply when carrying out activities.

6.2. Planning of health campaigns in accordance with Government's economic and social development plans;

6.3. Coordinating and supervising Government and private institutions carrying out health campaigns.

6.4. Supervising and verifying compliance with the rules laid down as well as effectiveness of programmes carried out by institutions and establishments in the health sector; and on such matters as the Government may from time to time refer to it.

6.5. The Board may appoint ad hoc one or more advisory committees on technical aspects of matters relating to promotion, protection and restoration of health and rehabilitation of patients including public health and family welfare services, medical education and training and research and in translating the policies of the State Board of Health into definite plan programmes and evaluation of health plans and measures.

State Coordinating Committee.

7. The Board may establish a State Coordinating Health Committee consisting of—

- (a) Deputy Minister of Health (where any)—President.
- (b) Secretary for Health—Vice-President/President.
- (c) a representative each from ESIC, Defence, Railways, Cantonments/Municipalities, port and airport, and other departments as may be considered necessary from time to time by the DHS and the Board.
- (d) two representatives of state level voluntary organization.
- (e) any other representative as the Board may decide.
- (f) DHS, Secretary, (ex-officio).

Functions of the State Coordinating Committee.

7.1. The coordinating Committee shall advise on all matters pertaining to coordination of medical care and health services, training etc. with those of other organisations, conservation and control of the environment including conservation and preservation of pollution of water; prevention of spread of diseases through human movement and trade, inter-state migration, etc.

District Health Committee.

8. The Government shall constitute a District Health committee consisting of:

- (a) District Collector—*Chairman*.
- (b) District Development Officer, where any.
- (c) President/Chairman of the Zila Parishad.
- (d) District Inspector and Inspectors of Schools.
- (e) a representative of the District Red Cross Society/Voluntary Organization in Health.
- (f) a representative from each of I.M.A. and IPHA.
- (g) DMO/Medical Superintendent of the hospital, DHO/District officers of F.P.P. and other programmes.
- (h) principal medical college, if any.
- (i) PHC MO—elected from among those in charge of PHCs.
- (j) CMOH/DMOH—*Secretary* (ex-officio).

8.1. Functions of the District Health Committee will include discussion of health policies and formulate planning and evaluation of various programmes on a regional basis, within the general health policy laid down at the state/UT level.

8.2 The Committee may appoint one or more ad hoc Advisory Committees to examine the questions referred to them and their recommendation will be submitted to the Committee.

Block Health Committee.

9. The Government shall constitute a Block Health Committee consisting of:

- (a) Chairman of Panchayat Samithi—Chairman.
- (b) Health Member of the Panchayat Samithi, where any.
- (c) B.D.O.

- (d) Mukhya Sevika/Social Welfare/education officer.
- (e) Inspector of School.
- (f) One or two representatives of the public.
- (g) a representative of voluntary health organization/hospital.
- (h) M.O. in-charge Tehsil/taluk hospital.
- (i) PHO/Med. Officer..... Secretary, (ex-officio).

The Block Health Committee will have one or two woman members, if none of the above mentioned members is a women.

9.1 Functions

Functions of
Block Health
Committee.

The Committee will discuss local health and welfare problems, associate public opinion with technical knowledge and will take steps to ensure better services in the villages, sub-centre and main centre including referral and transfer of patients and clinical/material from community health workers to the main Centre and from the main centre to the hospital/laboratories. The Committee will take steps to improve facilities and funds for improvement of health and environmental sanitation.

10. Directorate of Health Services

Directorate
of Health
Services.

10.1. The Directorate of Health Services may consist of as many divisions as the Government may consider necessary for the administration of health services in the State/Union Territory.

10.2. Subject to the control of the Government (a) the Director of Health Services shall be the chief administrative and executive officer of the Directorate, and (b) Chief—P.H. Engineer shall be in charge of the public health engineering division of the Directorate.

10.3. The DHS will be assisted by such members as Deputy and Assistant Directors and other officers at various level of administration as the Government may, from time to time, deem fit to appoint.

11. Powers of the Government and of the Directorate of Health Services.

11.1. The government shall have the power to inspect, control and supervise the operations of local authorities under this Act.

11.2. The government may from time to time define the powers to be exercised, and duties to be performed by the Directorate of Health Services or any member of the staff for purposes of section 11.1.

Powers of
the Government
and of the
Directorate
of Health
Services.

11.3. Nothing contained in sections 11.1 and 11.2 shall be deemed to effect or derogate from, any powers by the government or the District Collector under other laws from time to time in force.

Power of
Govt. to direct
performance
of district
panchayat of
any function
devolving on
panchayat,
panchayat
samithi.

11.4. The government may, by notification direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district panchayat organisation and not the panchayat or panchayat samithi shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat/panchayat samithi.

11.5. Where a direction is used under section 11.4 in respect of any function, the government may, by general or special order—

- (i) determine or provide for the determination of the expenses incurred by the district panchayat in performing such function in the area or areas comprised within the jurisdiction of any panchayat or panchayats and panchayat samithis or panchayat samithis; and

- (ii) apportion or provide for the such expenses between the district panchayat and panchayat samithi.

Power of Director of Health Services to supervise and control institutional services.

12. The DHS shall have power to supervise and control medical and health establishments including training institutions and (public) health services within the UTs/States excepting these administered by the Central Government and will have power to recover the cost from the local authorities for carrying out measures recommended by him in respect of such institutions and services as fall within the purview of the local authorities.

Powers of the Director of Health Services over local authorities.

12.1. The DHS may, from time to time as occasion requires recommend for adoption by any local authority, such measures as may be necessary for improving the (public) health administration in the local area for safeguarding the health of the people therein. Provided that, if on account of financial or other reasons, any local authority is unable to carry out such measures or if there is any difference of opinion between the local authority and the Director the matter may be referred to the government whose decision shall be final.

Powers of DHS to make services available.

12.2. The DHS shall have the power to cause to make the services of the Directorate available to the local authorities, non-profit making voluntary organisations, free of charge in respect of planning, execution, and supervision of health measures including sanitary schemes.

Powers of DHS in emergencies.

12.3. In the case of emergency arising or threatening from outbreak of an epidemic due to communicable disease or from any other cause endangering the life or health of the public, the DHS shall have the power:

- (i) to appoint additional personnel and organise public health services for such periods as he may consider necessary, and
- (ii) with the approval of the Government to assume all or any of the powers and functions of a local authority under this Act and in every case, the DHS shall forthwith report the matter to the Government.

Services by local authority.

13. Subject to the provisions of this Act every local authority shall make available to the people within a reasonable distance, all necessary reasonably practical measures for promoting, protecting and restoring health and rehabilitating the patients in general and for regulating, and prohibiting throughout its area, the factors which are directly or indirectly responsible for environmental pollution and the degradation of ecosystems, and preventing the occurrence of any communicable disease and dealing with it in the event of its outbreak.

13.1. Every local authority shall exercise authority and perform the duties as conferred or imposed on it by or under this Act.

13.2. A local authority shall having regard to the needs and circumstances and the services provided by the government or any other organization, to the extent possible under financial condition, make provisions for the following services in such priorities as recommended by the government or the District Health Committee.

- (a) Maternity child welfare including school health and family welfare services.
- (b) Immunization centres.
- (c) health education.
- (d) Public health laboratory services.
- (e) isolation hospitals/facilities.
- (f) ambulance services facilities.

14. The local authority may and shall, if directed by the government as far as practicable provide additional health services by way of outdoor dispensaries, clinics, hospitals, and any other services including those of community health workers.

15. A local authority may make arrangements with any person or any voluntary organization for the provision of any of the services on such terms and conditions as may be agreed between a local authority or authorities and the contracting person or the voluntary organization not working for profit.

16. Any voluntary organization not working for profit may, with the approval of the government, under a licence, establish and maintain a hospital, dispensary, clinic, laboratory, blood bank, maternity home, children's home, immunization, training and rehabilitation services and also welfare services including ambulance services, etc.

The Government may assist local authority or voluntary organization not working for profit in the establishment and maintenance of the institutions by—

- (a) grant-in-aid for expenditure including the cost of land, building and equipment; and
- (b) recurring grants-in-aid towards the cost of employment of staff etc.

17. The Government may run such services and institutions which local authorities find difficult in running, on behalf of one or more adjacent local authorities, on such terms and conditions as may be agreed to between the government and the local authority or authorities concerned.

18. (i) A local authority or, if so recommended by the government a group of local authorities shall include a post of H.O. in its establishment.

(ii) the (public) health establishment of every local authority other than the Corporation, if any, shall be on such scale as the government may from time to time direct.

(iii) Irrespective of authorities who may make appointments to the public health establishments referred to section 18(ii), the conditions of service of the members of such establishment, and the duties of such members, shall, notwithstanding anything contained in any previous Act, be governed by regulations not inconsistent with the Act, made by the government. Such regulations may lay down the extent to which the Director of Health Services shall have disciplinary control over the members of such (Public) health establishments.

19. Notwithstanding anything contained in any Act the government shall appoint health officers of all local bodies (other than corporations, if any), and may recover from such local authority, the whole or such proportion of the salary and allowances paid to the health officer and such contribution towards his leave allowances pension and provident fund to the government may by general or special order determine.

20. In the event of any emergency arising or threatening from outbreak of epidemic of a notifiable disease or from any other cause endangering the life or health of the public, the government may, by order, appoint temporarily for such period as may be specified therein, one or more additional health officers, for the treatment of such infectious disease, and preventing it from spreading and for investigating the cause of and preventing such mortality as the case may be.

20.1. For the purposes of section 20, the Government may appoint any medical practitioner under the State Medical Registration Act either on an honorary basis or on such salary or allowances or both as the government may fix. The salary and allowances shall be payable from the funds of the local authority.

21. The Government may, by general or special order, authorize any officer of the Government or of a local authority to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such restrictions, limitations and conditions and to such control as may be specified in such order.

Public Health
Establishment
of Local
authority.

Appointment
of temporary
health
officers in
emergencies.

Delegation of
powers of
Health
Officer.

Appointment
of persons
to carry
out the pro-
visions of
this Act.

22. Notwithstanding anything contained in the Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special orders, appoint any person or persons to carry out such provisions of this Act in such areas as may be specified in the order.

22.1. The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, where more than one local authority is concerned, in such proportions as may be determined by the government.

Powers of
Director of
Health
Services over
health staff
of local
authority.

23. Subject to such rules as may be prescribed, the DMS shall have the power—

- (a) to transfer any member of the health establishment of a local authority to the health establishment of another local authority; and
- (b) in times of emergency to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.
- (c) Nothing contained in clause (a) and (b) of section 23 shall apply to the corporation, if any.
- (d) The local authority within whose jurisdiction the member or members of the (public) health establishment of another local authority are working shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and provident fund as the Government may by general or special order determine.

24. The H.O. i/c of any local area shall exercise supervision and control over all other members of the (public) health establishment in such area.

Health officers
control over
(PH) staff.

24.1. Save as otherwise provided in this chapter or in any rules or regulations made under it, all appointments, transfers and such punishment of the members of the (public) health establishment under the supervision and control of the H.O. shall be made by the H.O. subject to the approval of the executive authority.

24.2. If for any reason the executive authority disagrees with the orders of the H.O. under clause 24 and 24.1 the executive authority shall refer the matter to the Government, whose decision will be final.

25. Every local authority shall provide its H.O. with such clerical assistance, office accommodation furniture, equipment, stationery and forms as may be in the opinion of the DHS be necessary for the proper conduct of the business of such H.O.

Authorization
of the Health
Officer to
perform the
function of
executive
authority in
(public) health
matters.

26. Notwithstanding anything contained in any Act (Municipality, Local Boards, village panchayats) etc., the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, or exercise executive authority in regard to (public) health matters under any of the provisions applicable to such local authority contained in the Acts, subjects to such appeal and control as the Government may by general or special order determine.

CHAPTER III

PRIVATE MEDICAL AND HEALTH INSTITUTIONS

27. For the purposes of this Act, private institutions include nursing homes, maternity homes, 'X' ray institutions, blood banks, laboratories, hospitals, health clinics, baths physiotherapy centres, menstruation regulation clinics, and other institutions as may be recommended by the State Board of Health.

Definitions.

28. (1) "Medical Termination of Pregnancy clinic" means an establishment or premises where women are usually received and are accommodated for the purpose of medical termination of pregnancy under the MTP Act, 1972.

(2) "Nursing Home" means an establishment or premises used or intended to be used for the reception of, and the providing of medical care including nursing care in any form for persons suffering from any sickness, injury or infirmity and includes a maternity home, but does not include—

- (i) any hospital or other establishment/premises maintained or controlled by government or any authority or body constituted by special Act of Parliament or state legislature;
- (ii) any institution, house or home certified or approved by the Ministry of Health under the Indian Mental Act;
- (iii) any institution for persons of unsound mind within the meaning of the Indian Mental Act.

(3) "Maternity Home" means an establishment where women are usually received and accommodated for the purpose of confinement and antenatal and post natal care in connection with child birth;

(4) "Hospital" means any premises used for the reception of the sick and their treatment.

29. (1) No person shall open or conduct a nursing home or clinical establishment or any other private medical or health institution without being registered in respect thereof and except under and in accordance with the terms of a licence granted therefor.

(2) A registration made under the section shall remain in force for a period of one year.

(3) A local authority shall not register until the Health Officer or anybody authorised by the government for the purpose has inspected and recommended its registration.

(4) A local authority may refuse to register an application for registration or for its renewal if it is satisfied that the standards laid down by government have not been complied with and premises are not suitable or the use of the premises may cause inconvenience or annoyance to persons residing in the neighbourhood.

(5) A local authority may cancel the registration in respect of any such institution on any ground which could entitle it to refuse an application for registration of that institution.

(6) If the local authority refusing or cancelling registration shall indicate in writing, the reasons of refusal or cancellation of the registration.

30. A person aggrieved by an order of a local authority under sub-section (4) of section 29 may within a period of one month from the date of receipt by him of a copy of that order, appeal to the Government against that order and the decision of the government shall be final.

Powers of
H.O. or any
authorized
person to
enter.

31. The H. O. or any other officer authorised by the local authority in this behalf or both may, at all reasonable times, enter and inspect the premises which is used or which the officer has reasonable cause to believe to be used for the purposes and inspect the records required to be kept under this Act.

Violation
of provisions
of all
offences.

32. (1) Whoever contravenes any of the provisions of this Act or violation of any rules and bye-laws made thereunder shall, on conviction be punishable with fine which may extend Rs.— and in the case of continuing offence to a further fine of Rs.— in respect of each day on which the offence continued after conviction.

(2) Where a person committing an offence under this Act is a company or other body corporate or an association of persons (incorporated or not) every person who at the time of the conviction of the offence was a director, manager, management thereof, shall unless be proved that the offence was committed without the knowledge or consent, be declared to be guilty of such offence.

33. The government shall have power to make rules providing for standards for various institutions covering the facilities, equipment, staffing running, fees to be charged etc.

CHAPTER IV

WATER SUPPLY

Local authority to provide potable water.

34. (1) Every local authority shall provide or arrange to provide sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.

(2) The local authority shall, as far as may be practicable, make adequate provision for assuring so far as is reasonably practicable, that every house has available within a reasonable distance a sufficient supply of wholesome water for drinking purposes.

(a) that the water supply is at all times wholesome and fit for human consumption, and

(b) that the water supply is continuous throughout the year.

(3) A local authority may also provide or arrange to provide sufficient supply of water for other domestic purposes or for non-domestic purposes.

(4) Without prejudice to its obligation under this section to exercise its power of requiring owners of houses to provide, a supply of water for domestic purposes thereto.

Power of the government to direct local authority to execute water supply.

35. (1) If in the opinion of the government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated to execute within such time as the government may fix, such works as may be directed by the government for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the government—

(a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its area, for supply of sufficient wholesome water;

(b) purchase or take on lease any water-works or any water, or any right to store or to take or convey water, within or without the limits of its area; and

(c) contract with any local authority or other person or agency for the supply of water.

36. A local authority may, with the previous sanction of the government, by public notice, declare any lane, stream, spring, well, tank, reservoir, pond or other source of water supply within or without the limits of its local area (other than a source under the control of the government) from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

Power of the govt. to divert water from water main belonging to a local authority.

37. The government shall have power to take water from any water-main belonging to or in the control of a local authority for supplying water to any other areas, subject to such payment being made to the local authority concerned and subject also to such other conditions as the government may consider reasonable.

38. Provided that before taking action under this section, the Government shall communicate to the local authority the grounds on which they propose to do so, fix a reasonable period for the local authority to show cause against the proposal and consider its explanations and objections, if any.

39. (1) A local authority may specify suitable water source or collection for exclusive use for certain purposes like washing, bathing, laundry, etc.

In such areas as may be specified by the Government in this behalf, the supply of water for drinking and other domestic purposes shall be effected by piped system so that every house has within it or within a reasonable distance an available source of water supply for the use of the inmates of the house.

(2) In such areas as may be specified by the government along with the piped system of water supply an effective system of drainage shall be provided.

40. A local authority may, with the previous approval of the government—

- (a) enter into a contract for supply of water of good quality in the area or a part thereof with another local authority, or a water supply undertaking; or
- (b) provide a supply of water in bulk to a local authority of an adjoining area, on such terms and conditions as may be agreed;
- (c) provided a supply of water by bulk to
 - (i) any trade, manufacture or business;
 - (ii) medical or educational institutions, hostels, hotels and restaurants;
 - (iii) ports, ships, railways, cantonments and labour and other camps;
 - (iv) fountains, swimming pools and the like;
 - (v) gardens and pastures;

on such terms as may be laid down:

Provided that the government is satisfied that the proposal is not likely to interfere with the supply in quantity or in quality of water for domestic or other purposes within the area of the supplying local authority.

41. All water-works constructed, erected or laid under this chapter shall rest in the local authority.

42. The local authority shall maintain adequate establishments for the working and maintenance engines, pipes, pumps, treatment units and fittings of water works and all appliances thereto for the supply of water.

43. Subject to the approval of the government, a local authority may have the power to raise or take loans for the implementation of water supply scheme fully or in several stages as may be approved by the Government and pay back the loan with interest as may be approved by the government.

44. Any planning, implementing, installing of any equipment or machinery shall require the technical approval of the State Chief PHE or any officer authorised by him in this behalf.

45. The State Chief PHE or other officer on his behalf shall have access to water-works of the local authority and inspect them from time to time and his recommendations will be final and have to be implemented by the local authority.

46. The services of the State Chief PHE or other authorized officers shall be free to the local authority.

47. (1) Any local authority shall levy within its area or any part thereof, any tax which may be necessary for providing water supply in such area or part.

(2) Any tax levied under sub-section (1) of section 47 may be a new tax levied on such basis assessed and realised in such manner as may be sanctioned or directed by the government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing

Levy of
water tax
and ear-
marking the
net revenue.

the local authority concerned in which case all the provisions of such law relating to the assessment or realisation of a tax under such head or in any manner connected shall be applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3) (a) The rates at which any tax may be levied under this Section shall be determined by the local authority with the previous sanction of the government.

(b) The local authority may with the previous sanction of the government and shall if so directed by them, alter the rates at which any such tax is to be levied.

(4) (a) Every local authority levying a tax under this Section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and improvement of water supply in the local area or part thereof within which it is levied.

(b) Such revenue shall be expended in accordance with such orders as may be issued by the Government in this behalf.

48. Nothing contained in this section shall affect the power of a corporation or of any municipality governed by the Municipalities Act if any.

The local authority shall arrange periodical examination of sources of water supply and of points of delivery.

The Government shall have power to make rules providing for the protection and periodical examination of sources of water supply in its territory.

49. In the case of railway, factories, mills, workplace and any place, structure or building processing food and drinks for consumption the Government may, by general or special order, require the authority concerned to submit for analysis to such persons or institutions, in such manner and at such intervals, as may be prescribed, samples of drinking water supplies by such authority at any station or place. For such analysis, the authority aforesaid shall pay to the government such fee as may be presented by them.

Power of
Collector in
regard to
water supply.

50. (1) The Collector of the district, or any officer appointed by the government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining—

- (a) whether the source of water supply for such local area or part is contaminated from any cause against which effective means of protection can be taken; and
- (b) whether the provision of any additional source or sources of water supply is necessary for such local area or part.

(2) The Collector or other officer aforesaid may, after taking into consideration the result of such inquiries by notice, direct that any source of water supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water supply be provided, as the case may be:

Provided that before issuing a notice under this sub-section the Collector or other officer shall give the authorities or persons attached a reasonable opportunity to make any representations they may wish to make and consider the same.

(3) Against any direction issued by the Collector or other officer under sub-section (2) of section 50 an appeal shall lie to the government where decision is final.

(4) (a) Every notice issued under sub-section (2) of section 50 shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

The notice shall either—

- (i) be published in the prescribed manner; or
- (ii) be served on the local authority or on the person owning or having control over the source of water supply, as the case may be in the prescribed manner.

(5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may on sufficient cause being shown extend the period specified in the notice or modify or rescind any direction contained therein.

(6) (a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or persons specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned.

(b) If no water-tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who on enquiry are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the government.

Explanation.—For the purpose of this sub-section, water-tax means—

- (a) a tax levied under section 47 of this Act, or
- (b) a water and drainage tax levied under section.....of District Municipalities Act or under section 47 of the Municipal Corporation Act,
- (c) a tax levied under section.....of local Boards Act, 19.....for the specific purpose of executing, maintaining or improving any work for the supply of water, or
- (d) any additional house-tax levied under Local Board Act, for the purpose of providing a water-system or a combined water and drainage system.

Power of
DHS to
Direct local
authority to
improve water
supply.

51. If the Director of Health Services is satisfied upon investigation that any source of public water supply in local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

H.O.'s
powers in
regard to
sanitary
sources.

52. (1) The H.O. may at any time by written notice require that the owner of or any person having control over any lake, stream, spring, well, tank, reservoir, pond or other sources of water supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice or within such time as may be specified in the notice not being less than 36 hours from the receipt thereof—

- (a) keep or maintain any such source of supply in such manner as the H.O. may direct; or
- (b) cleanse any such source of water supply from silt, refuse and vegetation; or
- (c) protect any such source of water supply from pollution by surface-drainage in such manner as the H.O. may direct; or
- (d) fill in, repair, protect or enclose in such manner as the H.O. may direct any such source of water-supply, if for want of sufficient repair, protection or enclosure, such source of water supply is in his opinion, dangerous to the health or safety of the public or of any person having occasion to use, or to pass or approach the same; or

- (e) desist from using and from permitting others to use, for drinking purposes any such source of water supply if, in the opinion of the H. O. the water is unfit for drinking; or
- (f) close any such source of water supply either temporarily or permanently, or fill up, enclose or fence the same in such manner as the H.O. considers sufficient to prevent the use for drinking purposes, if in his opinion the water is unfit for drinking; or
- (g) drain off or otherwise remove from any such source of water supply or from any land or premises or receptacle or reservoir attached to or adjacent thereto, any stagnant water which the H.O. considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (a) and (b) *shall not apply to a stream:

Provided further that a notice shall not be issued under clause (f) unless the notice has been issued under clause (c) and the source of water supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the H. O. considers that use cannot be prevented otherwise than by the issue of a notice under clause (f).

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) of section 52 within the time specified therein, the H.O. may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice, and all the expenses incurred in respect thereof by the H.O. shall be paid by the owner of, or person having control over such source of water supply, and shall be recoverable as if it were a tax due to the local authority concerned:

Provided that in the case of any private source the water of which is used by the public or by any section of the public as of right the expenses which have been incurred by the H.O. or which in the opinion of the local authority have been necessarily incurred by the owner of or person having control over the source of water supply shall be paid from the funds of the local authority.

New Houses
not to be
occupied
without
adequate
water supply.

53. Owner of any dwelling-house which may be constructed or reconstructed after the commencement of this act in any urban local area shall not occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Health Department of the local authority concerned, not below the ranks of H.O. or Sanitary Inspector that there is within the house or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

CHAPTER V

DRAINAGE

Local
authority to
maintain
public
drains.

54. (1) Every urban local authority shall to the extent possible provide and maintain a sufficient and satisfactory system of public drains for the effectual drainage of its local area.

(2) If, in the opinion of Government, any local area or part thereof should, for any special reason be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them.

(3) The local authority shall at all times keep in good repair all drains, cess-pools and the like vested in or belonging to it.

Power of the
H.O. to
require drains
to be
constructed.

55. (1) If any premises are, in the opinion of the H. O. without sufficient means of effective drainage he may, by notice, direct the owner of each premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Provided that—

- (a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned; and
- (b) If, there is no public drain or other place set apart for the discharge of sewage, within a reasonable distance of such premises, the H. O. may by notice require the owner of the premises to construct a closed cesspool, tank, or other suitable device for the purpose.

Drainage
for huts.

56. (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such materials as may be considered by the H.O. to be practicable, having regard to the circumstances of the locality and the position of the nearest public drain or other place set apart by the local authority for the drainage of sewage.

(2) If the H.O. considers that new drain should be constructed for the benefit of the occupants of any huts, he may, by notice, require the owner of the land on which such huts stand to construct such drain and such owner shall construct such drain and cause it to be cleaned and repaired to the satisfaction of the H. O.

Drainage of
Courtyard,
alley, passage
etc.

57. For the purpose of efficient draining of any land or building the H. O. may by notice require the owner of any courtyard, alley, lane, passage or open space—

- (a) to pave the same with such materials and in such manner as may be approved by the H.O. and to keep such paving in proper repair; and
- (b) to raise the level of such courtyard, alley, lane, passage or open space.

58. No person shall construct a cesspool—

- (a) beneath any part of any building or within fifteen metres of any tank, reservoir, water course or well or within such outer distance therefrom as the H. O. may consider to be practicable having regard to the circumstances of the locality; or

- (b) within any local area, or outside such area but within one hundred metres of any reservoir area for the storage of filtered water to be supplied to such area, except upon a site and in a position which has been approved in writing by the H. O.
- (c) The H. O. may at any time by notice, require any person within whose premises any cesspool is constructed in contravention of Section 55 to remove such cesspool or to fill it up with such material as may be approved by him.

Prohibition of
occupation of
new building
without drains.

59. No owner of any building constructed or reconstructed after the commencement of this Act in any urban local areas shall occupy it, or cause or permit it to be occupied until he has obtained a certificate from the H. O. that the building has been provided with sufficient means of drainage.

Sullage of
sewage not to
be let out
into street.

60. (1) No persons having control over any building or land shall cause or allow—

- (a) the water of any sink, sewer, latrine or sanitary convenience, or any other liquid or other matter which is, or is likely to become offensive to run into drain, or to be thrown or put upon any street or open space or to soak through any external wall; or
- (b) any offensive matter from any sewer, latrine or sanitary convenience to run, drain or be thrown into a surface drain in any street.

(2) Where a local authority is changing its system of drainage or undertaking a new system of drainage it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority or wholly by the owner, or partly by the local authority or partly by the owner in accordance with such rules as may be prescribed.

Drains in
private
streets.

(3) Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and H.O. considers it desirable that any other premises should be drained into such premises to connect its house drain with such first-mentioned drain; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made:

Provided that no such connection shall be made—

- (a) except upon such terms as may be agreed upon between or among the owners concerned or;
- (b) in default of such agreement, except on such terms as may be laid down by the local authority and in particular, until any payment which may be directed by the local authority to be made to the owner or owners concerned, has been duly made.

Injurious
refuse not
to be
discharged
into public
drain.

61. No person shall as may be generally or specifically prescribed throw, empty or turn or permit to be thrown, emptied or turned or to pass into any public drain or into any drain communicating with a public drain—

- (a) any matter likely to injure the drain or to interfere with the free flow of its contents, or to affect prejudicially the treatment and disposal of such contents; or
- (b) any liquid or refuse or steam or other liquid which is either alone or in combination with the contents of the drain may cause nuisance or may be prejudicial to health; or
- (c) any explosive or inflammable substance.

Prohibition
of pollution
of water
source

62. No person shall, as may be generally or specifically prescribed—

- (1) put or cause to be put or cause to fall or flow or be carried or permit to be put or to fall or flow or be carried into any water-course—
 - (a) any solid or liquid sewage matter, or

- (b) any poisonous, noxious or polluting liquid proceeding from any manufacturing process, or
- (2) put or cause to be put or cause to fall or be carried or permit to be put or to fall or be carried into any water-course, so as, either singly or in combination with other similar acts of the same or any other person, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufacturing process or quarry, or any rubbish or cinders or any other waste or putrid solid matter; or
- (3) commit nuisance in or in the neighbourhood of any water-course.

CHAPTER VI

SANITARY CONVENIENCES

Obligation of local authority to provide public sanitary conveniences.

63. Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such places to be kept in proper order so as not to be a nuisance or injurious to health.

New houses to be provided with sanitary conveniences.

64. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences.

65. (1) If any building intended for human habitation is without any sanitary convenience or if, in the opinion of the Health Officer, the sanitary convenience or conveniences provided therein are insufficient having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary grounds, he may, by notice in writing, require the owner of such building—

- (a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions as may be specified in the notice; or
- (b) to make such structural or other alterations as may be specified in the notice.

(2) Every owner of the ground on which a group of six or more huts stand shall provide such latrine accommodation, in such positions, and within such time as the Health Officer may, by notice, require, for the use of the inhabitants of such group of huts.

Mode of construction of latrines.

66. (1) All latrines shall—

- (a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and
- (b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

(2) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Act, is so placed or constructed as to be nuisance or offensive to public decency, the Health Officer may, by notice in writing, require the owner to remove it or to carry out such improvements therein and within such time as may be specified in notice.

(3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connection therewith.

CHAPTER VII

BUILDINGS

A. Residential Areas

Survey of
Housing and
Sanitation.

67. A local authority may, and when so directed by the Government shall, undertake a survey of the housing and accommodation of the inhabitants of its area in order to ascertain whether the different kinds of accommodation are suitable and sufficient for the persons living therein and whether they are provided with adequate water supply and essential sanitary conveniences in accordance with the provisions of this Act and shall as far as is reasonably practicable take steps to remedy the defects, if any, as revealed by such surveys.

Notification
of residential
areas.

68. (1) A (urban) local authority may and when so directed by the Government shall, notify areas within its jurisdiction which shall be reserved for residential purpose.

(2) A notification issued under section 5, sub-section (1) may declare that operations of any factory, workshop or work place or the carrying of any specified offensive trade, in the notified area, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

(3) Before issuing a notification under Section 68 sub-section (i) the local authority shall obtain the approval of the D.H.S. and Director, Town and Village Planning, where exists, in regard to the suitability of the areas to be reserved and the restrictions, limitations and conditions to be imposed under sub-section (2).

Appeal against
notification.

69. Any person aggrieved by the issue of a notification under section may appeal to the Government whose decision shall be final.

70. Upon the issue of a notification under section 68 the construction or establishment of any new factory, workshop or work-place or the carrying on of any specified offensive trade in the notified area shall be prohibited and in the case of any factory, workshop or workplace or of any offensive trade in existence at the time when the notification comes into force the restrictions, limitations and conditions specified in the notification shall be observed.

71. No scheme of planning of new residential areas or of improvement of existing areas shall be approved or executed by a local authority unless the scheme makes suitable provisions in respect of—

- (a) water supply to the inhabitants of the areas for drinking and other purposes.
- (b) drainage and sewage disposal including the provision of public sanitary conveniences:

B. Control of Insanitary Buildings

72. (1) No person shall erect a new building on any ground which has been filled up with foecal or offensive vegetable or offensive animal matter or on which any such matter has been deposited, unless and until the H. O. certified that the matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the H. O. to issue a certificate under sub-section (1), an appeal shall lie with the government whose decision shall be final.

73. (1) If any court-yard or passage which is used in common by the occupants of two or more buildings, but is not a public street, is not regularly swept and kept clean and free from rubbish or other accumulation to the satisfaction of the H.O. he may cause such court-yard or passage to be swept and cleaned.

(2) The local authority may recover any expenses reasonably incurred by the H.O. under Section 73 sub-section (1) from the occupants of the buildings to which the passage affords access, in such proportions as may be determined by the H. O.

74. (1) If any dwelling house or portion thereof appears to the H. O. to be unfit for the purpose of human habitation he may apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion thereof for human habitation, until in the opinion of the H. O. it is rendered fit therefor:

Provided that before making an order under this sub-section the local authority shall give the owner and the occupier or occupiers, if any, concerned a reasonable opportunity of showing cause why it should not be made and of undertaking such measures as may be necessary to the satisfaction of the H. O.

(2) The executive authority shall cause a copy of the order made under sub-section (1) to be communicated to the owner as well as to every occupier concerned and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within 30 days after the communication of the order to him.

(3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section (1) is in force, shall not let out or occupy or permit to be let out or occupied as a human habitation.

C. Abatement of Overcrowding

75. In this part:—

(1) "tenement" means a dwelling house and includes—

(a) any part of a dwelling house which is capable of separate occupation; and

(b) a students hostel under public recognised control, but does not include a dwelling house or part of a dwelling house not occupied by the owner thereof; and

(2) "landlord" means the immediate landlord or the occupier or occupiers of a tenement.

76. A landlord of a tenement—

(a) shall maintain it in a habitable condition; and

(b) except temporarily on occasions such as marriage and the like shall not cause or permit the tenement to be overcrowded:

Provided that no proceeding shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless notice in writing that the tenement is not in a habitable condition, or that it is overcrowded, has been served upon the landlord or his agent by the H. O. and the

landlord fails within such time as may be specified in such notice to take such steps as may be reasonable open to him for putting the tenement in habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

77. The Government shall have the power to make rules for determining—

- (a) whether a tenement or any class of tenement is or is not maintained in a habitable condition within the meaning of our Act;
- (b) whether a tenement or any class of tenement is or is not overcrowded within the meaning of this Act.

CHAPTER VIII

FOOD SANITATION

Provision
supplementary
to other
enactments.

The provisions of this chapter are in addition and supplementary to the provisions in central enactments, orders, rules, and regulations in force and shall not mean or be interpreted to mean anything contrary to or in contravention of any such provision, order, rule or regulation.

78. No person shall, without or otherwise than in conformity with the terms of a licence granted by the executive authority in this behalf—

- (a) keep within the local area any eating, drinking or catering establishment, hotel, teashop, coffee-house, cafe, restaurant, refreshment room, mobile canteen; or any place or mobile structure where food is sold or prepared or stored for sale or to which the public are admitted for the consumption of any food; or
- (b) slaughter within the local area except in a public or a licensed slaughter house any cattle, horse, sheep, goat or pig for sale as food or skin or cut up any carcass or dry or permit to be dried any skin in such manner as to cause a nuisance or
- (c) carry on within the local area the trade of a butcher, fish manager or poulterer; or
- (d) use any place within the local area for the sale of flesh or fish intended for human food; or
- (e) keep or open a dairy; or
- (f) open or run a market;

Provided that the local authority may authorise a person to slaughter without licence any animal for the purpose of a religious ceremony:

Provided further that no licence should be required for a place used for the selling or storing for sale of preserved flesh or fish contained in airtight or hermetically sealed receptacles:

Provided also that no licence shall be required for any place included in a public market licensed under the law governing the local authority.

79. The executive authority, on receiving from any person an application for a licence or renewal of licence alongwith payment by him of such fee as may be prescribed for the purpose shall grant a licence or renew a licence as the case may be in respect of the purpose mentioned in the application:

Provided that the executive authority shall not grant a licence or renew a licence until the H.O. or any person authorised by him has recommended such licence or renewal after inspecting:

Provided further that the executive authority may refuse to grant a licence or to renew a licence if he is satisfied that the building, mobile van, vehicle or place is not suitable for the purpose mentioned in the application or does not satisfy the minimum requirements as regards sanitation.

(2) The licence or renewal of the licence granted under sub-section (1) shall expire at the end of the year for which it is granted unless the executive authority, acting on the advice of the H.O. considers for special reasons that it should expire at an earlier date in which case such earlier date shall be specified in the licence as the date of expiry of the licence or renewal of licences.

(3) When the executive authority, is at any time of opinion that any of the terms or conditions of the licence or the provision of rules is contravened, he may, without prejudice to any other action which may be taken in respect of

such contravention, cause or suspend such licence after giving the holder of the licence a reasonable opportunity of showing cause against the proposed cancellation or suspension.

(4) If the executive authority refuses to grant or renew or cancels or suspends, a licence under this section he shall deliver to the applicant, a statement in writing of the grounds on which his application is refused or his licence is cancelled or suspended.

(5) Any person aggrieved by the refusal or grant or renew, or by the cancellation or suspension of a licence by an executive authority under the section, may appeal to the local authority and the appeal shall be disposed of in accordance with the rules prescribed by the government.

Power to make rules for fixing requirements as regards sanitation and personnel working.

80. The government shall have power to make rules—

- (a) for fixing the requirements as regards sanitation for different types of buildings, mobile vans, vehicles or places licensed under sub-section (1) of section 79;
- (b) for fixing qualifications and standards of health for personal working in the establishment for which the licence under sub-section (1) of section 79 has been issued;
- (c) for preventing food infections and food poisoning. Spread through food sold or prepared or stored for sale in any building, mobile van, vehicle or places licensed under sub-section (1) or section 79;
- (d) generally for effective control over the preparation storage and distribution of food in any building, mobile van, vehicle or place licensed under sub-section (1) of section 79.

Prohibition of sale of unwholesome food.

81. (1) No person shall—

- (a) expose or hawk about for sale or keep or store or prepare for sale, any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or
- (b) shall expose or hawk about for sale or keep, store, manufacture or prepare for sale, any food intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the court shall unless and until the contrary is proved presume—

- (a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption has been kept by such person for sale; and
- (b) that any food found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

Punishment for contravening provision of section 81 through others.

82. Any person who does any of the acts mentioned in sub-section (1) of section 21 or the clauses through others employed by him, whether the later be adults or children, shall be liable to punishment for such act as if he had himself done the same.

Flesh of dead animal not be consumed.

83. No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

Explanation.—It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom or as a matter of right on account of services rendered in removing dead cattle or on any other ground.

Importing
meat into
local areas.

84. (1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area other than in a slaughter-house maintained or licensed by the Government or by a local authority.

(2) Any flesh brought into local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall be deemed to apply to—

(a) cured or preserved meat, or

(b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the source of transit, or

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale:

Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

85. A court convicting a licensee of an offence under this chapter may cancel the licence for such a period as the court may think fit.

Power of H.O.
to enter
premises of
food trade.

86. (1) The Health Officer or any person duly authorised by him or any food inspector appointed under the Act may without notice enter any place at any time by day or at night where any article of food is being manufactured, prepared, exposed or stored for sale, inspect and seize any animal or food and any utensil or vessel used for manufacturing, preparing or containing the same during manufacture, stores, sale, distribution or in the course of transit of such animal or food.

(2) Samples of any article of food or any vessel or utensil in which such articles of food are kept may be taken and examined by the H.O. or any person duly authorised by him as often as may be necessary for the detection of unwholesomeness. If on such examination he finds any such article of food to be unwholesome he may condemn it and forbid its sale.

(3) Whoever obstructs the H.O. or person duly authorised by him in the discharge of his duties under this section shall be punishable with fine which may extend to five hundred rupees.

Power of the
H.O. in regard
to unwhole-
some food.

87. (1) If any article of food intended for sale appears to the H.O. or to persons duly authorised by him to be unfit for human consumption or unwholesome or the utensil or vessel used in manufacturing preparing or keeping appear to be of such kind or in such state as to render the article unwholesome or noxious he may take away or secure such articles or utensils or vessels in order that the same may be dealt with as hereinafter provided.

(2) No person shall remove or in any way interfere with an article, utensil or vessel seized, taken away or secured under sub-section 87(1).

(3) Any article of food so seized, taken away or secured with the consent amount of the owner or person in whose possession it was found, be forthwith destroyed in such manner as to prevent its being used for human food or exposed for sale and if the article is perishable, without such consent.

(4) Any expenses incurred in destroying any article of food under sub-section (3) shall be paid by the owner or person in whose possession it was at the time when it was seized, taken away or secured.

(5) Articles of food seized, taken away or secured under sub-section (b) and not destroyed under sub-section (2) and utensils and vessels seized, taken away or secured under sub-section (1) shall as soon possible, be produced before a Magistrate.

(6) Whether or not any complaint is laid before a Magistrate of any offence under IPC or under this Act, if it appears to the Magistrate on taking such evidence as he thinks necessary that any such article is unwholesome or noxious or any such utensil or vessel is of such kind or in such state as is described in sub-section (1) he may order the same—

(a) to be forfeited to the local authority; and

(b) to be destroyed at the charge of the owner or any person in whose possession it was at the time when it was seized, taken away or secured in such manner as to prevent the same being again exposed or hawked about for sale or used for human food.

(c) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith.

88. (1) The Health Officer may inspect any dairy, the milch-cattle and the employees therein and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused or is likely to be caused by the consumption of the milk or dairy produce supplied from such dairy he may order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

(2) An order made under sub-section (1) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or the employees objected to by him have ceased to work at the dairy or that the cause of infection has been removed.

(3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.

(4) When an order is made under sub-section (1), the Health Officer may either—

(a) permit the milk or other produce of the dairy, after being boiled or treated in such manner as he may direct to be sold or used as animal food subject to any reasonable restrictions he may impose, or

(b) cause such milk or dairy produce to be destroyed.

(5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

89. (1) The Health Officer may at any time, examine any person engaged in selling or in manufacturing or preparing for sale, or in any person handling any article of food intended for sale.

(2) When a reasonable suspicion arises as to the possibility of transmission of infection from any person who is employed in any of the places of employment, namely, eating, drinking, or catering establishment, hotel, tea-shop, coffee-house, cafe, restaurant, refreshment room, mobile canteen, stall or a place or vehicle where food is sold or prepared or stored for sale or to which the public are admitted for the consumption of any food the Health Officer may require any or all of the following measures to be taken, namely:—

(i) the immediate exclusion of the employee from such place of employment;

(ii) the immediate closure of the business in such place of employment until no further threat of outbreak of disease exists in the opinion of the Health Officer; and

(iii) medical examination of the employee and of his associates.

90. (1) If the Health Officer has reason to believe—

- (a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area; or
- (b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person to suffer from an infectious disease, the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or been derived during the six weeks immediately proceeding.

Investiga-
tion of
diseases
caused by
milk or
dairy
produce.

CHAPTER IX

ABATMENT OF NUISANCES (CONTROL OF OFFENSIVE TRADES)

Definition
of the
expression
of nuisances.

91. Without prejudice to the generality of the definition of the expression "Nuisance" following shall be deemed specifically to be nuisances for the purpose of this Chapter:—

- (1) any premises which is in such a state as to be prejudicial to health or a nuisance;
- (2) any pond, pool, ditch, gutter, water course, water trough, latrine, cess-pool, drain or ashpit which is so foul or in such a state as to be prejudicial to health or a nuisance;
- (3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;
- (4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;
- (5) any factory (not being a factory governed by the provision of the Factories Act, 1948 (Central Act LXIII of 1948), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluent or which is not so overcrowded, while work is carried on, as to be prejudicial to the health of those employed therein;
- (6) any fireplace or furnace which does not, as far as practicable, consume the smoke arising from combustible used therein, and which is used for working engines by steam, or in any mill, factory, dyehouse, breweries, bake-house, or gaswork or in any manufacturing or trade process whatever;
- (7) any chimney sending forth smoke in such quantity as to be a nuisance; and
- (8) any noise, vibration dust, cinders, irritating smell or offensive odour produced by a factory, workshop or work-place which is a nuisance to the neighbourhood.

Detection of
nuisance.

92. Every urban local authority shall—

- (a) cause its area to be inspected from time to time with a view to ascertain what nuisance exist therein calling for abatement under the powers conferred on such authority by the Act; and
- (b) enforce the provisions of this Act in order to abate such nuisances.

Information
regarding
nuisance.

93. Any person aggrieved by a nuisance in any local area may give information of the same to the H.O. or any other officer of the Health establishment of the local authority.

If the H.O. is satisfied, whether on information given under section 23 or otherwise, of the existence of a nuisance, he may by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or if that person cannot be found, the owner or occupier of the premises on which the

nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that—

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and
- (b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner of the occupier of the premises, the H.O. may himself forthwith do what he considers necessary to abate the nuisance and to prevent recurrence thereof.

Power of
the local
authority
to abate.

95. If the person on whom a notice to abate a nuisance has been served under 94 makes default in complying with any of the requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of recurrence, as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

96. Where a house or other building is, in the opinion of the H.O., unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not below a magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

Disposal of
articles
removed
while abating
nuisances.

97. (1) A local authority may sell materials which have been removed by it from any premises (including any street) when executing works under this chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority, from the date on which they were removed by the local authority.

(2) A local authority selling any materials under sub-section (1) shall pay the sale proceeds to the person to whom the materials belonged, after deducting there from the amount of any expenses recoverable from him by such authority.

(3) The provisions of this section shall not apply to any offensive matter removed by a local authority under the Act govern in such authority.

98. No person shall use or permit the use, except under permission from the local authority, any premises, building, or structure for the purpose of any trade, industry or manufacture or for any other purpose which is dangerous to health or to cause nuisance.

Notification
of offensive
trade.

99. A local authority may, by notification, specify the offensive trades, which in its opinion are or are likely to be dangerous to life and health and to which provisions under Sections 92, 93, 94, 95 shall apply:

Provided that no notice under this section shall take effect before the expiry of sixty days from the date of publication of the notice or, except with the previous sanction of the government in any place outside the limits of the local area.

Licensing
of offensive
trade.

100. (1) After a notice under section 99 has taken effect, no person shall use or permit to be used any premises in the local area for carrying on any offensive trade specified on the notices except under and in accordance with the terms and conditions of a licence granted by the executive authority on payment of a charge as may be decided from time to time.

(2) The licence shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date when it shall expire at such earlier date which shall be specified in the licence or renewal of licence.

(3) If an executive refuses to grant or renew licence under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused, after giving the licence an opportunity of being heard.

(4) If a licence contravenes any of the terms and condition of the licence, the local authority may after giving the licence an opportunity of being heard, cancel the licence.

Notification of areas for offensive trades and licensing for such purposes.

101. (1) Every local authority may and if so required by the government shall within the time specified by the government notify in the prescribed manner the locality or localities which shall be reserved for establishment or carrying on any of the offensive trades as may be notified by the government from time to time and may at any time notify additional localities for the purpose.

102. For the purposes aforesaid, the local authority may purchase, acquire, take lease of or otherwise provide sufficient land suitable for the purpose and allot it to the traders on such terms and conditions as the government may approve.

103. The local authority may direct the removal of any offensive trade in any area other than a reserved area, existing on the date of notification, to a reserved area, and the expenses for such removal shall be borne by the local authority. In case of dispute about the expenses of removal of offensive matter, the matter shall be referred to the government whose decision will be final.

104. (1) The local authority may provide or arrange for sufficient supply of safe and potable water for drinking and domestic purposes in all such reserved areas and may also provide and arrange for water for trade purposes on payment of such charges as the local authority may determine with the approval of the government.

(2) With the permission of the local authority the traders or business concerns may themselves provide or arrange for the supply of water in such quantity and of such quality and purity as may be specified by the Health Officer.

Sanitary conveniences.

105. There shall be adequate provision of sanitary conveniences in all premises and houses used for offensive trade and they shall be provided and maintained by the trade or business concerns.

106. (1) The local authority may make special provision for drains and sewers and for special provision of collection and disposal of trade wastes.

(2) The local authority may levy charges for the use of its drains and sewers and for special provision of collection and disposal of trade wastes.

Powers of entry and inspection.

107. The executive authority or any officer of Health Department of the Government or of the local authority not below the rank of Health/Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this chapter.

Provided that—

- (a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;
- (b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;
- (c) sufficient notice shall be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

- (d) due regard shall be paid so far as may be compatible with the exigencies of the purpose of the entry to the social and religious usages of the persons residing in the premises; and
- (e) that no such notice or consent of the occupier is required in any premises of enclosure or area where any of the offensive trades or processes mentioned in the schedule is being or suspected to be carried out.

Power of Govt. in case of defaults by local authority.

108. If the local authority or its Health Officer makes default in doing its or his duty under this Act in regard to the abatement or prevention of nuisances, the Government may authorize any of their officers to perform such duty and for that purpose to exercise any specified powers of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

Nuisance caused by act or omission outside local area.

109. If a nuisance, under this Act, affecting any part of a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to take action against any person in respect of such act or default in relation to nuisance authorised by this Act, as if the act or default were committed or took place wholly within such local area.

Prohibition of the deposit of rubbish, etc., in streets, etc.

110. No person shall deposit or cause any member of his family or household to deposit any carcass of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any drain beside a street, or on any open space (not being private property) or on any quay, jetty or landing place of or any part of the sea-shore, or on the bank of any watercourse, except in such receptacles as may be provided or at such places in such manner and such hours as may be fixed by the Health Officer.

111. The Government may make Rules generally for the purpose of this chapter and in particular for:

- (a) the manner of giving information to the local authority about a nuisance;
- (b) manner in which the notices will be served on owners and occupiers of premises;
- (c) grant, refusal and cancellation of licences and the fees chargeable;
- (d) restrictions of use of houses and premises;
- (e) the charges for the abatement and removal of
- (f) notification and reservation of areas for offensive trades;
- (g) removal and any compensation for such removal of existing offensive trades in areas other than reserved areas;
- (h) provision of water supply, drain and sewerage, sanitary conveniences and other amenities and the scale of charges therefor;
- (i) disposal of trade wastes and the levy of charges.

CHAPTER X

PREVENTION, TREATMENT AND CONTROL OF COMMUNICABLE DISEASES

PART I

General

112. For purposes of this Act, "Communicable Diseases" means anthrax, cerebrospinal fever, chickenpox, cholera, diphtheria, enteric group of fevers, filariasis, influenzal pneumonia, infective hepatitis, leprosy, malaria, measles, plague, poliomyelitis, rabies, relapsing fever, smallpox, tuberculosis of lungs and intestines, typhus, whooping cough or any other disease the Government may, from time to time by notification, declare to be an infectious disease either throughout the territory or in such part or parts thereof as may be specified in the notification.

113. (1) In the event of the prevalence or threatened outbreak of any communicable disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff including nurses, medicines, appliances, equipment and other requirements as may in the opinion of the H.O. be necessary for preventing its occurrence, treating such diseases, for investigating the cause of such an outbreak, preventing the spread of such diseases as the case may be. If the local authority is not in a position to provide such facilities in the opinion of the H.O., the matter shall be referred to the Director of Health Services whose decision shall be final.

(2) If the H.O. considers that immediate action is necessary in the interests of health of the public, he may, notwithstanding anything contained in the sub-section (1) above appoint such additional staff and obtain such material, appliances, equipment and other requirements as may be necessary and the expenses incurred in respect thereof shall be met from the funds of the local authority.

(3) Every appointment made under sub-section (2) shall be reported to the executive authority and by such authority to the local authority concerned at its next meeting.

114. (1) The local authority shall provide facilities for vaccination and immunization for such disease as the H.O. may decide.

(2) The local authority may, and if so required by the Government shall, provide or cause to provide, hospitals, roads or other places for the reception and treatment of persons suffering from communicable diseases. For the purposes of the reception and treatment of such persons, a local authority may,

- (i) itself build such hospitals, roads or places of reception; or
- (ii) contract for the use of any such hospital or part of a hospital or place of reception; or
- (iii) enter into an agreement with any person having the management of any such hospital for the reception and treatment therein of persons suffering from communicable diseases;

(iv) for the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception.

115. A local authority shall not be deemed to have discharged its obligation under Section 114 (sub-section (2)) and the hospitals, wards or places of reception in question are not maintained in accordance with such general or special orders as may from time to time be issued by the Director of Health Services.

Provision &
maintenance of
laboratories.

116. (1) The local authority may, and if so required by the Government shall provide or cause to provide diagnostic laboratory facilities for persons suspected to be suffering from any communicable disease.

(2) For the purpose of diagnoses a local authority may

- (i) itself run and maintain a laboratory;
- (ii) contract or enter into an agreement with any organization or person having the management of any such laboratory.

117. The provision of this chapter shall apply to inland ship, vessel, boat or van lying within the jurisdiction of the local authority and a tent or shed or structure used for human transport or habitation.

Ambulance
and dis-
infection
facilities.

118. A local authority may, and if so required by the Director of Health Services shall

- (i) provide and maintain suitable conveyances, with sufficient attendants and other requisites for the carriage of persons suffering from any communicable disease; and
- (ii) provide proper places and apparatus and establishment for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection and cause them to be disinfected when brought to any such place either free of charge or on payment of such fee as it may fix.

119. (1) If the H.O. thinks that water in any tank, well or other sources if used for drinking or any other domestic purpose is likely to endanger health or cause the spread of any communicable disease he may, by public notice, prohibit the use of the said water generally or for any specific domestic purpose.

(2) No person shall remove or use any water in respect of which any such notice has been issued in contravention of the terms thereof.

120. (1) If it appears to the H.O. that any person is suffering from a communicable disease and that such person—

- (i) is without proper lodging or accommodation; or
- (ii) is lodged in a place occupied by more than one family;
- (iii) is without medical supervision directed to the prevention of the spread of the disease; or
- (iv) is in a place where his presence is a danger to the people in the neighbourhood; and
- (v) should be removed to a hospital or other place where patients suffering from such disease are received for treatment, the H.O. may remove such person or cause him/her to be removed to such hospital or place.

(2) If a woman is to be removed:

- (i) special accommodation should be provided for her in such hospital or place.

(3) No person shall leave, or be taken away from any hospital or other place referred to in section 120 (sub-section (1)) without the permission of the medical officer-in-charge or the H.O.

(4) Whoever—

- (i) obstructs the removal of any person to any hospital or other place under Section 120 (sub-section (1)) or
- (ii) leaves or takes away any person from any such hospital or place in contravention of section 120 (sub-section (3)) shall be punished with imprisonment which may extend to 3 months or fine or with both,

Exposure to infection.

121. No person who knows that he is suffering from communicable disease specified in Part II of this chapter shall expose other person to the risk of infection by his presence or conduct in—

- (i) any market, cinema or any place of entertainment of assembly; or
- (ii) any school, college, playground, gymnasium, swimming pool or such other place; or
- (iii) any hotel, hostel, boarding house, choultry, rest house or club; or
- (iv) any factory or shop.

Explanation.—(1) A person shall be deemed to know that he is suffering from a communicable disease within the meaning of this sub section if he has been informed by the H.O. or any other office of the Health Department of the Government or of a local authority, not below the rank of Health/Sanitary Inspector or Health Supervisor (male or female) or a medical practitioner registered under the State Medical Registration Act, that he is so suffering.

(2) No person who has the case of a person whom he knows to be suffering from a communicable disease specified in Part II of this chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in this section.

122. No person shall give, lend, sell, transmit or expose without previous disinfection any clothing article or rags which he knows to have been exposed to infection from any communicable disease and which is liable to carry infection.

Infected person not to engage in certain trades, and occupation.

123. No person shall while suffering from or in circumstances in which he is likely to spread any communicable diseases—

- (i) make carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or
- (ii) engage in any other occupation without a special permit from the H.O. of the local authority concerned or otherwise than in accordance with the conditions specified therein.

124. If in any local area any infectious disease transmissible to man breaks out, or is in the opinion of H.O. likely to break out, among cattle or other animals, the H.O. of the local area shall recommend to the local authority the adoption of such measures as he may deem necessary for suppressing or mitigating the disease or for preventing the out break or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as it may seem suitable.

PART II

Notified Communicable Diseases

125. In this part "notified disease" means (a) cerebrospinal fever, (b) chickenpox, (c) cholera, (d) diphtheria, (e) enteric group of fevers, (f) infective hepatitis (g) Leprosy, (h) measles (i) plague (j) Poliomyelitis, (k) rabies, (l) smallpox, (m) tuberculosis, (n) tetanus (o) whooping cough or any other disease which the government may from time to time by notification declare to be a notified disease throughout the state or in such part or parts thereof as may be specified in the notification.

Information to be given about the incidence of notified disease.

126. (1) Every medical practitioner, who in course of his practice becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that

any person in any premises under his management, control or occupation is suffering from or has died of a notified disease he shall if the case has not been already reported, give information of the same without the least practical delay—

- (a) in municipal areas to the executive authority, H.O. or a Health or Sanitary Inspector and
- (b) in non-municipal areas to the H.Q., PHC, M.O., Health or Sanitary Inspector/Supervisor, Chowkidar or village watchman or the village headman.

Explanation.—In this Section “Medical practitioner” includes all persons practising profession of healing or treatment of diseases under any system.

(i) at all reasonable hours enter and inspect with or without assistants, as may be appointed in this behalf to keep himself informed of the incidence of notified diseases from day to day and to report the incidence and prevalence of the disease till the epidemic completely subsides in such manner as the government may prescribe.

(ii) In non-municipal areas, it shall be the duty of every chowkidar or village watchman or village headman to keep himself informed of the incidence of notified diseases from day to day and to report the incidence and prevalence of the disease, till the epidemic completely subsides in such manner as the government may prescribe.

127. The H.O. or any person duly authorized by him in this behalf may—

(i) at all reasonable hours enter and inspect with or without assistants, any land or premises in which he has reason to believe that any person who is suffering or who has recently suffered from any communicable disease is or has recently been present, or any inmate of which has recently been exposed to the infections of such disease without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases, including dwelling houses and

(ii) take such measures as he may consider necessary to prevent the spread of such diseases beyond such place.

128. (1) No person other than a medical practitioner, nurse or attendant shall—

(a) enter any place where a person has developed cholera, plague or any other dangerous disease or wherefrom a patient has been removed to hospital or a place of isolation; or

(b) otherwise come in contact with such a case unless he forthwith gets himself vaccinated or innoculated against the disease.

(2) Any person violating the restriction under Section 128 (sub-section (1)) may be placed under isolation in such manner as the H.O. or any person authorized in this behalf, directs.

129. (1) If the H.O. or any person authorised in this behalf is of opinion that any house, building or part thereof is in insanitary condition or any article contained therein or any tank, pool, well or water collection within or adjacent to a building would tend to spread the infection of any notified disease, he may direct the owner or occupier to cleanse, disinfect, disinsecticide or white-wash in such a manner as would check the spread of the infection; where the owner or occupier or such house, building or part thereof is unable to carry out the requirements specified in the order, the H.O. may arrange for the

Restriction of entry into house in which a notified case has or is suspected to have occurred.

H.O. may direct owner or occupier to take simple sanitary measures and in default carry out the same.

cleaning, disinfection, disinsectisation of such house, building or part thereof, article, tank, pool, well or water collection and the owner or occupier of such house, building or any part thereof, or the water collection shall afford necessary facilities for such cleansing, disinfection, disinsectisation and other measures:

(2) The costing of cleansing and whitewashing of any building or part thereof, under Section 129 (sub-section (1)) shall be paid by the person in actual possession or if there be no such person, by the owner thereof:

(3) Provided that if in the opinion of the H.O. the owner or occupier is unable to pay the said cost or if the tank, pool or well is open to use by the public, it shall be paid from the fund of the local authority.

Prohibition
of certain
works in
an affected
premises.

130. (1) If a case of notified disease occurs in any premises, the H.O. may, whether the person suffering from the disease has been removed or not, make an order prohibiting any work of the nature mentioned in sub-section (3) of this Section to be given out to any person living or working in those premises or in such part thereof and any order so made shall be posted at the entrance of the house or otherwise displayed on the house.

(2) An order under this Section may be expressed to be operative for a period specified in the order or as long as any other precautions specified in the orders are necessary.

(3) This Section applies to the making, cleaning, washing, altering, ornamenting, finishing or repairing of wearing apparel of any kind and any work incidental thereto and the preparation and packing of food stuffs, and such other classes of work as may be from time to time notified by the Govt.

131. If the H.O. is of opinion that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may with the approval of the local authority, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may, in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and any other infected material therein destroyed.

Such compensation not exceeding the value of the hut or shed, as the local authority may consider reasonable, shall be paid by the local authority to any person who sustains loss by the destruction of any such hut or shed but save as provided in this sub-section, no claim for compensation shall be for any other reason or for any loss or damage caused by any exercise of the powers conferred by this Section.

Closure of
places where
food is
manufactured.

132. If, on the application of the H.O. a magistrate (not below a magistrate of second/third class) is satisfied that it is necessary in the interest of public health that a dwelling or lodging house or any place where articles of food are sold be prepared, stored or exposed for sale, or distributed should be closed on account of the existence of recent occurrence of a case of notified disease in such premises or in an adjacent premises, the magistrate may, by order direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the H.O. that there is no further risk of spread of infection.

Restrictions
on infected
clothing and
articles.

133. No person shall—

- (i) send or take to any laundry or public wash-houses, or any public water-courses, tanks or well, for the purpose of being washed, or to any place for the purpose of being cleaned, any clothing, bedding or other article which has been exposed to infection from any notified diseases, unless such articles has been cleared and disinfected by or to the satisfaction of the H.O. or a person authorized by him or a registered medical practitioner;

- (ii) place or cause or permit to be placed in any dust-bin or other receptacle for the deposit of refuse, any matter which he knows to have been exposed to infection from a notified disease and which has not been disinfected.

134. (1) No person shall let or sublet for hire any house, room or part of the house in which any person has been suffering or has died from a notifiable disease within 3 months immediately preceding unless such house, room or part of the house and all articles therein likely to retain the infection are cleansed and disinfected to the satisfaction of the H.O.

(2) Any person violating the provision of Section 134 sub-section (1) or making false statements when questioned in this connection shall be liable to prosecution.

135. No person who knows that he is suffering from a notified disease shall take any book or cause any book to be taken for his use, or use any book taken from any public or circulating library.

Prohibition
of exposure
of other
persons to
infection.

136. No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in—

- (i) any street or public place,
- (ii) any market, theatre or other place of entertainment at assembly; or
- (iii) any school, cottage, playground or such other place; or
- (iv) any hotel, hostel, boarding house, choultry, resthouse or club;
- (v) any factory or shop.

Restrictions
of the use
of public
conveyance
by infected
persons.

137. (1) No person who knows that he is suffering from notified disease shall.—

- (i) enter any public conveyance used for the conveyance of passengers at separate fares, or
- (ii) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

(2) No person having the case of a person whom he knows to be suffering from a notified disease shall permit that person to be carried.—

- (i) in any public conveyance used for the conveyance of passengers at separate fares, or
- (ii) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a person who he knows to be suffering from a notified disease at any time when a passenger not suffering from such disease is being conveyed therein:

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid in such cases of emergency and subject to such restrictions and safeguards as may be notified by the government.

(4) The owner or driver of any other public conveyance may refuse to convey therein any person suffering from a notified disease until he has been paid a sum sufficient to cover loss and expense which will be incurred by reason of the provisions of the next succeeding sub-section.

(5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall as soon as practicable give notice to the H.O. of the local area in which the conveyance is usually kept and before permitting any other person to enter the conveyance shall cause it to be disinfected.

(6) The local authority when so requested by the person in charge of a public conveyance in which a person suffering from a notified disease has been conveyed shall provide for its disinfection. In the event of the prevalence of a notified disease in any local area on the application of the H.O. any magistrate, (not below a magistrate of the third class) having local jurisdiction shall have power to prohibit either generally or by special order in any individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private or in any circumstances or for any purpose if in his opinion such assemblages in such places in such circumstances or for any purpose would be likely to become a means of spreading the disease.

Disposal of
bodies of
persons dying
while suffering
from notified
disease.

138. (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or come unnecessarily into contact with or proximity to the body.

(2) No person shall, without the sanction in writing of an officer of the Health Department of the local authority concerned, not below the rank of Health/Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3) (i) If any such body not being a body kept in a mortuary, remains undisposed of for more than 12 hours without the sanction referred to in Section 138 sub-section (2) or if the dead body of any person is retained in any building so as to endanger the health of inmates of such building or of any adjoining neighbouring building any magistrate on the application of any officer referred to in sub-section (2) order the body to be removed and disposed of within a specified time.

(ii) A magistrate may, in the case of the body of a person who has died while suffering from a notified disease, or in any other case in which he considers the immediate disposal of the body necessary, direct the body to be disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(iii) The expenses of the removal and disposal of any body under this clause shall be borne by the local authority; but such expenses may be recovered by the local authority from any person who would have been legally liable therefor for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(iv) If any person dies in a hospital or a place of temporary accommodation for the sick while suffering from a notified disease, and the H.O. certified that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

(v) When a body is removed for the purpose as aforesaid it shall forthwith be taken direct to a burial or burning ground or a crematorium and there buried or cremated with the least practicable delay.

139. Without the permission of the H.O. or a magistrate no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

Power of the
Government to
confer special
powers on the
officers to
control notified
diseases.

140.1 (i) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, Government may declare that such place or area is visited by or threatened with an outbreak of such disease.

(ii) The power conferred on the Govt. by clause 140 1(i) may also be exercised, in the case of a place or area situated in a district by the collector of the district subject to the consent of the Government.

(iii) Any declaration made by the government under clause 140 1.(i) or withdrawn thereof in whole or in part shall be published in the (State) gazette and shall come into operation on the date of such publication.

(iv) Any declaration made by the collector under clause 140. 1 (ii) or withdrawn thereof in whole or in part shall be published in the district gazette and shall come into operation on the date of such publication.

(2) When a declaration under clause 140. 1 (i) or clause 140. 1 (ii) comes into operation and until it is withdrawn, the collector of the district or any person duly authorized by him by general or special order or if empowered in this behalf by rules made under this Act, the H.O. or any other officer of the local authority concerned or any officer of the government other than the collector may subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed either generally or in the case of the notified diseases to which the declaration relates, exercise the following powers namely:—

- (a) power to order the evacuation from infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;
- (b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-sections.
- (c) power to direct—
 - (i) that persons arriving from places outside the local area, or residing in any building, adjacent to, or in the neighbourhood of, an infected building shall be examined by any specified medical officer or by anyone of a specified class of medical officers.
 - (ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and
 - (iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;
- (d) Power to take such measures as may be necessary:—
 - (i) in respect of or in relation to persons exposed to infection from any notified disease, or likely to infect persons with any such diseases including the case, the placing of restrictions on the movements of such persons, and
 - (ii) the destruction of such articles and the placing of restrictions on their export from import into or transport within the local area;
- (e) power to direct that at any place within or outside the local area, any consignment of grain and if necessary, be unloaded and disinfected in any specified manner; and
- (f) power to close all or any existing markets and to appoint special places where markets may be held.

141. (i) If any person who, or a child who is sought to be vaccinated or inoculated declares before a magistrate specially empowered by the government in this behalf that as a result of a careful inquiry into the subject, he believed that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the H.O. and hearing any representation by him or on his behalf exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction and no exemption, shall be granted to any person who has been so convicted.

(ii) Any person who commits a breach of any undertaking given by him under clause (i) shall be punished with imprisonment which may extend to 3 months or fine, or with both.

Isolation of patients suffering from notified disease.

142. (1) When in the opinion of the H.O. or of any person duly authorized by him, any person suffering from a notified disease is without proper lodging or accommodation or is lodged in such manner that he cannot in the opinion of the H.O. be properly isolated in his home so as to prevent the spread of infection, the H.O. may direct or cause the removal of such person to a hospital or place where patients suffering from such notified disease are received for treatment:

Provided that, if any such person is a female she shall not be removed to any hospital or place where there is no accommodation or arrangement for females.

(2) No person who has been ordered to be in home isolation shall leave the place until he has received permission from the health officer or any person duly authorised by him.

PART III

Special Provisions Regarding Selected Communicable Diseases

Tuberculosis. Special arrangement for detection and treatment.

143. (1) Without prejudice to the foregoing provisions of this Chapter, a local authority may make such arrangement as he thinks desirable or as the Government may direct for mass case detection and domiciliary treatment of persons suffering from tuberculosis as also for mass BCG vaccination of infants and young children through all the existing medical and health institutions, TB clinics and other TB institutions in their area of responsibility. For this, a comprehensive TB Control Programme may be organised under a Central authority of the local body through the above mentioned institutions, making the TB beds available for the problem cases of domiciliary treatment and for emergencies etc.

Provision by public bodies.

(2) The Government or local body authority may permit a public body or voluntary institution not working for profit to establish or maintain in accordance with such rules as may be made for this behalf, TB clinics or TB hospitals for detection, treatment and care of persons suffering from tuberculosis subject to their working as a part of the organised TB control programme of the area providing for case finding and domiciliary treatment and hospitalisation of deserving cases.

Detection of contacts and vaccination.

(3) A local authority may and when so directed by the Government arrange in all institutions participating in the TB control programme for providing free case-finding and treatment facilities for tuberculosis cases and also for contact examination and immunization of the persons referred by private medical practitioners.

Rules.

(4) The Government or local authority may make rules. —

- (a) for regulating the establishment, working and maintenance of TB clinics, TB Hospitals and sanatoria or places for the accommodation and treatment of persons suffering from tuberculosis;
- (b) for casefinding and treatment of tuberculosis cases;
- (c) prohibition of persons or children or teachers suffering from infectious forms of tuberculosis to attend schools;
- (d) prohibition of tubercular patients in infectious stage from seeking avocations;
- (e) qualifications of the staff who are required for any institution or organisation and their duties and responsibilities.

Rabies

144. Special Provisions regarding Rabies:—(1) The State Government or local health authority shall make such arrangements, as is desirable or as the government directs, for the detection isolation, care and treatment of persons suffering or suspected to be suffering from rabies.

(2) The State Government or local health authority shall make arrangements for anti-rabic treatment at the headquarters of the state and district and as far as possible at taluk and sub-divisional levels.

(3) The local health authority.—

(i) may licence possession of pet dogs at a charge;

(ii) If licensing is enforced, shall arrange for free vaccination of dogs against rabies at periodical intervals.

(4) No person shall possess a dog which has not been registered and licenced by the local authority and it shall be the duty of every such owner of a dog to have the dog vaccinated at periodical interval against rabies as required by the local health authority.

(5) The local authority shall have the power to seize and detain all dogs at large and if any dog is in the opinion of the H.O. found or suspected to be suffering from rabies arrange for destruction in a humanistic manner.

S.T. Diseases.

145. Special provisions regarding S.T. diseases and yaws:—(1) A local authority may, and if so required by the Government shall make such arrangements in its local area as may be required by the Government for.—

(a) detection of persons suffering or suspected to be suffering from STD.

(b) prevention of infection from such diseases.

(c) free and confidential treatment of such persons, and

(d) free diagnostic facilities to private medical practitioners.

(e) detection, diagnosis, treatment of persons suffering from yaws.

(2) The local authority may for the purpose mentioned in sub-section (1) enter into a contract with

(a) any other local authority, or

(b) a hospital or medical institution recognised by the government in its behalf,

(c) a medical practitioner registered under the State Registration Act.

(3) A local authority may on the advice of the H.O. enforce diagnosis and treatment of a suspected case of STD and his/her contact.

Prohibition of prostitution in certain areas and places.

(4) The government or the local authority may at any time and for any local area or part thereof, prohibit the practice of prostitution and may for this purpose—

(a) declare the limits of such area where prostitution shall be prohibited, and

(b) order the removal of any brothel and all prostitutes to such place or locality and within such time as may be specified in the order.

(5) No person being the owner, lessee or occupier of any house, building, shed, barrack or structure or any premises or any shop, store, lodging house, beauty clinic, massage clinic, hammams, baths or any such institution, shall permit prostitution in any room, flat or part of such house or premises and other places under his/her control.

(6) The Government or the local authority shall have the power to inspect, supervise, and control the operation of the measures against S.T.D. and prostitution.

(7) The Government or local Health authority shall make arrangements and take action so that all persons seeking employment be examined serologically for syphilis.

Special provisions regarding leprosy.—

Leprosy.

146. (1) The State government shall provide one or more state leprosy hospitals or asylums at suitable places within the state for accommodation and treatment of infective leprosy cases.

(2) The State government shall establish in any district where the incidence of leprosy is high, one or more leprosy clinics or hospitals as may be necessary which may be attached to hospitals, clinics, health centres etc.

(3) The State Government shall provide diagnostic facilities at State, district, taluka and block levels, which should be available to private medical practitioners free or on payment of such fees as the government may prescribe.

147. (1) The Government shall encourage and permit the establishment and maintenance of clinics, centres, hospitals, asylum, homes, colony, work centres for leprosy patients by public and private non-profit making institutions, associations and missionary societies, under conditions as may be laid down by the Government from time to time.

(2) The Government may make, in suitable cases, grants-in-aid, both initial and recurrent, including free supply of drugs to any such institutions approved by the government.

Isolation of infective stages.

148. (1) Persons found to be suffering from an infective stage of leprosy may be directed to remain in home isolation to the extent possible and to take such other precautions as may be advised by the M.O. of clinics, under the supervision of the local nurse.

(2) Such persons shall continue with the treatment to the satisfaction of the M.O. of the clinic.

(3) The parent or guardian of any individual (who has not attained the age of 18 years) shall be responsible for the continued treatment.

149. The Government shall have the power to:—

- (i) subject a person suspected to be suffering from leprosy to diagnosis, detection, treatment if the person refuses to undergo such exercises.
- (ii) take action against anybody obstructing such exercises or any family member of the patient not cooperating in such exercises.

150. The Government may prescribe regulations prohibiting or restricting employment in specific avocations of persons suffering from infective stage of leprosy where he is likely to come in contact with healthy population. In cases where such persons are not likely to come in contact with healthy population the Government or local health authority, may allow him to follow the avocation provided he takes regular treatment and undergoes periodical medical check up.

151. (1) Government or local health authority shall have the power to regulate that no infectious patient of leprosy be allowed to work in establishments like school, food establishments etc. where they are likely to come in contact with healthy population.

(2) Government or local health authorities shall have the power to restrict the movement of infectious patients of leprosy in crowded places, in public conveyance etc.



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PART IV

Special provision regarding other diseases

152. (1) The government may, by notification, declare that the incidence of diseases like Beri-beri, epidemic dropsy, scurvy and such diseases as the government may think necessary shall be reported to the H.O. or

(2) (a) The H.O. shall, on receipt of information of a person suffering from a disease notified under section 152 (1) either himself or by a competent person authorized by him (a) make a thorough investigation about the cause or causes leading to the incidence of the disease and

(b) take such preventive measures as may be considered necessary to check the incidence of more cases.

CHAPTER XI

CONTROL OF INSECTS AND VECTOR-BORNE DISEASES

153. For purposes of this chapter "insects" include mosquitoes, flies, lice, mite, sandfly, tick and any other insect detrimental to health.

Duties of local authority.

154. (1) Every local authority shall take steps to eliminate places where insects are breeding or likely to breed and to control or destroy insects.

(2) The Government or the local authority shall take measures for the prevention, control and removal of any cause or causes of breeding of insects.

Duties and Responsibilities of owners and occupiers.

155. (1) Every owner or occupier of lands or premises shall take measures to prevent the breeding of insects and when directed such measures as may be specified by the local authority.

(2) No person shall interfere with any work on land or a building already undertaken by the Government or by any authority or by the owner for the purpose of preventing the breeding of insects.

SPECIAL PROVISION FOR MOSQUITOES

Prohibition of collection of water likely to breed mosquitoes.

156. No person or local authority shall,

(a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or

(b) cause, permit or suffer any water, within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

Explanation.—Troughs for cattle not to be considered. The natural presence of mosquito in any standing or flowing water not be considered.

Freedom from mosquito breeding places.

157. (1) The H.O. may by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or likely to breed, within such time as may be specified in the notice, not being less than 24 hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method or a method, approved by the DHS, as the H.O. may consider suitable in the circumstances.

(2) If the notice under sub-section 157 (1) is served on the occupier, he shall, in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking measures or adopting the method of treatment specified in the notice and may deduct the amount of such expenses from the rent which is then or which thereafter be due from to the owner.

Health officers Powers in case of default.

158. If the person on whom a notice is served under section 157 fails or refuses to take the measures or adopt the method of treatment, specified in such notice within the time specified therein, the H.O. may himself recover the cost of doing so from the owner or occupier of the property, as the case may be, in the same manner as if it were a property tax.

Protection of antimosquito work.

159. Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority, or the owner or occupier at the instance of the Government or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such work or which impairs or is likely to impair their efficiency.

160. (1) No person shall without the consent of the H.O. interfere with or misuse, destroy or render useless any work executed or any material or thing placed in, under or upon any land or building, by or under the orders of H.O. with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions under sub-section 160(1) are contravened by any person the H.O. may execute the work or replace the materials or things, as the case may be, and the cost of doing shall be recovered from such person in the same manner as if it were a property tax.

Power of the
health staff
to enter and
inspect
premises.

161. Inspection of premises.—H.O. or any subordinate not below the rank of H/S Inspector may at all reasonable times, after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction and the occupier or the owner, as the case may be, of such land or building shall give all facilities necessary for such entry and inspection and supply all such information as may be required of him for the purpose aforesaid.

CHAPTER XII

SANITARY ARRANGEMENTS IN FAIRS AND FESTIVALS

Notification of fairs and festivals by local authority or government.

162. (1) The government or the local authority with the approval of the government may by notification—

- (a) declare that any local area or part of a local area in which a festival is to be held shall, for the purpose of this chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and
- (b) define the limits of the area which shall for the purpose aforesaid be the site for the fair or festival.

(2) The provisions of this chapter shall apply only to fairs and festivals in connection with which a notification under sub-section 162 (1) has been issued.

Levy of tax on pilgrims and vehicles.

163. (1) The government or the local authority, with the approval of the government, may, by notification, levy tax on persons visiting or leaving a notified fair or festival centre and a tax on any vehicle including inland ship and boat carrying passengers and goods or any animal entering or leaving a notified area, for such period, at such rates, and subject to such exemptions as may be specified in the notification.

(2) The government shall have power to make rule regarding—

- (a) the collection of tax;
- (b) the composition of the tax payable by any person;
- (c) the seizure, detention and disposal of any vehicle or animal in respect of which tax need not be paid;
- (d) the duty of the police to assist persons authorised to collect taxes, and the powers of the police in that behalf;
- (e) the penalties to be imposed in case of evasion of taxes or of resistance to the seizure and detection of any vehicle or animal in respect of which tax has not been paid.

Notice to be given of fair or festival.

164. The person or authority in charge of any fair or festival shall, not less than sixty days before its commencement, intimate to the executive authority or the H.O. of that local authority concerned, or in case the fair or festival is to be held within the jurisdiction of more than one local authority to the executive authority or the H.O. of each of the local authorities concerned, the date of commencement of such fair or festival, the period for which it will last, and such other particulars as may be required by the local authority or the H.O. in this connection.

Proceeds of tax.

165. If in respect of any fair or festival centre any tax is levied under section 163 the local authority may spend the proceeds thereby in connection with the fair or festival and for the benefit generally of the local area or areas concerned in such manner as the government may determine, after meeting the expenses incurred in connection with the arrangements made for the fair or festival.

166. (1) No person or organization shall establish or hold a fair or festival without obtaining written permission or licence from the local authority on payment of such fees and under such terms and conditions as may be prescribed by the local authority.

(2) The local authority may revoke the permission and licence in any emergency or event of outbreak of any communicable disease in the notified area or in its immediate neighbourhood or for other causes endangering human life and property and no person shall be entitled to any compensation for damage or loss resulting from such revocation.

Sanitary
and other
arrangements.

167. The local authority, within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such authority, jointly shall make provisions for—

- (a) the demarcation and preparation of the site of the fair or festival;
- (b) the cleaning and draining of the site;
- (c) the insect control;
- (d) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;
- (e) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons visiting the fair or festival and the proper preservation of such water;
- (f) the accommodation of pilgrims and visitors, to the extent possible;
- (g) the lighting of the fair or festival centre;
- (h) the supply, by authorised suitable persons of wholesome food, at authorised reasonable rates, in such quantities as may be necessary and proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre;
- (i) the collection, removal and disposal of refuse, rubbish and sewage;
- (j) the supply and maintenance of suitable latrins for the use of persons resorting to the fair or festival;
- (k) the making of fire-fighting arrangements;
- (l) the detection and segregation of cases of communicable diseases and the prevention of introduction and spread of such diseases;
- (m) the employment of adequate medical staff, the provision of medical relief and the furnishing of hospital accommodation both for general and isolation purposes; and
- (n) such other facilities as may be specified.

H.O. to
supervise the
arrangements.

168. The arrangements mentioned in Section 167 shall be executed under the supervision and control of the H.O. concerned, or if the fair or festival is held within the jurisdiction of two or more local authorities, under the supervision and control of the H.O. of one such local authorities designated by the person or committee referred to in section 167 or in case no H.O. is so designated, under the supervision and control of the H.Os. concerned with their respective local areas.

Power to
enter and
seize
unwholesome
food.

169. (1) The H.O. or a health/sanitary inspector of the local authority or of any of the local authorities concerned or any officer of the government or of any such local authority appointed by the government in this behalf, may—

- (a) enter and inspect any building or shop in the fair or festival (centre) which is a source of food supply;
- (b) for purposes of inspection, have access to any source of water supply in such (centre) or within such distance therefrom as the government may, by general or special order, determine; and
- (c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival (centre) which he had reason to believe, is unwholesome or unfit for human consumption and destroy the same forthwith, if in his opinion such food is of perishable nature or the value thereof does not exceed rupees.

(2) (a) Any officer seizing any food under sub-section 169 (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in this behalf.

(b) If the authority or person aforesaid is of opinion that the food is unwholesome or unfit for human consumption, such authority or person may, by order in writing, direct the food to be destroyed; and any expenses incurred in this behalf including the cost, if any, of analysing the food or a sample thereof shall be recoverable from the person from whom the food was seized, as if it were a tax due from him to the local authority or any of the local authorities concerned.

(c) If the authority or person aforesaid is of opinion that such food is wholesome or fit for human consumption, the food shall be returned to the person from whom it was seized, and the cost, if any, of analysing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

Occupation of building etc. acquired in connection with fair or festival.

170. (1) The local authority may, in case of emergency with the sanction of the District Collector/Magistrate, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling house, in the notified fair or festival centre which in the opinion of the H.O. is required and is suitable for any purposes connected with the fair or festival such as the construction of pilgrim sheds, water sheds, hospitals, congregation sheds, latrins and the like:

Provided that, if the land or building is occupied, notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

(2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in Section 170 sub-section (1). Such compensation and rent shall be fixed by the District Collector/Magistrate.

(3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

171. (1) the H.O. may by notice in writing, require the owner of or other person having control over, any source of water supply situated on the fair or festival site, or within such distance therefrom as the government may by a general or special order determine, to close or disinfect such source within a specified time, if in the opinion of the H.O., it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein the H.O. may himself take the necessary action and the whole of the expenses incurred in doing so or such part thereof as the H.O. may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

Licensing of houses to accommodate visitors to fair or festival.

172. (1) The owner or occupier of a house, not being a lodging house, registered under chapter XIII situated in any notified fair or festival centre shall not, for purposes of gain accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the H.O. of the local authority or of any of the local authorities concerned.

This provision shall not apply to tenancies from month to month or for a period exceeding one month.

(2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed and shall be accompanied with such fee as may be prescribed for the grant of the licence.

3(a) If it appears to the executive authority or the H.O. as the case may be, that the house is suitable for accommodating visitors to the fair or festival,

he may issue a licence in the prescribed form and subject to the prescribed conditions for the accommodation in the house of such number of visitors as may in his opinion, be conveniently received therein having regard to the number of persons resident in the house whether as members of the family or as servants of the owner or occupier.

(b) The licence shall specify—

- (i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time and
- (ii) the date until which it shall remain in force.

(4) If the authority granting the licence is satisfied that the licensed house has, subsequent to the grant of the licences become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this chapter, such authority may revoke the licence or, in his discretion, may suspend the licence for such period until the fulfilment of such conditions as he may specify.

Power of
the Director
of Health
Services.

173. In case of an emergency including an outbreak of a notified communicable disease and in case Section 167 is not fully complied with by the local authority the Director of Health Services shall have the power to direct and take or require to be taken or empower any person to take such measures as he shall deem necessary and the expenses incurred thereby shall be recovered from the local authority under such terms and conditions as prescribed by the government.

174. The government may prescribe rules generally for the purposes of this chapter and in particular for—

- (a) notification of the areas of fair, festivals areas and necessary particulars therefor;
- (b) issue sanction and cancellation of licences and permits;
- (c) imposition and calculation of rates of taxes;
- (d) arrangements regarding sanitary conveniences including supply of wholesome water for drinking, food hygiene and control, standards of accommodation, eating houses and removal of community wastes, medical relief measures etc;
- (e) duties of owners, managers and keepers of lodging houses and houses licensed for accommodating visitors in the event of incidence of notified communicable diseases;
- (f) the entry of persons suffering from any communicable diseases;
- (g) compulsory immunization of persons entering the notified area or leaving it.

Extension of
provisions
of the
chapter to
certain
areas.

175. The government may, by notification and subject to such modifications, if any, as may be specified therein, extend all or any of the foregoing provisions of this chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or festival held in a notified fair or festival centre halt, or are expected to halt, on their way to, or return from such centre.

CHAPTER XIII

LODGING HOUSE

Lodging house to be registered.

176. No person shall keep a lodging house or receive a lodge therein unless he is registered as the keeper thereof under this Act:

Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof.

Register of lodging house.

177. Every executive authority shall keep a register in which shall be entered:—

- (a) full name, father's name, place of residence of every person registered as the keeper of a lodging house;
- (b) the location of every such lodging house;
- (c) the number of persons authorised to be received in every room or place in the lodging house; and
- (d) the full name, father's name and the place of residence of any person(s) who is/are to act as deputies of the keeper of the lodging house.

178. (1) An executive authority on receiving an application for registration or for the renewal of the registration as a keeper of a lodging house and on payment of such fee, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority:—

- (a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and
- (b) may refuse to register or to renew the registration of an applicant if he is satisfied that—
 - (i) the applicant or any person employed or proposed to be employed, by the applicant at the lodging house as a deputy or otherwise is not a fit person whether by reason of age or otherwise, to keep or to be employed at a lodging house; or
 - (ii) the premises are not suitable for use as lodging house or are not as regards sanitation and water supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or
 - (iii) the use of the premises as lodging house is likely to cause inconvenience or annoyance to persons residing in the neighbourhood.

(2) The registration, or the renewal of the registration of a person as keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration.

(3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused.

(4) If, at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly, and make any consequential alterations in the certificate of registration.

Appeal
to local
authority.

179. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 178 may appeal to the local authority.

Rules for the
upkeep and
maintenance
of lodging
house.

180. The government shall have the power to make rules—

- (a) for fixing the number of persons who may be received into a lodging house and for separate accommodation of the sexes therein;
- (b) for promoting cleanliness and ventilation in lodging houses, requiring the walls and ceilings thereof to be limewashed or treated with some other suitable material, and disinsecting the lodging house or any part thereof and of adjoining areas, at specified intervals;
- (c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house;
- (d) laying down qualifications and state of health of the keeper, deputies and other workers; and
- (e) generally for the well ordering of lodging houses.

Notice to
be affixed
outside
the lodging
house.

181. (1) The keeper of a lodging house shall affix and keep affixed and undefaced and legible a notice with the words "Registered lodging house" in some conspicuous place on the outside of the house.

(2) The keeper of a lodging house and every other person having the care or taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or the Health Officer in this behalf to have free access to all parts of the house.

(3) A printed copy of the byelaws in the language of the place and Hindi and English relating to the maintenance of the lodging house and the instructions for the lodgers as may be issued by the keeper of the lodging house, shall be hung up in every room so as to be easily seen by the lodgers.

(4) Every keeper of a lodging house shall maintain an upto date register of all persons admitted in a lodging house with particulars about name, age, sex, profession and home address, the time and date of arrival and departure.

(5) No person suffering from any manifest sign of infectious disease shall be admitted or allowed to stay in the lodging house.

182. When the registered keeper of a lodging house is convicted of an offence under this chapter or under section (118) or a rule or bye-law applicable to him made under this Act, the court by which he is convicted may cancel his registration as a lodging house keeper and may order that he be disqualified for such period as the Court thinks fit for being again registered as such keeper.

CHAPTER XIV

HEALTH RESORTS

Area to be notified.	183. The provisions of this chapter shall apply to such places as are declared health resorts by the government by notification in the official gazette.
Development of permanent Health Resorts.	184. The local authority may develop or ask the government or make contract with some recognised organisation in developing permanent places of Health Resort, including the provision of accomodation and sanitary conveniences and facilities.
Use of temporary structures.	185. The local authority may permit use of tents and temporary structures of approved standards with facilities and at places approved by the Health Officer.
Provision of water supply, and health facilities.	186. It shall be the duty of the local authority to arrange for the provision of adequate supply of portable water, satisfactory drainage, adequate health facilities including insect control.
Register of graded lodging and eating houses.	187. The local authority shall licence and maintain a register of graded lodging and eating houses along with names and addresses of owner, manager, keeper and arrange to keep a price list fixed at prominent place in those houses.
Grading of lodging and eating houses.	188. The local authority may grade licensed eating houses and lodging houses and issue certificates of grade to be displayed at prominent places on payment of such charges, as may be approved by the local authority from time to time.
Concellation of grading.	189. The local authority may, at any time, on the recommendation of the Health Officer or any officer approved by the local authority revoke the grading if the standards are not maintained.
Local tax.	190. The local authority may, with the approval of the government impose a local tax on the visitors and may prescribe bye-law for the collection of and credit of such tax to the fund of the local authority.
Restrictions and closure.	191. The local authority may at any time close the health resort or restrict the influx of visitors to prevent over-crowding, creation of insanitary conditions or spread of notified diseases.
Outbreak of infectious diseases.	192. (1) In the event of an outbreak of any notified disease, the local authority shall take necessary measures to check the spread of the disease and may direct visitors to leave the place within specified time and all persons shall act according to such directions. (2) The local authority shall not be liable to pay any compensation to any person affected by such order or action of the local authority.
Contract for management.	193. The local authority may, with the approval of the government, enter into contract with any person or organization for the performance of the duties of the local authority under this Chapter.
Local Health and Development committee.	194. The local authority may constitute a Local Health and Development Committee with the Health Officer as the secretary and the executive officer or the Chairman of the local authority for participation and service on medical

relief, health measures, general development of the health resort, and application of the provisions of this Chapter.

Rules.

195. The State government may from time to time prescribe rules generally for the purposes of this chapter and in particular for:

- (i) declaration of any area and the limits of such area or areas as health resort;
- (ii) establishment, management and control of places for accommodation of visitors to health resorts;
- (iii) arrangements for adequate supply of water and other sanitary conveniences;
- (iv) development of health resorts with financial or other assistance from organizations approved by the government;
- (v) inspection, supervision, grading and control of lodging houses and eating houses;
- (vi) contract for management and performance of duties of the local authority; and
- (vii) visitors tax and its realization;
- (viii) constitution, duties, functions and conduct of business of Local Health and Development Committee.

CHAPTER XV

HOLIDAY CAMPS

Licensing
of holiday
Camps.

196. (1) No person or organisation can run a holiday Camp without obtaining licence from the local authority.

(2) Any person or organisation desiring of running a holiday Camp shall furnish a detailed description of the Camp including information on the site, physical condition, accommodation for camping and sanitary facilities to be provided.

(3) The executive authority may, after such investigation as it may deem necessary, issue a licence for the establishment of a holiday Camp provided it is satisfied that:—

- (a) the general hygienic conditions are satisfactory and the place is free from any notified (or endemic) disease and mosquitoes and other insects which may constitute a danger to the Campers;
- (b) sanitary conveniences are adequate and in satisfactory working condition;
- (c) potable drinking water is available in sufficient quantity;
- (d) accommodation and other arrangements are satisfactory; and
- (e) food stuffs available in the locality for the use of Campers are wholesome and of good quality and not contaminated by dust or flies.

(4) Provided that the executive authority shall not grant a licence or renew a licence until the Health Officer or any person duly authorized by him has inspected the Camp and the surrounding thereof named in the application and has recommended such licence or renewal of licence.

(5) Provided further that the executive authority may refuse to grant a licence or to renew a licence if he is satisfied that the camp and its surroundings are not suitable or do not satisfy the minimum requirements as regards sanitation.

(6) The licence or renewal of the licence granted shall expire at the end of the year or for the period mentioned in the application unless the executive authority, acting on the advice of the Health Officer considers.

197. If the executive authority refuses to grant or renew or cancels or suspends, a licence under section 196 he shall deliver to the applicant a statement in writing of the grounds on which his application is refused or his licence is cancelled or suspended.

198. The camps and all land and houses pertaining thereto shall be maintained in clean hygienic conditions free from insects, filth and offensive matters. Water for drinking and other domestic purposes shall be available in sufficient quantity. There should be sufficient number of bath rooms and latrines for male and female separately kept in sanitary conditions.

199. The water of any built up swimming pool within the camp, if any, shall be of such quality and shall conform to such standards as may be prescribed by the Health Officer.

200. The authorities of every Camp shall have at its disposal a qualified medical practitioner with nurses and other health staff with essential medical supplies, disinfectants, in insecticidal sprays and other requisites.

201. In the event of outbreak of any notified disease Camp authorities shall immediately inform the Health Officer and shall make arrangements for isolation and treatment by a qualified medical practitioner and take all necessary measures to prevent the spread of infection as may be advised by the H.O. or any person authority by him.

202. No person who is suffering from any communicable disease or any diseases or condition which is likely to spread to others under conditions of living in the Camp shall enter or stay in the Camp.

203. The local authority may, with the approval of the government, make rules generally for the purpose of this Chapter and in particular for:—

- (a) providing accommodation, standards of accommodation in various types of structures and tents, sheds etc; water sanitary conveniences, food hygiene and control, collection and disposal of community wastes, restriction of visitors suffering from any communicable disease, medical relief facilities, compulsory immunization;
- (b) grant, issue and cancellation of licence and the charges made from the visitors.

CHAPTER XVI

PARK, PLAY GROUND AND GREEN SPACES

Local
authority
to provide
places for
recreation.

204. (1). Local authority may provide as far as possible open spaces, parks, playgrounds, common swimming tanks, and other amenities for use and enjoyment by people.

(2) A local authority may reserve any such place for exclusive use of children.

(3) Two or more local authorities may jointly provide and maintaining open spaces, parks, play ground, water areas etc.

205. The local authority may, as far as possible provide and maintain swings, chutes, playing bars, rockers or such apparatuses for games and recreation for children free of charges and may also provide boats and diving platforms for hire on a nominal charge, in tanks and water collections and let out for water sports, rowing and swimming tanks.

Provided that no tanks reserved for supply of water for drinking and other domestic purposes shall be permitted to be so used for boating, swimming or sports.

Sports
fields.

206. A local authority may let out any park or land for sporting fields and may permit erection of tents, sheds or galleries on such terms and conditions as the local authority may prescribe.

207. A local authority may purchase, take lease of or otherwise acquire land and water areas for the purpose of the chapter and may dispose of any disused and abandoned park, playground or pasture or any water collection belonging to the local authority in any manner the local authority may deem fit.

208. A local authority may, with the approval of State government make bye laws for use of park, playground and open spaces, management of swimming pools, sporting fields, sanitary conditions and other purposes of this chapter.

CHAPTER XVII

SETTLEMENTS AND LABOUR CAMPS

209. No person (including the government or the local authority) can run a settlement or labour camp without making adequate arrangements for accommodation, water supply, sanitary conveniences, collection and disposal of community wastes, control of disease bearing insects and control of malaria.

210. (1) No person other than the government and the local authority can establish or run a settlement of labour camp without obtaining permission or licences from the local authority:

Provided that the government including railways, PWD establishing themselves camps but not through contract for labour or work, shall inform the local authority and obtain its permissions in writing:

Provided that such provisions do not apply to any defence and police services camps:

Provided that no licence is required for any camp lasting for a period of three days or less.

(2) The licence shall be renewable every six months.

211. (1) An executive authority on receiving an application from any person for establishing of a labour camp or settlement alongwith the plan and details of arrangement made as in Section 209 and on payment by him of such pay, if any, as may be prescribed for the purpose, shall issue a licence for the institution named in the application or renew his licence:

Provided that the executive authority—

- (a) shall not issue the licence until the Health Officer inspected the camp and has recommended such issuance of licence.
- (b) may refuse to licence or to renew licence if he is satisfied that—
 - (i) the site is not suitable for occupation for any reason including fire risks, security etc. and
 - (ii) the siting of the camp is likely to cause inconvenience or annoyance to persons residing in the neighbourhood.

(2) If an executive authority, refuses to grant or renew the licence under this section, he shall deliver to the applicant a statement in writing of the grounds on which his applications is refused.

Powers of
Health officer
and others
to enter.

212. The Health officer or any officer of health Department of the local authority not below the rank of a Health/Sanitary inspector may,

- (a) at all reasonable hours inspect with or without assistants, the camp or settlement or any part thereof; and
- (b) recommend such measures he may consider necessary within the terms and conditions of licence and any of the conditions laid down in Section 1.

213. The Government may make rules generally for the purpose of this chapter and in particular for (a) providing standards of accommodation, water, sanitary conveniences, collection and disposal of community wastes, medical relief and compulsory immunization (b) grant, issue and cancellation of licence.

CHAPTER XVIII

MARKETS

Establishment of hats & markets.

214. A local authority may establish and maintain markets or "hats" at suitable places for the convenience of people and may permit, by issue of licences, private persons to establish and maintain markets and hats.

Licensing of markets & hats.

215. (1) No person shall establish or maintain a market or hat without a licence from the local authority and permission of Taluka or S. D. offices.

(2) Every such licence shall be renewable every year and the local authority may for sufficient reasons under Section refuse such renewal.

Licence of vendor.

216. No person shall elsewhere than a market, sell or hawk any fish, meat or vegetable or carry on trade or business in foodstuff from any shop, stall or shed or as a squatter except under a licence from a local authority.

217. Every market or hat shall be provided with sufficient water-supply, drainage, sanitary latrines and urinals and the stalls for the sale of fish and meat shall be of raised plinth with impervious floor.

Cleaning and scavenging.

218. The local authority may provide establishment for scavenging and cleaning of a market or hat and shall levy a charge on the owner or lessee of a private market or hat.

Improvement of markets or hats.

219. The local authority may direct the owner or lessee of any existing market or 'hat' to rearrange the stalls, shops sheds, godown and other structures of the market or hat and to open up such passages, approaches and spaces, and the owner or lessee shall comply with the directions under this Section within the specified time, failing which the local authority may carry out the rearrangement plan at the cost of the owner or the lessee.

CHAPTER XIX

SLAUGHTER HOUSE

Local authority may provide slaughter house.

220. (1) A local authority may establish and maintain or permit by licence any private person or persons to establish and maintain a slaughter house for the purposes of killing cattle and animals for sale of meat.

(2) No person shall kill any cattle or animal for sale of meat as food except at a recognized slaughter house:

Provided that killing of cattle or animals as part of religious offering shall be outside the operation of this section.

Location of slaughter house.

221. A slaughter house shall be located away from residential areas and may if permitted by the local authority be located in or near a market.

Inspection before and after slaughter.

222. The local authority shall arrange for inspection of the animal by a veterinary surgeon or a competent person before the animal is killed and shall also arrange for inspection of the meat and organs for the purpose of certification of the meat for use as food.

Licensing of butcher.

223. (1) No person shall carry on the profession of the butcher in a slaughter house or elsewhere except under a licence from the local authority.

(2) Such licence shall be valid for a period of one year.

(3) Such licence shall not be given, cancelled or suspended in the case of a person who is in the infective stage of a disease or is found to be carrier of any infectious disease or unless he is certified suitably by the health officer.

224. The local authority may prescribe bye-laws fixing the hours of working and scale of fees to be paid for use of the slaughter house; for issue, renewals and revoking of licences; for sanitary arrangements and conveniences; for examination of cattle and carcasses; for accommodation and other arrangements to be provided in the slaughter house; for tethering cattle collection and transporting of meat from slaughter house to markets and shops; and all other matters relating to establishment and maintenance of slaughter houses.

CHAPTER XX

BURIAL AND BURNING GROUND

Local authority to provide burial and burning grounds and other places for disposal of dead bodies.

225. (1) A local authority shall provide suitable place for burial and burning or otherwise disposing of the dead bodies according to different religious customs at reasonable distance from inhabited areas. Two or more local authorities may jointly provide burial or burning grounds or other places for disposal of dead bodies.

(2) A local authority may, subject to such terms and conditions as the local authority may prescribe, grant licence for private burial and burning grounds.

(3) A local authority may provide crematorium and fix charges payable by the friends or relatives of the deceased for cremation of dead bodies.

Caretaker and sanitary provisions.

226. Each burial or burning ground shall be in charge of a care-taker who shall keep the place clean, free from vegetation, filth and nuisance and provide sanitary conveniences including water supply.

Registration of deaths.

227. The local authority shall arrange for proper registration of all dead bodies buried or burnt or otherwise disposed.

Certificate for cause and time of death.

228. The care-taker shall not permit the burial or burning of dead bodies except on production of a certificate showing the probable cause and time of death and signed by a registered medical practitioner or a member of the local authority for the locality in which the deceased was resident.

Clothing & bedding.

229. The clothing and bedding in which the dead body has been carried to the burial or burning ground shall be buried or burnt according to religious tenets. Such clothing or bedding shall not be allowed to be taken away by any person.

Disinfection of vehicles.

230. Every local authority shall arrange for thorough disinfection of the vehicles and bulky articles not disposed of under Section 229 and used for carriage of the dead body at a charge prescribed by the local authority in disinfecting station.

Disposal of unclaimed dead bodies of poor persons.

231. Except under permission from the local authority no body shall be buried, burnt or otherwise disposed of in any place other than a place mentioned in Section 225 and without registration of death.

232. A local authority shall arrange disposal of dead bodies unclaimed for 40 hours or of the dead bodies of which the friends and relations of the deceased person are too poor to arrange burial or burning or otherwise disposing.

Restriction for use of land near burial or burning ground.

233. A burial or burning ground and lands adjoining any place or a crematorium shall not be used for a park or playground, market, bazaar or any public place of entertainment.

Memorials and tablets.

234. A local authority may, at its discretion, permit erection of memorials and tablets on a suitable site at the burial or burning ground on such terms and conditions in the local authority may prescribe.

235. The State Government may make rules generally for the purposes of this chapter and in particular for—

- (i) setting apart suitable lands for disposal of dead bodies;
- (ii) licensing of private places for disposal of dead bodies;
- (iii) registration of deaths.

CHAPTER XXI

FINANCE

Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals.

Earmarking of the revenue by the local authorities for expenditure on health.

236. If any tax or toll is levied under section 163 (fairs and festivals) the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned in such manner as the local authority may decide, with the approval of the government.

237. (1) Every local authority shall earmark not less than 30 percent of its income from all sources other than Government grants for expenditure on the advancement of (public) health in its local area, including expenditure on medical relief:

Provided that the Government may, for financial or other reasons, vary the provisions of the sub-section to such extent as they may think fit in the case of any municipality.

(2) (a) The government may, by notification, authorize any local authority to incur expenditure on any (public) health purpose specified in the notification, notwithstanding any thing contained in the Act under which such local authority or authorities have been constituted.

(b) Any expenditure incurred by a local authority which is authorized by clause 237 (2) (a) shall be taken into account for the purpose of sub-section 237(1).

CHAPTER XXII

RULES, BYE-LAWS AND MISCELLANEOUS

PART I

Rules

Power of the government to make rules.

238. (1) Without prejudice to any power to make rules conferred by any other provision of this Act, the government shall have power to make rules—

- (a) generally for carrying out all or any of the purposes of this Act;
- (b) with reference to all matters expressly required or allowed by the Act to be prescribed;
- (c) laying down standards.

(2) Rules made under this Act may provide that a breach of any of them shall be punishable with imprisonment which may extend to months or with fine or with both, and in the case of a continuing breach, with imprisonment which may extend to months or with fine or with both.

Procedure for making rules.

239. (1) The power to make rules under this Act shall be subject to the following conditions:—

- (a) A draft of the rules, shall be published in the official gazette.
- (b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the government may appoint.

(2) All rules made under the Act shall be published in the official gazette and upon such publication shall have effect as if enacted in this Act.

PART II

Bye-laws

Bye-laws by local authorities.

240. (1) A local authority may make bye-laws not inconsistent with the provisions of this Act or any rule made thereunder generally for carrying out all or any of the purposes of this Act.

(2) Bye-laws made under this Act may provide that a breach of any of them shall be punishable with fine which may extend to Rupees and in the case of a continuing breach with fine which may extend to Rupees for every day during which the breach continues after conviction for the first breach.

Procedure for making and effect of bye-laws.

241. (1) Any power to make bye-rules conferred by this Act is subject to the condition of the bye-laws being made after previous publication.

(2) No bye-laws shall take effect until the same has been approved by the Government and published in the official Gazette.

(3) The Government, while approving a bye-law may make any change therein which appears necessary.

(4) The Government may after previous publication of its intention, cancel any bye-laws which it has approved, and thereupon, the bye-law shall cease to have effect.

Bye-laws to
be avail-
able for
inspection.

242. A copy of all bye-laws made under this Act shall be kept at the office of the local authority and shall during office hours be open free of charge to inspection by any inhabitant of the local area.

PART III

Miscellaneous

Service of
notice.

243. When any notice is required to be given by this Act or by any rule or bye-law made thereunder to any person, the notice shall be given—

- (a) by giving or tendering it to such person, or
- (b) if such person is not found, by leaving it at his last known place of abode or business or by giving or tendering it to some adult member or servant of his family, or
- (c) if such person does not reside in the local area and his address elsewhere is known by sending the same to him by registered letter,
- (d) if none of the means aforesaid is available by affixing the notice in some conspicuous part of such place of abode or business.

Publication of
notices and
orders.

244. Every notice or order which by or under this Act is to be given or served as a public notice or order or as a notice which is not required to be given to any individual specified therein shall be deemed to be sufficiently given or served if a copy of such notice or order is affixed on the notice board of the office of the local authority or in such other public place or is published in such local newspaper or in such other manner as the local authority may direct.

Power of
entry and
inspection.

245. The executive authority or any person authorized by him in this behalf may enter into or any building or land with or without assistants or workmen in order to make an inquiry, inspection, test, examination, survey measurement or evaluation or for the purpose of lawfully placing or removing pipes or meters or to execute any other work which is authorized by the provisions of this Act or of any rule or bye-law made thereunder or which it is necessary for any of the purposes of this Act or in pursuance of any of the said provisions to make or execute:

Provided that—

- (a) except when it is in this Act, otherwise expressed or provided no such entry shall be made between sunset and sunrise;
- (b) except when it is in this Act, otherwise expressed or provided, no dwelling house and no part of a public building used as a dwelling place shall be entered with or without the consent of the occupier thereof unless the said occupier has received at least 6 hours previous notice of the intention to make such entry;
- (c) sufficient notice shall be given in every case where any premises may otherwise be entered without notice; to enable the inmates of any apartments appropriated to women to move to some part of the premises where their privacy may be preserved;
- (d) due regard shall be paid so far as may be compatible with the exigencies of the purpose of the entry to the social and religious usages of the occupants of the premises.

Power to give
direction.

246. For the purpose of carrying into effect any provision of this Act the Government may in writing give to any local authority such directions as it thinks fit and it shall be the duty of the local authority to comply therewith.

Delegation of power.

247. The Government may by notification and subject to such restrictions, limitations and conditions as may be specified therein, authorize any person to exercise any or one or more of the powers conferred on it by this Act:

Provided that nothing contained in this Section shall apply to any power of the government to make rules or regulations or to issue directions.

Employees of local authorities to be public servants.

248. Every officer or other person employed by a local authority in connection with the (public) health services under this Act shall be deemed to be public servant within the meaning of Section 21 of the Indian Penal Code.

Protection of action taken under this Act.

249. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or bye-law made thereunder.

Effects of this Act.

250. The provisions of this Act shall save as otherwise expressly provided, have effect notwithstanding anything contained in any other law; and if any provision relating to public health contained in any other law is inconsistent with any provision of this Act, the latter shall prevail and the former shall to the extent of inconsistency, be void.

Removal of difficulties.

251. (1) If any difficulty arises in giving effect to the provisions of this Act, the government may, as occasion requires, by order, do anything not inconsistent with this Act which appears to it necessary or expedient for the purpose of removing the difficulty.

(2) Every order made in this Section shall be laid before the legislature.

Repeal.

252. (1) The enactments specified may be repealed.

(2) Notwithstanding such repeal, any notification, rules, regulation, bye-law, order or notice issued or any appointment or declaration made, or any licences permission or exemption granted or any other thing done or any other action taken under the repealed enactment, shall, so far as it is not inconsistent with the provisions of this Act, be deemed to have been issued, made, granted, done or taken under the corresponding provision of this Act.

CHAPTER XXIII

PENALTIES

(1) Whoever commits any offence by—

- (a) contravening any provision of any of the sections, sub-section clauses of sections, provisos or rules of this Act mentioned in the first column of the following table or
- (b) contravening any provision of any rule made under any of the said sections sub-sections, clauses or provisos, or
- (c) failing to comply with any direction lawfully given to him or any requisition lawfully made upon him under any of the said sections, sub-sections, clauses, provisos or rules shall be punished with fine or imprisonment which may extend to the amount or period mentioned in that behalf in the third column of the said table.

(2) (a) Whoever is convicted of any offence referred to in clause (a), (b) or (c) of sub-section (1), for a second or subsequent time shall be punished with fine or imprisonment for the amount or the period mentioned in the third column of the said table.

(b) Whoever after having been convicted of any offence referred to in clause (a), (b) or (c) of sub-section (1), continues to commit such offence shall be punished for each day after the first during which he continues so to offend, with fine which may extend to the amount mentioned in this behalf in the fourth column of the said table.

Explanation:—The entries in the second column of the following table headed "Subject" are not intended as definitions of the offences prescribed in the provisions mentioned in the first column or even as abstracts of those provisions, but are inserted merely as reference to the subject thereof.

Sections sub-sections clauses provisions or	Subject	Fine or imprisonment which may be imposed	Daily fine which may be imposed	Maximum fine or imprisonment or both which may be imposed for a second or subsequent offence
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NOTE: The table together with the subjects and the extent of penalties may be inserted by the State Government when adopting the Model Act for the State.