

**Government of Goa, Daman And Diu**  
**THE GOA, DAMAN AND DIU PUBLIC HEALTH ACT, 1985**  
**(Act No.25 of 1985)**

**AN**  
**ACT**

*To make provision for advancing the Public Health in the Union territory of Goa, Daman and Diu.*

Be it enacted by the Legislative Assembly of Goa, Daman and Diu in the Thirty-sixth year of the Republic of India as follows:-

CHAPTER I  
Preliminary

1. *Short, title, extent and commencement.*- (1) This Act may be called the Goa, Daman and Diu Public Health Act, 1985.

(2) It extends to the whole of the Union territory of Goa, Daman and Diu.

(3) It shall come into force at once.

2. *Definitions*-In this Act, unless the context otherwise requires,-

(1) "building" includes,-

(a) a house, out-house, stable, latrine, godown, shed, but-wall (other than a boundary wall not exceeding 2.5 meters in height and any other such structure, whether built with bricks, wood, mud, metal or any other material whatsoever;

(b) a structure on wheel or simply resting on the ground without foundation; and

(c) a ship, vessel, boat, tent, van and any other such structures used for human habitation;

(2) "cattle" includes elephants, camels, mules, asses, horses, cows, buffaloes, bulls, bullocks, sheep, goats, dogs, and pigs and mules, asses, and the young ones of these species;

(3) "Collector" means the Collector of Goa, the Collector of Daman and the Civil Administrator, Diu and includes an Additional Collector;

1 [{"3A) "Competent authority" includes,-

(a) the Chief Medical Officer (National Malaria Eradication Programme);

(b) Health Officer I/c and Medical Officer I/c of Community Health Centre/Upgraded Primary Health Centre/Primary Health Centre Urban Health Centres of the concerned jurisdiction under supervision of Chief Medical Officer (National Malaria Eradication Programme).”]

(4) “Director” means the Director of Health Services, Government of Goa, Daman and Diu;

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<sup>1</sup> After clause (3) new clause (3A) inserted by (Amendment) Act, 1996 (Goa Act 14 of 1996) (O. G. series I No. 34 dated 21-11-1996).

(5) “drain” means a house-drain or a drain of any other description and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water;

(6) “drug” means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine;

(7) “dwelling house” means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connection therewith;

(8) “factory” means any premises including the precincts thereof wherein any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency;

(9) “filth” means,-

(a) night soil and other contents of latrines, cesspools and drains;

(b) dung and the refuse of useles; or

(c) putrid and putrefying substances ;

(10) “food” includes every article consumed or used by man, for food, drinks, or chewing, and all materials used or admixed in the composition or preparation of such article and shall also

include flavouring and colouring matter and condiments;

(11) “Government” means the Government of the Union territory of Goa, Daman and Diu;

<sup>2</sup>[“(12) “Health Officer” means the Health Officer or Medical Officer in charge of Primary Health Centre or Urban Health Centre or any other officer of Health Services appointed by the Government under section 8;”.]

(13) “house drain” means any drain actually used, or intended to be used for the drainage of one or more premises;

(14) “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 or any small building of whatever material made, which the local authority may declare to be a hut for the purposes of this Act;

(15) “infectious disease” means an infectious disease as defined in section 47 and includes notified diseases as defined in section 57;

(16) “latrine” includes privy, water-closet and urinal, whether public or private, or whether open or flushout;

(17) “local area” means the area within the jurisdiction of a local authority;

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<sup>2</sup> Clause (12) has been substituted by (Amendment) Act, 1987 (Goa Act, 7 of 1987) (O. G. series I No. 38 dated 17-12-1987) the original clause (12) reads as follows :

“(12) “Health Officer” means the Health Officer appointed by the Government under section 8;”

(18) “local authority” means, -

(a) in any municipal area, the Municipal Council concerned;

(b) in any other area, the Village Panchayat concerned;

(19) “lodging house” means a hotel, a boarding house, a choultry, dharmashala or rest-house not maintained by the Government or a local authority, 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 recognized control, or

(b) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both;

(20) “magistrate” means a Magistrate as construed under section 3 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974);

<sup>3</sup>[“20-A) “migrant labourer” means a person from a State other than the State of Goa, employed in or in connection with the work of any establishment, to do an skilled or semi-skilled or unskilled, manual, supervisory, technical or clerical work, for him or reward, whether in terms of employment, express or implied, by or through a contract, in relation to such establishment.”].

(21) “notification” means a notification published in the Official Gazette;

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<sup>3</sup> clause 20A has been inserted by (Amendment), Act 2001 (Goa Act 47 of 2001) (O. G. series I No. 14 dated 10-07-2001-Extraordinary).

(22) “nuisance” includes any act, omission, place or thing which 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 injurious 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; <sup>4</sup>” and also includes any water collection which, in the opinion of the Health Officer mosquitoes breed or are likely to breed, unless such collection of water has been treated effectively to prevent such breeding.”]

(23) “occupier” includes,-

(a) 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 or part of the same in respect of which the word is used or damages on account of the occupation of such land, building, or part; and

(b) a rent-free occupant;

(24) “offensive matter” includes,

(a) filth as defined in clause (9); and

(b) sewage as defined in clause (31);

(c) dirt, house sweepings, spittings, including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris, and waste paper;

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<sup>4</sup> This expression in clause (22) has been added by (Amendment) Act 2001 (Goa act of 2001) (O. G. Series I No. 14 dated 10-7-2001) – Extraordinary).

(25) “offensive trade” means any trade in which the substance dealt with are, or likely to become, a nuisance;

(26) “owner” includes the person for the time being receiving or entitled to receive, whether on his own account or as agent, trustee, guardian manager or receiver for another person or estate or for any religious or charitable purposes, the rent or profits of the property in connection with which the word is used;

(27) “panchayat” means a Village Panchayat constituted under the Goa, Daman and Diu Village Panchayat Regulations, 1962 (9 of 1962);

(28) “prescribed” means prescribed by the Government by rules made under this Act;

(29) “private street” means any street, road, square, court, alley, 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;

(30) “public street” means any street, road, square, court, alley, 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 footway 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, veranda, or other structure which lies on either side of the roadway upto the boundaries of the adjacent property whether that property is private property or property belonging to the Central Government or the Government;

(31) “sewage” means nightsoil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds;

(32) “street” means a public or private street;

(33) “urban local area” means the area within the jurisdiction of an urban local authority;

(34) “urban local authority” means a Municipal Council constituted under the Goa, Daman and Diu Municipalities Act, 1968 (7 of 1969) and includes any panchayat notified by the Government as an urban local authority for the purposes of this Act;

(35) “venereal disease” means syphilis, gonorrhoea, soft-chancere, venereal granuloma or lymphogranuloma;

(36) “water-course” includes any river, stream or channel, whether natural or artificial, other than a drain;

(37) “workplace” means any premises including the precincts thereof (not being a factory or a workshop) wherein is carried on any industrial, manufacturing or trade process, at which not less than five persons are employed for wages or any other remuneration;

(38) “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 adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

## CHAPTER II

### **Controlling Authorities and their powers**

3. *Constitution of Public Health Board.*- (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Union territory of Goa, Daman and Diu, a Public Health Board consisting of the following members, namely:-

- (a) the Minister for Public Health;
- (b) the Director of Health Services;
- (c) Director of Municipal Administration;
- (d) Collector;
- (e) Chief Town Planner;
- (f) three persons having special knowledge of matters relating to public health or public engineering.

(2) Members nominated under clause (f) of sub-section (1) shall hold office for a period of one year from the date of nomination but shall be eligible for re-nomination.

(3) The Minister for Public Health shall be the President of the Public Health Board and the Director of Health Services shall be its Secretary.

4. *Functions of the Public Health Board.*- (1) The Public Health Board shall advise the Government on such matters as the Government may, from time to time, refer to it.

(2) The meetings of the Board and the mode of transaction of meetings shall be governed by such regulations as may be framed by it.

(3) 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. *Powers of Government and of Director of Health Services.* - (1) The Government shall have power to inspect, control and superintend the operation of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised and the duties to be performed, by the Director or any member of his staff for the purposes of sub-section (1).

(3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from any powers possessed by the Government or the Collector under any other law for the time being in force.

6. *Power of Government to direct performance by Government of any function devolving on Local authorities.*- 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 Government, and not the local authority, shall be the local authority in all or any areas which are comprised within the jurisdiction of such a local authority.

7. *Powers of Director to recommend measures for improvement of Public Health.*- The Director 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, or for safeguarding the public health therein:

Provided that, if on account of financial or other reasons any local authority is unable to carry out such measures and requests the Government to carry out such measures, the Government, after satisfying itself about the genuineness of the said difficulties, shall carry out the said measures.

8. *Appointment of Health Officer.*- The Government shall appoint, for each local area a Health Officer with such qualifications as may be prescribed, for the purposes of this Act.

9. *Appointment of temporary Health Officers in emergency.*- (1) In the event of the prevalence or threatened outbreak of any infectious disease in any area, or of any unusual mortality therein, 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, or for investigating the cause of, and preventing such mortality, as the case may be.

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Indian Medical Council Act, 1956 (Central Act 102 of 1956), either on an honorary basis or on such salary and allowances or both as the Government may fix.

10. *Delegation of powers of Health Officer.*-

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 and revision, as may be specified in such order.

11. *Appointment of persons to carry out the provisions of this Act.*-

Notwithstanding anything contained in this Act or in any other Act or Acts governing the local authority or authorities concerned, the Government may, by general or special order, appoint any person or persons to carry out such

provisions of this Act and in such areas, as may be specified in the order.

12. *Health Officer's control over public health staff:-* (1) The Health Officer in-charge of any local area shall exercise supervision and control over all other members of the public health establishment of such area.

(2) (a) Save as otherwise provided in this Act or in any rules or regulations made under it, all appointments, transfers and punishments of the members of the public health establishment under the supervision and control of the Health Officer shall be made by the health Officer, subject to the approval of the Director.

(b) If for any reason the local authority disagrees with the orders of the Health Officer under clause (a) the local authority shall refer the matter to the Director, whose decision shall be final.

13. *Authorization of Health Officer to perform the functions of local authority in public health matters.-* The Health Officer shall perform such of the functions and discharge such of the duties of the local authority in regard to public health matters under any of the provisions applicable to such local authority subject to such appeal and control as the Government may, by general or special order, determine.

### **CHAPTER III**

#### **Water-Supply**

14. *Local authorities to provide potable water.-* Wherever a local authority has made a provision for supply of drinking water for consumption by the inhabitants of the area within its jurisdiction, it shall ensure,-

- (a) that as far as possible, the water-supply is continuous throughout the year;  
and
- (b) That the water supplied is at all times wholesome and fit for human consumption.

15. *Power of Government to direct local authority to execute water works.-* (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 authorities of areas in the neighborhood 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:



Provided that, if on account of financial or other reasons, any local authority is unable to execute such works and requests the Government to execute such works, the Government, after satisfying itself about the genuineness of the said difficulties, shall execute the said works.

(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 outside the limits of its local area for supplying water within its area;
- (b) purchase or take on lease any waterwork, or any right to store or to take, convey water, either within or without the limits of its local area; and
- (c) Contract with any local authority or other person or agency for the supply of water.

(3) A local authority may, with the previous sanction of the Government, by public notice, declare of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water-supply whether 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 and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

*16. Power of Government to divert water from water-main belonging to a local authority.*- The Government shall have power to take water from any water-main belonging to or in the control of, a local authority for supply of water to any other area, subject to such payment being made to the local authority concerned and subject also to such other conditions as the Government may consider reasonable;

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 explanation or objections, if any.

*17. Power of Collector in regard to water-supply.*- (1) The Collector or any other 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 or 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 thereof.

(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 protection 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 aforesaid shall give the authorities or persons interested 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) and appeal shall lie to the prescribed authority whose decision shall be final.

(4) (a) Every notice issued under sub-section (2) 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.

(b) The notice shall, -

(i) be published in the prescribed manner; and

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

(5) If directions contained in the 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.

18. *Power of Director to direct local authority to improve water-supply.*- If the Director 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 person in-charge to take such measures as may be specified therein; and such person shall take action accordingly.

19. *Railway administration to submit samples of drinking water for analysis.*- In the case of any railway in the territory the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Government, such fee as may be prescribed.

20. *Rules for protection and periodical examination of water-supply.*- The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the Union territory of Goa, Daman and Diu.

21. *Health Officer's powers in regard to in sanitary sources.*- (1) The Health Officer 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 source 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 in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty days from the receipt thereof-

- (a) keep and maintain any such source of supply in such manner as the Health Officer 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 or otherwise, in such manner as the Health Officer may direct; or
- (d) fill in, repair, protect or enclose in such manner as the Health Officer 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 persons 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 Health Officer, 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 Health Officer considers sufficient to prevent the use thereof 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 anyland or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be injurious to health or offensive to the neighbourhood;

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

Provided further that a notice shall not be issued under clause (f) unless a notice has first been issued under clause (e) and the source of water-supply in question continues to be used for drinking purposes notwithstanding the issue of such notice, and the Health Officer considers that such 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) within the time specified therein the Health Officer 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 Health Officer 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 Health Officer or 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 such authority as the Government, by order, determine.

[“22. Building not be occupied without adequate water supply and proper water storage facility.- (1) No owner of any building having more than one independent residential unit, which may be constructed or re-constructed after the commencement of the Third Amendment Act, 1993 shall occupy it, or cause or permit it to be occupied until he has obtained certificate from the Health Officer,-  
(i) that there is within such building or within reasonable distance there from, a supply of wholesome water sufficient for the domestic purpose of the intimates of such building, and  
(ii) if such building has a sump or overhead tank, that they are provided with such mosquito-proof arrangement as may be prescribed.

(2) The Health Officer may also by notice in writing, direct the owner or occupier of any existing building having a sump or overhead tank to provide such mosquito proof arrangement and within such time as may be specified by the Health Officer.

(3) Whenever a person on whom notice is served under sub-section (2), fails to comply with the requirements thereof, the Health Officer, may himself or through the local bodies get the requisite work done and recover the cost thereof from the owner as arrears of land revenue under the law for the time being in force.”]

## **CHAPTER IV**

Drainage

23. *Local authority to maintain Public drains.*-(1) Every Urban local authority shall, so far as the funds at its disposal may permit, 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 the Government, any local area or part thereof should, for any special reason, be provided with a system of public drain or with any other means of drainage, they may direct the local authority concerned to provide and execute within such time as may be fixed in this behalf, such works as may be considered necessary.

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

24. *Power of Health Officer to require drains to be constructed.*-(1) If any premises are, in the opinion of the Health Officer, without sufficient means of effectual drainage, he may, by notice direct the owner of such premises to construct a drain leading there from to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

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<sup>5</sup> **Section 22 has been substituted by (Amendment) Act,1993 (Goa Act No. 7 of 1994) O. G. Series I No. 5 dated 5-5-1994). The original section 22 reads as follows:**

**“22. New house not to be occupied without adequate water-supply.- No owner of any dwelling house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied until he has obtained a certificate from the Health Officer 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.”**

Provided that if in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice, require the owner of the premises to construct –

- (i) a closed cesspool, septic-tank, filter or other work of such material, size and description, as he may direct; and
- (ii) a house-drain communicating with such closed cesspool, septic-tank, filter or other work.

(2) Where by reason of a local authority 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 and partly by the owner, in accordance with such rules as may be prescribed.

*25. Drains in private streets.*- 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 the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his 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 mutually agreed upon between or among the owners concerned, or

(b) In default of such agreement, except upon such terms as may be laid down by the local authority and in particular, until any payment be made to the owner or owners concerned has been duly made.

*26. Drainage for huts,* - (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such material as may be considered by the health Officer 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 discharge of sewage.

(2) If the Health Officer considers that a new drain should be constructed for the benefit of the occupants of any hut, he may, by notice, require the owner of the land on which such hut stands, to construct such drain and such owner shall construct such drain, and cause it to be cleansed and repaired to the satisfaction of the Health Officer.

*27. Drainage of court-yard, alley, passage, etc.*- For the purpose of efficiently draining any land or building, the Health Officer may, by notice, require the owner or any court-yard, alley, lane, passage or open space –

(a) to raise or pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

(b) To raise the level of such court-yard alley, lane, passage or open space.

Explanation- It shall be open to the Health Officer to require that in any case

both the measures specified in clauses (a) & (b) shall be taken.

28. *Construction and closure of cesspools.-*

(1) No person shall construct a cesspool

(a) beneath any part of any building or within such distance of any tank, reservoir, water-course or well or within such other distance therefrom as the Health Officer 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 three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

2) The Health Officer may, at any time, by notice, require any person within whose premises any cesspool is constructed in contravention of sub-section (1) to remove such cesspool or to fill it up with such material as may be approved by him.

<sup>6</sup>[“29.- Establishment of commercial, industry and other establishments and constructions.-

(1) No person shall construct any building, house, cess pool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer charge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No Commercial or in industrial establishments, warehouses, storehouses, factories, workshops or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

(3) All such permissions issued shall be subject to the payment of such fees as may be notified by the Government from time to time”.]

30. *Sullage or sewage not to be let out into street.-* No person having control over any building or land shall cause or allow -

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

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<sup>6</sup> Section 29 has been substituted by (Amendment) Act 2001 (Goa Act 47 of

2001) O. G. Series I No. 14 dated 10-7-2001-Extraordinary). The original section 29 reads as follows :

“29. Prohibition of occupation of new building.- No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.”

(b) Any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street.

31. *Injurious refuse not to be discharged into public drain.*- No person shall, save as may be generally or specially prescribed, throw, empty, or turn, or suffer 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 being refuse or steam or other liquid which is, either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance or prejudicial to health; or

(c) Any explosive or inflammable substance.

32. *Pollution of water prohibited.*- No person shall save as may be generally or specially prescribed-

(1) put, or cause to be put or cause to fall or flow or be carried or knowingly permit to be put or to fall or flow or be carried, into any water-course, lake, tanks, sea-water within five kilometers from the shore-

(a) any solid or liquid sewage matter, or

(b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or

(2) put, or cause to be put, or cause to fall or be carried or knowingly 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 persons, to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, 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 V

### Sanitary Convenience

33. *Obligation of local authority to provide public sanitary conveniences.*- 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.

34. *New houses to be provided with sanitary conveniences.*- 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.

35. *Additional sanitary conveniences.*- 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 convenience 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.

36. *Mode of construction of latrines.*- (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 a 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 improvement therein and within such time as may be specified in the 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 VI

## **Abatement of nuisances**

37. *Certain things to be nuisances.*-Without prejudice to the generality of the definition of the expression “nuisance” contained in clause (22) of section 2, the following shall be deemed specifically to be nuisances for the purposes of this chapter.-

- (1) any premises in such a state as to be prejudicial to health;
- (2) any pond, pool, ditch, gutter, water-course, water trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health;
- (3) any animal kept in such a place or manner as to be prejudicial to health;
- (4) any accumulation or deposit of refuse or other matter which is prejudicial to health;
- (5) any factory, workshop or workplace, which is not provided with sufficient means of ventilation or in which sufficient ventilation is not mentioned or which is not kept clean or not kept free from noxious effluvia, or which is 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 practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye house, brewery, bake house or gaswork, or in any manufacturing or trade process whatsoever;
- (7) any chimney sending forth smoke in such quantity as to be a nuisance; and
- (8) any noise, vibration, dust, cinders, irritating smell, noxious vapours or offensive odour produced by a factory, workshop or workplace or an installation and which is a nuisance to the neighbourhood.

38. *Detection of nuisance.*- Every local authority shall, - (a) cause its local 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 this Act, and  
(b) enforce the provisions of this Act in order to abate such nuisances.

39. *Information regarding nuisance.* – Any person aggrieved by a nuisance in any local area may give information of the same to the Health Officer or any other officer of the local authority.

<sup>7</sup>“40. Power of Health Officer to abate nuisance.- (1) If the Health Officer is satisfied, whether upon information received under section 39 or otherwise, of the existence of a nuisance, he shall be duty bound to issue a notice, within a period of seven days from the date of receipt of such information or date of knowledge of the existence of such nuisance, as the case may be, requiring the person who is responsible for such nuisance or by whose act, default or sufferance or thing the nuisance arises or continues, and/or if that person cannot be found, the owner or occupier of the premises in respect of 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, within a period as may be fixed in the notice, not exceeding sixty days in any case;

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**7 Section 40 has been substituted by (Amendment) Act 2001 (Goa Act 47 of 2001) (O. G. series I No. 14 dated 10-7-2001-Extraordinary) the original Section 40 reads as follows:**

**“40. Power of Health Officer to abate nuisance. – (1) If the Health Officer is satisfied, whether upon information given under section 39 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 or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.”

Provided that, the Health Officer, for reasons to be recorded in writing, and upon the application in writing by such person to whom such notice is issued, may extend the period specified in such notice, by a further period of fifteen days, in the facts and circumstances of the case.

(2) The officer-in-charge of the Police station of the area concerned shall be duty bound and responsible, when called upon by the concerned Health Officer or such other officer as authorized by the Directorate of Health Services, to provide necessary police protection for removal and/or to ensure removal of such nuisance and shall also provide all possible assistance for removal of such nuisance. The officer-in-charge of the police station shall be answerable and

responsible for non-compliance of the requisition made by the Health Officer or by such other person as specified in this sub-section.

(3) The directions as contained in the notice under sub-section (1) shall have effect, notwithstanding anything contained in any other law for the time being in force or any other law for the time being in force or any custom or usage or decree or order of a Court, or any agreement or contract, express or implied, as far as they are not inconsistent with the provisions of this section.

(4) The issuance of the notice under sub-section (1) to a person, as an occupier of any premises, shall not create any legal right, title or interest in such person, in respect of such premises, if such person is not the owner of such premises as the notice issued is only for creating the liability of abatement of nuisance or execution of any work or to take such steps as may be directed under sub-section (1).

(5) If any person, owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, the Health Officer shall himself execute any work or take such steps, which he may consider necessary, to abate, the nuisance and to prevent the recurrence thereof:

Provided that, any expenses incurred or loss suffered on account of execution of any work or steps taken by the Health officer, for abatement of nuisance under this sub-section, shall be recovered from the person to whom the notice under sub-section (1) was issued, as arrears of land revenue.

(6) The failure to comply with the directions contained in the notice issued under sub-section (1) shall be cognizable offence punishable with simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both:

Provided that the said offence may be compounded by the Health Officer, if the offender agrees to pay a fine of Rs. 3,500/-.

(7) In case of any nuisance arising in respect of the premises belonging to the Government, the officer-in-charge of the said premises or Head of office, as the case may be, shall be liable personally to be issued a notice under sub-section (1) as also for the penalty specified in sub-section (6):

Provided that if the Health Officer himself is the office-in-charge of such premises of Head of office, the provisions of sub-section (1) shall not be applicable to him although he shall be duty bound and liable to abate the nuisance within a period of eight days from the date of knowledge of the existence of nuisance.

(8) If the Health Officer, after receiving the information of any nuisance, either under section 39 or upon his own knowledge, intentionally or deliberately, fails or neglects, to take any action as provided for, in sub-section (1), (5) or 97) as the case may be, within the period specified thereto, he shall be liable for payment of fine at the rate of at least Rs. 50/- per day and which may extend to Rs. 5000/-, upon conviction by the Judicial Magistrate First Class, after a complaint at that regard is filed by any person aggrieved by a nuisance.”]

41. *Power of local authority to abate nuisance.*- If the person on whom a notice to abate a nuisance has been served under section 40 makes default in complying with any of its 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 any works necessary to abate the nuisance or to prevent its recurrence, as the case may be, and may recover the cost from such persons as if it were a tax due to the local authority.

42. *Provision regarding house rendered unfit for occupation by reason of nuisance.*- Where a house or other building, is in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate to prohibit the use of such house or building for human habitation until it is rendered fit therefore.

43. *Disposal of articles removed while abating nuisance.*- (1) The Health Officer may sell any material which have been removed by him from any premises when executing words under this Chapter of otherwise carrying into effect the 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.

(2) A Health Officer 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 governing such authority.

44. *Powers of entry and inspection.*- Any Officer of the Public Health Department of the Government not below the rank of Health or 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, and unless he has been served at least twenty-four

- hours previous notice of the intention to make such entry;
- (c) sufficient notice shall in every case be given to enable the inmates of any apartment appropriated to women to withdraw to some of the premises where their privacy may be preserved; and
  - (d) due regard shall be paid, so far as may be compatible with exigencies of the purpose of the entry to the social and religious usages of the persons residing in the premises.

45. *Nuisance caused by act or omission outside local area.*- If a nuisance under this Act within, or 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 Health Officer may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

46. *Prohibition of the deposit of rubbish, etc. in streets, etc.*- (1) No person shall deposit or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung, ashes, or refuse or filth, earthenware or other rubbish, or any other thing which is or may be a nuisance in any a street, or in any arch under a street, or in any drain beside a street, or on any open space or on any quay, jetty or landing place of or any part of the sea-shore, or the bank of any water-course, except in such receptacles as may be provided at such places, in such manner and at such hours, as may be fixed by the local authority.

(2) No person shall cause himself or cause, permit or suffer any member of his family or household to ease himself in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

(3) Any person easing himself in any private open space shall immediately cover up the excreta with earth.

## **CHAPTER VII**

### Prevention, notification and treatment of diseases

47. *Infectious diseases.*- For the purposes of this part, 'infectious diseases' means (1) acute influenza pneumonia, (2) anthrax, (3) cerebrospinal fever, (4) chickenpox, (5) cholera, (6) diphtheria, (7) enteric fever, (8) smallpox, (9) pulmonary tuberculosis, (10) syphilis, (11) gonorrhoea, (12) acquired immunodeficiency syndrome (13) leprosy (14) plague (15) rabies (16) relapsing fever (17) smallpox (18) syphilis (19) typhoid fever (20) measles (21) paratyphoid fever (22) bacillary dysentery (23) amoebic dysentery (24) acute infectious

encephalitis (25) acute poliomyelitis (26) infectious hepatitis (27) epidemic influenza (28) whooping cough (29) mumps (30) malaria (31) filaria (32) chickungunya (33) dengue and any other disease which the Government may from time to time, by notification, declare to be an infectious disease either generally throughout the Union territory or in such part or parts thereof as may be specified in the notification.

48. *Appointment of additional health staff.*- (1) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff medicines, appliances, equipments and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious diseases and preventing it from spreading or for investigating the cause of such mortality and preventing it, as the case may be;

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the Director whose decision shall be final.

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interest of public health, he may, notwithstanding anything contained in sub-section (1), appoint such staff and obtain such medicines, appliances, equipments and other things 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 forthwith to the local authority concerned.

49. *Provisions and maintenance of isolation hospitals and wards.*- (1) (a) The local authority may, and if so required by the Government shall provide or cause to be provided hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.]

(b) For the purpose of the reception and treatment of such persons a local authority may -

- (i) itself build such hospitals, wards or places of reception, or
- (ii) contract for the use of any existing hospital or part of such 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 infectious diseases.

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

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards and places of reception in question are maintained in accordance with such general or special orders as may from

time to time be issued by the Director.

50. *Provision of ambulances, etc.- The Director shall,-*

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

51. *Registered Medical practitioners to give information of certain infectious diseases.-* Every registered medical practitioner of any system of medicine including practitioner of dental surgery who in the course of his practice becomes cognizant or suspects the existence of any case of the diseases mentioned in section 47 in any private or public dwelling, hospitals (including nursing homes), shall report and furnish information of the same with the least practicable delay –

- (a) in a local area, to the local authority concerned; and
- (b) in any other area, to the Health Officer or a health or Sanitary Inspector:

Provided that in the case of acquired immuno deficiency syndrome, the information shall necessary be given to the Health Officer of the respective jurisdiction.

52. *Prohibition of the use of water from suspected source. –* (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose, is liable to endanger or cause the spread of any infectious disease, he may, by public notice, prohibit the removal for use of the said water generally or for any specified domestic purpose and shall direct the local authority to provide alternate source of water within a reasonable distance.

(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.

53. *Removal of infected person to hospital, -* (1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person –

- (i) is without medical supervision directed to the prevention of the spread of the disease, or
- (ii) is without medical supervision directed to the prevention of the spread of the decease, or
- (iii) is lodging in a place occupied by more than one family; or
- (iv) is in a place where his presence is a danger to the people in the



neighbourhood, and

(v) should be removed to hospital or other place at which patients suffering from such disease are received for treatment, the Health Officer may remove such person or cause him to be removed to such hospital or place;

(vi) no person including a foreigner shall refuse collection of blood or investigation of acquired amino deficiency syndrome or any other communicable/infectious diseases if the Health Officer has reasonable ground to suspect that such person is suffering from acquired imino deficiency syndrome or other infectious disease as defined under the Act;

(vii) all such persons admitted in prescribed wards/hospitals shall be provided with materials, equipment, etc. which shall no be used for any other purpose;

(viii) the parenteral medication of the patients suffering from acquired amino deficiency syndrome shall be given through disposable sets/syringes;

(ix) the linen, mattresses, etc. used for the deceased patients who where suffering from Acquired immunodeficiency syndrome shall be immediately destroyed by burning;

(x) all the staff working for the management of the patients suffering from acquires immunodeficiency syndrome shall be effectively protected with long rubber gloves, sterilized linen and mask;

(xi) persons handling the dead bodies of patients who were suffering from acquired immunodeficiency syndrome shall be instructed to ensure that they do not come into contact with any secretions such as saliva; etc.;

(xii) the dead body of a patient who was suffering from acquired immunodeficiency syndrome shall be enclosed in a polythene bag and tied with knots at both the ends and sealed before further action for its cremation/burial or dispatch abroad at both the ends and sealed before further action for its cremation/burial or dispatch abroad as the case may be;

(xiii) no transplant operation of any kind shall be performed unless the donor well as the receptor is confirmed to be free from acquired immunodeficiency syndrome through serological investigation;

(xiv) all the Blood Banks shall send the blood specimen for ELIZA test to the surveillance center of the Goa Medical College and only after obtaining the negative result, it shall be use4d for the patients.”

(2) if any woman who, according to custom, does not appear in Public is removed to any such hospital or place-

(i) the removal shall be affected in such a way as to preserve her privacy; and

(ii) Special accommodation in accordance with the customs aforesaid shall 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 sub-section (1) without the permission of the medical officer in charge or of the Health officer

(4) whoever-

(a) obstructs the removal of any person to any hospital or other place under sub section (1), or

(b) leaves or take away any person from any such hospital or place in contravention of sub section (3), shall be punished with imprisonment which may extend to three months or with fine or with both.

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54. Prohibition of the exposure of other persons to infection-(1) no person who knows that he is suffering from an infectious disease specified in the chapter shall expose other persons to the risk of infection by his presence or conduct in

—

(a) any market, college, playground, or such other place, or

(b) theatre or other place of entertainment or assembly, or

(c) any hotel, hostel, boarding house, choultry, rest-house or club, or

(d) any factory or shop

Explanation-A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub section if he has been informed by the Health officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of health or sanitary inspector or a medical practitioner that he is so suffering.

(2) no person who has the care of a person whom he knows to be suffering from an infectious disease 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 sub-section (1).

55. Infected person not to engage in certain trades and occupations- no person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease-

(a) 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

(b) engage in any other occupation without special permit from the Health officer of the local authority concerned or otherwise than in accordance with the conditions specified therein.

56. prevention of infectious diseases transmissible from animals.-if, in any local area, any infectious disease transmissible to man breaks out or is, in the opinion of the health officer, likely to break out amongst cattle or other animals it shall be the duty of the Health officer to 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 outbreak or threatened outbreak thereof; and the local authority shall consider such recommendations and take such action thereon as to it may deem suitable

## **Part II Notified Diseases**

57. Notified Diseases,-In this part, “notified disease” means any disease which the Government may, from time to time, by notification, declare to be a notified disease for the purpose of this part either generally through the Union Territory or in such part or parts thereof as may be specified in the notification.

58. occupation of houses to prevent the spread of infection.- (1) the health officer may, in cases of emergency, with the sanction of the collector enter upon, occupy and use, or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894), any building or place which in the opinion of the Health officer, is required, and is suitable for any purposes connected with the prevention or control of infection from a notified disease:

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

(2) the owner or lessee of such building or place 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 and used for any of the purposes referred to in sub section (1). such compensation and rent shall be fixed by the collector.

(3) the health officer shall, when any such building or place ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleaned.

59. Information regarding notified disease.- every medical practitioner, who in the course of his practices 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, shall, if the case has not been already reported, give information of the same with the least practicable delay-

(a) in local areas, to the local authority, the health officer or a sanitary inspector, and

(b) in other cases, to the Health officer or the village Sarpanch.

Explanation.-in this section, ‘Medical practitioner’ includes a hakim or vaidya, whether registered or not.

60. power of entry of officers to take preventive measures.- (1) the health officer

or any person authorized by him this behalf, may-

(a) at all reasonable hours, inspect with or without assistants any place in which any notified disease is reported or suspected to exist without notice in the case of factories, workshops, workplaces, offices and the like and after giving such notice as may appear to him reasonable in other cases including dwelling houses; and

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

(2) The powers conferred sub section (1) on the health officer may, in local areas, be exercised also by the local authority or any person authorized by such authority.

61. Destruction of hut or shed to prevent spread of infection. - (1) if it appears to the health officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, 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 all the materials thereof destroyed.

(2) such compensation as the local authority may consider reasonable, shall be paid to any person who in his opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub section (1) by save as provided in the sub section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

62. Closure of lodging houses.- if, On the application of the health officer , a magistrate is satisfied that it is necessary in interests of public health that a lodging house or any place where articles of food are sold, or prepared, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, 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 Health officer to be free from infection.

63. infected cloths not to be sent to foundry.- no person shall-

(1) send or take to any laundry or public wash house or any public watercourse, tank 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 he know to have been exposed to infection from any notified disease, unless such article has been disinfected by or to the satisfaction of the health officer or a registered medical practitioner, unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

(2) 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.

64. infected persons not to use public conveyance.- (1) no person who knows that he is suffering from notified disease shall-

(a) enter any public conveyance used for the conveyance of passengers at separate fares, or

(b) enter any other public conveyance.

(2) no person having the care of a person when he knows to be suffering from a notified disease shall permit that person to be carried-

(a) in any public conveyance used for the conveyance of passengers at separate fares,

or

(b) 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 whom 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 convey 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 any loss and expense which will be incurred by reason of the provisions of sub sections (5) and (6)

(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 Health officer 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

65. letting or sub- letting a building occupied by and infected person.- no person shall, without a special permission from the Health officer, let or sublet or permit or suffer any prospective tenant to enter a building in which he knows or has reasons to know that a person has been suffering from a notified disease within the three months immediately proceeding.

66. Prohibition of exposure of other persons to infection .- (1) no person who knows that he is suffering from notified disease shall expose other persons to the risk of infection by his presence or conduct in –

(a) any street or public place, or

(b) any market, theatre or other place of entertainment or assembly, or

(c) any school, college, playground or such other place, or

- (d) any hotel, hostel, boarding house, choultry, rest-house, or club or
- (e) any factory or shop.

Explanation-A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the health officer or any other of the public health department of the government or of a local authority, not below the rank of Health officer or Sanitary Inspector, or medical practitioner registered under the Indian medical council act 1956 (central act 102 of 1956 ) that he is so suffering

(2)no person who has care of a person whom he knows to be suffering from a notified disease shall cause or permit that person to expose others to risk of infection by his presence or conduct in any place referred to in sub section (1)

67. Forbidding work in infected premises.-

(1) if a case of notified disease occurs on any premises, the health officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to be given out to any person living or working on those premises or in such part thereof as may be specified in the order so made be served on the occupier of the factory from which the work is given out or on any contractor employed by the occupier.

(2) an order under his section may be expressed to be operative for a specified time or until the premises or any part thereof specified in the order have been disinfected to the satisfaction of the Health Officer, or be expressed to be operative so long as any other reasonable precautions specified in the order are taken.

(3) this section applies to making, cleaning, washing, altering, ornamenting, finishing, or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may, from time to time, be notified by the director.

68. Prohibition of use of public library by infected person. - no person who know that he is suffering from a notified disease shall take any book to be taken for his use, or use any book taken from any public or circulating library.

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

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

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the Local authority concerned not below the rank of Health officer or 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) (a) if any such body not being a body kept in a mortuary remains

undisposed off for more than twelve hours without the sanction referred to in sub-section (2), or if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building or of any adjoining or neighbouring building, any Magistrate may, on the application of any officer referred to in sub section (2), order the body to be removed and disposed off within a specified time.

(b) 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 so disposed off, unless the friends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a), or clause (b) shall be borne by the local authority; but such expenses may be recovered as if it were tax due to it, by the local authority from any person who would have been legally liable therefore but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4) (a) if any person dies in a hospital or a place of temporary accommodation for the sick while suffering from a notified disease, and the health officer certifies 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 purpose.

(c) When a body is removed for the purpose 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.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in the Public Conveyance the dead body of any person who had died while suffering from a notified disease.

70. Power of Magistrate to prohibit in assembly of more than fifty persons.- In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being 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 place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

71. Power of Government to confer special powers on officers to control notified disease.-

(1) (a) 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.

(b) the power conferred on the Government by Clause (a) 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 control of the Government.

(c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the official gazette and shall come into operation on the date of such publication.

(d) Any declaration made by the Collector under clause (b) or withdrawal thereof in whole or in part shall be published in the official gazette and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub section (1) comes into operation, and until withdrawn, the collector 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 Health officer or any other officer of the Government other than the collector may, subject to such exceptions, restrictions, limitations and conditions as may be prescribed either generally or in the case of the notified disease to which the declaration relates exercise the following powers, namely.-

(a) power to order the evacuation of 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 section (3);

(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 one of the 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 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 in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease, including (i) the placing or 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 any consignment of grain exported into such area by rail, road or otherwise, shall be examined and, if necessary unloaded and disinfected in any specified manner;

(f) power to close all or any existing markets and to appoint special places where markets may be held; and



(g) power to direct the local authorities to take such measures as may be necessary in respect of cattle within local area;

(3) (a) if any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declare before a Magistrate Specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes 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 health Officer and hearing any representation by him or on his behalf exempt such person or child from vaccination or inoculations, on such 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 under clause (b) and no exemption, shall be granted to any person who has been so convicted

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

(4) the local authority may, in its discretion give compensation to any person who, in its opinion has sustained substantial loss by the destruction of any property under the powers conferred by this section but save as provided in this sub section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

72. Destruction of rats, mice etc.- (1) the occupier of every premises, or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice and other animals susceptible to plague infecting such premises.

(2) where the Health officer is of the opinion that the occupier or owner of any premises has failed to fulfill the obligation laid on him by sub section (1), he may either-

(a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the notice, or

(b) enter upon such premises and take such steps as may be necessary for the purpose of destroying the rats, mice and other animals susceptible to plague infesting the same, after giving not less than twenty four hours previous notice to such occupier or owner.

(3) any expenses incurred under clause (b) of sub section (2) may be recovered by the local authority concerned from the occupier or owner as the case may be, as if it were a tax due from him to the local authority.

### **PART III**

#### **Venereal Diseases**

73. Provisions for treatment of venereal diseases by local authority.- (1) A local

authority may, and if so required by the Government shall , make such arrangements in its local area as may be directed by the Government for-

(a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from venereal diseases; and

(b) the prevention of infection from such diseases

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

(a) with any other authority, or

(b) with a hospital or medical institution recognized by the Government in this behalf, or

(c) with the sanction of the Government with any medical practitioner registered under the Indian Medical Council Act , 1956 (central Act 102 of 1956).

74. Patient to be instructed in methods of prevention of spread of venereal disease.- Every physician or other person treating .or examining with a view to treating, a person having a venereal disease shall at first visit-

(a) impress upon such person the necessity for treatment until he is cured;

(b) instruct him in regard to the measures necessary for preventing the spread of the disease; and

(c) furnish him with such other information relating to the disease as may be provided by the Director.

#### **Part IV**

##### **Power to make Rules**

75. *Rules for prevention, treatment and control of certain diseases:-* The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

75A. *Screening of migrant labourers at construction sites.* – All migrant labourers and their who are brought from other States shall be screened for Malaria at the nearest Health Centre or mobile squads of National Malaria Eradication Programme. The Health officer/Medical Officer I/c of The Directorate of Health Services shall then issue a health card with photograph certifying his present status of malaria. No labourer shall be engaged by the contractor at the construction sites unless he has a health card. Similar screenings for Malaria shall be done once in every 3 months. The responsibility of obtaining the health card shall rest entirely on the labourer.

75AA. *Penalty for offence under section 75A.* – Whoever contravenes the provisions of section 75A of the act shall be punishable with fine of Rs. 1000/- per person each time and when the offence is continuing one with the daily fine not exceeding Rs. 50/- during the period of the continuance of the offence

#### **CHAPTER VIII**

## **Mosquito Control**

76. *Prohibition of mosquito breeding in collections of water.* – (1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extensions –

(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 used for cattle and in frequent use shall not, until the contrary is proved, be deemed to be collections of water in which mosquitoes breed or are likely to breed.

(c) leave wells in any Municipal area permanently disused without hermetically sealing or closing them with mosquito-proof arrangements as specified by the Health Officer;

(2) The natural presence of mosquitoes, larvae in any standing or flowing water shall be evidence that mosquitoes are breeding in such water.

(3) If any person contravenes the provisions of sub-section (1), the Health Officer may issue to him a notice requiring him to comply with the requirements thereof within specified time limit.

(4) Whenever any person on whom notice is served under sub-section (3), fails to comply with the requirements thereof, The Health Officer may himself or through local bodies get the requisite work done and recover the cost thereof from the owner as arrears of land revenue under the law for the time being in force.

76A. *Builder to take anti-larval measures.* – (1) Notwithstanding any law for the time being in force, it shall be the duty of every builder where construction activities are being carried on, to take adequate anti-larval measures at the construction site in consultation with the concerned Health Officer.

(2) The Health Officer shall have subject to the control of the Government, power to issue notice to the concerned builder for compliance of the provisions of sub-section (1) within the period as specified there under.

(3) Whenever the builder on whom notice is served under sub-section (2), fails to comply with the requirements within reasonable period as specified there under, the Health Officer shall take all required anti-larval measures as may be necessary at the construction sites, and recover all expenses incurred there

under at the rate prescribed under section 76B from the builder as arrears of land revenue under the law for the time being in force.

76B. *Levey fee.* – The fee to be levied for anti-larval measures at construction site shall be at such rates as may be prescribed but not exceeding “rupees five thousand each time”].

<sup>18</sup>["76C *Nuisance.* – (1) the competent authority may, by notice in writing require the person by whose act, default or sufferance, a nuisance arises, exists or continues or is likely to arise; or the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise; or any one or more of such person, owner, lessee and occupier; to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the competent authority may specify in such notice.

(2) The competent authority may also by any notice under sub-section (1) or by another notice, served on such person, owner, lessee and occupier, or any one or more of them, require them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks fit and desirable specify any work to be executed or measures to be carried out for that purpose. If, at any time within two months from the date of service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(3) Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises or any part thereof, the competent authority may, on addition to serving any notice on any one or more of the persons mentioned in sub-section (1) serve any such notice on the architect, contractor or other person employed to carry out such work of construction, reconstruction or the demolition, as the case may be, and also on any sub-contractor employed by such contractor or other person or any one or more of such contractor, person and sub-contractor.

*Explanation.* – For the purpose of this section, a nuisance should include. – (a) any pool, ditch tank, well, pond, quarry hole, drain water-course or any collection of water or (b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building or (c) any land on which water accumulates or is likely to accumulate or (d) any premises or part of any premises occupied, or unoccupied or under construction, reconstruction or demolition which, in the opinion of the competent authority, is or likely to become a breeding place of mosquitoes.

76D. *Regulation of new work.* – (1) No new well, tank-pond, cistern or water

fountain, swimming pool, etc. shall be dug or constructed without the prior permission in writing of the competent authority.

(2) If any such work is begun or completed without such prior permission, the competent authority may either, –

(a) by written notice, require the owner or other person who has done such work to fill up or demolish such work in sub-manner as the competent authority may specify; or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceeding for contravening the provisions of sub-section (1).

*76E. Probability for certain acts likely to breed mosquitoes.* – (1) The owner or occupier of any house, building or shed or land shall not keep therein any bottle, vessel, can or any other container, broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes.

(2) All burrow pits required to be dug in the course of construction and repair of roads, railways, embankments, etc. shall be so cut as to ensure that water does not remain stagnant in them and borrow pits shall be so graded and profiled that the water will drain off by drainage channels/connections from one pit to the other. No person shall create any isolated burrow pit which is likely to cause accumulation of water that may breed mosquitoes.

*76F. Penalties.* – Whoever, knowingly contravenes any provisions under sections 76C, 76D or 76E and disobeys any order or requisitions made under any of the aforesaid section or obstructs any official of the Health Services, shall on conviction, be punished with fine which may extent to Rs. 5000/- and in case of continuing offence with further fine which may extend to rupees five hundred for every day after the first conviction during which such contravention continues.”]

*77. Treatment of mosquito breeding places.* – (1) The health Officer 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 are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take some measures with respect to the same, or to threat the same by such physical, chemical or biological method being measures or a method, approved by the Director, as the Health Officer may consider suitable in the circumstances.

(2) If the notice under sub-section (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 the measure or adopting the method of treatment specified in the notice and may deduct the amount of such expenses from the rent is then, or which may thereafter be due from him to the owner.

78. *Health Officer's powers in case of default.* – If the person on whom a notice is served under section 77 refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and 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.

79. *Protection of anti-mosquito works.* – 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 the occupier at the instance of the Government or any local authority, have constructed any works in such land or building, the owner of the time being, as well as the occupier for the time being, of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

80. *Prohibition of interference with such works.* – (1) No person shall, without the consent of the Health officer interfere with, injure, destroy or render useless, any work executed on any land or buildings, by or under the orders of the Health Officers with the object of preventing the breeding of mosquitoes therein.

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

81. *Power of Health staff to enter and inspect premises.* – For the purpose of enforcing the provisions contained in this Chapter, The Health Officer or any officer of a local authority not below the rank of Health or Sanitary Inspector may, at all reasonable time 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 by him for the purpose aforesaid.

## **CHAPTER IX**

### **Sanitation and buildings**

#### Part I

#### Control over Insanitary Buildings

82. *New building not to be erected on certain sites.*- (1) No person shall erect a

new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

(2) Against the refusal of the Health Officer to issue a certificate under sub-section (1), an appeal shall lie to the Government whose decision shall be final.

83. *Cleansing court-yard or passage used in common.*- (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 Health Officer, 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 Health Officer under sub-section (1) from the occupants of the buildings in such proportions as may be determined by the Health Officer.

84. *Dwelling house unfit for human habitation to be vacated.*- (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation he may, in cases not falling under section 42, 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 for human habitation until in the opinion of the Health Officer it is rendered fit thereof.

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 such an order should not be made.

(2) When any order has been made under sub-section (1), the local authority shall cause a copy of the order 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 thirty 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 or occupy, or permit to be let or occupied such dwelling house or portion or any part thereof, as a human habitation.

## **PART II**

Abatement of overcrowding

85. *Definitions.*- 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 or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and
- (2) “landlord” means the immediate landlord of the occupier or occupiers of a tenement.

86. *Duties of landlord.*- 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 proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a 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 Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably 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.

87. *Power to make rules.* – The Government shall have power to make rules for determining –

- (a) whether a tenement or any class of tenement is or not maintained in a habitable condition within the meaning of section 86; and
- (b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## **CHAPTER X**

### **Fairs and festivals**

88. *Notification of fairs and festivals by Government.*- (1) The government may, by notification –

- (a) declare that any local area or part of a local area in which a fair or 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 purposes 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 (1) has been issued.

89. *Notice to be given of fair or festivals.*- (1) the person or authority in charge of any fair or festival as notified from time to time by the Government, in this behalf shall, not less than 15 days before the commencement, intimate to the local authority and Health Officer, or in the case such fair or festival is to be held within the jurisdiction or more than one local authority to each of the local authorities concerned, the date of commencement of such of such fair or festival, and the period for which it will last.

(2) The person or authority in charge of the fair or festival referred to in sub-section (1) shall also furnish such other particulars relating to the fair or festival as may be called for by the local authority or Health Officer or any of the local authorities concerned.

90. *Sanitary arrangements, etc.* – 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 local authority jointly, shall make provision for –

- (1) the demarcation and preparation of the site of the fair or festival;
- (2) the clearing and draining of the site;
- (3) the disposition of the several parts of the fair or festival, including the alignment of roads within the site;
- (4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and the proper preservation of such water;
- (5) the accommodation of pilgrims and visitors, to such extent as may be practicable;
- (6) the lighting of the fair or festival;
- (7) the supply by suitable persons of whole-some food, at reasonable rates, to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival;
- (8) the collection, removal and

disposal of refuse, rubbish and sewage;

(9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival;

(10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;

(11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both of general and isolation purposes; and

(12) such other purposes as may be prescribed.

91. *Health Officer to supervise the arrangements.* – The arrangements mentioned in section 90 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local areas designated by the person or Committee referred to in section 90, or in case no Health Officer is so designated under the supervision and control of the Health Officer concerned within their respective local areas.

92. *Power to enter and seize unwholesome food.* – (1) The Health Officer, or Health or Food Inspector or 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 which is a source of food supply;

(b) for the purposes of inspection, have access to any source of water-supply on such or within such distance there from as the Government may, by general or special order, determine; and

(c) seize any food prepared or offered for sale or stored in course of transit within the fair or festival centre which he has reason to believe, is unwholesome or unfit for human consumption, and destroy the same forthwith if in his opinion, such food is of a perishable nature or the value thereof does not exceed three rupees.

(2) (a) Any Officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that 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 analyzing 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 and fit for human consumption, the food shall be returned to the person from whom it was seized and the cost, if any, of analyzing the food or a sample thereof shall be borne by the local authority or local authorities concerned.

93. *Occupation of building, etc. required in connection with fair or festival.*- (1) The local authority may in case of emergency with the sanction of the Collector, depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894 (Central Act 1 of 1894), any land or any building not being a dwelling house in the notified fair or festival centre which in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation sheds, latrines 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 reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the Collector.

(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.

94. *Control over private sources of water supply.*- The Health Officer 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 there from as the Government by general or special order determine, to close or disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to endanger or cause the spread of disease amongst persons resorting to the festival or fair.

(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 Health Officer

may himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer 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.

## **CHAPTER XI**

### **General**

95. *Powers to impose conditions in respect of certain services.*- The Government, with a view to prevent spread of diseases, may, in respect of persons engaged in or serving in establishments like hair cutting, saloons, laundry, hotels including restaurants and bars, and, such other services which may be notified from time to time, prescribe the conditions to be observed by such persons.

## **CHAPTER XII**

Rules, bye-laws, penalties, etc.

96. *Power of Government to make rules.*- (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the Government may make rules –

(a) with reference to all matters expressly required, or allowed, by this act to be prescribed; and

(b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

97. *Penalty for breach of rules* – (1) In making a rule under section 75, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

(2) In making a rule under any other provision contained in this Act, the Government may provide that a breach of such rule shall be punishable –

(i) with fine which may extend to one hundred rupees and in case of a continuing breach, with fine which may, extend to thirty rupees for every day during which the breach continues after conviction for the breach; or

(ii) with fine which may extend to twenty rupees for every day during which the breach continues after receipt of notice from the local authority or the Health Officer to discontinue such breach.

98. *Bye-laws by local authorities* – Any local authority may make bye-laws not inconsistent with this Act or the rules made thereunder or with any other law, for carrying out all or any of the purposes of this Act.

99. *Breach of bye-laws* – In making a bye-law the local authority may provide that a breach thereof shall be punishable –

(a) with fine which may extend to fifty rupees, and in case of a continuing breach with fine which may extend to fifteen rupees for every day during which the breach continues after conviction for the first breach; or

(b) with fine which may extend to ten rupees for every day during which the breach continues after receipt of notice from the local authority or the Health Officer to discontinue such breach.

100. *Procedure for making or alerting bye-laws* – In regard to bye-laws made by a local authority under sections 98 and 99, the procedure laid down in the Act governing the local authority shall apply.

101. *Penalties for offences against Act, etc.*–

(1) Whoever –

(a) contravenes any of the provisions of this Act; or

(b) contravenes any rule or order made under any of the provisions so specified; or

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provisions of this Act shall be punished with fine which may extend to five thousand rupees.

(2) Whoever after having convicted of –

(a) contravening any of the provisions of this Act; or

(b) contravening any rule or order made under any of the provisions so specified; or

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the provision continues to contravene the said provision or the said rule or order or continues to fail to comply with the said direction of requisition, shall be punished for each day after the previous dated of conviction during which he continues so to offend, with fine which may extend to two hundred rupees.

102. *Penalty for preventing entry of local authority or Health Officer* – Every

person who prevents the local authority or the Health officer or any person to whom the local authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building from exercising his lawful power of entering thereon imprisonment for a term which may extend to five hundred rupees, or with both.

## CHAPTER XIII

### Miscellaneous

103. *Appeal against decision of Health Officer* – Any decision of the Health Officer against which an appeal is not otherwise provided for in this Act shall be subject to such appeal as may be prescribed.

104. *Method of serving notices* – (1) When any notice is required to be given by this Act or by any rule, bye-laws, regulation or order made under it, such notice shall be given –

(a) by giving or tendering the notice to such person; or  
(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same 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 to the local authority, by sending the same to him by post, registered; or

(d) if none of the means aforesaid be available by Affixing the same in some conspicuous part of such place of abode or business.

(2) When the person is an owner or occupier of any building or land, it shall not be necessary to name the owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or send it on, one of such owners or occupiers.

105. *Cognizance of offences against Act* – No person shall be tried for any offence against the provision of this Act, or of any rule, or bye-laws made under it, unless complaint is made within three months of the commission of the offence by the Police, or the local authority or the Health officer, or by a person expressly authorized in this behalf by the local authority, or the Government:

Provided that nothing contained in this section shall affect the provisions of the

Code of Criminal Procedure, 1973 (Act 2 of 1974), in regard to the power of certain Magistrates to take cognizance offences upon information received or upon their own knowledge or suspicion.

106. *Power to compound offences* – The local authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may by rules made by the Government, be declared compoundable.

107. *Power to police officers to arrest offenders against Act, etc.* – Any police officer who sees a person committing an offence against any of the provisions of this act or of any rules or bye-laws made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name which the officer has reason to believe to be false.

108. *Powers of public health staff to arrest offenders against Act, etc.* – Any member of the public health establishment of a local authority not below the rank of a Health or Sanitary Inspector or Food Inspector who sees a person committing offence against any of the provisions of this Act in the area over which the local authority has jurisdiction, <sup>19</sup>["shall arrest"] such person if his name and address are unknown to and such person on demand declines to give his name and address or give a name and address which such officer has reason to believe to be false. Any person so arrested shall be handed over to the Officer-in-charge of the nearest police station as expeditiously as possible.

109. *Procedure after arrest* – Any person arrested for an offence under this Act shall be informed, as soon as may be for the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.

110. *Bar of suits and prosecutions in certain cases* – (1) No suit, prosecutions or other proceeding shall lie against any local authority or against the Government or any officer or servant of a local authority, or of the Government, or against any person appointed under section 11 of this Act, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No local authority, officer or servant of any local authority or of the Government and no person appointed under section 11 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

"110-A. *Bar on suits and prosecutions* – No court shall entertain any suit, application prosecution or other proceedings in respect of any order, decision, direction or notice issued by any authority under this Act and no such order, decision, direction or notice issued shall be called in question otherwise than by

preferring an appeal as provided under this Act.”

111. *Punishment for malicious abuse of powers* – Any local Authority or any officer or servant of a local authority or of the Government, or any person appointed under section 11 of this Act, who maliciously abuses any powers conferred on him by, or under this Act shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

*Explanation* – No prosecution shall be instituted under this section without the previous sanction of the Government.

112. *Delegation of powers by Government* – The Government may, by notification and subject to any restrictions, limitation and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority:

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act.

113. *Act override other enactments* – If any provision relating to public health contained in any other enactment in force in this Union territory is repugnant to any provision contained in this Act, the provision of this Act shall prevail and the provision contained in such other Act shall to the extent of the repugnancy, be void.

### **Public Health Department**

Notification

61/2/79-PHD

In exercise of the powers conferred by section 96 of Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) and all other powers enabling it in that behalf, the Government of Goa hereby makes the following rules, namely :-

1. *Short title, extent and commencement.* – (1) These rules may be called Goa Public Health Rules, 1987.

(2) They extend to the whole of the State of Goa.

(3) They shall come into force at once.

2. *Definitions.* –In these rules, unless the context otherwise requires, -

(a) “Act” means the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985);



- (b) "Baking" includes bake house where the flour is prepared for human consumption;
- (c) "Coffee House" means a place where drinks are prepared out of coffee powder;
- (d) "Sanitary Authority" means Health Officer/Medical Officer i/c Primary Health Centres/Urban Health Centre, Chief Medical Officer, Dy. Directors of Health Services and the Director of Health Services;
- (e) "Section" means section of the Act;
- (f) "Tea Shop" means a place where the drinks are prepared out of tea powder.

3. *Powers to be exercised by Director.* – The Director shall be responsible for the proper functioning of the local authorities under the Act and shall have the powers :-

- (i) Supervise and direct the Health Officers, Medical Officers and local authorities in the matter of prophylactic, preventive care and treatment of the persons suffering from infectious diseases and in the matter of immunization, disinfection and disinsectization of public places.
- (ii) Give necessary guidance to the local authorities and their Health Officers in the implementation of the Act and direct them to get the work of sanitation carried out on priority basis.

4. *Appointment of Health Officers.* – The Health Officer to be appointed under section 8 of the Act shall possess the qualifications laid down for the appointment to the posts of Medical Officers or Health Officers of the Primary Health Centre.

5. *Injurious refuse not to be discharged into public drain.* – (1) All solid wastes, like mud, sand, gravel metal dust, cereals or any other similar substances or refuses which may cause blockage of free flow of water from the public drain shall be disposed off far away from any public drain after the same are properly arranged or treated so as to avoid a nuisance to the public.

(2) All liquid wastes like corrosive liquid, acids or alkaline, poisonous substances, or any other products or substances which may be dangerous, toxic or offensive to the health or which causes or likely to cause nuisance shall be treated, neutralized by proper substances to the satisfaction of the Health Officer before it is discharged into the public drain.

(3) The substances specified under sub-rule (2) shall be discharged only after obtaining No Objection Certificate from the Sanitary Authority.

6. *Pollution of water prohibited.* – (1) Polluting substances like solid or liquid sewage, poisonous, noxious or polluting liquid discharge from any or during any

manufacturing process or of any other source shall not be discharged into water course, lake, tank, river, sea-water unless the same are properly treated to the satisfaction of the Sanitary Authority.

(2) The substances mentioned in sub-rule (1) above shall be discharged only after obtaining No Objection Certificate from the Sanitary Authority.

7. *Latrines.* – All unsanitary type of latrine, shall be altered or repaired suitably to fit with the standard of sanitary type latrine adopting any system such as RCA, Sofa Sandas, Bore-well or dug well latrine as advised by the health Officer according to suitability of place and financial position of the owner.

- (a) The Health Officer shall notify the owner or occupier of the premises to alter or repair such unsanitary type of latrine within a specific period of time.
- (b) If the owner or occupier neglects the notice of the Health Officer issued under clause (a), the Health Officer shall refer the matter to the Local Authority who shall construct the same and recover the cost from such person as if it were a tax due to the Local Authority.

8. *Cases suspected to be of notified diseases to be brought to the notice of Sanitary Authority.* – (1) All cases suspected to be of notified diseases shall be brought to the notice of the sanitary authority. The communication shall be made as soon as such case comes to the knowledge of the medical practitioner or any doctor who treats the patient or the head of the family of the patient or by patient himself or by the owner of the premises where the patient is residing.

(2) No person shall refuse the blood examination requested by the sanitary authority for detection of parasite, virus, bacteria or any other infective organism which the sanitary authority thinks necessary. When the sanitary authority thinks that the collection of blood is to be done at night time, it may communicate through its agent to the head of the family or the patient its intention to do so in advance during the day time.

(3) No person shall refuse any investigations demanded by the sanitary authority for the diagnosis of the disease.

(4) Whenever the result of the examination is found to be positive, the patient shall be placed under treatment and other prophylactic measures shall be prescribed by sanitary authority.

(5) No patient under treatment shall change his residence even temporarily or pass the night outside the residence without written permission of the sanitary authority.

(6) The treatment and investigation as well as prophylaxis prescribed under sub-rules (2) and (3) shall be free of charge.

(7) The treatment, laboratory investigation or prophylaxis shall not be refused by any person and the sanitary authority shall enforce compulsion of the same with the help of police or District Magistrate and without prejudice to penal action prescribed under these rules.

9. *Tenements.* – (1) A tenement shall be considered habitable if minimum one living room, kitchen, bathroom, sanitary type of latrine and safe drinking water is provided with sufficient number of windows and is maintained in hygienic condition to the satisfaction of the sanitary authority.

(2) The volume of a tenement shall be in proportion of 20 cubic mts. Per head whereas the height of the roof shall not be less than 3.0 mts. and if it is over 4 mts. The height shall be considered as 4 mts. only. When the number of inhabitants are more in relation to available space, the tenement shall be considered as over crowded.

10. *Minimum requirement to run hair cutting saloon.* – The following are the minimum requirements to run hair cutting saloon :-

(1) The plinth area shall be proportionate to the number of seats in the ratio of 60 cms per seat and the distance in between shall not be less than 1 mt.

(2) There shall be sufficient number of clean towels, white aprons for customers and white gowns for barbers.

(3) There shall be a stove, vessels for sterilizing the razor, scissors and other instruments used in cutting and shavings.

(4) There shall be one or more disinfectants like Lysol, 20 per thousand solution of aluminium sulphate, spirit or detol, etc.

(5) There shall be porcelain or glass containers for immersing instruments in disinfectant solutions.

(6) There shall be one wash basin with tap with running water for washing the utensils used in shaving and cutting.

(7) There shall be proper arrangements for disposal of waste water.

(8) It is compulsory to change the white apron for every person and the same shall not be re-used for any other person unless it is washed in the laundry.

(9) All instruments shall be washed and cleaned and then kept immersed in disinfectant for 15 minutes before using for other person.

(10) Every worker employed in the hair cutting saloon shall possess a valid

health card issued by the local sanitary authority. The sanitary card shall be in the form No. 1 attached to these rules and shall be renewed every year.

11. *Conditions required to function a laundry.* – (a) There shall be a separate room or closed container to keep the soiled linen and one or more cupboards for clean ironed linen.

(b) The washing place shall be away from the city area and shall be at a distance not less than 25 metres from any drinking water, well or source.

(c) In case mechanical equipment is used for washing and drying the linen, there shall be a separate room and necessary arrangements to drain out dirty water by giving connection to the public drain to avoid any collection of water.

(d) Every worker employed in the laundry shall possess valid sanitary card issued by the local sanitary authority and shall be renewed every year.

12. *Conditions for running a bakery/bake house.* – (a) There shall be minimum 3 rooms.

(b) There shall be no water closet or privy within the premises.

(c) There shall be one water tap solely for the purpose of mixing the flour and others for washing the hands.

(d) No open drain or cess pool shall be within 25 metres of the bakery/bake house.

(e) The floor, wall, and ceiling shall be finished to a hard smooth surface impervious to moisture.

(f) The bakery or bake house shall be maintained clean.

(g) The baking shall be carried out at the detached building and not inside the dwelling house or chawl.

(h) The room in which baking is carried out shall be airy, well lighted, well ventilated and the windows and doors shall be protected with the mosquito wire net.

(i) The furnace shall be provided with outlet pipe for smoke so as not to cause nuisance to the neighbours.

(j) There shall be separate room for storage of flour.

(k) All the troughs and kneading tables shall be thoroughly cleaned with hot water or soap immediately after and before use and shall at all the times be kept in clean condition.

(l) Articles of food after being baked shall be stored in a closed container so as to protect them from contamination by flies or infection from impure air, offensive noxious or deterring gas or substance.

(m) No person shall sleep in any part of the bake house or bakery, sit or recline on any table or structure in the bakery or bake house which is used for preparation of flour for baking.

(n) Every person employed in the bakery or bake house shall wash his hands with soap and water before handling any article of food which is prepared for human consumption.

(o) Every person employed in the bakery or bake house shall at all times be dressed with clean clothes and use cap so as to cover the hair and shall not smoke while at work.

(p) No person shall be employed in the bakery or bake house unless he is examined by the sanitary authority and carries a valid card.

(q) The bread exposed for sale shall be covered with white paper so as to prevent from contamination by flies, insects or hands.

(r) No animal of any kind shall be kept within the premises of the bakery or bake house.

13. *Conditions for running a lodging house.* – (a) There shall be an independent room with one or more beds well lighted and with good ventilation with a space not less than 25 cubic mts. per head with a height of room not less than 3.0 mts. and if it is more than 4 mts. it shall be considered 4 mts. for the purpose of assessment.

(b) There shall be separate sleeping accommodation for residential staff and servants.

(c) Every room shall be provided with wash basin and running tap water.

(d) There shall be separate sleeping space for servants, if any, of the visitors.

(e) The premises shall be maintained clean in all respects.

(f) There shall be water closet with glazed tiles covering the floor and the wall upto the height of 1.5 mts. and effluent of W.C. shall be connected to septic tank or public sewage.

(g) There shall be bathrooms for the use of visitors; not less than one for every 25 visitors or less with glazed tiles covering the floor and walls upto the height of

1.5 mts. with showers.

(h) There shall be provision for pure wholesome drinking water.

(i) Rooms shall be well painted and maintained clean and shall be white washed at least once a year and there shall be sufficient number of pillow-covers, bedsheets, mattresses, pillows, rugs so as to provide clean and comfortable bedding to the visitors.

(j) The linen shall be replaced at least once a week or as and when soiled. In case any visitor is suffering or suspected to be suffering from any contagious disease, he shall be referred to sanitary authority for advice and the owner shall comply with any suggestions made by the sanitary authority.

(k) The workers shall carry a valid sanitary card issued by the sanitary authority.

14. Conditions to run coffee house, tea shop, taverna, bars, wine shop, liquor shops, cold drink house, juice sellers and other establishment serving drinks for public excluding those who sell intact tins or bottles for public. – (a) There shall be minimum one or more rooms according to the nature of the establishment and movement of the public.

(b) The size of the rooms shall be sufficient for sitting of the public and preparation of drinks, if cooking is done there shall be a separate room for such purposes and with sufficient wash basins and smokeless environment. The washing rooms for utensils shall be away from preparation place.

(c) The utensils shall be washed every time after use with running water and soap and after washing the same shall be immersed in boiled water before they are kept ready for use.

(d) There shall be filters to provide potable water.

(e) The potable water used for preparation of food or drink shall be stored in closed clean container.

(f) There shall be arrangements for disposal of waste water so as to avoid stagnation.

(g) There shall be tables with top covered by marble, glass or sunmica or any other material easily washable.

(h) There shall be toilets in sufficient number independent for male and female. The condition can be waived if the market complex is provided with toilet block or there are any public toilets within the distance of 50 mts.

- (i) The entire premises shall be kept clean and workers shall wear clean clothes or dress during the work.
- (j) The workers shall hold valid sanitary cards issued by the sanitary authority.

15. *Conditions to run restaurant, eating houses, boarding, etc.* – (a) There shall be minimum of 3 rooms of sufficient capacity being one for public service and other for preparation of food where they shall use smokeless stoves or chulas.

- (a) There shall be sufficient number of water taps for washing the utensils and clean potable water in closed containers for preparation of food.
- (b) There shall be sufficient number of utensils for boiling the water.
- (c) There shall be sufficient number of filters.
- (d) There shall be tap water or running water or running water for washing the crockery and utensils.
- (e) There shall be proper arrangement for disposal of waste water in order to avoid collection.
- (f) There shall be tables with top covered with material easily washable like marble stone, sunmica or any other similar material.
- (g) There shall be independent one or more toilets block for male and female apart from the 3 rooms mentioned in sub-rule (a) of rule 15. This condition may be relaxed if the connected block have arrangements for public toilet within the radius of 50 mts. from the establishment.
- (h) The cutlery shall be washed with soap and running water and there after passed through boiling water everytime after it is used by the customer.
- (i) The garbage and waste products shall not be thrown indiscriminately but shall be collected in proper closed containers which shall be discharged in the Municipal garbage collection pit. The entire premises of the establishment shall be maintained clean, free from flies, insects and shall observe recommendation done by the sanitary authority or public sanitary inspector during their inspection.

16. *Penalty.* – Whoever commits (a) breach of the provisions of rule 8 shall, on conviction by a Magistrate, be punishable with a fine, which may extend to Rs.

100/- or with imprisonment which may extend to 3 months or with fine or with both.

(b) A breach of any other provision of the rules, shall on conviction by a Magistrate, be punishable with fine, which may extend to Rs. 2000/- and in the case of a continuing breach, after conviction of the first breach, with a fine which may extend to Rs. 30/- per day.

(c) A breach of direction given shall be punished with a fin which may extend to Rs. 20/- for every day during which the breach continues after receipt of notice from the local authority or the Health Officer as the case may be, to discontinue such breach.

17. *Compounding of offences.* – (1) Subject to the condition, if any, as may be prescribed, the local authority or the Health Officer may accept from any person alleged to have committed offence under the Act or under the rules made thereunder, other than the offence under rule 8 or bye-laws either before or after the commencement of any proceedings against such person in respect of such offence by way of composition for such offence, a sum not exceeding Rs. 2000/-.

(2) The local authority or the Health Officer as the case may be, shall if there is no reason to the contrary make an Order in writing specifying therein -

(i) the sum determined by way of composition;

(ii) the date on or before which the sum shall be paid;

(iii) the Authority before whom and the date on or before which a receipted challan shall be produced in proof of such payment; and

(iv) the date on or before which the person should report the fact to the local authority or the Health Officer as the case may be.

(3) The local authority or the Health Officer as the case may be, shall send a copy of such Order to the person concerned and also the Authority referred to in sub-clause (iii) of sub-rule (2).

(4) After compounding any offence under the Act, and the rules, if the person repeats the same offence again, he shall be liable to fine double the amount payable earlier and for continuance of the same offence Rs. 30/- shall be recovered every day as long as the breach continues.

18. *Fine to be imposed by sanitary authority.* – Whenever any offence is punishable with fine, it shall be imposed by the local authority/or Health Officer or any other authority authorized by the Government to investigate the case and it shall record the offences in a panchanama containing the name of the offender, time and date of offence, rule which is breached and all other particulars relevant



to the offence in presence of 2 witnesses and obtain signature of the offender and witnesses and thereafter the officer investigating the case shall sign the same and submit it to the local authority or Health Officer having jurisdiction for imposing penalty. Refusal of signing the panchanama by the person committing the breach shall not vitiate the proceeding provided this fact is recorded in the panchanama by the investigating officer in the presence of two witnesses whose signatures are recorded thereon.

19. *Case to be referred to Magistrate.* – When the offence is punishable by fine combined with imprisonment or one convertible by another, then the case shall be referred to a Magistrate having jurisdiction over the area.

20. *Closing down of establishment or dwelling house.* – The closing down of any establishment or dwelling house shall be done through District Magistrate who shall give the establishment all reasonable opportunities and furnish guidelines before closing down the same.

21. *Compounding of offences.* – The local authority or the Health Officer may compound any offence under the Act or these rules.

22. *Recovery of fine to constitute receipt of Directorate of Health Services.* – The amount recovered as fine shall constitute the receipt for the Directorate of Health Services and shall be credited to the appropriate head of Account.

23. *Cognisance of offence.* – No cognisance of offence shall be taken by the Magistrate unless the case is filed by the sanitary authority or local authority.

24. *Repeal and Saving.* – (1) Portaria 7012 dated 17-9-1957 and Diploma Legislative 1701 dated 11-4-1957 are hereby repealed :

Provided that the repeal shall not affect –

- (a) the previous operation of any law so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed in so far as it is consistent with the provisions of these rules; or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed;
- (d) any investigation, proceeding, legal proceeding, or remedy in respect of any such right privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid; and any such investigation, proceeding, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as these rules

had not been framed.

By order and in the name of the Governor of Goa.

L. J. Menezes Pais, Under Secretary (Health).

(Published in the Official Gazette Series I, No. 22, dated 27-8-1987).

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Law (Legal and legislative Affairs) Department

**Notification**

7-25-87/LA

The Public Health(Amendment) Act,1987(Goa Act No.7 of 1987)which had been passed by the Legislative Assembly on 22-7-1987 and assented to by the Governor of Goa on 25-11-1987,is hereby published for the general information of the Public.

P.V.Kenaudekar, Under Secretary (Drafting)

Panaji,2<sup>nd</sup> December 1987.

**The Goa Public Health(Amendment)Act,1987**

(goa Act No. 7 of 1987)[25-11-1987]

AN  
ACT

To amend the Goa Daman and Diu Public Health Act,1985

Be it enacted bythe Legislative Assembly of Goa in the Thirty-eighth Year of the Republic of India as follows:-

1.Short title and commencement:-(1)This Act may be called the Goa Public Health(Amendment) Act,1987

(2)It shall come into force at once.

1. Amendment of section 2:- In the Section 2 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the "principle Act"), for the clause (12), the following clause shall be substituted, namely :-

(12) "Health Officer" means the Health Officer or Medical Officer in charge of Primary Health Centre or Urban Health Centre or any other officer if Health Services appointed by the Government under section 8".

3. Amendment of section 47 – In section 47 of the principal Act, after item (1), the following items shall be inserted namely :-

"(m) pulmonary Tuberculosis, (n) syphilis, (o) gonorrhoea, (p) acquired immunodeficiency syndrome"

4. Amendment of section 51:- For section 51 of the principal Act, the following section shall be substituted namely:-

"51. Registered Medical Practitioners to give information of certain infectious diseases:- Every registered medical practitioner or any system of medicine including practitioner of dental surgery who in the course of his practice becomes cognizant or suspects the existence of any case of this diseases mentioned in section 47 in any private or public dwelling, hospitals (including nursing homes), shall report and furnish information of the same with the least practicable delay –

(a) in a local area, to the local authority concerned; and

(b) in any other area, to the Health Officer or a health or Sanitary Inspector: Provided that in the case acquired immunodeficiency syndrome, the information shall necessarily be given to the Health Officer of the respective jurisdiction"

5. Amendment of section 53. – In sub-section (1) of section 53 of the Principal Act, after clause (v), the following clauses shall be inserted, namely :-

"(vi) no person including a foreigner shall refuse collection of blood for investigation or acquired immunodeficiency syndrome or any other

communicable/infectious diseases if the Health Officer has reasonable ground to suspect that such person is suffering from acquired immunodeficiency syndrome or other infectious diseases as defined under the Act;

(vii) all persons found to be positive for acquired immunodeficiency syndrome by serological test shall be immediately isolated in institutions so prescribed for this purpose;

(viii) all such person admitted in prescribed wards/hospitals shall be provided with materials, equipment etc which shall not be used for any other purpose;

(ix) the parenteral medication of the patients suffering from acquired immunodeficiency syndrome shall be given through disposable sets/syringes;

(x) the linen mattresses etc used for the deceased patients who were suffering from acquired immune deficiency syndrome shall be immediately destroyed by burning;

- (xi) all the staff working for the management of the patient suffering from acquired imuno deficiency syndrome shall be effectively protected with long rubber gloves, sterilized lines and mask;
- (xii) persons handling the dead bodies of patients who were suffering from acquired imuno deficiency syndrome shall be instructed to ensure that they do not come in to contact with any secretion such as saliva etc;
- (xiii) the dead body of the patient who was suffering from acquired imuno deficiency syndrome shall be enclosed in a polythene bag and tied with knots at both the ends and sealed before further action for its cremation/burial or dispatch abroad as the case may be;
- (xiv) no transplant operation of any kind shall be performed unless the donor as well as the receptor is confirmed to be from acquired imuno deficiency syndrome through serological investigation;
- (xv) all the blood Banks shall send the blood specimen for ELIZA test to the Surveillance Centre of the Goa Medical College and only after obtaining the negative result, it shall be used for the patients”

Secretariat

(M. RAGHUCHANDER)

Panaji-Goa.

Secretary to the Government of Goa

2<sup>nd</sup> December, 1987. Law Department (Legal Affairs)

(Published in the official Gazettes Series I, No.38 dated 17.12.1987.