

TRAVANCORE -COCHIN PUBLIC HEALTH ACT,1955

THE TRAVANCORE-COCHIN PUBLIC HEALTH ACT, 1955 (XVI of 1955) CONTENTS

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2. Definitions.— In this Act, unless there is anything repugnant in the subject or context,— (1) "Building" includes— (a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever, but does not include temporary sheds put up on festive occasions; (b) a structure on wheels or simply resting on the ground without foundations; and (c) a ship, vessel, boat, tent, van and any other such structure used for human habitation; (2) "Canal" includes any river, inland navigation, lake or water-way being within or bordering the State, whether it or is not within the ebb and flow of the tide; (3) "Canal boat" means any vessel however propelled which is used or capable of being used for the conveyance of goods or passengers along a canal; (4) "Cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and any of these species; (5) "Dairy" includes— (a) any farm, cattle-shed, milk-store, milk-shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale, or manufactured for sale; (b) any place in which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such shop or place; (6) "Dairyman" includes any person who sells milk whether wholesale or by retail; (7) "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 sub-surface water; (8) "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; (9) "Dwelling House" means a building constructed, used or adapted to be used wholly or principally, for human habitation or in connection therewith; (10) "Executive Authority" means the Commissioner, Chairman, President or other functionary of the local authority concerned, who is vested with general executive powers under the Trivandrum City Municipal Act or the Travancore District Municipalities Act, 1116, or the Cochin Municipal Act, XVIII of 1113 or the Travancore-Cochin Panchayats Act, 1950, or the local Tahsildar, as the case may be; (11) "Executive Officer" means the paid officer, if any, of a local authority who is vested with general executive powers in the area for which such authority is constituted under the Trivandrum City Municipal Act, or the Travancore District Municipalities Act, 1116 or the Cochin Municipal Act, XVIII of 1113 or the Travancore-Cochin Panchayats Act, 1950, or any officer subordinate to the local

Tahsildar, as the case may be, (12) "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; (13) "Nightsoil" means the contents of latrines, cess-pools and drains; dung and the refuse or the useless or offensive material thrown out in consequence of any process of manufacture, industry or trade, and putrid, and putrifying substance; (14) "Food" includes every article consumed or used by man for food, drink 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; (15) "Health Officer" means the Health Officer, if any, employed by the local authority concerned and in any other cases the officer appointed or authorised by the Government to exercise the powers and discharge the duties of a Health Officer; (16) "House-drain" means any drain actually used or intended to be used, for the drainage of one or more premises; (17) "Hut" means any building which is constructed wholly or partly 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; (18) "Infectious disease" means an infectious disease as defined in Section 50 and includes a notified disease as defined in Section 60, and leprosy as defined in Section 79; (19) "Latrine" includes privy, water-closet and urinal, whether public or private or whether open or flush out; (20) "Local area" means the area within the jurisdiction of a local authority; (21) "Local authority" means— (a) in the City of Trivandrum, the Corporation of Trivandrum; (b) in any other Municipal area, the municipal council concerned; (c) in any Panchayat area, the panchayat concerned; (d) in any other area, the authority appointed by the Government for the purposes of this Act, or, where there is no such authority appointed by the Government, the local Tahsildar; (22) "Lodging house" means a hotel, a boarding house, a choultry, a dharmasala or a rest house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where, on payment, casual visitors are received and provided with sleeping accommodation, with or without food, but does not include— (a) a students' hostel under public or recognised control; or (b) a house licensed under Section 129 for accommodating visitors to a fair or festival; or (c) retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both; (23) "Magistrate" does not include an honorary Magistrate; (24) "Medical practitioner" means a practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953 or who has got any medical qualification recognised by the Government; (25) "Milk" means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk and condensed, sterilized or desiccated milk or any other product of milk; (26) "Notification" means a notification in the Gazette; (27) "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; (28) "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; (29) "Offensive matter" includes— (a) filth as defined in clause (13); (b) sewage as defined in clause (35), and (c) dirt, house sweepings, spittings including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris, ashes, rags and waste paper; (30) "Offensive trade" means any trade in which the substances dealt with are or are likely to become, a nuisance; (31) "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; (32) "Prescribed" means prescribed by the Government by rules made under this Act; (33) "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; (34) "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, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Government ; (35) "Sewage" means nightsoil and other contents of latrines, cess pools or drains and includes trade effluents and discharges from manufactories of all kinds; (36) "Street" means a public or a private street; (37) "Urban local area" means the area within the jurisdiction of an urban local authority; (38) "Urban local authority" means— '(a) the Corporation of Trivandrum, (b) a Municipal Council, and (c) an authority notified by the Government as an urban local authority for the purposes of this Act, so long as the notification remains in force; (39) "Venereal disease" means syphilis, gonorrhoea, soft chancre, venereal granuloma or lympho-granuloma; (40) "Water course" includes any river, stream or channel, whether natural or artificial, other than a drain; (41) "Wharf" means a landing place specially set apart for purposes of loading and unloading goods or entry and exit of passengers ; (42) "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; (43) "Workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article 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 11 CONTROLLING AUTHORITIES AND THEIR POWERS 3 Appointment of Director Of Public Health and Health Officers.—For the purpose of giving effect to the provisions of this Act, the Government may, from time to time, appoint a Director of Public Health and subject to the provisions herein-after contained appoint Health Officers for all or any of the purposes of this Act. 4. Powers of the Government and of the Director of Public Health.—(1) The Government shall have power to inspect, control, and superintend the operations 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 of Public Health 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 Collectors or the Director of Public Health under any other law for the time being in force

5. Powers of the Director of Public Health to advise local authorities.—The Director of Public Health 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 or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final

6. Public Health staff in local areas —(1) The public health establishment of every local authority shall be of such strength as the Government may, from time to time, direct. (2) The Government may, from time to time, make regulations prescribing the qualifications for appointment to the various posts in the public health establishment of local authorities

7. Appointment of the Health Officer.— (1) An urban local authority may, and if so required by the Government shall, appoint a Health Officer. (2) If an urban local authority fails to appoint a Health Officer in accordance with a direction issued under sub-section (1) , the Government shall appoint such officer and may recover from such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and provident fund as the Government may, by general or special order, determine

8. Appointment of temporary Health Officers in emergencies.— (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 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 73 (2) For the purpose of sub-section (1), the Government may appoint any qualified medical practitioner either on an honorary basis or on such salary or allowances or both as the Government may fix

9. Delegation of powers of Health Officer.— The Government may, by general or special order, authorise 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, imitations and conditions and to such control and revision as may be specified in such order

10. 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, in such local areas, as may be specified in the order.(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, if any, either wholly or in part, and, where more than one local authority is concerned, in such proportions as may be determined by the Government

11. Powers of Director of Public Health over public health staff of urban local authorities.— (1) Subject to such rules as may be prescribed including rules for consultation with the urban local authorities concerned, the Director of Public Health shall have power in times of emergency, to assign one or more members of the public health establishment of one urban local authority for temporary duty in the area of another urban local authority. (2) In the case referred to in sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards the leave allowances, pension and provident fund as the Government may, by general or special order, determine

12. Health Officer's control over public health The Health Officer in charge of any local area shall supervise and control over all the members of the public health establishment in such area, (2) (a) Save as otherwise provided in this Chapter or in any rules or regulations made under it, all 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 executive authority. (b) If for any reason the executive authority disagrees with the orders of the Health Officer under 94-1271 B 74 clause (a), the executive authority shall refer the matter to the Government whose decision shall be final. 13. Local authority to provide adequate facilities to the Health Officer.—Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may be necessary for the proper conduct of the business of such Health Officer 14. Authorisation of Health Officer to perform the functions of executive authority in public health matters.—Notwithstanding anything contained in the Trivandrum City Municipal Act, or the Travancore District Municipalities Act, 1116 or the Travancore-Cochin Panchayats Act 1950, or the Cochin Municipal Act XVIII of 1113, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order determine

CHAPTER 11 WATER-SUPPLY 15. Local authority to provide potable water Every local authority may, and if the Government so direct shall, provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction. (2) The local authority shall, so far as may be practicable, make adequate provision for securing— (a) that the water-supply is continuous throughout the year, and (b) that the water supplied is at all times wholesome and fit for human consumption. (3) A local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or for non-domestic purposes

16. 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 authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute, within such time as the Government may fix, such works as may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption, (2) A local authority may, with the previous sanction of the Government— (a) Construct, lay, or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its area, for supplying such area with water; (b) purchase or take on lease any water-work or any water, or any right to store or to take or convey water, either within, or without the limits of its area; and (c) contract

with any local authority or other person or agency for the supply of water. (3) A local authority may, with the previous sanction 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 area (other than a source under the control of the Government) from which water or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes, and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes

17. Power of Government to divert water from water-mam belonging to Local authority.—The Government shall have power to take water from any water-mam belonging to or in the control of a local authority for supplying 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 explanations or objections, if any 18 Power of Director of Public Health in regard to water- The Director of Public Health 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 of protection can be taken; and (b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part. (2) The Director of Public Health or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be: 76 Provided that, before issuing a notice under this sub-section, the Director of Public Health or other officer shall give the authorities or persons affected a reasonable opportunity to make any representation they may wish to make and consider the same. (3) Against any direction issued by the Director of Public Health or other officer under sub-section (2), an appeal shall lie to the Government 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 either— (i) be published in the prescribed manner; or (ii) be served on the local authority or on the person owning or having control over the source of water-supply, as the case may be, in the prescribed manner. (5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on summary cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein. (6) (a) If a water tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the officer issuing the notice, shall be borne by the local authority concerned. (b) If no water tax is imposed in the local area, such cost shall be borne by the inhabitants of the area who, on inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government. Explanation.—For the purposes of this sub-section 'water-tax' means— (a) a tax levied under 'Section 23 of this Act; and (b) a water and drainage tax levied under Section 80 of the Travancore District Municipalities Act, 1116 or Section 74 of the Cochin Municipal Act, XVIII of 1113 or Section 95 of the Trivandrum City Municipal Act

19. Power of Director of Public Health to direct Local authority to improve water-supply.—(1) If the Director of Public Health is satisfied upon investigation that any source of public 77 water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion desirable, he may, by order, direct the local authority to take such measures as may be specified therein and the local authority shall take action accordingly (2) If the local authority fails or 'makes default in taking the measures specified in the order issued under sub-section (1) within the time specified therein, the Director of Public Health shall report the matter to the Government. Thereupon the Government may authorise such officer as they deem fit to take such measures and for that purpose to

exercise any specified powers of the local authority: and the expenses incurred 'by such omcer shall be met from the funds of the local authority, 20. Rodway admnttstratton to oubmtt samples of drtnking water for analysts.—In the case of any Railway m the State, the Government may, by general or special order, require the autho- rity administering the Railway to subnut for analysis, to such person or institution, m such manner, and at such Intervals as may be prescribed, samples of drmkng 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 by them

21. Rules for the protection and -periodical etaminati011 of water-supply.—The Government shall have power to make rules providing for the protection and periodical examina- tion of sources of water-supply nn the State

22. Health Officer's powers in regard to insanitary .— (1) The Health Officer may, at any time, by notice, sources require that the owner of, or any person havmg control over, any lake, stream, spring, well* tank, reservoir, pond or other source of water-supply which is used for drinking, bath- ing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or m any case falling under clause (d) within such time as may be specified in the notice not berng less than three days from the receipt thereof— (a) (b) (d) keep and maintain any such source of supply in such manner as the Health Officer may direct; or cleanse any such source of water-supply from silt, refuse and vegetation; or protect any such source of water-supply from pollu- tion by surface drainage in such manner as the Health Officer may direct; or fill in, repair, protect or eenclose in such manner as the Health Officer may direct any such source Of water-supply if for want of sumcient repair, pro- tection or enclosure, such source of water-supply is, in his opinion, dangerous to 'the health or safety of 18 the public or of any person havmg occasion to use or to pass or approach the same; or (e) desist from using and from permitting others to use for drmkng purposes any such source of water- supply if, m the opinion of the Health Officer, the water IS unfit for drmkng; or (f) close any such source of water-supply either tempo- rarily or permanently, or fill up, enclose or fence the same In such manner as the Health Officer consi- ders suffcient to prevent the use thereof for drinking purposes, if m lus opnuon the water IS unfit for drinking; or (g) dram off or otherwise remove from any such source of water-supply, or from any land or prermes or receptacle or reservoir attached or adjacent thereto any stagnant water which the Health Officer consi- ders to be either Injurious to health or- offensive to the neighbourhood • Provided that the provisons of clauses (a) and (d) shall not apply to a stream: Provided further that notice shall not be Issued under clause (f) unless a notice has first been issued under clause (e) and the source of water-supply m 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 fads or neglects to comply With any notice Issued under sub- section (1) within the time specified therein, the Health Omcer 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 m such notice, and all the expenses Incurred 'In respect thereof. by the Health Officer shall be paid by the owner of, or person havmg 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 m the case of any private source the water of which is used by the publJC or by any section of the public as of nght, the expenses which have been mcurred by the Health Officer or which, m the opmon of the local authority, have been necessarily incurred by the owner of, or person 'havmg control over, the source- of water-supply shall be paid from the funds of the local authority 23. Levy of water-tam and ear-marking the proceeds for water- works— (1) Any local authority may, with the pre- vious sanction of the Government and shall, If so directed by them, levy within Its area or any part thereof any tax which may be necessary for providing water-supply in such area or part. 79 (2) Any tax levied under sub-séction (1) may be a new tax levied on such basis, assessed and realised m such mariner as may be sanctioned or directed by the Government or may be a tax or additional tax levied under ant) head of taxation specified In any law for the time being force governmg the local authority concerned m which case all the provisions of such law relating to the Incidence, assessment or realisation öf a tax under such head or any manner connected therewith shall be applicable to the tax, or addi- tional tax, With such modifications and restrictions, if any, as may be prescribed (3) (b) (4) (b) (5) (a) The rate at which any tax may be levied under this section shall be determined by the local authority With the previous sanction of the Government nn case the tax IS levied

by the local authority of its own motion and by the Government In case the tax IS levied at them direction The local authority may, with the previous sanction of the Government and shall, If so directed by them, alter the rates at which any such tax is to be levied. (a) Every local authority levymg a tax under this section shall earmark the net revenue therefrom for expenditure on the execution, maintenance and Improvement of works of water-supply, in the local area or part thereof within which It IS levied Such revenue shall be expended m accordance With such orders as may be Issued by the Government In this behalf. Nothing contained In this section shall be deemed to affect the power of the Corporation of Trivandrum to levy a water and dramage tax under Section 95 of the Trivan- drum City Mumicipal Act, of any municipality governed by the Travancore District Mummपालties Act, IL16, to levy a water, and drainage tax under Section 80 of that Act, or of any municipality governed by the Cochin Municipal Act, XVIII of 1113 to levy a water and drainage tax under Section 74 of that Act. 24 New house not to be occupwd totthout 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 40 be occupied until he has obtained a certificate from an officer of the Pubhc Health Department of the local authority concerned, not below the rank of Health or Sanitary Inspector, that there IS within the house or within a reasonable distance therefrom, a supply of wholesome water suffcient for the domestic purposes of the Inmates of the house: Provided however that if an application has been made for a certificate and that no such certificate has been granted 80 within a period of ten days, the owner may occupy the build- mg or cause or permit It to be occupied

CHAPTER IV DRAINAGE. 25. 'Local authonty to natntain tpubltc drains.— (1) Every urban local arithorlty shall, so far as the funds at its disposal may permit, provide and mamtain a sumcient and satisfactory system of pubhc drams for the effectual draining 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 drams, or With any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them. (3) The local authority shall at all times keep m good repair all drams, cesspools and the like vested m or belong- ing to It

26. Power of Health Officer to require drains to be con- structed.—(1) If any premises are, in the opinion of the Health Officer, without sumcient means of effectual drainage, he may, by notice, direct the owner of such premises to con- struct a drain leadmg therefrom to the nearest public drain or other place set apart by the local authority for the dis- charge of sewage. Provided that— (a) the cost of constructing that portion of the drain Which IS situated more than ten feet from the said premises shall be paid from out of the funds of the local authority concerned, and (b) If, m the opinion of the Health Officer, there no public drain or other place set apart for the dis- charge of sewage within a reasonable distance of such premises, he may, by the owner of the premises to construct— (I) a closed cesspool, tank, filter or other woFk of such material, size and description, as he may direct, and (ii) a house drain communicating With such closed cesspool, .tank, filter or other work. (2) Where, by reason of a local authority changing its system of damage or undertaking a new system of drain- age, it becomes necessary for the owner of any premises to reconstruct or alter any dram, 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 pal•tly by the owner, m accordance with such rules as may be prescribed, 0 0 27. 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 considered 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 dram 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 which may be directed by the local authority to be made to the owner or owners concerned, has been duly made

28. Drainage for huts.— (1) Drains for the drainage of huts shall be of such size and description, and be constructed of such materials as may be considered by the 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

29. 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 of any court, yard, alley, lane, passage or open space— (a) to 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) and (b) of this section shall be taken

30. Construction and closure of cesspool.— (1) No person shall construct a cesspool— (a) beneath any part of any building or within fifty feet 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

31. Prohibition of occupation of new building without drains.— No owner of any building constructed or re-constructed after the commencement of this Act in any urban local area shall occupy 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 : Provided however that If an application has been made for a certificate and that no such certificate has been granted within a period of ten days, the owner may occupy the building or cause or permit it to be occupied

32. Sullage or sewage not to be let out into streets,—No person having control over any building or land shall cause or allow— (a) the water of any sink, sewer, latrine or sanitary convenience or any other liquid or other matter which is or is likely to become offensive, to run or drain into or to be thrown or put upon any street or open space or to soak through any external wall, or (b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a surface drain in any street

33. 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 stream 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

34. Pollution of water-courses 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— (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 person, 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 putrid solid matter, or (3) commit nuisance in or the neighbourhood of any water course

CHAPTER V SANITARY CONVENIENCES 35. 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, 36. 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

37. Additional sanitary If any building intended for human habitation is without any sanitary convenience or If, In the opinion of the Health Officer, the sanitary convenience or conveniences provided thereon are insufficient, having regard to the number of persons occupying the building or are deficient, or are objectionable on sanitary grounds he may, by notice, require the owner of such building—(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions as may be specified in the notice; or (b) to make such structural or other alterations as may be specified in the notice. (2) Every owner of the ground on which a group of six or more huts stands shall provide such latrine accommodation, in such positions, and Within such time as the Health Officer may by notice require, for the use of the inhabitants of such group of huts. 84 38. Mode of construction of 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, require the owner to remove it or to carry out such improvements thereon 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 39. Certain things to be nuisances.—Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (27) of Section 2, the following shall be deemed specially to be nuisances for the purposes of this Chapter (1) any premises in such a state as to be prejudicial to health or a nuisance; (2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ash-pit, which is so foul or in such a state as to be prejudicial to health or a nuisance; (3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance; (4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance; (5) any factory (not being a factory governed by the provisions of the Factories Act, 1948) workshop or workplace which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which 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 far 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 gas-work or in any manufacturing or trade process whatsoever; (7) any chimney sending forth smoke in such quantities as to be a nuisance; and (8) any noise, vibration, dust, fumes, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood 40, 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 nuisances 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

41. 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 public health establishment of the local authority

42. Power of Health Officer to abate nuisance.— If the Health Officer is satisfied, whether upon information given under Section 41 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. 43 Power of local authority to abate nuisance.—If the person on whom a notice to abate a nuisance has been served under Section 42 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 person as if it were a tax due to the local authority. 86 44. 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 (not being a Magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor

45. Disposal of articles removed while abating nuisance.— (1) A local authority may sell any materials which have been removed by it from any premises (including any street), when executing works under this Chapter or otherwise carrying into effect the provisions thereof, if such materials are not claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority. (2) A local authority selling any materials under sub-section (1) shall pay the sale proceeds to the person to whom the materials belonged after deducting therefrom 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

46. Powers of entry and executive authority or any officer of the Public Health Department of the Government or of the local authority, 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, unless he has received 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 part of the premises where their privacy may be preserved; and (d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises

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

48. 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 local authority may, after consulting the Director of Public Health, take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisance authorised 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

49. Prohibition of the deposit of rubbish etc., in street 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 of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any drain beside a street or on any open space (not being private property) or on any quay, jetty or landing place, wharf or on any part of the seashore, or on the bank of any water-course, except in such receptacles as may be provided or at such place, in such manner and at such hours, as may be fixed by the Health Officer. (2) No person shall ease himself, or cause, permit or suffer any member of his family or household to ease himself in any such street, drain, open space, quay, jetty, landing place, wharf, seashore 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 PART I—Infectious diseases in general. 50 Infectious diseases.—For the purpose of this part "infectious disease" means— (a) (b) (c) (e) (f) (g) (h) acute influenzal pneumonia, anthrax, cerebro-spinal fever chickenpox, cholera, diphtheria, dysentery, enteric fever, (i) malaria, (j) measles, (k) mumps, (l) ophthalmia, (m) plague, (n) Polomyelitis, (o) rabies, (p) relapsing fever, 88 (q) small-pox, (r) tuberculosis (infective types,) (s) typhus, (t) whooping cough, (u) yaws, or (v) any other disease which the Government may, from time to time, by notification, declare to be an infectious disease either generally throughout the State or in such part or parts thereof as may be specified in the notification

51. Appointment of additional health staff—(1) In the event of the prevalence or threatened out-break of any infectious disease in any local area, or of any unusual mortality thereon, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease 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 of Public Health, whose decision shall be final. (2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health, he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines appliances equipment 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 executive authority and by such authority to the local authority concerned at its next meeting

52. Provision 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 place of reception; or (ii) contract for the use of any such hospital or part of a hospital or place of reception; or (iii) enter into an agreement With any person having the management of any such hospital for the reception and treatment therein of persons suffering from infectious diseases. (c) For the purpose aforesaid, two or more local authorities may in combination provide a common hospital or place of reception 69 (2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or 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 of Public Health

53. Provision of ambulances etc.—A local authority may, and if so required by the Director of Public Health shall— (a) provide and maintain suitable conveyances, With sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease; 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

54. Medical practitioner to give information of certain infectious diseases.—Every medical practitioner who in the course of his practice becomes cognizant of the existence of any case of any infectious disease referred to in Section 50 in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information in writing of the same with the least practicable delay— (a) in urban local areas, to the executive authority, the Health Officer, or a Sanitary Inspector; and (b) in other areas, to the Health Officer or a Health or Sanitary Inspector

55. 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 likely to engender or cause the spread of any infectious disease, he may, by public notice, prohibit the removal or use of the said water, generally or for any specified domestic purpose. (2) No person shall remove or use any water in respect of which any such notice has been issued, in contravention of the terms thereof

56. Removal of infected person to If the Health Officer is satisfied that any person is suffering from an infectious disease, and that such person—(a) (i) is without proper lodging or accommodation, or (ii)

is lodged in a place occupied by more than one family, or 84-1271 90 (iii) is without medical supervision directed to the prevention of the spread of the disease, or (iv) is in a place where his presence is a danger to the people in the neighbourhood; and (b) should be removed to a hospital or other place at which patients suffering from such disease are re- ceived for treatment after taking all reasonable precautions to ensure the safety of the patient in transit, the Health Officer may remove such person or cause him to be removed to such hospital or place. (2) If any woman, according to custom, does not appear in public, is removed to any such hospital or place— (i) the removal shall be effected in such a way as to preserve her privacy; and (ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place at the expense of the local authority. (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 or (b) leaves or takes 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 not exceeding one hundred rupees or with both

57. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from an infectious disease not specified in Part 11 of this Chapter shall expose other persons to the risk of infection by his presence or conduct in— (a) any market, theatre or other place of entertainment or assembly, or (b) any school, college, playground or such other place, or (c) any hostel, hotel, boarding house, choultry, rest house or club, or (d) any factory or shop, or (e) any public conveyance, or (f) any public bathing place, or (g) any other place of public resort. 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 not specified in Part 11 of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1)

58. Infected persons -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 in a manner likely to carry infection to others without a special permit from the Health Officer of the local authority concerned or otherwise than in accordance with the conditions specified therein

59. Prevention of Infectious disease transmissible from animals 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 seem suitable

PART 11—Notified infectious diseases

60. Notified diseases.—In this Part, 'notified diseases' (a) (b) (c) (e) (f) (h) (i) (k) (1) anthrax, chickenpox, cholera, diphtheria, enteric fever, malaria, measles, mumps, plague, rabies, small-pox, tuberculosis, (infective types) (m) whooping cough, and (n) any other 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 throughout the State or in such part or parts thereof as may be specified in the notification. 92 61. Occupation of houses to prevent the spread of infection— (1) The Health Officer may, in case 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 for the time being in force, 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 forty-eight 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 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 compensation fixed under sub-section (2) shall be paid by the local authority concerned. (4) 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 cleansed

62. Information regarding notified diseases.— Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease, shall, if the case has not been already reported, give information of the same with the least practicable delay— (a) in urban local areas, to the executive authority, the Health Officer or a Sanitary Inspector; and (b) in other areas, to the Health Officer, a Health or Sanitary Inspector, Sanitary Assistant or Conservancy Overseer

63. Power of entry of local officers to take preventive measures — **(1) The Health Officer or an officer not below the rank of a Sanitary Inspector authorised by him in this behalf may—**(a) at all reasonable hours, inspect with or without assistance any place in which any notified disease is reported or suspected to exist, without notice in the case of factories, workshops, workplaces, offices, business places and the like and after giving such notice as may appear to him reasonable in other cases including dwelling houses, and (b) take such measures as he may consider necessary to prevent the spread of such disease beyond such place. (2) The powers conferred by sub-section (1) on the Health Officer may in any local area be exercised also by the executive authority or an officer not below the rank of Sanitary Inspector authorised by such authority

64. Destruction of hut or shed to prevent spread of infection— **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 within thirty days to any person who sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1) 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

65. Closure of lodging houses.—If, on the application of the Health Officer, a Magistrate (not being a Magistrate of the third class) is satisfied that it is necessary in the interests of public health that a lodging house or any place where articles of food are sold, or prepared, stored, 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

66. Infected cloth not to be sent to laundry.—No person shall— (1) send or take to any laundry or public wash house or any public water course, tank or well, for the purpose of being washed or to any place for the purpose of being cleansed, any clothing, bedding or other article which he knows 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 medical practitioner, or 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 dustbin 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

67. Infected persons not to use public conveyance.— (1) No person who knows that he is suffering from a notified disease shall— (a) enter any public conveyance used for the conveyance of passengers at separate fares, or (b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering, (2) No person having the care of a person whom 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 conveyance aforesaid, in such case 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 the next succeeding sub-section. (5) If a person suffering from a notified disease is conveyed in a public conveyance, the person in charge thereof shall, as soon as practicable, give notice to the Health Officer or other notified officer of the 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

68. Letting or sub-letting a building occupied by an infected person.— No person shall, without a special permit from the Health Officer, let or sub-let or permit or suffer any prospective tenant to enter a building in which he knows or has reason to know that a person has been suffering from a notified disease within the three months immediately preceding

69. Prohibition of the exposure of other persons to infection.— (1) No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in— (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, resthouse or club, or (e) any factory or shop, or (f) any public bathing place, or (g) any other place of public resort. 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 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 a notified 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 70. 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 which this section applies, 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, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier. (2) An order under this 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 may be expressed to be inoperative so long as any other reasonable precautions specified in the order are taken. (3) This section applies to the 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 of Public Health

71. Prohibition of use of public library by infected person.— No person who knows that he is suffering from a notified disease shall take any book or newspaper, or cause any book or newspaper to be taken for his use, or use any book or newspaper taken, from any public or circulating library, (2) If a person develops a notified disease while he is in possession of any such book or newspaper, he shall cause it to be disinfected before it is returned to the library. (3) For the purposes of this Section— (a) "public library" shall include public reading room; (b) "book" shall include every volume, part or division of a volume, pamphlet and leaflet in any language and every sheet of map, chart, or plan separately printed, lithographed or otherwise mechanically produced; and (c) "newspaper" shall mean any periodical work containing public news or comments on public news

72. Disposal of bodies of persons dying while suffering from notified disease.— (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or 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 or Sanitary Inspector, retain in any premises (else- where 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 of 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 build- ing 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 omcer referred to in sub-section (2), order the body to be removed and disposed Of within a specified time. (b) Any Magistrate may, m 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 97 the immediate disposal of the body necessary, direct the body to be disposed of, unless the friends or the relatives of the deceased undertake the disposal of the body within a time sepeified 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 a tax due to the local autho- rity from any person who would have been legally ha'ole therefor 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 suffer- ing from a notified disease, and the Health Offcer 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 bemg taken direct to a burial or burnmg ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose. (b) When the 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 Offcer or a Magistrate, no person shall cause or permit to be carried in a public or private conveyance the dead body of any person who has died while suffering from cholera, small-pox or plague

73. Power of Magistrate to prohibit an assembly of more than fifty persons.— In the event of the prevalence of a noti- fied disease in any local arca, 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 circum- stances or for any purpose if in his opimon 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 74. Power of Government to confer special powers on oncers to control notöed dseccsos.— (1) (a) In the event of the prevalence or threatened outbreak of a notified diseasé in any place or area, the Government may declare that such place or area IS visited by or threatened with an outbreak of such disease. 34-1271 B. o 98 (b) The power conferred on the Government by clause (a) may subject to the control of the Government also be exercised by the Collector in respect of a place or area within his district. (c) Any declaration made by the Government under clause (a) or withdrawal thereof in whole or in part shall be published in the 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 m whole or in part shall be published m the 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 it is with- drawn, the Collector or any person duly authorised 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 offcer of the local authority concerned or any officer of the Government other than the Collector may, subject to such exceptions, restrictions, limitations and conditions and to such control as may be prescribed either generally or in the case of the notified disease to which the declaration relates, exer- cise 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 m any infected locality; (b) power to make vaccination and preventive inocula- tions compulsory subject to the provisions of sub- section (3) ; (e) power to direct— (i) that persons arriving from places outside the local area or residing in any building adjacent to, or In the neighbourhood of an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers; (ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected If there is reason to

suspect that they have been exposed to Infection; and (iil) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days ; (d) power to take such measures as may be necessary— (i) In respect of, or in relation to, persons exposed to Infection from any notified disease, or likely to infect other persons with any such disease; and 0 (ii) in respect of, or m relation to, articles exposed to Infection from any notified disease, or likely to Infect persons with any such disease, includmg, in case (i) the placing of restrictions on the movements of such persons, and in case Gi), the destruction of such articles and the placmg of restrictions on their export from Import into or transport within, the local area; (e) power 'to direct that at any place within or outside the local area, any consignment of grain exported from or imported mto, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected m any specified manner; and (f) power to close all or any existing markets and to appoint special places where markets may be held. (3) (a) If any person who, or a child in whose care is sought to be vaccmated or moculated in pursuance of the power referred to in clause (b) of sub-section (2) declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful enquiry 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 Offcer and hearing any representations made by him or on his behalf, exempt such person or child from vaccina- tion or inoculation on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate : Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted. (b) Any person who commits a breach of any under- taking given by him under clause (a) shall be punished With Imprisonment which may extend to three months, or With fine not exceeding one hundred rupees or With both. (4) The local authority or the Government may, in Its discretion give compunsation 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 thlS sub-section, no clam for com- pensation shall he for any loss or damage caused by any exercise of the powers aforesaid

75. Destruction of rats, mwe etc.— (1) The occupier of every premises, or If the premises are unoccupied, the owner too thereof shall take such steps as may be reasonably practica- ble for the destruction of rats, mice and other ammals susceptible to plague infesting such premises. (2) Where the Health Officer is of opmon that the occu- pier or owner of any premises has failed to fulfil the obliga- tion 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 givmg not less than twenty- four hours previous notice to such occuper or owner. (3) Any expenses incurred under clause (b) of sub- section (2) may be recovered by the local authority concern- ed from the occupier or owher, as the case may be, as If It were a tax due from him to the local authority

PART III—venereal Diseases 76. Povtsion for treatment of venereal disease by local authortties,---- (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 suffer- ing, 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 mto a contract— (a) with any other local authority; or (b) With the hospital or medical institution recognised by the Government in this behalf; or (c) with the sanction of the Government, with any quali- fied and registered medical practitioner

77. Patient to be instructed in methods of prevention of the spread of venereal dtsease.— Every physician or other person treatmg or examming with a view to treatment, a person havmg a venereal disease shall, at the first vrslt— (a) impress upon such person the necessity for treat- ment until the cure IS effected; (b) instruct him m 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 of Public Health. 1 101 78. Certain medecal practitioners to certify as to freedom from venereal disease— Every medical practitioner included in a panel pubshsed by the Government for the purposes of this section shall be bound, at the Instance of a person desirous of obtauung a certificate under this section and

on payment of a fee of five rupees to examine such person, and If he finds such person 'IS not suffering from a venereal disease or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form

PART IV—Leprosy 79. Definitions.—In this Part— (a) 'Leprosy' means open leprosy, that IS to say, that form of the disease In which leprosy bacilli can be demonstrated from the mucous membrane of the patient's nose or from his skin, by any recogmscd standard method of examination approved by the Government. (b) 'Authorised practitioner' means a medical practi- tioner authorised by the Government m his behalf

80. Provision for treatment of leprosy by local authority.— 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 suffer- ing, or suspected to suffer, from leprosy, and (b) the prevention of infection from leprosy

81. Persons suffering from leprosy not to engage tn certam No person who knows that he is suffering from leprosy shall, until he is certified by an authorised practitioner to be non-infectious and to" have been so for a period of not less than three months, engage himself or accept any employment—

(i) as a cook, attendant, workman, salesman, server, or carrier in any place where food IS sold to members of the public or IS prepared or stored for such sale; (n) as a worker tending on or milking cows, buffaloes or goats whose milk to be sold or distributed to members of the public, or as a seller or distributor of milk to members of the public; (ni) as a driver or conductor of a public conveyance; (iv) as a public servant; or (v) in any other capacity which, in the opinion of the Health Officer, involves deleterious contact with other persons not suffering from leprosy. 102 (2) No person who knows that he is suffering from leprosy shall, until he IS certified by an authorized practitioner to be non-infectious and to have been so for a period of not less than six months,— (a) attend any school, college, playground or other similar place either as a teacher or as a member of the staff employed therein; or (b) engage himself or accept any employment— (1) as a doctor, nurse, midwife, ayah or orderly, (n) as a barber or hair-dresser, (lii) as a tailor, (IV) as a dhobi or launderer, (v) as a house servant, personal attender or a peon, (vi) m any other capacity which, m the opmion of Health Officer, Involves deleterious contact with children. (3) No one who has the care of any person whom he knows to be suffering from leprosy shall cause or permit such person to engage himself or accept any employment in any of the capacities referred to in sub-section (1) or to attend any place or engage himself or accept any employment in any of the capacities referred to m sub-section (2), until he is certified by an authorized practitioner as set forth in sub-section (1), or sub-section (2), as the case may be. (4) No one shall engage or employ any person whom he knows to be suffermg from leprosy in any of the capacities referred to in sub-sections (1) and (2) until he is certified by an authorised practitioner as set forth In sub-section (1) or sub-section (2), as the case may be

82. Persons sufferng from leprosy not to use public con- (1) No person who knows that he is sufferang veyance.— from leprosy shall— (a) enter any public conveyance used for the convey- ance of passengers at separate fares, or (b) enter any other public conveyance, without pre- viously mtimating 'to the owner, dnver or conductor thereof that he is suffering from leprosy. (2) No person who has the care of a person whom he knows to be suffermg from leprosy shall permit him to be carried— (a) In any public conveyance used for the conveyance of passengers at separate fares, or (b) in any other pubhc conveyance, without previously intimating to the owner, driver or conductor thereof that he is suffering from leprosy, (3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers at separate fares shall 103 not convey therein a person whom he knows to be suffering from leprosy at any time when a passenger not suffering from leprosy IS bemg conveyed therein: Provided that a person suffering from leprosy may be con- veyed in the public conveyance aforesaid m such eases of emer- gency 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 them any person suffermg from leprosy until he has been paid a sum suffczent to cover any loss and ex- pense which Will be incurred by reason of the provisions of the next succeeding sub-section. (5) The person in charge of a public conveyance In which a person whom he knows to be suffering from leprosy has been conveyed 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 leprosy has been conveyed, shall provide for its disinfection

83. Prohibition of persons suffering from leprosy from attending school, college or taking out books or newspapers from public or circulating library.—(a) No person who knows that he is suffering from leprosy shall—(a) attend any school, college, playground or such other place; or (b) take any book or newspaper or cause any book or newspaper to be taken for his use or use any book or newspaper taken, from any public or circulating library. (2) No person who has the care of a person whom he knows to be suffering from leprosy shall permit him to do any of the acts prohibited by sub-section (1) (3) For the purposes of this section— (a) "public library" shall include "public reading room"; (b) "book" shall include every volume, part or division of a volume, pamphlet and leaflet in any language and every sheet of map, chart or plan separately printed, lithographed or otherwise mechanically produced; and (c) "newspaper" shall mean any periodical work containing public news

84. Segregation of persons suffering from leprosy.— The Government may, on the recommendation of the Director of Public Health, by notification, declare any area to be a "Segregation Area" if they are satisfied that in such area adequate segregation accommodation for persons suffering from leprosy has been provided by the local authority, or has been placed at its disposal and set apart by it for the purpose; and thereupon, the following provisions shall apply to such area:— (i) The Health Officer may, by notice, require any person suffering from leprosy and residing within the segregation area to remove himself to such segregation accommodation as may be specified in the notice and remain there until such time as he is certified by an authorised practitioner to be no longer infectious. (ii) The notice shall allow a reasonable period for compliance therewith. (iii) If the person suffering from leprosy does not comply with the notice within the period allowed therein, the Health Officer may have him compulsorily removed to the segregation accommodation specified therein, using such force, as may be reasonably necessary for the purpose. (iv) The Health Officer may permit any person detained in the segregation accommodation to engage himself or accept employment in any of the capacities other than those specified in Section 81, provided that it does not involve the performance of any act specifically prohibited by this Act. (v) The notice referred to in clause (i) may be given to the person who has the care of a person suffering from leprosy, and thereupon it shall be the duty of the former to remove the person suffering from leprosy to the segregation accommodation specified in the notice. (vi) If any person suffering from leprosy escapes from or leaves the segregation accommodation provided for him, without the written permission of the Health Officer or any other officer authorized by him in this behalf, such person may be arrested without a warrant by any police officer or by any one specially empowered by the Government and removed forthwith to such segregation accommodation. (vii) The local authority shall arrange for the food, clothing and other necessities of every person suffering from leprosy who is detained in the segregation accommodation, but any such person shall be at liberty to make his own arrangements for his food, clothing or other necessities. (viii) If any person is arrested under clause (vi) after having been arrested and dealt with under that clause on at least three previous occasions, he shall, if the Health Officer so directs in writing, be produced before a Magistrate of the First Class who shall have power to order his detention in a leprosy annexe attached to a prison until such time as he is certified by an authorised practitioner to be no longer infectious; and thereupon all the provisions of the law for the time being in force shall, so far as may be and with such modifications if any, as may be prescribed, apply to such person as if he had been sentenced to simple imprisonment for the period for which such detention was ordered. (ix) If the Magistrate does not order such detention or if the order of detention passed by him is subsequently cancelled, whether by himself or by any other Magistrate of the First Class, the person arrested or detained, as the case may be, shall forthwith be removed to the segregation accommodation aforesaid

85. Power to require fresh certificate that person suffering from leprosy is not infectious.—Where any authority prescribed in this behalf has reason to believe that a certificate such as is referred to in Section 81 or in clause (i) of Section 84 issued in respect of any person suffering from leprosy has ceased to be correct by reason of his having subsequently become infectious, such authority may require such person to obtain a fresh certificate from any authorised practitioner of his choice, as to the character of his leprosy, that is to say, as to whether he is or is not infectious. Unless a fresh certificate as aforesaid is obtained by the person suffering from leprosy within such period as may be prescribed and such certificate

declares him to be non-infectious, the certificate previously Issued shall, for the purpose of all the provisions contained in this Part, be deemed to have been cancelled

PART V—Power to make Rules

86. Rules for the 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 including leprosy as defined in Section 79 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

CHAPTER VIII MATERNITY AND CHILD WELFARE 87. Local authority to carry out maternity and child welfare measures—Every local authority shall be bound to carry out such measures pertaining to maternity and child welfare as may be prescribed

CHAPTER IX MOSQUITO CONTROL 88. Prohibition of mosquito breeding in collection of water— (1) No person or local authority shall— (a) have, keep, or maintain within any local area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or 31-1271 106 (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. 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. (2) The natural presence of mosquito larvæ in any standing or flowing water shall be evidence that mosquitoes are breeding in such water

89. Treatment of mosquito breeding places.—(1) The Health Officer may, by notice, 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 such measures with respect to 'the same or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the Director of Public Health, as the Health Officer may consider suitable in the circumstances. (2) If a 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 measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter, be due from him to the owner, 90. Health Officer's power in case of default.—If the person on whom a notice is served under Section 89 fails or 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 an arrear of land revenue

91. Protection of anti-mosquito work.—Where with the Object of preventing the breeding of mosquitoes in any land or buildings, the Government or any local authority, or the owner or occupier at the Instance of the Government or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time 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

92. Prohibition of Interference with such No person shall without the consent of the Health Officer interfere 107 with, injure, destroy or render useless, any work executed or any material or thing placed on, under, or upon any land or building by or under the orders Of the Health Officer 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 an arrear of land revenue

93. 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 of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times, after giving such notice 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 grve all facilities necessary for such entry and inspection, and supply all such information as may be required of him for the purpose aforesaid

94. Financial inability etc.sumcient defence.—In any pro- ceedings under this Chapter, it shall be sufficient defence to show that the person proceeded agamst is financially unable to carry out the directions given or that the necessary materials and appliances for the treatment or measures recommended are not available or that the collection of water is Indispensable for the general communal purposes of the locality

CHAPTER X SANITATION AND BUILDINGS PART I—ResidentiaZ Areas. Notificatton of residential arcae.— (1) Every urban local authority shall, within one year from the commencement of this Act or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner, the localities, divisions, wards, streets or portions of streets in its local area which shall be reserved for residential purposes. (2) An urban local authority may, at any time subsequent to the issue of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential pur- poses. (3) A notification issued under sub-section (1) or sub section (2) may declare that operations in any factory, work- shop or workplace In existence at the time when it comes into force, or that the contnuance of any offensive trade carried on 108 by any person at such time, shall be subject to such restrictions, limitations, and conditions as may be specified in the notifica- tion

96. Approval of Director of Public Health and Director of Town Planmnq to be obtained for notification.— (1) Before issuing a notification under Section 95, the local authority shall— (a) obtain the approval both of the Director of Public Health and of the Director of Town Plannmq, in regard to— (i) the suitability of 'the areas proposed to be reserved for residential purposes; (ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of Section 95; and (b) publish in the prescnbed manner for general infor- mation the situation and limits of the areas pro- posed to be reserved for residential purposes and the restrictions, limitations and conditions, If any proposed to be imposed under sub-section (3) of Section 95, and consider all objections received by it within six weeks of such publication, (2) In the event of a difference of opinion between the local authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the Govern- ment whose decision shall be final

97. Appeal against notification.—Any person aggrieved by the issue of a notification under Section 95 may appeal 'to the Government whose decision shall be final, 98. Consequences of notification.—Upon the issue of a noti- fication under Section 95 the following consequences shall ensue, namely (a) The construction or establishment of any new fac- tory, workshop or work-place, or 'the carrying on of any new offensive trade in the areas specified In the notification shall be absolutely prohibited. (b) In the case of any factory, workshop or work-place In existence at the tume when the notification comes into force or of any offensive trade in existence at such ume, the restriction, limitations and condi- tions, if any, specified in the notification, shall be observed in the areas aforesaid. (c) If work in any factory, workshop or work-place exis- ting at the time when the notification under Sec- tion 95 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period Of not less than one year, the resumption of work in such factory, workshop, or work-place or of such offensive trade, I 109 as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohi- bited under clause (a) . (d) In the case referred to in clause (c) where the period exceeds SIX months but does not extend to one year work in the factory, workshop or work- place or the offensive trade, as the case may be, shall not be resumed without the written permis- Sion of the Health Oficer unless the Government otherwise order

99. Extension of Section 95 to 98 to non-urban local authori- ties—The Government may, by notification, direct that the provisions of Sections 95 to 98 shall apply to any non-urban local authority specified in such notification; and thereupon, the provisions of those sections shall apply 'to such authority as If it were an urban local authority

PART 11—Control over insamitary buddings

100. New butldang not to be erected on certain sates.NO person shall erect a new buildmg on any ground which has been filled up With faecal or offensusve vegetable or offensive am- mal 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 Director of Public Health in the first instance and from the decision of the Director of Public Health to the Government whose decision shall be final

101. Cleansing of 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 cleansed. (2) The local authority may recover any expenses reasonably incurred by the Health Officer under sub-section (1) from the occupants of the buildings which front or abut on the court or yard, or to which the passage affords access in such proportions as may be determined by the Health Officer

102. 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 44 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 therefor: Provided that, before making an order under this sub-section, the local authority shall give the owner and occupier or occupiers, if any, concerned, a reasonable opportunity of showing cause why it should not be made. (2) When any order has been made under sub-section (1), the executive 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

103. Back-to-back houses not to be erected without permission.—Notwithstanding anything contained in any other law for the time being in force, no person shall, without the previous permission of the Health Officer, erect any back-to-back houses intended to be used as dwelling houses and any such house the erection of which is begun after the commencement of this Act without such permission shall be deemed to be unfit for human habitation within the meaning of Section 102

PART III—Abatement of overcrowding

104. 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 student's hostel under public or recognised 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

105. Duties of landlord.—A landlord of a tenement— (a) shall maintain it in a habitable condition; and (b) except temporarily on occasions such as marriages 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 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 a 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

106. Power to make rules—The Government shall have power to make rules for determining— (a) whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of Section 105; and (b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section. CHAPTER XI—LODGING HOUSES

107. Lodging house to be registered.—(1) No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act: Provided that a person who immediately before the commencement of this Act was keeping a lodging house shall, for a period of three months after such commencement, be deemed to have been registered as the keeper thereof

108. Register of lodging houses.—Every executive authority shall keep a register in which shall be entered— (a) the full name and the place of residence of every person registered as the keeper of a lodging house; (b) the situation of every such lodging house; (c) the number of persons authorised to be received in the lodging house, and (d) the full names and the places of residence Of any persons who are to act as deputies of the keeper of the lodging house

109. Conditions of registration and of renewal of regis- An executive authority on receiving from any person an application for registration, or for the renewal of his registration as a keeper of a lodging house and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration Provided that the executive authority—(a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and 112 (b) may refuse to register, or to renew the registration of an applicant If he is satisfied that— (i) the applicant or any person employed or proposed to be employed by the applicant of the lodging house as a deputy or otherwise is not a fit person, whether by reason of age or otherwise, to keep or to be employed at a lodging house; or (ii) the premises are not suitable for use as a lodging house or are not, as regards sanitation and water supply and in other respects including means of escape in case of fire, suitably equipped for use as such; or (iii) the use of the premises as a lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood. (2) The registration, or the renewal of the registration, of a person as the keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons, the executive authority considers that it should expire at an earlier date when it shall expire at such earlier date which shall be specified in the certificate of registration or of renewal of registration. (3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on which his application is refused. (4) If at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper or for the insertion therein of the name of any other person, being a person approved by the executive authority whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration

110. Appeal to local person aggrieved by the refusal of an executive authority to grant or renew registration under Section 109 may appeal to the local authority

111. Rules for the upkeep and maintenance Of lodging houses.—The Government shall have power to make rules— (a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein; (b) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated with some other suitable preparation at specified intervals ; 113 (c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and (d) generally for the well-ordering of the lodging houses

112. Notice to be affixed outside lodging house.—(1) The keeper of a lodging house shall, if so required by the executive authority, affix and keep affixed and undefaced and legible, a notice with the words "registered lodging house" in some conspicuous place on the outside of the house. (2) The keeper of a lodging house and every other person having the care or taking part in the management thereof shall at all times allow the executive authority, the Health Officer or any other person authorised by the executive authority or Health Officer in this behalf, to have free access to all parts of the house

113. Cancellation of registration by court.— When the registered keeper of a lodging house is convicted of any offence under this Chapter or under Section 62 or a rule or bye-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as the court thinks fit for being again registered as such keeper, 114. shall— (a) (b) (2) **CHAPTER XII FOOD CONTROL** Prohibition of sale of unsound food.—(1) No person sell, expose or hawk about for sale, or keep, store or prepare for sale, any animal Intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or sell, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, any food or drug intended for human consumption which is unfit for such purpose or is unwholesome. In

any prosecution under sub-section (1), the court shall, unless and until the contrary is proved, presume—
(a) that any animal found in the possession of a person who is in the habit of keeping animals of that class for sale for human consumption has been kept by such person for sale; and .34 1271 11 114 (b) that any food or drug found in the possession of a person who in the habit of keeping, storing, manu- facturmg or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale

115. Punishment for contravention provisions of Section 114 through Any person who does any of the acts, mentioned in sub-section (1) of Section 114 or in clauses (a) to (e) of sub-section (1) of Section 10 of the Travancore Prevention of Adulteration Act, 1124, or clauses (a) to (d) of sub-section (1) of Section 4 of the Cochin Prevention of Food Adulteration Act, XIV of 1109 in any area to which the said Acts have been extended, through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child, or the parent or other persons having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same

116. Flesh of dead animal not to be consumed.—No person shall knowingly consume the flesh of any animal which has died on account of natural causes. Explanation.— It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right on account of services rendered in removing dead cattle, or on any other ground- 117. Importing meat into local area.— (1) No person shall bring into any local area without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughter-house maintained or licensed by the Government or by a local authority (2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority. (3) Nothing in this section shall be deemed to apply to— (a) cured or preserved meat; or (b) flesh or meat carried through any local area for consumption outside the limits thereof and not stored anywhere within such limits in the course of transit; or 115 (c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale: Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place. 118.Power of Health Officer to enter premises used for food trade.. The Health Officer may, without notice, enter any place at any time by day or by night where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing the same

119. Powers of Health Officer to deal with carriers of disease-handling food.— (1) The Health Officer may, at any time, examine or cause to be examined any person engaged in selling or in manufacturing or preparing for sale or in any manner whatsoever handling any article of food intended for sale. (2) If on such examination the Health Officer finds that such person is suffering from or harbouring the germs of any infectious disease, such person shall not take part in selling any article of food or in manufacturing preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease or from disease producing germs

120. Investigation of diseases caused by milk or dairy produce— (1) If the Health Officer has reason to believe— (a) that any person within the local area over which he has jurisdiction is suffering from an Infectious disease attributable to milk or dairy produce supplied within such area; or (b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease, the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer a complete list of all dairies (whether situated within or outside the limits of such area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding. (2) If such supply or any part of such supply is obtained not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person. 116 (3) Every person on whom any requisition is made under sub-section (1) or sub-section (2) shall be bound to comply therewith

121. Inspection of dairy by Health Officer.— (1) The Health Officer may inspect any dairy referred to in Section 120, and the milch cattle and the employees therein, and If, on such inspection, the Health Officer is of opinion that any infectious disease is caused or is likely to be caused by the consumption of the milk or dairy produce supplied from such dairy he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy. (2) An order made under sub-section (1) shall be forth- with cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy or that the cause of infection has been removed. (3) If an order made under sub-section (1) or cancelled under sub-section (2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated. (4) When an order is made under sub-section (1), the Health Officer may either— (a) permit the milk or other produce of the dairy after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or, (b) cause such milk or dairy produce to be destroyed. (5) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

CHAPTER FAIRS AND FESTIVALS

122. 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 purposes 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

123. Notice to be given of fair or festival.— The person or authority in charge of any fair or festival shall, not less than thirty days before its commencement, intimate to the executive authority or Health Officer of the local authority concerned or, in case the fair or festival is to be held within the jurisdiction of more than one local authority, to the executive authority or Health Officer of each of the local authorities concerned, the date of commencement 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 shall also furnish such other particulars relating to the fair or festival as may be called for by the executive authority or Health Officer of the local authority or any of the local authorities concerned

124. 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 authorities 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 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 centre; (7) the supply by suitable persons of wholesome food at reasonable rates, and in such quantities as may be necessary 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 the course of transit within the fair or festival centre; (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 disease 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 for general and isolation purposes; and (12) such other purposes as may be prescribed

125. Health Officer to superintend the arrangements.— The arrangements mentioned in Section 124 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 authorities designated by the person or committee referred to in Section 124* or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned within their respective local areas

126. Power to enter and seize unwholesome food.— (1) The Health Officer, or a Health or Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the

Government or of any such local authority appointed by the Government in this behalf, may— (a) enter and inspect any building or shop in the fair or festival centre, which is a source of food supply, (b) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Government may, by general or special order, determine; and (c) seize any food prepared or offered for sale or stored or in course of transit within the fair or festival centre which he 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 ten 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 analysing the food or sample thereof), shall be recoverable from the person from whom the food was seized, as if it were an arrear of land revenue. (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 analysing the food or a sample thereof shall be borne by the local authorities concerned.

127. Occupation of building etc., required in connection with fair or festival— (1) The local authority may, in cases 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, for the time being in force, 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 to the occupants or be conspicuously affixed on such land or building not less than twenty-four hours before it is entered upon. (2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in 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.

128. Control over private sources of water-supply.— (1) 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 centre, or within such distance therefrom as the Government may, 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 engender or cause the spread of disease amongst persons resorting to the fair or festival. (2) If the owner or person aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the 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 an arrear of land revenue.

129. Licensing of houses to accommodate visitors to fair or festival—(1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned. This provision shall not apply to tenancies from month to month or for a period exceeding one month. (2) Every application for a licence under sub-section (1) shall be in writing, shall contain such information as may be required by the authority to whom it is addressed, and shall be accompanied by such fee as may be prescribed for the grant of the licence. (3) (a) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitors to the fair or festival, he may issue a licence in the prescribed form and subject to the prescribed conditions for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein, having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier. (b) The licence shall also specify— (i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and (ii) the date until which it shall remain in force. (4) If the authority granting the

licence is satisfied that the licenced house has, subsequent to the grant of the licence, become unfit for the accommodation of visitors, or if the licensee is convicted of any offence punishable under this Chapter, such authority may revoke the licence or, at his discretion, may suspend the licence for such period or until the fulfilment of such condition, as he may specify

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

CHAPTER XV CANAL BOATS

131. Infectious disease in canal boats.— Where any local authority within whose local area a canal or any part of a canal is situated, is informed that a person on board a canal boat is suffering from an infectious disease, such authority shall cause such steps to be taken as may be necessary for preventing the said disease from spreading and for that purpose may exercise the power of removing a person suffering as aforesaid and all other powers in relation to provisions against infection conferred by this Act and may also, if need be, detain the boat, but such boat shall not be detained for a longer time than necessary for cleansing and disinfecting the same which in no case shall exceed forty-eight hours. (1) Where an executive authority within whose local area a canal or part of a canal is situated has reasonable cause to suppose that there is on board a canal boat any person suffering from an infectious disease, such authority may enter such canal boat and examine the same and every part thereof in order to ascertain whether on board such boat there is a person suffering from an infectious disease and may, if need be, detain the boat for the purpose but for no longer time than is necessary. (2) The person in charge of such a canal boat shall, if so required by the executive authority, produce to such authority the certificate of registration of the boat and permit such authority to examine and copy the same and shall furnish such authority with such assistance and means as such authority may require for the purpose of his entry into and examination of and departure from the boat. (3) Any person who refuses to comply with the requisition of the executive authority under this section shall be punishable with imprisonment for six months or with fine not exceeding one hundred rupees or with both

133. Powers of Director of Public Health.—The powers exercisable by the executive authority under this Chapter shall also be exercisable by the Director of Public Health or any other officer specially authorised by him in writing in this behalf

CHAPTER XV MEDICAL INSPECTION AND TREATMENT OF SCHOOL CHILDREN

134. Medical Inspection of schools.— The Government may make rules for ensuring the medical inspection and treatment of all school children, and prescribe the duties of local authorities in regard to such work

CHAPTER XVI FINANCE

135. Earmarking Of revenue by local authorities for expenditure on public health.— Every municipality shall earmark not less than 30 per. cent of its income from all sources other than grants made by the Government for expenditure on the advancement of public health in its local area including expenditure on medical relief, and every panchayat shall similarly earmark not less than 12 1/2 per cent of its income from such sources; Provided that the Government may, for financial or other reasons, vary the provisions of this section to such extent as they may think fit the case of any local authority.

CHAPTER XVII RULES, BYE-LAWS PENALTIES, ETC

136 Power of Government to make rules.—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

137. Penalty for breach of rules. (1) In making a rule under Section 86, the Government may provide that a breach of such rule shall be punishable with Imprisonment which may extend to three months or with fine which may extend to one hundred rupees 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 first 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 executive authority or the Health Officer to discontinue such breach. (1)

138. Procedure for making and the effect of rules,— The power to make rules under

this Act shall be subject to the following conditions:— (a) A draft of the rules shall be published in the Gazette. (b) Such draft shall not be further proceeded With until weeks after such publication or until such later date as the Government may appoint. (2) All rules made under this Act shall be published in the Gazette and upon such publication shall have effect as if enacted this Act, 1 123 139. 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

140. 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 executive authority or the Health Officer to discontinue such breach

141. Procedure for making or altering bye-laws.— In regard to bye-laws made 'by a local authority under Sections 139 and 140, the following provisions shall apply, namely:— (a) in case the local authority is the Corporation of Trivandrum, Sections 369, 370, 372 and 374 of the Trivandrum City Municipal Act; (b) in case the local authority a Municipality constituted under the Travancore District Municipalities Act, 1116, Sections 329, 330 and 332 of that Act; (c) in case the local authority is a Municipality constituted under the Cochin Municipal Act, XVIII of 1113, Sections 318, 319 and 320 of that Act; and (d) in case the local authority is a Panchayat constituted under the Travancore-Cochin Panchayats Act, 1950, Sections 101 and 102 of that Act

142. Penalties for offences against Act etc.— (1) Whoever— (a) contravenes any of the provisions of this Act specified in the first and the second columns of Schedule 'I'; 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 said provisions, shall be punished With fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule. (2) Whoever after having been convicted of— (a) contravening any of the provisions of this Act specified in the first and second columns of Schedule u; or 124 (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 said provisions continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule. (3) Whoever after having been convicted of contravening the provisions of sub-section (1) of Section 114 continues to contravene the said provisions shall be punished With simple imprisonment for a term which may extend to one week. Explanation.—The entries in 'the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts Of those provisions, but are inserted merely as references to the subject dealt with therein

143. Penalty for preventing entry of executive authority or Health Officer.—Every person who prevents the executive authority or the Health Officer or any person to whom the executive 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 or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or With fine which may extend to five hundred rupees, or With both. MISCELLANEOUS

144. Propaganda by local authority.—Every local authority shall carry out intensive and extensive propaganda for the advancement of public health

145. 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 presented 146. Method of serving When any notice is required to be given by this Act or by any rule, bye-law, regulation or order made under it, such notice shall be in writing and shall be given— (a) by serving or tendering the notice to such person, or 125 (b) If such person is not found, by leaving such notice at his last known place of abode or business or by serving or tendering the same to some adult member of his

family; or (e) If such person does not reside in the local area and his address elsewhere is known to the executive authority by sending the same to him by registered post; 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 to, one of such owners or occupiers

147. Cognizance of offences against the Act.—No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-law made under it unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer, or by a person expressly authorised in this behalf by the local authority, the executive authority or the Health Officer: Provided that nothing contained in this section shall effect the provisions of the Code of Criminal Procedure, 1898 in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion

148. Power to compound offences —The executive 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. The power to compound any offence so declared may also be exercised by such other authority or person as may be authorised in that behalf by rules made by the Government

149. Powers of 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 rule or bye-law 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 and address or gives a name and address which the officer has reason to believe to be false. 150 Powers of executive officer and public health staff to arrest offenders against Act, The executive officer of a local authority or any member of the public health establishment of a local authority not below the rank of Health or Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which such officer or member has jurisdiction may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. (2) The offences referred to in sub-section (1) are— (a) offences against any of the provisions of this Act; or of any rule or bye-law made thereunder, and (b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction; (i) Chapters VII to IXIII, both Inclusive, of the Travancore City Municipal Act, read with Section 375 of that Act and Schedules V and VI thereto; (ii) Chapters VII to XIII, both Inclusive, of the Travancore District Municipalities Act, read with Section 334 of that Act and Schedules V and VI thereto; (iii) Chapters VII to XIII, both Inclusive, of the Cochin Municipal Act, XVIII of 1913, read with Section 321 of that Act and Schedules VII and VIII thereto; and (iv) Section 10 of the Travancore Prevention of Adulteration Act 1924 or Section 4 of the Cochin Prevention of Food Adulteration Act, XIV of 1909. 151 Persons arrested not to be detained unnecessarily — No person arrested under Section 149 or Section 150 shall be detained in custody— (a) after his true name and address have been ascertained; or (b) for a longer period than under all the circumstances of the case is reasonable, and such period shall not, in the absence of the special order of a Magistrate, whether having jurisdiction to try the case or not exceed twenty-four hours, exclusive of the time necessary for the journey of such person to the court having jurisdiction to try the case 152 Bar of suits and prosecutions in certain cases.— (1) No suit, prosecution or other proceeding shall be brought against any local authority or any executive authority of a 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 10 of this Act, for any act done or purporting to be done under this Act without the previous sanction of the Government. 153 (2) No local authority or executive authority of a local authority, no officer or servant of any Local authority or of the Government and no person appointed under Section 10 of this Act, shall be liable in respect of any such act 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, 153. Punishment for malicious abuse of powers.— (1) Any executive authority of a local authority or any officer or servant of a local authority or of the Government, or any person appointed under Section 10 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. (2) No prosecution shall be instituted under this section without the previous sanction of the Government.

154. Delegation of powers by Government.—The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorise 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 or to their powers under Sections 6(2), 135 and 161.]

155* Establishment and Constitution of the Public Health Board. As soon as may be after the commencement of this Act, the Government shall, by notification in the Gazette, establish a Public Health Board.

(2) The Public Health Board shall consist of the following members:

- The Director of Public Health, the Surgeon General, the Director of Indigenous Medicine, the Superintendent, Public Health Laboratory and the Superintendent of the Avittom Thirunal Women and Children Hospital, Trivandrum, to be ex-officio members;
- Three members elected by the Legislative Assembly from among themselves;
- one member elected by the members of the Council of the Corporation of Trivandrum from among themselves;
- two members elected by the members of the Municipal Councils in the State from among themselves; and
- four members, one from each Revenue District elected by the Presidents of Panchayats of that District from among themselves.

156. (3) The Director of Public Health shall be the President of the Board and the District Health Officer, Trivandrum shall be its Secretary.

(4) If any of the members mentioned in clauses (b), (c), (d) or (e) of sub-section (2) is not elected, the Government may nominate such person as they may deem fit; and the person so nominated shall for the purposes of this Act be deemed to have been duly elected under clauses (b), (c), (d) or (e) of sub-section (2), as the case may be.

(5) The Government may, by notification in the Gazette, make rules with reference to the election of members including election petitions and deposits to be made by the candidates standing for election as members and the conditions under which such deposits may be forfeited.

157, Term of Office of elected members.—(1) Save as otherwise provided, the term of office of the members other than the ex-officio members shall be for a period of three years commencing from the date on which the first meeting of the Board is held.

(2) An outgoing member shall continue in office until the election of his successor and shall be eligible for re-election.

158. Cessation of membership in the Board.—A member of the Board other than an ex-officio member shall cease to hold office—

- if having been elected under clause (b) of sub-section (2) of Section 155, he ceases to be a member of the Legislative Assembly;
- if having been elected under clause (c) of sub-section (2) of Section 155, he ceases to be a member of the Council of the Corporation of Trivandrum;
- if having been elected under clause (d) of sub-section (2) of Section 155, he ceases to be a member of the Municipal Council; and
- if having been elected under clause (e) of sub-section (2) of Section 155, he ceases to be President of the Panchayat.

158. Casual vacancies.—If a vacancy occurs in the office of a member of the Board other than an ex-officio member through death, resignation or otherwise previous to the expiry of the term of his office, the vacancy shall be filled by election. Any person elected to fill the vacancy shall, notwithstanding anything contained in Section 156, hold office only so long as the member in whose vacancy he is elected would have held office if the vacancy had not occurred.

159. Functions of the Public Health Board —(1) The Public Health Board shall advise the Government on such matters relating to the public health administration of the State or any local area therein as the Government may, suo moto or on reference made to them by the Director of Public Health or any local authority, from time to time, refer to it.

(2) The meetings of the Board and the mode of transaction of business at such 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, or a member.

160. Act to override other enactments.—If any provision relating to public health contained in any other enactment in force in the State is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

161. Power to remove difficulties.—If any difficulty arises in giving effect to the provisions of this Act, the Government, as occasion may require, may, by order, do anything which appears to them to be necessary for the purpose of removing the difficulty.

162. Repeal.—The Travancore Public Health Act, 1121 (Act 111 of 1121) and the Cochin Public Health Act, XIX of 1124 are hereby repealed.

1.71 Section 22 24 26 27 28 29 30 32 33 34 36 (2) Sub-section or clause (1) (2) 130 SCHEDULE ORDINARY PENALTIES [See Section 142 (J) I (3) Subject Failure of the owner or other person having control to obey or comply With the directions contained In a notice requiring to keep any well, etc in good repair, to cleanse it, or protect, etc. (4) fine which may be Imposed. Ten rupees. Owner Of new dwelling house occupying or permitting its occupation without a supply of wholesome water Ten rupees Failure to comply With notice to purchase efficient drainage Twenty-five rupees. Failure to comply With notice requiring to connect a house drain With an outside drain Twenty-five rupees Failure on the part of the owner of land to comply With notice requiring a drain for a hut on the land Fifty rupees Failure to comply notice for paving or raising the level of any court, yard, etc Twenty-five rupees Unlawful construction of cesspool or construction of cesspool on un-approved Site Fifty rupees Failure to comply With notice requiring removal or closure of cesspool Fifty rupees. Occupying or permitting occupation of new building Without drain Letting out sullage or sewage unto a street, etc Discharging refuse etc , Into a drain Polluting water-course Constructing or re-constructing a building Intended for human habitation Without a sanitary convenience Fifty rupees Fifty rupees fifty rupees One hundred rupees Fifty rupees. Failure to comply with notice regarding provision of sanitary conveniences or latrine Fifty Section 38 42 44 49 57 67 68 69 70 (2) Sub-section or clause. (2) (3) (2) (3) (2) (a) (b) 131 (3) Subject. (Failure to construct and maintain latrines In the prescribed manner Failure to comply with notice regarding removal or improvement Of latrines Causing injury to latrines Failure to comply With notice to abate nuisance Failure to comply With Magistrate's Order prohibiting the use of a house Or building Depositing filth, rubbish, etc., streets Easing or permitting a member of the family to ease In a street, etc Failure to cover excreta With earth or to give Information regarding existence Of certain infectious diseases Failure to comply With notice prohibiting the use of unwholesome water Exposing other persons to infection Infected persons carrying on trade or articles of food Infected persons engaging other occupations without permit Failure to give information of notified diseases . Failure to close lodging houses, etc Sending infected cloths to a laundry Or depositing infected articles In receptacle for refuse matter or permitting use of public conveyance by an infected person Letting or sub-letting of infected building Without a permit Exposing other persons to infection Failure to comply with notice prohibiting work in infected premises (4) Fine which may be Imposed fifty rupees Fifty rupees Fifty rupees. Fifty rupees One hundred rupees. Fifty rupees. Twenty-five rupees Two rupees Twenty-five rupees Fifty rupees Twenty-five rupees Fifty rupees Fifty rupees. Twenty-five rupees One hundred rupees Fifty rupees Fifty rupees Fifty rupees Twenty-five rupees. Fifty rupees (1) Section 71 72 73 74 75 81 82 83 (2) Sub-section or clause. 132 (3) Subject. (4) Fine which may be Imposed use of books from public library by infected persons, etc. rupees (1), Delay In disposing of dead body of an infected (2), (4) person or allowing others unnecessarily to (2) (2) come into contact With it, etc etc Fifty rupees Failure to comply With order prohibiting assemblage of more than so persons One hundred rupees Failure to comply With any order or directions Issued by the Collector or other officer Two hundred rupees and fifty rupees Failure to take steps for the destruction of rats, Twenty rupees. Fine, etc. Failure to comply With the notice for the destruction of rats, nuisance, etc Ten rupees - five rupees Failure to give Instructions to the person having venereal disease and failure to furnish the required information (1) & (2) Person knowing that he is suffering from leprosy twenty rupees. (3) (4) (2) (16) (s) (1) (2) leprosy accepting employment In certain Fifty rupees. capacities, etc. Causing or permitting person known to suffer from leprosy to accept employment in such Fifty rupees. capacities Engaging person known to suffer from leprosy in such capacities Fifty rupees. Person knowing that he is suffering from leprosy using public conveyance Fifty rupees, Permitting person known to suffer from leprosy to use public conveyance Fifty rupees Conveying person known to suffer from leprosy In public conveyance Fifty rupees Failure to give notice that person known to suffer from leprosy was conveyed In public conveyance or to disinfect such conveyance Fifty rupees Person knowing that he is suffering from leprosy attending school Or taking books or newspapers from public library, etc Fifty rupees. Permitting person known to suffer from leprosy to attend school or take books or newspapers from public library, etc Fifty rupees 80 Section 89 91 92 100 102 103 Section 107 (2) Sub-section or clause (b) (3) Subject Failure to comply With notice requiring to be taken against breeding of mosquitoes Permitting deterioration Of measures relating to prevention Of the breeding of mosquitoes Injuring or destroying anti-

rn•squlto v ork5 Construcuon of factot worksh'ipc, etc 1 csldenttal areas Failure of factories, workshops, (tc to connply With restnctttons 'Imposed Illegal erection of building on ansanjtmty til ound (2) Failure to cease to inhabit a dqclhno house (a) (b) (i) (2) declared 'unfit fm human habit3t10n 01 per• mltunu It to be let or occupied as a dwelling house ConstructJng back-to-back houses Without per- nusston Failure to mamtarn a tenement habitable condition Causino or permitting a tenement to be - Crov. ded Keeping a lodging house or i ecervnvg a loduct without remstratron Failure to affix nonce Refusal to allow free access to the uttu auth0J Ity etc , to all puts of the lodgtng housc Selling, etc , Selling etc others unsound meat or food unsound meat or food through I wh1Ch may bv Imposed 'I lupees Yifty rupees wo hundred and fiftv upees Five hundred upees Two hund red and fitty rupees Two hundred up ees hundred i upees Twenty-five rupees ulty-five upees J wentv-five 1 upees One hundi ed rupees rcn upees. 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Sce Sectzon 142 (2) Failure of the owner or other person having control to obey or comply With the directions contained In the notice •reqtnrtng to keep any well, etc , in good reparr to cleanse It or Ten i upees. protect etc. Cononutng to occupy a dwellhncy house or to pennitt Its occupation without a supply of Ten rupees. hol esome watet Fculute to comply With notice to PIOV1dc effiacnt Ten rupees. dramage Failure to comply With notice requirmg to Ten rupees. connect a house dram 'Wth an outstde dram . Failure on the part of the owner of land to comply With notiCc requ.uring a dratn for a Twenty rupces. hut on the land b 135 0) Subject Sect 1 on 29 30 33 36 37 38 57 58 69 70 74 81 (2) Sub-sec- tgon or Clouse (2) (2) (2) (a) (b) (2) (r) (2) (3) (4) Mnch may be 1 mpoFed. 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Failure to take steps for the destruction of rats, Five rupees. mice, etc. Failure to comply With nonce for the desti uction of rats, nuce, etc Five rupees, Person knowing that he sufferng from leprosy acceptmg employment In certan capacltues, Ten rupees etc. Causint' or permitting person known to suffer from leprosy to accept employment jn such Ten rupees. capacities O) Sect Jon 8t 83 89 j 03 tos i 07 119 121 128 12) (2) Sib-ses- tign or clo use (1) (2) (b) (b) (1) (2) (2) 136 (3) Subject (4) may bc Imposed Engaging person known to suffer from lept rn such capacities Ten rupees Person knowino that hc IS suffering from leprosy attending school or taking books 01 news- papers from public library, etc Ten rupees Permittinn person known to suffer from leprosy to attend school or take books or newspapers from public library, etc r allure to comply Wlth nonce equtrjng steps to be taken against thc breeding of mosquttoes Constructton of lactones, workshops, etc , in residential arca Failure of factones, WOI kshops, etc , to COInply With restnctnons imposed Failure to cease to -mhahlt a dwelling house declared unfit for human habitation, or per• Ten rupees Ten rupees Onc hunderd rupees Fifty rupees. tnttng It to be let or occupied as a dwelling house Twenty rupees. 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maintain a tenement in a habitable condition Ten rupees Causing or permitting a tenement to be over-
 crowded Ten rupees Keeping a lodging house or receiving a lodger without consent Twenty rupees Failure
 to affix notice Two rupees Refusal to allow free access to the executive authority, etc., to all parts of the
 lodging house Five rupees House selling, etc., unsound meat or food through others Twenty rupees Infected pet
 dog carrying on trade, etc 111 articles Of food Twenty rupees Failure to comply With the order prohibiting
 the sale of . Twenty rupees. supply of milk or dairy produce Failure to comply With notice to close Of d's-
 Twenty-five Infected source of water supply rupees. Licence or Accommodating visitors Without infringing
 conditions of licence ten rupees

