



## The Puducherry (Public) Health Act,1973

Act 5 of 1974

**Keyword(s):**

**Cattle, Chief Public Health Engineer, Dairy, Drain, Dwelling House, Hut, Food, Lodging House, Offensive Trade, Water Course**

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THE PUDUCHERRY (PUBLIC) HEALTH ACT, 1973

(No. 5 of 1974)

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# THE PUDUCHERRY (PUBLIC) HEALTH ACT, 1973

(No. 5 of 1974)

(16-04-1974)

## AN ACT

to make provision for the advancement and administration of health in the territory.

BE it enacted by the Legislative Assembly of Puducherry in the Twenty-fourth Year of the Republic of India as follows: -

### CHAPTER - I

#### PRELIMINARY

##### Short title, extent and commencement

1. (1) This Act may be called the Puducherry (Public) Health Act, 1973.
- (2) It extends to the whole of the Union territory of Puducherry.
- \* (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint; provided that different dates may be appointed for different areas and for different provisions of this Act, and any reference to the commencement of the Act in relation to any such provision shall be construed as a reference to the coming into force of that provision.

##### Definitions

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

(1) "building" includes --

- (i) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding two metres in height) and any other structure whether of masonry, bricks, wood, mud, metal or any other material whatsoever;
- (ii) a structure on wheels or simply raised on the ground without foundations;

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\* Chapters I, II, V and XIV of this Act came into force w.e.f 12.11.1981 vide Notification - I published in EG No. 114 dt. 12.11.1981. Chapters III, IV, VI, VII, VIII, IX, X, XI, XII and XIII of this Act shall come into force in the whole of the Union territory of Puducherry on and from the 1<sup>st</sup> May, 1984 vide Notification published in EG Pt. I No. 62 dt. 13.06.1984.

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(iii) a ship, vessel, boat (when outside the port limits of major ports as defined under the Indian Ports Act, 1908), tent, van and any other structure used for human habitation; but does not include a temporary shed erected on ceremonial or festive occasions.

(2) "cattle" includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goats and pigs and their young ones.

(3) "Chief Public Health Engineer" means an Engineer appointed or designated as such by the Government by a notification in the Official Gazette.

(4) "dairy" includes –

(i) 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 into butter, ghee, cheese, cream, curd, buttermilk or dried, sterilized or condensed milk; and

(ii) in relation to a dairy-man who does not occupy any premises for the sale of milk, any place in which he keeps the vessels used by him for the storage or sale of milk;

but does not include a shop or place in which milk is sold for consumption on the premises only or a shop or a place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original condition in which it was first received in such a shop or place.

(5) "Director" means the Director of Health Services;

(6) "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-soil water;

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

(8) "executive authority" means the executive officer or other functionary of a local authority who is vested with the general executive powers by or under any law for the time being in force relating to (the creation and administration of) local authorities;

(9) "factory" means any premises as defined in the Factories Act, 1948;

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(10) "food" means any article as defined in the Prevention of Food Adulteration Act, 1954\*;

(11) "functions" includes powers and duties;

(12) "Government" means the Administrator appointed by the President under Article 239 of the Constitution;

(13) "guardian" includes any person who has or is presumed to have accepted the care or custody of any child;

(14) "health officer" means administrative medical officer or any other officer vested with the powers of a health officer under the Act, by the Government;

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

(16) "latrine" includes a privy, water-closet and urinal, whether public or private, or whether open or flushout or any construction for purposes of urination or defecation;

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

(18) "local authority" means -

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

(19) "lodging house" means a hotel, a boarding house, a choultry, dharmasala or religious place or rest house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include --

- (a) a students' hostel under public or recognised authority, or
- (b) retiring rooms or rest-houses provided by a railway administration and normally used by passengers or railway servants or both;

(20) "Magistrate" does not include an honorary or village magistrate;

(21) "milk" includes cream, skimmed milk, separated milk and condensed, sterilised, desiccated or toned or boiled milk;

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\* Now, the Food Safety and Standards Act, 2006 (Central Act 34 of 2006).

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(22) "notification" means a notification published in the Official Gazette;

(23) "nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance of 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 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;

(24) "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 in respect of which the word is used or for damages on account of the occupation of such land, building or part thereof;
- (b) a rent free occupant;
- (c) an owner living in or otherwise using his own land or building;
- (d) a person having the charge, management or control of a building, or a part of a building or a house, premises or in the case of a lodging house which is let out to lodgers either on his own account or as the agent of another person, and in the case of ship, vessel or boat, the master or other person in charge thereof; and
- (e) in the case of land, building or house not occupied by any tenant or other person, the owner of the building or premises;

(25) "offensive trade" means any trade in which the substances dealt with are or are likely to become a nuisance as defined in clause (23);

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

(27) "parent" means the father or mother of a child and includes foster and step parents;

(28) "premises" includes buildings and lands;

(29) "prescribed" means prescribed by rules under this Act;

(30) "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;

(31) "public building" means a building used or adopted to be used ---

- (a) as a place of public worship or as school, college or other place of instruction (not being a dwelling house so used) or as a hospital, work house, public theatre, public cinema, public hall, public library or public lecture-room, public concert-room, public exhibition room, or as a public place of assembly;
- (b) for any other public purpose; or
- (c) as a hotel, eating house, lodging house, refuge or shelter;

(32) "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;

(33) "public health services" or "health services" means services for the prevention and treatment of diseases and promotion of health and includes environmental sanitation, immunisation and any other services provided under this Act and the establishment and maintenance of any institution for the purpose of any such services;

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(34) "urban local area" means the area within the jurisdiction of an urban local authority;

(35) "Registered Medical Practitioner" means a medical practitioner registered under the Indian Medical Council Act, 1956;

(36) "urban local authority" means a city corporation, a municipal council or committee, or any other local authority notified by the Government as an urban local authority for the purposes of this Act;

(37) "water course" includes any river, stream or channel whether natural or artificial other than a drain;

(38) "Venereal disease" means syphilis, gonorrhoea, soft chancre (chancroid) venereal granuloma (Granuloma inguinale) or lympho granuloma (lymphogranuloma venereum);

(39) "work place" means any premises including the precincts thereof (not being a factory or a workshop) wherein is carried on any official business, industrial, manufacturing or trade process at which not less than five persons are employed for wages or any other remuneration;

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

(41) "year" means financial year;

(42) "trade waste" includes industrial and factory wastes.

## CHAPTER - II

### HEALTH AUTHORITIES AND THEIR FUNCTIONS

#### Board of Health

3. (1) As soon as may be, after the commencement of this Act, the Government shall, by notification in the Official Gazette, constitute a Board of Health for the Union territory of Puducherry (hereinafter referred to as the Board) and the said Board shall consist of the following members: -

- (a) the Minister of Health;
- (b) the Minister of Local Self-Government;
- (c) the Secretary to Government in-charge of the Health Department;
- (d) the Secretary to Government in-charge of the Local Administration Department;
- (e) the Director of Health Services;
- (f) the Director of Public Works Department;
- (g) the Inspector of Municipal Councils and Local Bodies;
- (h) two members of the Legislature of the Union territory;
- (i) two members representing the local authorities in the Union territory;
- (j) two representatives of associations or other organisations connected with medicines or nursing and public health.

(2) The Minister in-charge of Health and the Secretary to Government in-charge of the subject shall be the Chairman and Vice-Chairman of the Board and the Director of Health Services shall be the Secretary to the Board.

(3) The members other than the official members of the Board shall be nominated by the Government.

(4) An official member shall continue to be a member as long as he holds the office by virtue of which he is such a member and any other member shall hold office for a term of three years from the date on which his appointment is notified in the Official Gazette and shall also be eligible for reappointment for a period not exceeding two years:

Provided that a member appointed under clause (h) of sub-section (1) shall cease to hold office when he ceases to be a member of the Legislature.

(5) A member appointed to fill a casual vacancy shall hold office for the remainder of the term of office of the member in whose place he is appointed.

#### Functions of the Board

4. Subject to the provisions of this Act and the rules made thereunder, the functions of the Board shall be to advise the Government for the planning and direction of the health services provided under this Act and to perform such other functions as the Government may, from time to time assign to it under this Act.

Meetings of the Board

5. (1) The Board shall meet at such time and place as required and shall, subject to the provisions of sub-sections (2) and (3), observe the procedure as may be prescribed in regard to the transactions of the business at such meetings.

(2) The Chairman or in his absence the Vice-Chairman or in the absence of both, any member chosen from among the members present, shall preside at a meeting of the Board.

(3) All questions of a meeting of the Board shall be decided by a majority of votes of the members present and voting in the case of equality of votes, the Chairman or the persons presiding shall have exercised a casting vote.

Committees

6. (1) For the purposes of assisting the Board in exercising its powers, discharging its duties or performing its functions as may be specified by it, the Board may constitute one or more Committees.

(2) The Committee constituted under sub-section (1) shall consist of such members as may be specified by the Board and such members shall also include persons other than the members of the Board.

(3) The meetings of the Committees and the process of transactions of business of all such committees shall be governed by regulations made by the Board.

Powers of the Government

(1) The Government shall have power to inspect, control and superintend the operation of local authorities under this Act.

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

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

### Powers of the Director

8. (1) The Director shall have power to supervise and control all medical and health establishments and all public health services within the territory except those administered by the Central Government.

(2) The Director shall have the power to direct any local authority to provide certain health services in the area or to carry out such measures as may be necessary from time to time to safeguard the health of the people, failing which, the Director shall have also the power to assume such responsibility and carry out such measures himself or through his staff.

(3) The Director may, from time to time as occasion requires, make the services of the Directorate available to local authorities either free of charge or on payment of such fees as may be prescribed in respect of cleaning, execution, construction and supervision of all health matters including sanitary schemes.

(4) In case of emergency arising from outbreak of epidemic or communicable diseases or from any other cause endangering the life or health of the public, the Director shall have power -

- (a) to appoint additional personnel and organise public health services for such periods as he may consider necessary; and
- (b) with the approval of the Government, to assume all or any of the powers and functions of a local authority under this Act;

and in every such case, the Director shall forthwith report the matter to the Government.

### Public health establishment of local authorities

9. Save as otherwise provided in this Act, it shall be the duty of every local authority, within its local areas to perform the functions imposed on it, by or under this Act.

### Health Officers

10. Every local authority other than a City Corporation shall have such number and types of health officers and staff for the said purpose as the Government may prescribe.

### Appointment of persons to carry out the provisions of this Act

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

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(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, either wholly or in part and where more than one local authority is concerned in such proportions as may be determined by the Government.

#### Health Officer's control over public health staff

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

(2) Every local authority shall provide its Health Officer with adequate facilities for the proper conduct of business of such Health Officer.

### CHAPTER - III

#### PRIVATE MEDICAL AND HEALTH INSTITUTIONS

##### Definitions

13. (1) For purposes of this act, private Institutions include nursing homes, maternity homes, X-ray institutions, blood banks, laboratories, hospitals, baths and physiotherapy centres.

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

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

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

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



### **Registration**

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

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

### **Refusal to register**

15. The Director may, by order, refuse to register an application for registration if he is satisfied that the standards laid down or prescribed by the Government have not been complied with.

### **Cancellation of registration**

16. The Director may, by order, cancel the registration in respect of any such institution on any ground which would entitle him to refuse an application for registration in respect of that Institution:

Provided that before making an order under this section, sufficient opportunity shall be given to the licensee to represent his case.

### **Appeal**

17. A person aggrieved by an order of the Director under section 16 may, within a period of one month from the date of receipt by him of a copy of that order, appeal to the Government against that order in such manner as may be prescribed and the decision of the Government on such appeal shall be final.

### **Entry and inspection**

18. The Health Officer or any other Officer authorised by the Director in this behalf may, at all reasonable times, enter and inspect any premises which is used or which the Officer has the reasonable cause to believe to be used for the purposes and inspect the records required to be kept under this Act.

### **Government's control**

19. The Government may, by rules, prescribe the qualifications of the types of staff, their number, the minimum equipments required in the institution, the scale of accommodation, arrangements for water supply, sanitation and other facilities necessary in the institution and also exercise by itself or through any other authority subordinate to such control over them, as may be necessary for the implementation of this Act.

## CHAPTER - IV

## WATER SUPPLY

**Local authority to provide water supply**

20. (1) 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) the sufficiency and wholesomeness of water supply within its area;
- (b) that the water supply is continuous throughout the year and that every house has available within a reasonable distance a sufficient supply of wholesome water for domestic purposes; and
- (c) that the water supplied is at all times wholesome and fit for human consumption.

(3) A local authority shall also provide a supply of water to every part of its area in which danger to health arises from the insufficiency or unwholesomeness of the existing supply and shall also exercise powers for requiring owners of houses to provide a supply of water thereto.

(4) Notwithstanding anything contained in this section, if the Government deems fit and necessary in public interest so to do, it may by notification in the Official Gazette, assume the powers and duties under this section after giving due notice to the local authorities concerned and also after considering their objections, if any.

**Power of Government to direct local authority to execute water works**

21. (1) For the purposes of providing its area or any part thereof with a supply of water, a local authority may, with the approval of the Government, and subject to the provisions of this chapter -

- (a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works within or outside the limits of its local area;
- (b) purchase or take on lease any water work or any water or any right to store or to take or to convey water either within or outside the limits of the local area; and
- (c) contract with any local authority or other person or agency for the supply of water.

(2) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water in the houses for consumption of its inhabitants,

they may direct the local authorities concerned, either singly or in combination with the local authority or authorities having jurisdiction over any neighbouring local area 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 in the fair human consumption.

(3) The water works constructed or erected or laid under this section shall vest in the local authority and it shall maintain adequate establishments for the working and maintenance of, and repairs to the engines, pipes, pumps and fittings of water works and other appurtenances thereto in the supply of water.

#### **Power of Government to divert water from water main belonging to a local authority**

22. The Government shall have power to authorise to use all water from any water main 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 authorities concerned and subject to also such other conditions as the Government may consider reasonable:

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

#### **Water supply by pipe system**

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

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

#### **Supply for non-domestic purpose**

24. (1) A local authority may provide for supply of water for non-domestic purposes including water for the uses of animals, for cleaning of house drains and sewers, for street watering and for the fire-fighting purposes on such scale as may be prescribed by the Government.

(2) A local authority may also specify suitable water sources or collection for executive uses for certain purposes.

### Contracts for bulk supply

25. A local authority may, with the previous approval of the Government,-

- (a) enter into a contract for supply of water in its area or a part thereof with another local authority or a water supply undertaking, or
- (b) provide a supply of water in bulk to a local authority of an adjoining local area, on such terms as may be agreed;
- (c) provide supply of water by bulk or measure to ---

- (i) any trade, manufacture or business;
- (ii) medical or educational institutions, hostels, hotels and restaurants;
- (iii) ports, ships, railways, cantonments, army and labour camps;
- (iv) fountains, swimming pools and the like; and
- (v) gardens and pastures;

on such terms as may be laid down:

Provided that the Government shall not approve any proposal under this section unless it is satisfied that the proposal is not likely to interfere with the supply of water for domestic or other purposes, within the area of the supplying local authority.

### Loans

26. Subject to the approval of the Government, a local authority may have the power to raise or take loans for the construction of water works and laying down the pipes, etc. and to pay interest thereof.

### Services of Chief Public Health Engineer

27. (1) Any installation of machinery or equipment by a local authority under section 21 shall require the technical approval of the Chief Public Health Engineer; the local authority shall also consult the Chief Public Health Engineer or any other Officer authorised by him in this behalf, in the preparation, execution, maintenance and supervision of any other work under this chapter.

(2) The Chief Public Health Engineer or the other officer shall have access to any water works of the local authority and may inspect them from time to time.

### Use of private lands

28. For the purpose of the execution of any work under this chapter, the local authority or the Government or any officer of the Government, may, after giving

previous notice to the owner or occupier, carry any in make, main, branch or supply pipe or channel or any other work of life nature into, across or under any land, building or premises:

Provided that reasonable compensation shall be payable to the owner or occupier of the land, building or premises for any damage sustained by him through or in consequence of any such work.

### **Other sources of water supply**

29. (1) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank or other source of water-supply, whether within or outside the limits of its local area, other than a source under the control of the Government, the water from which is used for domestic purposes by the public in the local areas, to be a source of public water supply for such purposes and every such source shall thereafter vest in and be under the control of the local authority to the extent necessary for such purposes.

(2) A local authority may, within the written consent of the owner, take over the control and administration of any masonry well, tank or reservoir and reserve it for public water supply; thereafter, it shall be the responsibility of the local authority to keep the source free from pollution and in a clean and good condition.

### **Private tube-wells**

30. The owner of a house or the owners of two adjoining houses may, with the permission of the local authority, sink one or more tube-wells for the supply of water for use of the inmates of the house or houses:

Provided that the local authority shall not grant the permission unless it is satisfied that the water available from the tube-wells is safe from the point of view of public health.

### **Survey of water sources**

31. The Government may have the power to carry out a survey of the existing sources of supply and water supply requirements of the area for the territory or part of the territory for the purposes of supply and conservation of water and to prepare a scheme for the improvement of water supply in the area.

### **Joint Water Board**

32. (1) For the purpose of facilitating co-operation between local authorities in the discharge of their functions under this chapter, the Government may, with the consent

of the local authorities concerned, by order, constitute a Joint Water Board for two or more local authorities with powers to construct and maintain water works and to take all other measures for the provision and improvement of water supply in the areas of the local authorities concerned.

(2) An order made under sub-section (1) may specify the powers and duties of the Board and also provide for all matters incidental, consequential or supplementary thereto.

(3) The Government may, after giving notice to the Joint Water Board and to every local authority concerned, by a subsequent order amend or revoke an order made under sub-section (1); and any such subsequent order may make provision for the adjustment of the accounts of the Board, the apportionment of its liabilities among the local authorities and for all incidental, consequential and supplementary matters.

(4) The expenses incurred by a Joint Water Board shall be apportioned between the local authorities concerned in such manner as the Government may direct.

(5) Any dispute or difference between the local authorities or any of them and the Joint Water Board shall be referred to the Government, whose decision thereon shall be binding on all parties.

(6) The provisions of all the foregoing sections shall apply in relation to a Joint Water Board constituted under this section as they apply in relation to a local authority.

### Pollution of water

33. (1) No person shall wilfully or negligently do or cause to be done anything to any pipe, fitting or other work connected with any water supply which is likely to result in the wastage, misuse, undue consumption or contamination of the water.

(2) A Health Officer or a local authority may, by written notice, prohibit any person from throwing, draining, running or otherwise discharging, permitting or suffering to be carried into any declared source of water supply or the sides thereof any trade effluent or refuse, filth or any harmful discharge from any drain, privy or sewer, which is likely to injuriously affect the quality of the water and make it unsuitable for domestic purposes.

(3) The Government may, on its own or on application made in this behalf by the local authority or the local authorities concerned, take steps for the conservation of water in and the prevention of pollution of water of any river, stream, lake, channel or other source of public water supply in the territory.

### Rules for protection, examination and maintenance of water supply

34. (1) The Government shall have power to make rules providing for the protection, maintenance and periodical examination of sources of water supply in the Union territory.

(2) The Health Officer shall exercise such powers and discharge such duties as may be prescribed, so that adequate control could be made by him with regard to insanitary sources of water supply.

## CHAPTER - V

### PREVENTION AND CONTROL OF COMMUNICABLE DISEASES

#### Communicable or infectious diseases in general

35. For purposes of this Act 'communicable disease or 'infectious diseases' means: -

- (a) anthrax,
- (b) cerebro spinal fever,
- (c) chicken pox,
- (d) cholera,
- (e) diphtheria,
- (f) enteric group of fevers,
- (g) erysipelas,
- (h) influenzal pneumonia,
- (i) infective hepatitis,
- (j) leprosy,
- (k) measles,
- (l) plague,
- (m) rabies,
- (n) relapsing fever,
- (o) smallpox,
- (p) tuberculosis,
- (q) tetanus,
- (r) malaria,
- (s) typhus,
- (t) virus encephalitis,
- (u) whooping cough, and
- (v) any other disease which the Government may, from time to time, by notification declare to be a communicable disease either generally throughout the territory or part thereof.

### Duty of the local authority

36. (1) The local authority shall take steps to prevent the outbreak of a communicable disease and to control it by providing such diagnostic and laboratory facilities, staff, medicine, appliances, equipment, facilities for removal, isolation, accommodation of patients and other facilities may, in the opinion of the Health Officer, be necessary for the purpose.

(2) If the local authority fails to take such steps as are recommended by the Health Officer under sub-section (1) or if, in the opinion of the Director the steps taken by the local authority are insufficient for the purpose, he may take or require or empower any person to take such measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he shall deem necessary, to prevent the outbreak of a communicable disease or its spread.

(3) Two or more local authorities may jointly take such steps and provide the necessary facilities as may be recommended by the Health Officer/Officers under sub-section (1) for the purpose of preventing the outbreak of a communicable disease and to control it.

#### Jurisdiction over boats, vessels, vans, tents, etc.

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

#### Notified communicable diseases

38. For purposes of this Act "notified communicable disease" shall mean and include any disease which the Government may, from time to time, by notification declare to be notified disease either generally throughout the territory or in such parts thereof as may be specified in the notification.

#### Obligation to notify

39. Every medical practitioner who, in the course of his practice, recognises the existence of any "notified communicable disease" in any private or public dwelling other than a public hospital, and every manager of any factory or public building, keeper of a lodging house, every head of family or in his absence the nearest relative of the patient present in the house or any attendant on the patient in the absence of his relative, every person in charge of or any attendant on the patient and every owner or occupier of a house, or every head of teaching institution who knows or has reason to believe that any person in the premises under his management, control or occupation is suffering from, or has died of a notified communicable disease, shall, if the case has not been already reported, give information of the same with the least practicable delay: -



(a) in Municipal area to the executive authority, the Health Officer or a Sanitary Inspector, and

(b) in non-Municipal areas, to the Health Officer, a Sanitary Inspector or Officer-in-charge of the nearest Health Centre or the nearest local authority.

### **Prohibition of the use of water from suspected source**

40. (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 endanger or cause the spread of any communicable 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.

### **Control of patients**

41. (1) When, in the opinion of the Health Officer or any other officer duly authorised by him in this behalf any person is suffering from a communicable disease, the Officer may direct –

- (a) that the person be kept in isolation in his home, or
- (b) if the person is without proper lodging or accommodation or is lodged in such manner that he cannot in the opinion of the Officer, be properly isolated in his home, the removal of such person to a hospital or place at which patients suffering from such communicable diseases are received for treatment.

(2) No person who has been ordered to be in home isolation shall leave the home, and no person, who has been removed to a hospital or place shall leave the hospital or place, until he has been permitted to do so by the Health Officer or any other officer duly authorised by him in this behalf.

### **Exposure of persons and articles**

42. A person who –

(a) knowing that he is suffering from a notifiable disease, exposed other persons to the risk of infection by his presence or conduct in any street, public place, place of entertainment or assembly, club, hotel or shop,

(b) having the care of a person whom he knows to be suffering from a notifiable disease, causes or permits that person to expose other persons to the risk of infection by his presence or conduct in any such place as aforesaid, or

(c) gives, lends, sells, transmits or exposes, without previous disinfection, any clothing, bedding or rags which he knows to have been exposed to infection from any such disease or any other article which he knows to have been so exposed and which is liable to carry such infection, shall be guilty of an offence, and

(d) no person having the charge or control of the body of any person who has died from any dangerous disease shall permit or suffer any other person to come necessarily into contact or proximity with the dead body:

Provided that nothing in this section shall apply to any person transmitting with proper precautions any article for the purpose of having it disinfected.

### Infected persons not to engage in certain trades and occupations

43. No person shall, while suffering from, or in circumstances in which he is likely to spread, any communicable disease ---

(a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any article of food for human consumption; or

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

### Prevention of communicable disease transmissible from animals

44. If in any local area any communicable 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 controlling and preventing the disease.

### Powers of Health Officers

45. (1) The Health Officer or any person duly authorised by him in this behalf may, at any reasonable time, enter with or without assistants, inspect any premises in which he has reasons to believe that any person who is suffering or who has recently suffered from any communicable disease is or has recently been present or any inmate of which has recently been exposed to the infections of such disease and medically examine any person in such premises for the purpose of ascertaining whether such person is suffering or has recently suffered from any such disease, and take any action that is likely to prevent danger of spread to other.

(2) If it appears necessary to the Health Officer in order to prevent the spread of any communicable disease he shall have powers to prohibit or restrict by notice the use of water from suspected sources, entry into house occupied by infected persons certain works in affected premises, use of eating places or lodging houses, the presence of infected persons in places of work or any public meetings, libraries, conveyance, etc. and any other such source of danger which may occur for the purpose of this Act.

### **Destruction of hut or shed to prevent spread of infection**

46. (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any communicable disease he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may be in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider reasonable, shall be paid to any person who in its opinion 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.

### **Infected clothes not to be sent to laundry**

47. No person shall –

(a) send or take to any laundry or public washhouse or any public watercourse, 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 communicable disease, unless such article has been disinfected by, or to the satisfaction of the Health Officer, or a registered 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

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

### **Use of public conveyance**

48. (1) No person who knows that he is suffering from a notifiable disease shall –  
 (a) enter any public conveyance used for the conveyance of persons at separate fares; or

- (b) enter any other public conveyance without previously notifying the owner or driver thereof that he is so suffering.

(2) No person having the care of a person whom he knows to be suffering from a notifiable disease shall permit that person to be carried –

- (a) in any public conveyance used for the conveyance of persons at separate fares; or  
 (b) in any other public conveyance without previously notifying the owner or driver thereof that person is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of persons at separate fares shall not convey therein any person whom he knows to be suffering from a notifiable disease except in such cases of emergency and subject to such restrictions and safeguards as may be prescribed by the Government.

(4) A local authority when so requested by the person in charge of a public conveyance in which a person suffering from a communicable disease has been conveyed shall provide for its disinfection.

#### Letting or sub-letting a building occupied by an infected person

49. 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 communicable disease, within the three months, immediately preceding.

#### Prohibition of the exposure of other persons to infection

50. (1) No person who knows that he is suffering from a communicable disease shall expose other persons to the risk of infection by his presence or conduct in –

- (a) any street or public place, or  
 (b) any market, theatre or other place of entertainment or assembly, or  
 (c) any school, college, playground or such other place, or  
 (d) any hotel, hostel, boarding house, choultry, rest-house or club, or  
 (e) any factory or shop.

*Explanation.* – A person shall be deemed to know that he is suffering from a communicable 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 communicable disease shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

### **Forbidding work in infected premises**

51. (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.

### **Prohibition of use of public library by infected person**

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

### **Disposal of bodies of persons dying while suffering from communicable disease**

53. (1) No person having the charge or control of the body of any person who has died while suffering from a communicable disease shall permit or suffer persons to come unnecessarily into contract 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 (elsewhere than in a public

mortuary) for more than twelve hours the body of any person who has died while suffering from any communicable 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 building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building,

any Magistrate may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

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

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable 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 suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable in order to prevent the spread of infection that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being 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 Officer, or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a communicable disease.

#### Compulsory immunisation

54. (1) When the Health Officer considers that an area is likely to be affected with any communicable disease, he may arrange for compulsory immunisation or re-immunisation on a mass scale.

(2) All such immunisation or re-immunisation shall be free of charge.

### Restriction on movement

55. In the event of the prevalence of any notified disease in the territory or any part thereof the Government may, with a view to prevent the spread of infection of the disease by order notified in the Official Gazette regulate or prohibit –

- (a) the movement within the territory of persons or goods, or
- (b) the influx of persons or the import of goods into the territory.

### Closure of certain places

56. If, on the application of the Health Officer, the Magistrate having jurisdiction is satisfied that it is necessary, in the interest of public health and in order to prevent the spread of any communicable disease, to close any dwelling or lodging house or any place where articles of food are sold or prepared, stored, or exposed for sale or distribution, 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 that there is no further risk of spread of infection.

### Power of Magistrate to prohibit assembly of persons

57. In the event of the prevalence of a notifiable disease in any local area, any Magistrate having jurisdiction not being a Magistrate of the third class, may on the application of the Health Officer, by special order prohibit the assemblage of any number of persons exceeding twenty-five in any place, whether public or private or in any circumstances or for any purpose, if in his opinion such assemblage in such place or in such circumstances or for such purpose is likely to become a means of spreading the disease among the people.

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

58. (1) (a) In the event of the prevalence or threatened outbreak of a notified disease 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.

(b) The power conferred on the Government by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Collector of the district subject to the control of the Government.

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

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

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

- (a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;
- (b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);
- (c) power to direct --
  - (i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood, of an infected building, shall be examined by any 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
  - (iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;
- (d) power to take such measures as may be necessary --
  - (i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and
  - (ii) in respect of, or in relation to articles exposed to infection from any notified disease, or likely to infect persons with any such disease,

including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii) the destruction of such articles and the placing of restrictions on their export from, import into; or transport within the local area;



- (e) Power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner; and
- (f) power to close all or any existing market 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 vaccinated or inoculated 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 inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

Provided that any exemption granted under this clause shall cease to have effect after a conviction 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 undertaking given by him under clause (a) shall be punished with imprisonment which may extend to three months, or with fine, or with both.

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

#### Destruction of rats, mice, etc.

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

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

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

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

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

#### Special provision for small-pox

60. (1) the Government shall, through the local authority, take such steps as may be prescribed to make adequate arrangements for compulsory vaccination and revaccination of children and persons residing in each locality.

(2) The parent or guardian of every child shall, before it completes three months of age cause the child to be vaccinated unless the child is certified to be unfit for vaccination and shall also get him revaccinated after a period of three years from the date of successful primary vaccination.

#### Venereal diseases

61. Subject to such rules as may be prescribed and such directions as may be given by the Government, the local authority may, make such arrangements in its local area –

- (a) for the free diagnosis and treatment of persons suffering or suspected to suffer from venereal disease; and
- (b) for the prevention of infection from such diseases.

#### Rules for prevention, treatment and control of disease

62. The Government shall have power to make such rules as they deem fit for the treatment of persons affected with any epidemic or communicable disease and for preventing the spread of such diseases and the said rules may also specify the authority or authorities who shall enforce and execute such rules.

#### Maternity and child welfare

63. Every local authority shall be bound to carry out such measures pertaining to maternity and child welfare as may be prescribed.

## CHAPTER - VI COLLECTION AND DISPOSAL OF COMMUNITY WASTES

### Local Authority to provide for collection and disposal of community wastes

64. Subject to provisions contained in the Puducherry Sewerage Act, if any, it shall be the duty and responsibility of a local authority to adopt measures for the hygienic collection and disposal of community wastes from all areas within the jurisdiction.

#### Definitions

65. For the purposes of this Chapter --

(1) Community wastes shall mean any one or all of the following matters namely:-

- (i) sullage including overflow water and storm water;
- (ii) sewage, meaning night soil and other contents of privies, urinals, cesspools or drains and including trade effluents and discharges from manufactories, factories and industrial concerns of all kinds;
- (iii) offensive matters, meaning kitchen or stable refuse, dung, dirt, putrid or putrefying substances, sputum, filth of any kind and sewage;
- (iv) rubbish, meaning dust, ashes, sweeping, broken bricks, mortar, glass and refuse from houses, manufactories, factories and industrial concerns of any kind which is not offensive matter or sewage.

(2) Collection and/or disposal of community wastes means any or all of the following measures: --

- (i) drainage including sewage disposal;
- (ii) sewerage, the term drain includes a sewer, a house drain, a drain of any other description, a tunnel, a culvert, a ditch or channel or any other device for carrying off sullage, sewage, offensive matter, trade wastes, polluted water, rain water and sub-soil water;
- (iii) conservancy which means the removal and disposal of sewage, offensive matter and rubbish and includes scavenging.

#### Joint Water and Drainage Board

66. The Government may, in consultation with the local authority or local authorities concerned, establish a Joint Water and Drainage Board for providing, maintaining, administering the water works and removal of community wastes from the areas of two or more local authorities and may prescribe necessary rules for the purpose.

### Improvement or extension of works

67. (1) If, in the opinion of the Government, any local area or part thereof requires to be provided with a system of public drains or sewers or the existing drains or sewers require to be improved or extended, the Government may, by order, direct the local authority to provide or execute such works as it may consider necessary or to prepare a scheme for such purpose, within such time as may be specified in the order.

(2) A local authority shall consult the Chief Public Health Engineer in the preparation of and extension of any scheme for provision or improvement or extension of drains and sewers.

(3) Every scheme prepared under this section shall require the approval of the Government before it is taken up for execution.

### Execution of the scheme and maintenance

68. (1) When a scheme prepared under the foregoing sections has been approved by the Government, it shall be the duty and responsibility of the local authority subject to such rules as may be prescribed to execute the scheme as expeditiously as possible subject to the general control and supervision of the Chief Public Health Engineer.

(2) The local authority shall maintain in proper order and in proper state of affairs all works laid down, set up or installed subject to such control and supervision of the Chief Public Health Engineer and of the Government as may be prescribed for the purpose.

### Acquisition and use of private lands and buildings

69. (1) The Government may carry any drainage, sewer or channel of any kind across and under any land or building.

(2) The Government may acquire, purchase or take lease of any land or building needed for the purpose of executing works including such land as may be required:

Provided that a reasonable compensation shall be payable to the owner or occupier of the land or building for any damage sustained by him through or in consequence of any such operation.

### The control and administration of public drains and sewerage disposal

70. Subject to other special laws provided for the purpose, the control and administration of public drains and sewerage disposal works and of the lands and buildings needed shall vest in the local authority.

### Discharge of sewerage or waste water

71. (1) A local authority shall not permit conveying of sewage or any waste water, affluent or filth by any person or persons or cause any of its own drains and sewers to discharge into a stream, channel, water course or lake which is used as a source of water supply or for bathing, washing and other purposes.

(2) Where there is no scope for disposal of sewage into any river, stream, water course or lake, in any inland area, the local authority may discharge and deposit the sewage or refuse in such manner as to make, after settlement, the land suitable for farming purposes.

(3) The Government may use or allow such land to be used either free of charge or on payment of such charges as the Government may fix, for sewage-farming or pisciculture; provided that such land shall not be used for the production of any article of food which is usually consumed raw without cooking or processing.

(4) All sewage farms shall be managed under the direct supervision of an agricultural expert.

### Restriction on discharge of trade effluents and waste

72. (1) No trade affluent or waste materials from any trade premises, factory, workshop or work place shall be discharged or put into a public sewer or drain except under permission of and in accordance with the terms and conditions laid down by the Government and in such manner as may be directed by the Director of Health Services.

(2) The local authority shall connect or cause to be connected drains and water carriage system with their main sewer or public drain on such conditions and payment as may be fixed by the local authority.

### Permission to construct septic tank and sanitary latrines

73. The local authority may permit an owner or occupier of any house or premises or any factory or business concern to provide a septic tank or sanitary latrines for the disposal of the nightsoil in such manner as may be approved by the local authority.

### Common privies

74. (1) A local authority may permit the construction of common privies, urinals and drains from any group of houses or huts.

(2) In any unsewered area, the local authority may require every house either to provide septic tank, dug well or sanitary latrines and/or other methods of hygienic disposal of nightsoil.

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### Nuisance from offensive matters

75. No person shall allow the water of any sewer, privy, latrine, urinal or cesspool or any liquid offensive matter to run or to be drained into or to be thrown or put upon any street or open space or to leak through any external wall.

#### Responsibility of the local authority to provide public latrines, urinals and dust bins

76. (1) A local authority shall provide and maintain in proper sanitary condition latrines or urinals at convenient places for the use of the public.

(2) A local authority shall cause public dust-bin or other convenient receptacles to be provided at suitable intervals and in proper and convenient situations; and direct by notice that all sweepings in any house or premises and all rubbish, garbage, offensive matter accumulated therein shall be collected by the occupier of the house or premises and deposited in such receptacle.

#### Cleaning of roads and roadside drains

77. Every local authority in an urban or semi-urban area shall make arrangements for sweeping of the public roads under its control and for removing the rubbish, dirt and other matter from such roads and from the dust-bins and other receptacles, and for cleansing and flushing of the roadside drains.

#### Disposal of carcasses

78. The local authority shall secure and set apart place or places away from the inhabited locality, and shall maintain the necessary staff for the removal and disposal of carcasses of dead animals in such manner as not to be a source of nuisance or danger to the people.

#### The local authority to provide establishment, equipment and control and supervision

79. (1) A local authority shall maintain the personnel and organisation for the removal of the community waste from all areas within its jurisdiction and shall provide and maintain an adequate number of nightsoil and sullage carts, hand carts, equipments and other appliances in proper working order for satisfactory service throughout the year.

(2) Subject to rules framed by the Government the entire establishment, maintenance, control and supervision of the staff and equipment shall be under the direct control and supervision of the Health Officer.

### Duties of local authorities

80. The local authority shall discharge its functions and duties entrusted to it under this chapter in such manner as may be prescribed.

### Levy of sanitation tax

81. A local authority may, with the permission of the Government, levy a sanitation tax in addition to water rate and other rates.

### Combination and control

82. Subject to the approval of the Government and on such terms and conditions as the Government may decide, two or more local authorities may jointly provide for the disposal of community wastes or may enter into contract with a limited company for the purpose.

## CHAPTER - VII

### SANITATION

#### Survey of housing and sanitation

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

#### Notification of residential areas

84. An urban local authority may, subject to the provisions of this Act and rules framed thereunder, notify areas within its jurisdiction which shall be reserved for residential purposes.

#### Planning of residential area

85. No scheme of planning of new residential areas or of improvement of existing areas shall be approved or executed by a local authority unless the scheme is in accordance with the rules made under this Act and also makes suitable provisions in respect of the following matters, namely: --

- (a) water supply to the inhabitants of the area for drinking and other purposes;
- (b) drainage and sewage disposal including the provision of public sanitary conveniences;
- (c) places for the disposal of carcasses of animals; and
- (d) burning and burial grounds.

### Building regulations

86. No building shall be erected in the areas of a local authority unless they are approved by the concerned local authority and such constructions are in accordance with the rules framed in this behalf.

### Prohibition of the use of building

87. A local authority may prohibit the use and occupation of any house, building, shed, room, flat, tenement, barrack or any such accommodation or any part thereof, either existing or new for use as human habitation if, in the opinion of the Health Officer or the Public Health Engineer it is not fit for human habitation by reason of defect or deficiency in its water supply, sanitary conveniences or it is in such condition as to be a nuisance or danger to health or life, unless and until the causes are removed to the satisfaction of the Health Officer or Public Health Engineer.

### Slum area

88. (1) Where a local authority on/upon the report of Health Officer is satisfied as regards any area that the buildings in that area are in any respect unfit for human habitation or are by reason of overcrowding, faulty arrangement and design or lack of sanitary facilities or a combination of these factors detrimental to safety and public health, it may by notice declare such area to be a slum area.

(2) The local authority may at any time by a written notice require the owner of any area declared to be a slum area under sub-section (1) to carry out all or any of the works of improvement specified in the notice within a specified time.

(3) When any improvements required by a notice under sub-section (1) are not carried out to the satisfaction of the local authority, the local authority shall have the power to carry out/cause to carry out the improvements specified in the notice and all expenses incurred thereby shall be recovered from the owner as tax due to him to the local authority.

### Building Regulations Advisory Committee

89. The Government may appoint a committee known as the Building Regulations Advisory Committee for the purpose of advising the Government on the exercise of the powers to make building regulations and on other subjects connected with building regulations.

## CHAPTER - VIII FOOD SANITATION

### Provisions supplementary to other enactments

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



### Requirement as to licences

91. (1) No person shall, without or otherwise than in conformity with the terms and conditions of a licence granted or renewed by the executive authority in such manner as may be provided in this behalf, --

- (a) keep within the local area any lodging house, eating house, tea shop, coffee house, café, restaurant, refreshment room or any place or mobile structure for the consumption of any food or drink, or for the sale, preparation of any food or drink; or
- (b) slaughter within the local area except in a public or a licensed slaughter house any cattle, horse, sheep, goat or pig for sale as food or skin or cut up in carcass or dry or permit to be dried any skin in such manner as to cause a nuisance; or
- (c) carry on within the local area the trade of a butcher, fishmonger or poulterer; or
- (d) use any place within the local area for the sale of flesh or fish intended for human food; or
- (e) keep or open a dairy; or
- (f) open or run a market:

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

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

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

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

(3) Where the executive authority is at any time, of opinion that the building, mobile van, vehicle or place in respect of which a licence is granted or renewed under sub-section (1) is kept in contravention of any of the terms or conditions of the licence or of the provisions of the rules made under this Act, he may, without prejudice to any other action, which may be taken in respect of such contravention, cancel or suspend such licence after giving the holder of the licence a reasonable opportunity of showing cause against the proposed cancellation or suspension.

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

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

#### **Prohibition of sale of unsound food**

92. (1) No person shall --

- (a) 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
- (b) 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.

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

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

#### **Inspecting Officers**

93. The Government may empower the Health Officers and the Food Inspectors appointed under the Prevention of Food Adulteration Act, 1954\*, or any class of officers in the employ of the Government or of a local authority to enter any place at any time by day or night, with or without previous notice and to inspect and seize any animal of food and any utensil or vessel used for preparing, manufacturing or containing any article of food, during manufacture, store, sale, distribution or in the course of transit of such animal or food.

#### **Seizure and destruction of decomposed and unwholesome food stuff**

94. (1) No person shall sell or distribute, either himself or by any other person, any food either cooked or raw and including any fish, meat, vegetable or fruit, which has become decomposed, putrid, rancid or foul-smelling or has been otherwise rendered unwholesome, unfit for human consumption or injurious to health.

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\* Now, the Food Safety and Standards Act, 2006 (Central Act 34 of 2006).

(2) If, in the opinion of an inspecting officer authorised under section 93 any such article appears to be unwholesome or unfit for human consumption or injurious to health, the inspecting officer may forthwith seize and,

- (a) with the consent of the owner or the person in whose possession it is found, forthwith destroy or cause it to be destroyed in such manner as to prevent its use for human consumption,
- (b) if such consent be not obtained, then –
  - (i) if the article is of a perishable nature, it may, with the approval of any Magistrate or the Health Officer or Medical Officer of Health likewise, be destroyed, and
  - (ii) if the article is not of a perishable nature, it shall be dealt with in accordance with the provisions of section 11 (4) of the Central Act 37 of 1954\*.

(3) The expenses incurred in taking any action under sub-section (2) shall be paid by the person who was in possession of such article at the time of seizure.

#### **Flesh of dead animal not to be consumed**

95. No person shall knowingly consume the flesh of any animal which has died 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 any other ground.

#### **Restrictions on sale of meat from outside**

96. (1) No person shall bring into any local area without the permission in writing of the Health Officer, the flesh of any animal slaughtered outside the local area or 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 this behalf and sell or otherwise dispose of as the Health Officer may direct; and in the case of sale, the sale proceeds shall be credited to the funds of the local authority.

(3) Nothing in this section shall apply to ---

- (a) cured or preserved meat, or
- (b) flesh or meat carried in course of transit through any local area for consumption outside the limits thereof; or
- (c) flesh or meat brought into the local area 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.

### Rules

97. The Government may make rules for prevention of food infections or food poisoning and for other matters necessary for the effective implementation of the provisions of this chapter.

## CHAPTER - IX

### NUISANCES AND OFFENSIVE TRADES

#### What are nuisances

98. Without prejudice to the definition of "nuisance" in clause (23) of section 2, the following shall be deemed specifically to be nuisances for the purposes of this chapter, namely: --

- (a) any premises in such a state as to be prejudicial to health or a nuisance;
- (b) any pond, pool, ditch, gutter, water course, latrines, cesspool, drain or ash pit which is in such a state as to be prejudicial to health or a nuisance;
- (c) any animal kept in such place or manner as to be prejudicial to health or a nuisance;
- (d) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;
- (e) any factory (not being a factory governed by 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 is kept clean or free from noxious effluvia or which is so over-crowded while work is carried on as to be prejudicial to the health of persons employed therein;
- (f) any noise, vibration, dust, cinders, smoke, irritating smell or offensive odor produced by a factory, workshop or workplace which is nuisance to the neighbourhood.

#### Removal of nuisances

99. (1) Subject to the provisions of this Act and the rules framed thereunder, the local authority shall arrange for detection, inspection, allotment and removal of nuisance.

(2) Every owner, lessee or occupier of the premises or other persons responsible for the causation of nuisances shall forthwith comply with the directions given by the local authority, failing which the local authority shall take remedial actions and realise

expenses incurred from the owner, lessee, occupier or persons concerned and may in addition prosecute the offenders.

(3) A local authority may take the remedial measures including closure of any cattle shed, stable, khatal, offensive trade from within or the vicinity of a residential area.

#### Information regarding nuisance

100. 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.

#### Power to Health Officer to abate nuisance

101. If the Health Officer is satisfied, whether upon information given under section 100 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.

#### Restrictions on the use of buildings

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

#### Notification of offensive trade

103. A local authority may, by public notice, and in such manner as may be prescribed specify the offensive trades, which, in its opinion, are or are likely to be dangerous to life or health and to which the provisions of section 102 shall apply:

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

### Licensing of offensive trade

104. (1) After a notice under section 105 has taken effect, no person shall use or permit to be used any premises in the local area for carrying on any offensive trade specified in the notice, except under a licence granted by the executive authority, in accordance with the provisions of this Act and the rules framed thereunder.

(2) On application made to him in this behalf, the local authority may either grant a licence or, for reasons to be recorded, refuse to grant a licence.

(3) Every licence granted under this section shall be subject to such rules framed under this Act and other conditions and restrictions as may be specified therein and shall expire at the end of the year in which it is granted.

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

### Notification of areas for offensive trades, and licensing, for such purposes

105. (1) Every local authority for an urban, semi-urban or rural area may, and if so required by the Government shall, within the time specified by the Government notify in the prescribed manner the locality or localities which shall be reserved for establishment or carrying on any of the offensive trades as may be notified by the Government from time to time and may at any time notify additional localities for the purpose.

(2) No person shall use any land or premises in any urban, semi-urban or rural area for any of the trades or processes so notified, --

- (a) unless such area has been notified under sub-section (1) and
- (b) without obtaining a licence from the local authority.

### Local authority to provide sufficient land for such purposes

106. For the purposes aforesaid the local authority may purchase, acquire, take lease of or otherwise provide sufficient lands suitable for the purpose and allot them to the traders on such terms and conditions as the Government may approve.

### Removal of offensive trades to reserved areas

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

### Provision for drinking water etc.

108. (1) The local authority shall in accordance with such rules as may be prescribed in this behalf provide or arrange for sufficient supply of safe and potable water for drinking and domestic purposes in all such reserved areas and may also provide and arrange for water for trade purposes on payment of such charges as the local authority may determine with the approval of the Government.

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

### Sanitary conveniences

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

### Disposal of trade wastes and levy of charges

110. (1) The local authority may make special provision for drains and sewers in the reserved areas and the wastes and effluents from such offensive trades or business shall be disposed of in such manner and after such treatment as the Chief Public Health Engineer may direct.

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

### Powers of entry and inspection

111. The executive authority, the Health Officer or any other Officer of the local authority or of the Government duly authorised in this behalf may enter and inspect any premises for the purpose of enforcing any of the provisions of this chapter:

Provided that no entry shall be made between sunset and sunrise except when the nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise.

### Prohibition of the deposit of rubbish etc., in the street etc.

112. (1) No person shall deposit or cause or suffer any member of his family or house-hold 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 drain beside a street, or on any open space (not being private property), or on any quay, jetty or landing place, or on any part of the sea-shore, or on the bank of any water-course, except in such receptacles

as may be provided or at such places, 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 house-hold to ease himself, in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

#### **Rules necessary for implementation**

113. The Government may also prescribe by rules the manner under which the grant, refusal and cancellation of licences and the fees chargeable are to be governed, the restrictions of use of houses and premises, the charges for the abatement and removal of nuisances, the notification and reservation of areas for offensive trades, the removal and the compensation if any, for such removal of existing offensive trades in areas other than reserved areas, provision of water supply, drain and sewerage, sanitary conveniences and other amenities and the scale of charges therefor and the disposal of trade wastes and the levy of charges.

### **CHAPTER - X**

#### **FAIRS, FESTIVALS AND PLACES OF PILGRIMAGE**

##### **Notification of areas**

114. The Government or the local authority with the approval of the Government, may declare any area or areas in which a fair or festival is usually held or is to be held and any place of pilgrimage to be a notified area or areas for the purposes of this chapter for such period as may be specified.

##### **Notice of fair or festival and particulars**

115. The persons or authority in charge of any fair or festival shall not less than 60 days before the commencement, intimate to the local authority or the Health Officer of the local authority concerned or if the fair or festival held within the jurisdiction of two or more local authorities, each of the local authorities concerned, the date of commencement of the fair or festival concerned and other particulars as may be required by the local authority or the Health Officer in this connection.

##### **Provision of sanitary arrangements and medical relief arrangements**

116. During the period of the fair, festival or pilgrimage, the local authority shall, subject to the rules made in this behalf, make special arrangements, provide adequate sanitary facilities regarding water supply, collection and disposal of community wastes and detection, segregation and treatment of cases of communicable disease, prevention of the introduction and the spread of any communicable disease and medical relief arrangements both for diseases and accidents as may be directed by the health authority.



### **Power of supervision of arrangements**

117. Subject to the provisions of this Act and Rules, a local authority and the Health Officer concerned shall have the power to supervise and control all the special arrangements mentioned in section 116.

### **Power of entry and seizure of food**

118. The Health Officer or any officer authorised by the local authority or of any of the local authorities concerned may enter and inspect any building or shop in the fair, festival or pilgrimage centre which is a source of food supply and may seize any food prepared or offered for sale or stored or in the course of transit which he has reason to believe is unwholesome or unfit for human consumption and destroy the same forthwith in accordance with such rules framed in this regard.

### **Power of acquisition of building for an emergency**

119. In case of any emergency the local authority may with the sanction of the District Magistrate depute any person to enter, occupy and use any land or building in the notified fair, festival or pilgrimage area which in the opinion of the Health Officer is required for any purposes connected with the fair, festival or pilgrimage and the owner or the lessee of the land or building shall be entitled to such compensation for any damage or expense incurred during the period as may be laid down by the local authority.

### **Power of Director of Health Services**

120. In case of an emergency including the outbreak of any notified communicable disease and in case section 116 is not fully complied with by the local authority, the Director of Health Service shall have the power to direct and take or require to be taken or empower any person to take such measures as he shall deem necessary and the expenses incurred thereby shall be recovered from the local authority under such terms and conditions as prescribed by the Government.

### **Power of Government**

121. The Government may, also by rules prescribed in this behalf, entrust the local authorities to make other arrangement for sanitation, water supply, compulsory immunisation, inoculation etc., so as to empower the local authority to deal with situations that may arise during the periods of fairs or festivals.

## CHAPTER - XI

### HEALTH RESORTS, HOLIDAY CAMPS, SETTLEMENTS AND LABOUR CAMPS

#### Notification

122. The Government or the local authority with the approval of the Government may, subject to the provisions of this Act and Rules framed thereunder, declare for the purpose of this Chapter any place or area as a health resort, holiday camp, settlement or labour camp.

#### Licence

123. No person other than the Government or the local authority can run a holiday camp, health resort, settlement or labour camp without obtaining written permission and licence from the local authority.

#### Control of such notified places

124. Accommodation, water, sanitary conveniences, food hygiene and control, collection and disposal of community wastes, restriction of visitors suffering from any communicable disease, medical relief facilities and compulsory immunisation at such notified places and the grant, issue and cancellation of licence and the charges made from the visitors will be such as may be prescribed.

## CHAPTER - XII

### MISCELLANEOUS INSTITUTIONS

#### Registration and licensing

125. No person shall own and run a place of entertainment or recreation centre without the written permission and licence of the local authority and the local authority shall have the power to revoke or cancel the said licence for violation of any of the terms and conditions of the licence or for infringement of any of the rules or bye-laws.

#### Power of entry

126. The Health Officer and the Public Health Engineer shall have the power to enter and inspect any such place at any time with or without notice to the owner, manager or keeper of such place and to give necessary direction for the rectification of defects and deficiencies.

### Conditions for grant of licence etc.

127. The standards of sanitation of public waiting or halting rooms, cinemas, theatres, music halls, public libraries and other places of public entertainments, the provision for sleeping or seating accommodation and other condition for granting or renewing such licences shall be such as may be prescribed.

### Local authority to provide place for recreation, sports field, pasture land, etc.

128. The local authority may, subject to the provisions of this Act and Rules framed thereunder, provide as far as possible, ---

(1) Open spaces, parks, playgrounds, common swimming tanks and other amenities for use and enjoyment of the people and may frame bye-laws regulating their use;

(2) Let out any park or land for sporting fields and may permit erection of tents, sheds or galleries on such terms and conditions as the local authority may prescribe;

(3) Provide pasture lands for use of domestic cattle.

### Acquisition of land and disposal

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

For purposes of this Chapter, 'Insects' includes mosquitoes, flies, fleas, lice, mite, sandfly, tick and any other insect detrimental to health.

### Competent authority

130. The Director or any local authority constituted under any Act shall be deemed to be the "competent authority" to conduct anti-insect operations in accordance with the rules that may be prescribed from time to time by the Government.

### Duties of competent authorities

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

(2) The Government or the local authority shall maintain special staff and equipment for the purpose and such staff may have the right to enter upon any land or any premises, house or room, after giving sufficient notice to the residents who shall give all facilities to such men and inspecting officers.

### **Insecticidal spraying**

132. (1) The Government/or the local authority shall provide facilities of insecticidal spraying of houses or shops and such places as may be considered necessary and on payment of such charges prescribed from time to time.

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

### **Duties and responsibilities of owners and occupiers**

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

(2) No person shall put any structure or construction or any building or barrier across any stream, channel or drain so as to obstruct the flow of water.

(3) No person shall put any embankment for roads or any other purpose which is likely to interfere with the natural drainage of the area, and

(4) No person shall interfere with any work on land or any building already undertaken by the Government or by the competent authority or by the owner under the direction of the Government or the local authority for the purpose of preventing the breeding of insects.

### **Power of local authority/Government**

134. In the event of any person or persons failing to comply with the directions of the competent authority or the Government in respect of any matter under this chapter, the competent authority or the Government may itself execute the work and take necessary measures and may realise either whole or a portion of the cost, incurred from the person or persons concerned in such manner as the Government or the competent authority may determine.

### **Information regarding any insect-borne disease in epidemic form**

135. In the event of any outbreak of malaria and any other insect-borne disease in epidemic form in any locality, the local authority shall immediately arrange for remedial action and report the matter to the Director of Health Services who may render to the local authority such assistance as may be deemed necessary.

**CHAPTER - XIII****BURIAL AND BURNING GROUNDS****Local authorities to provide burial and burning grounds**

136. A local authority may, subject to such rules as may be prescribed in this behalf and if so required by the Government shall provide a suitable place or places for burying, burning or otherwise disposing of the dead bodies according to different religious customs at reasonable distances from the inhabited areas. Two or more local authorities may, and if so required by the Government, shall jointly provide burial or burning grounds or other places for disposal of dead bodies.

**Private burning and burial ground licensing of**

137. A local authority may, subject to such terms and conditions as the local authority may determine, grant licences for private burial and burning grounds, and the issue, renewal and revocation of such licences, shall be subject to such rules as may be prescribed.

**Certification of death**

138. The care-taker in charge of or the owner of a burning or burial ground or a crematorium or a burial tower, shall not permit a dead body to be burnt or buried or otherwise disposed therein except on the production of a certificate of death issued by a registered medical practitioner or such a person in such manner as may be specified by the bye-laws or rules.

**Registration of deaths**

139. The local authority, subject to the rules framed in this behalf, shall arrange for proper registration of all dead bodies buried or burnt or otherwise disposed of.

**Prohibition of use of other places**

140. No person shall bury, burn or otherwise dispose of any dead body except in a place which has been registered or provided under this chapter or the rules framed thereunder.

**Disposal of unclaimed bodies**

141. A local authority may arrange for the disposal at its expense, of unclaimed dead bodies or dead bodies of persons whose friends and relatives are too poor to meet the expenses of burial or burning.

**Government to control by rules**

142. The Government may also restrict or control burials or the establishment or maintenance of such grounds by such rules as may be prescribed in this behalf.

## CHAPTER - XIV

MISCELLANEOUS  
Power to make rules

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

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely: -

- (i) the manner in which quorum of the meeting of the Board is to be fixed and the mode of the transaction of business of the meeting of the Board or Committees thereof;
- (ii) the manner of filling casual vacancies among the members of the Board or the Committee as the case may be, the travelling and other allowances payable to such members;
- (iii) the powers and functions of the Officers subordinate to the Director of Health Services;
- (iv) the advice or assistance to be given by officers of the Government to local authorities for carrying out the purposes of this Act;
- (v) the manner in which the Director shall discharge or cause to be discharged the functions entrusted to him or delegated by him, as the case may be;
- (vi) the procedure for registration and for renewal of registration of private institutions and the forms to be used and fees to be collected in connection therewith;
- (vii) the manner of preferring appeals to the Government;
- (viii) the manner in which private institutions are to be controlled or regulated under the provisions of this Act;
- (ix) the quality and quantity of water for drinking and domestic purposes and for protection and for periodical examination thereof;
- (x) providing places for use by washermen and for the use of such ghats;
- (xi) regulating the supply of water for purposes referred to in section 20;
- (xii) location and construction of tube-wells for public or private supply;
- (xiii) providing necessary number of closed reservoirs for the use of persons living beyond a distance of 100 yards from the supply main;

- (xiv) making pipe connections from the supply main for the purposes of feeding water to houses within such distance of supply main on payment of such fees as may be specified;
- (xv) for levy of water rate to be paid by local authority to a Joint Water Board for supply of water;
- (xvi) levy of water rate by local authorities and the manner of expanding the proceedings thereof;
- (xvii) providing meters in the premises to which water is supplied;
- (xviii) levying hire charges for the meter;
- (xix) provide bathing places, swimming pools etc., and licensing, maintaining and closure of such bathing places or swimming pools;
- (xx) exercising the powers of the local authority with respect to the constructing of water works and the arrangements for supply of water;
- (xxi) regulating diversion of water works, purchase of water works or rights thereon and arrangements for protected supply of water;
- (xxii) settlement of disputes and difference between the Water Board or between the local authorities *inter se*;
- (xxiii) restriction of entry into houses occupied by patients suffering from communicable disease before disinfection is carried out;
- (xxiv) restriction of certain avocation by carriers and persons infected with certain diseases;
- (xxv) provision of certain works in regard to the affected premises and restriction in regard to the disposal of dead bodies;
- (xxvi) provisions regarding precautions to be taken for disinfection and destruction of infected articles;
- (xxvii) the records and registers to be kept by the local authorities with regard to communicable and notifiable diseases;
- (xxviii) provisions of diagnostic and laboratory facilities, staff, medicine, disinfection, facilities for removal, association and accommodation of patients;
- (xxix) powers and duties of the Health Officers, vaccinators, etc.;
- (xxx) the provisions regarding grant, renewal and cancellation of licences to vaccinators and the collection of fees thereof;
- (xxxi) the manner and procedure for vaccination, re-vaccination and inoculation and the inspection of results thereof;
- (xxxii) the forms, notices, memoranda and the other registers to be maintained under this Act;
- (xxxiii) supply, storage, sale and transit of vaccines;
- (xxxiv) standards for discharge of sewage or effluents from septic tanks, treated wastes, determination of sufficiency, of sewage

- treatment plant, hygienic collection and removal of night-soil, offensive matters, scavenging, conservancy and disposal of such matters and carcasses;
- (xxxv) schemes for improvement or extension of sewerage or drainage system and execution thereof;
  - (xxxvi) standards for water closets, pipes, ventilators, and flourishing arrangements of water carriage system;
  - (xxxvii) house connection for drains and sewage standards of septic tanks, latrines, urinals, sanitary conveniences and arrangements to be made at specified places, areas or occasion;
  - (xxxviii) employment, registration and displaying of scavenging and other establishments;
  - (xxxix) levy of fees or charges for any services rendered under the provisions of this Act;
  - (xl) the standards of regulations that are to be observed in constructing buildings or in making alterations or extension of buildings and spacing sanitation and ventilation in and outside thereof;
  - (xli) sanitary convenience in the building;
  - (xlii) giving of notices and the deposit of plans, specification, etc.;
  - (xliii) inspection of work, testing of drains and sewers and testing of samples;
  - (xliv) relaxation of building regulations in appropriate cases;
  - (xlv) laying down standards for general sanitation of lodging houses, eating houses, tea-shops, coffee houses, refreshment-rooms, biscuit-factories, dairies and other such places where food articles are kept for storage, sale or otherwise;
  - (xlvi) the powers and duties of competent authority under the Act;
  - (xlvii) the manner of conducting anti-insect and anti-larval measures;
  - (xlviii) regulations and procedure for registering of burial and burning grounds, issue and cancellation of licences thereof and other sanitary precautions to be taken with regard to the burial of dead body or corpses;
  - (xlix) the manner in which appeals are to be filed from the orders made under any of the provisions of this Act and the authorities to whom such appeals are to be filed;
  - (l) the procedure in hearing such appeals by the appellate authorities;
  - (li) fees or charges to be collected from individuals for issue of licences or permits;
  - (lii) the fee to be given in respect of appeals or applications;
  - (liii) regulating the situation in which sanitary convenience for the use of the public shall be constructed by a local authority;



- (liv) with reference to all matters expressly required or allowed by this Act to be prescribed.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Puducherry while it is in session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or the Legislative Assembly agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

#### General power to make bye-laws

144. (1) A local authority may make bye-laws, not inconsistent with the provisions of this Act or of any rule made thereunder:-

- (a) for all matters, which are required or allowed by this Act to be provided for bye-laws; and
- (b) generally for carrying out all or any of the purposes of this Act.

(2) Bye-laws made under this Act may provide that a breach of any of them shall be punishable with fine which may extend to fifty rupees and in the 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.

#### Provisions with respect to bye-laws

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

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

(3) The Government in approving a bye-law may make any change therein which appears to it to be necessary.

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

#### Bye-laws to be available for inspection

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

#### Service of notices

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

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

#### **Publication of notices and orders**

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

#### **Power of entry and inspection**

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

Provided that ---

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

### Power to give direction

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

### Delegation

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

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

### Employees of local authorities to be public servants

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

### Protection of action taken under Act

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

### Effect of Act

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

### Removal of difficulties

155. If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires by order do anything not inconsistent with this Act which appears to it to be necessary or expedient for the purpose of removing the difficulty:

Provided that every order made under this section shall be laid before the Legislature.

### Repeal

156. (1) Any corresponding law inconsistent with the provisions of this Act shall stand repealed.

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

### Penalties

157. (1) Any person who contravenes or fails to comply with any provision of this Act or of any rule made thereunder or of any notice or order, or direction issued under any of the said provision shall be punishable for the first offence with fine which may extend to rupees two hundred and for a second or any subsequent offence with fine which may extend to rupees four hundred.

(2) Any person, after having been convicted for any offence under sub-section (1) continues to commit such offence, he shall be punished for each day after the first, during which he continues so to offend with fine which may extend to rupees twenty-five for every such day.

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### STATEMENT OF OBJECTS AND REASONS FOR ACT NO.5 OF 1974

No doubt certain provisions do exist in some of the Ex-French Decrees and Arretes for the protection and preservation of Public Health. Certain powers in this regard were also entrusted with the Municipality as per the Municipal Decree of 1880. The Government has already taken action for bringing comprehensive legislation with regard to the administration of municipalities and commune panchayats. The same is the case with regard to public health. The existing provisions are found to be inadequate and insufficient especially in the changed set up. Hence it is considered necessary to have a separate and consolidated legislation for the advancement and administration of public health in the Union territory more or less on the lines of similar legislation existing in other States like Tamil Nadu and also based on a model Bill circulated by the Government of India as early as 1963. The proposed legislation *inter-alia* deals with the constitution of Public health and the powers that are to be vested in the Government and other local bodies for proper maintenance of water supply, sanitary conveniences and other such allied matters. It also contains provisions for the prevention, notification and treatment of communicable diseases, food sanitation and the precautions to be taken by appropriate authorities with respect to the sanitation in ordinary circumstances and also in connection with fairs, festivals etc. It is felt that only with such statutory backing the Government can clothe itself with sufficient powers for maintaining public health in all its respects. The Bill seeks to achieve the objects referred to above.

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