

**MADRAS PUBLIC HEALTH ACT, 1939**

(Act Published in Fort St. George Gazette dated 7-3-1939)

FOR STATEMENT OF OBJECTS & REASONS SEE FORT

St. GEORGE GAZETTE EXTRA ORDINARY

DATED 10TH NOVEMBER 1938

An Act to make provision for advancing the Public Health of the (State)\* of Madras.

WHEREAS it is expedient to make provision for advancing the Public Health of the (State)\* of Madras, it is hereby enacted as follows: -

**CHAPTER I Preliminary**

**1. Short title and extent** - (1) This Act may be called the Madras Public Health Act, 1939.

\*[(2) It extends to the whole of the Malabar District and the Kasaragod taluk of South Kanara district as defined in clause (b) of S,5 of the States Reorganisation Act, 1956 (Central Act 37 of 1956)].

**3. Definitions** - In this Act, unless there is anything repugnant in the subject or context -

(1) "Building" includes -

(a) a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever:

(b) a structure on heels or simply resting on the ground without foundations; and

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

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

(3) "Dairy" includes -

(a) any farm, cattle-shed, milk-store, milk shop, or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, buttermilk or dried, sterilized or condensed milk; and

\*Substituted by the Adaptation of Laws Order 1950.

\*\* Sub-section (2) Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

\*\*\*Section 2 omitted by Ibid.

(b) in relation to a dairyman 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-

(i) a shop or place in which milk is sold for consumption on the premises only; or

(ii) a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original conditions in which it was first received in such shop or place.

\*[(3A).....]

(4) "Dairyman" includes any person who sells milk, whether wholesale or by retail.

(5) "Drain" means a house-drain or 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.

(6) "Drug" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.

(7) "Dwelling house" means a building constructed, used or adapted to be used, wholly or principally, for human habitation or in connection therewith.

\*\*[(8) "Executive authority" means any functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994, (20 of 1994) or the local Tahsildar as the case may be;]

\*\*\*[(9) "Executive Officer" means the paid officer, if any, of the local authority who is invested with general executive powers in the local area for which such authority is constituted under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or any officer subordinate to the local Tahsildar, as the case may be;]

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

\*Clause (3A) omitted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

\*\*Clause (8) Substituted by Ibid.

\*\*\*Clause (9) Substituted by Ibid.

(11) "Filth" means-

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

(b) dung and the refuse of useless or offensive material thrown out in consequence of any process of manufacture, industry or trade; and

(c) putrid and putrifying substances.

(12) "Food" includes every article consumed or used by man, for food, drink, or chewing, and all material used or admixed in the composition or preparation of such article and shall also include flavouring and colouring matter and condiments.

(13) "Government" means the \*[State] Government as defined in \*[Clause (60)] of S. 3 of the General Clauses Act, 1897.

(14) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the district.

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

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

(17) "Infectious disease" means an infectious disease as defined in S. 52 and includes notified disease as defined in S. 62.

(18) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flushout.

(19) "Local area" means the area within the jurisdiction of a local authority.

\*\*[(20) "local authority" means a panchayat at any level constituted under S.4 of the Kerala Panchayat Raj Act, 1994, (13 of 1994) or a municipality constituted under S.4 of the Kerala Municipality Act, 1994, (20 of 1994)].

(21) "Lodging house" means a hotel, a boarding house, a choultry, dharmasala 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 recognized control, or

(b) a house licenced under S. 125 for accommodating visitors to a fair or festival, or

\*Substituted by The Adaptation of Laws (Amendment) Order, 1950.

\*\*Clause (20) Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in KeralaGazetteExtraNo. 869dated 12-5-2000.

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

(22) "Magistrate" does not include an honorary or a village magistrate.

(23) "Milk" means the milk of a cow, buffalo, goat, ass or other animal and includes cream, skimmed milk, separated milk, and condensed, sterilized or desiccated milk, or any other product of milk.

(24) "Notification" means a notification in the Official Gazette.

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

(26) "Occupier" includes -

(a) any person for the time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building, or part; and

(b) a rent-free occupant.

(27) "Offensive matter" includes -

(a) filth as defined in clause (11);

(b) sewage as defined in clause (33), and

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

(28) "Offensive trade" means by trade in which the substances dealt with are, or are likely to become, a nuisance.

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

(30) "Prescribed" means prescribed by the Government by rules made under this Act.

(31) "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.

(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 \*(Central or State Government).

(33) "Sewage" means night soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kind.

(34) "Street" means a public or a private street.

(35) "Urban local area" means the area within the jurisdiction of an urban local authority.

\*\*[(36) "Urban Local Authority" means a municipality constituted under Section 4 of the Kerala Municipality Act, 1994 (20 of 1994);].

(37) "Venereal disease" means syphilis, gonorrhoea, soft chancre-venereal granuloma or lumpho granuloma.

(38) "Water-course" includes any river, stream or channel, whether natural or artificial, other than a drain.

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

(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.

\* Substituted by the Adaptation (Amendment) Order of 1950.

\*Clause (36) Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

## CHAPTER II

### Controlling Authorities and their powers Public Health Board

**4. Constitution of the Public Health Board -** (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the \*(State) \*\*[.....] Public Health Board consisting of the following members,

namely-

- (a) The Minister of Public Health;
- (bj) the Minister for Local Administration;
- (c) three members of the Madras Legislature nominated by the Government;
- (d) the Surgeon-General with the Government of Madras;
- (e) the \*\*\*[Director of Health Services]
- (f) the Sanitary Engineer; and
- (g) one other officer of the Government nominated by the Government.

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

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

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

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

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

### **Powers of the Government and of the \*\*\*[Director of Health Services]**

**6. Powers of the Government and of the \*\*\*[Director of Health Services] and his staff-** (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act.

(2) The Government may, from time to time, define the powers to be exercised,

\* Substituted by the Adaptation Order of 1950.

\*\* Words "of Madras" omitted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette ExtraNo. 869 dated 12-5-2000.

\*\*\* Substituted by Ibid.

and the duties to be performed, by the \*[Director of Health Services] 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 District Collector under any other law for the time being in force.

\*\*[(6A) **Power of Government to direct the performance by district board of any function devolving on Panchayats** - Government may,, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification, the district board and not the panchayat shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat.

(2) Where a direction is issued under sub-section (1) in respect of any function, the Government may, by general or special order-

(a) determine, or provide for the determination of, the expenses incurred by the district board in performing such function in the area or areas comprised within the jurisdiction of any panchayat or panchayats, and

(b) apportion, or provide for the apportionment of, such expenses between the district board and the panchayat or panchayats concerned.

### **7. Powers of the \* [Director of Health Services] to advice local authorities**

- \*[Director of Health Services] may, from time to time, as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for

improving the public health administration in the local area, or for safeguarding the public health therein:

Provided that, if on account of financial or other reasons, any local authority is unable to carry out such measures, or if there is any difference of opinion between the local authority and the Director, the matter shall be referred to the Government whose decision shall be final.

### Public Health Establishments of Local Authorities

**8. Public Health staff in local areas** - (1) The public health establishment of every local authority (other than the Corporation of Madras) shall be on such scale as the Government may from time to time direct.)

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything

\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in KeralaGazetteExtraNo. 869 dated 12-5-2000.

\*\*Inserted by Act X of 1949.

contained in the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, be governed by regulations, not inconsistent with this Act, made by the Government. Such regulations may lay down the extent to which the\*[Director of Health Services] shall have disciplinary control over the members of such public health establishments.

**\*\*[9. Appointment or nomination of Health Officer** :- (1) Every village panchayat and municipality shall have a Health Officer.

(2) Where in the area of a village panchayat or municipality there is no Health Officer posted, the Government may nominate a medical officer serving in any health institution under the control of the village panchayat or municipality, as the case may be to function as the Health Officer ex-officio of that village panchayat or municipality.

Provided that if no such medical officer as aforesaid is available for nomination, the Government may nominate a medical officer under the control of a nearby village panchayat or municipality to function as the Health Officer ex-officio.]

**10. Appointment of temporary Health Officers in emergencies** - (J) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the Government may, by order, appoint temporarily for such period as may be specified therein, one or more additional Health Officers, for the treatment of such infectious disease preventing it from spreading, or for investigating the cause of, and preventing, such mortality, as the case may be.



(2) For the purpose of sub-section (1), the Government may appoint any medical practitioner registered under the Madras Medical Registration Act, 1914, either on an honorary basis or on such salary or allowances or both as the Government may fix. The salary and allowances shall be payable from the funds of the local authority.

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

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

(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

\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette ExtraNo. 869 dated 12-5-2000.

\*\*S.9 Substituted by Ibid.

where more than one local authority is concerned, in such proportions, as may be determined by the Government.

**13. Powers of \*[Director of Health Services] over public health staff of local authorities** - (1) Subject to such rules as may be prescribed, including rules for consultation with the executive authorities concerned, the \*[Director of Health Services], shall have power -

(a) to transfer any member of the public health establishment of a local authority to the public health establishment of another local authority; and

(b) in times of emergency, to assign one or more members of the public health establishment of one local authority for temporary duty in the area of another local authority.

(2) Nothing contained in clause (a) of sub-section (1) shall apply to the Corporation of Madras.

(3) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority, are working, shall pay for the period of such temporary duty, the salary

and allowances, of such member or members and such contribution towards their leave allowances, pension and provident fund as the Government may, by general or special order, determine.

**14. Health Officers control over public health staff** - (1) The Health Officer in charge of any local area shall exercise supervision and control overall other members of the public health establishment in such area.

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

\*\* [(b) x x x x]

**15. Local authority to provide adequate facilities to the Health Officer** -

Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may in the opinion of the \*[Director of Health Services] be necessary for the proper conduct of the business of such Health Officer.

\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

\*\* Repealed by Act 14 of 1961.

**16. Authorization of Health Officer to perform the functions of executive authority in public health matters** - Notwithstanding anything contained in the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, the \* [Madras Village Panchayats Act, 1950], the Madras Prevention of Adulteration Act, 1918, and the Places of Public Resort Act, 1888, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the Government may, by general or special order, determine.

\*\*[16A. Local authority to manage health institutions :

(1) The local authority shall manage health institutions transferred to it by Government.

(2) No sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purposes for which it was

transferred to a local authority.

(3) The Government may issue directions to the local authority or matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out.]

### CHAPTER III

#### Water-supply

**17. Local authority to provide potable water** - (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) that the water-supply is continuous throughout the year, and

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

\* Inserted by Act X of 1950.

\*\*S. 16A inserted by Kerala Decentralisation of Powers Act, 2000. Act 16 of 2000 Published in

KeralaGazeticExtraNo. 869 dated 12-5-2000.

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

#### **18. Power of Government to direct local authority to execute water**

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

(2) A local authority may, with the previous sanction of the Government -

(a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water;

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

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

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

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

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

**20. Power of Collector in regard to water-supply** - (I) The Collector of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining -

(a) whether the source of water-supply for such local area or part is contaminated from any cause against which effective means of protection can be taken, and

(b) whether the provision of any additional source or sources of water-supply is necessary for such local area or part.

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

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

(3) Against any direction issued by the Collector or other officer under sub-section (2), an appeal shall lie to the Government whose decision shall be final.

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

(b) The notice shall either -

(i) be published in the prescribed manner, or

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

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

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

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

Explanation - For the purposes of this sub-section, 'water-tax' means -

(a) a tax levied under S. 25 of this Act, or

(b) a water and drainage tax levied under S. 81 (1)(b) of the Madras District Municipalities Act, 1920, or under S. 99 (1 )(b) of the Madras City Municipal Act, 1919,

or

(c) a tax levied under S. 75 (2) of the Madras Local Boards Act, 1920, for the specific purpose of executing, maintaining or improving any work for the supply of

water, \*[or

(d) an additional house-tax levied under rule 19 of Schedule IV to the Madras Local Boards Act, 1920, for the purpose of providing a water-system or a combined water and drainage system.]

**21. Powers of \*\*[Director of Health Services] to direct local authority to improve water supply** - If the \*\*[Director of Health Services] is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is in his opinion, desirable, he may by order direct the local authority to take

such measures as may be specified therein; and the local authority shall take action accordingly.

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

**23. Rules for the protection and periodical examination of water supply**

The Government shall have power to make rules providing for the protection and periodical examination of sources of water-supply in the \*\*[State].

**24. Health Officer's powers in regard to insanitary sources -** (1) The Health Officer may at any time by written notice require that the owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof-

(a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or

(b) cleanse any such source of water-supply from silt, refuse and vegetation; or

\* Added by Act X of 1949.

\*\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated ! 2-5-2000.

\*\*\* Substituted by the Adaptation of Laws Order, 1950.

(c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct; or

(d) fill in, repair, protect or enclose in such manner as the Health Officer may direct, any such source of water-supply , if for want of sufficient repair, protection or enclosure, such source of water-supply is, in his opinion, dangerous to the health or safety of the public or of any person having occasion to use or to pass or approach the

same; or

(e) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or

(f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion, the water is unfit for drinking;

(g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereof, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighborhood;

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

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

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

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

## **25. Levy of water-tax and earmarking the proceeds for water works - (1)**

Any local authority may with the previous sanction of the Government, and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water-supply in such area or part.

(2) Any tax levied under sub-section (i) may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government, or may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned in which case all the provisions of such law relating to the incidence, assessment or realization of a tax under such head or in any manner connected therewith shall be

applicable to the tax or additional tax, with such modifications and restrictions, if any, as may be prescribed.

(3) (a) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the Government in case the tax is levied by the local authority of its own motion, and by the Government in case the tax is levied at their direction.

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

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

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

(5) Nothing contained in this section shall be deemed to affect the power of the Corporation of Madras to levy a water and drainage tax under S. 99(1)(b) of the Madras City Municipal Act, 1919, or of any municipality governed by the Madras District Municipalities Act, 1920 to levy a water and drainage tax under S. 81(1)(b) of that Act \* [or of any local board governed by the Madras Local Boards Act, 1920, to levy an additional house-tax under rule 91 of Schedule IV to that Act for any purpose specified in that rule.]

## **26. New house not to be occupied without adequate water-supply - No**

owner of any dwelling house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Health or Sanitary Inspector, that there is within the house, or within a reasonable distance there from, a

\* Substituted by Act X of 1949.

supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

## **CHAPTER IV**

### **Drainage**

**27. Local Authority to maintain public drains** (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.



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

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

**28. Power of Health Officer to require drains to be constructed - (I ) If any**

premises are in the opinion of the Health Officer, without sufficient means of effectual drainage, he may, by notice direct the owner of such premises to construct a drain leading there from to the nearest public drain or other place set apart by the local authority for the discharge of sewage:

Provided that -

(a) the cost of constructing that portion of the drain which is situated more than one hundred feet from the said premises, shall be paid from out of the funds of the local authority concerned; and

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

(1) a closed cesspool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cesspool, tank, filter or other work.

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or

\* Inserted by Act X of 1949.

partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

**29. Drains in private streets -** Where a house-drain belonging to one or more premises has been laid in any private street which is common to more than one premises and the Health Officer considers it desirable that any other premises should be drained into such drain, he may, by notice, require the owner of such premises to connect his house-drain, with such first-mentioned drain; and the owner or owners of such first-mentioned drain shall thereupon be bound to permit such connection to be made.

Provided that no such connection shall be made-

(a) except upon such terms as may be mutually agreed upon between or among the owners concerned; or

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

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

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

**31. Drainage of court-yard, alley, passage, etc** - For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any court-yard, alley, lane, passage or open space (fa) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

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

**Explanation** - It shall be open to the Health Officer to require that in any case both the measures specified in clauses (a) and (b) of this section shall be taken.

**32. Construction and closure of cesspools** - (1) No person shall construct a cesspool -

(a) beneath any part of any building or within fifty feet of any tank, reservoir, water-course or well or within such other distance there from as the Health Officer may consider to be practicable having regard to the circumstances of the locality; or

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

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

**33. Prohibition of occupation of new building without drains** - No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

**34. Sullage or sewage not to be let out into streets** - No person having control over by building or land shall cause or allow -

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

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

**35. Injurious refuse not to be discharged into public drains** - No person shall, save as may be generally or specially prescribed, throw, empty, or turn or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain -

(a) any matter likely to injure the drain or to interfere with the free flow of its contents; or to affect prejudicially the treatment and disposal of such contents; or

(b) any liquid being refuse or steam or other liquid which is either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive, or inflammable substance.

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

(1) put, or cause to be put, or cause to fall or flow or be carried, or knowingly, permit to be put or to fall or flow or be carried, into any water-course-

(a) any solid or liquid sewage matter, or

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

(2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as, either singly or in combination with other similar acts of the same or any other person to interfere with the due flow of such water-course, or to pollute the water therein, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or

(3) commit nuisance in or in the neighborhood of any water-course.

**CHAPTER        V        Sanitary  
Conveniences**

**37. Obligation of local authority to provide public sanitary conveniences**

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

**38. New houses to be provided with sanitary conveniences** - If in any local area any building intended for human habitation is constructed or is re-constructed after being pulled down to or below the ground floor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

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

(a) to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice; or

(b) to make such structural or other alterations as may be specified in the notice.

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

**40. Mode of construction of latrines** - (1) All latrines shall -

(a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighborhood; and

(b) be maintained, repaired, altered and used in accordance with the rules and by-laws made under this Act.

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

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

## CHAPTER VI

### Abatement of Nuisances

**41. Certain things to be nuisances** - Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (25) of S. 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter :-

(1) any premises in such a state as to be prejudicial to health or a nuisance;

(2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health or a nuisance;

(3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance;

(4) any accumulation or deposit of refuse or other matter which is prejudicial to health or a nuisance;

(5) any factory not being a factory governed by the provisions of the Factories Act, 1934 (Central Act XXV 1934), workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so-crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye house, brewery, bake-house or gas work, or in any manufacturing or trade process whatsoever;

(7) any chimney sending forth smoke in such quantity as to be a nuisance; and

(8) any noise, vibration, dust, cinders, irritating smell or offensive odour produced by a factory, workshop or workplace which is a nuisance to the neighbourhood,

**42. Detection of nuisance** - Every urban local authority shall -

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist there in calling for abatement under the powers conferred on such authority by this Act; and

(b) enforce the provisions of this Act in order to abate such nuisances.

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

**44. Power Health Officer to abate nuisance** - If the Health Officer is satisfied, whether upon information given under S. 43 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.

**45. Power of local authority to abate nuisance** - If the person, on whom a notice to abate a nuisance has been served under S. 44, makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence, as the case may be and may recover the cost from such person as if it were a tax due to the local authority.

**46. Provision regarding house rendered unfit for occupation by reason of nuisances** - Where a house or other building is, in the opinion of the Health Officer, unfit for human habitation by reason of a nuisance existing therein, he may apply to a Magistrate (not being a Magistrate of the third class) to prohibit the use of such house or building for human habitation until it is rendered fit therefor.

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

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

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

**48. Powers of entry and inspection** - The executive authority or any officer of the Public Health Department of the Government or of the local authority, not below the rank of Health or Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter:

Provided that -

(a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;

(b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;

(c) sufficient notice shall, in every case, be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may be preserved; and

(d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

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

**50. Nuisance caused by act or omission outside local area** - If a nuisance under this Act within, or affecting any part of a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances authorised by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

**51. Prohibition of the deposit of rubbish etc. in streets, etc** - (1) No person shall deposit, or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any arch under a street, or in any

drain beside a street, or on any open space (not being private property) or on any quay, jetty or landing place or on any such 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 cause himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space, quay, jetty, landing place, sea-shore or bank aforesaid.

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

## CHAPTER VIII

### Prevention, Notification and Treatment of diseases

#### PART I Infectious Diseases in General

**52. Infectious diseases** - For the purposes of this Part, 'Infectious disease' means (a) acute influenzal pneumonia, (b) anthrax, (c) cerebrospinal fever, (d) chickenpox, (e) cholera, (f) diphtheria, (g) enteric fever, (h) leprosy, (i) measles, (j) plague, (k) rabies, (l) relapsing fever, (m) scarlet fever, (n) smallpox, (o) tuberculosis, (p) typhus or (q) any other disease which the Government may from time to time by notification, declare to be an infectious disease either generally throughout the \*[State] or in such part or parts thereof as may be specified in the notification.

**53. Appointment of additional health staff** - (I) In the event of the prevalence or threatened outbreak of any infectious disease in any local area, or of any unusual mortality therein, the local authority concerned shall provide such additional staff, medicines, appliances, equipment and other things as may, in the opinion of the Health

Officer, be necessary for the treatment of such infectious disease and preventing it from

\* Substituted by the Adaption of Laws Order, 1950.

spreading, or for investigating the cause of such mortality, and preventing , it as the case may be:

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

(2) In the event aforesaid, if the Health Officer considers that immediate action is necessary in the interests of public health he may, notwithstanding anything contained in sub-section (1), appoint such additional staff and obtain such medicines, appliances, equipment and other things as may be necessary; and the expenses incurred in respect thereof shall be met from the funds of the local authority.



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

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

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

(1) itself build such hospitals, wards or places of reception, or

(ii) contract for the use of any such hospital or part of a hospital or place of reception, or

(iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.

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

(2) A local authority shall not be deemed to have discharged its obligation under sub-section (1) unless the hospitals, wards or places of reception in question are maintained in accordance with such general or special orders as may from time to time be issued by the \*[Director of Health Services.]

**55. Provision of ambulances etc -** A local authority may, and if so required by the \*[Director of Health Services] shall -

\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in Kerala Gazette ExtraNo. 869 dated 12-5-2000.

(a) provide and maintain suitable conveyances, with sufficient attendants and other requisites for the free carriage of persons suffering from any infectious disease; and

(b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix.

**56. Medical practitioners to give information of certain infectious diseases**

-Every medical practitioner who, in the course of his practice becomes cognizant of existence of any case of enteric fever or tuberculosis in any private or public dwelling other than a public hospital shall, if the case has not been already reported, give information of the same with the least practicable delay -

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary

Inspector; and

(b) in non-municipal areas, to the Health Officer, a Health or a Sanitary Inspector or the village headman.

**Explanation** - In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

**57. Prohibition of the use of water from suspected source** - (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose is likely to endanger or cause the spread of any infectious disease he may, by public notice, prohibit the removal or use of the said water generally or for any specified domestic purpose.

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

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

(a) (i) is without proper lodging or accommodation, or

(ii) is lodged in a place occupied by more than one family, or

(iii) is without medical supervision directed to the prevention of the spread of the disease, or

(iv) is in a place where his presence is a danger to the people in the neighbourhood;  
and

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

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

(1) the removal shall be effected in such a way as to preserve her privacy, and

(ii) special accommodation in accordance with the custom aforesaid shall be provided for her in such hospital or place.

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

(4) Whoever -

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

(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3),

shall be punished with imprisonment which may extend to three months or with fine, or with both,

**59. Prohibition of the exposure of other persons to infection -** (1) No person who knows that he is suffering from an infectious disease not specified in Part II of this Chapter shall expose other persons to the risk of infection by his presence or conduct in-

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

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

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

**Explanation :-** A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector, or a medical practitioner registered under the Madras Medical Registration Act, 1914, that he is so suffering.

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease not specified in Part II of this Chapter shall cause or permit that person to expose others to the risk of infection by his presence or conduct in any place referred to in sub-section (1).

**60. Infected person not to engage in certain trades and occupations -** No

person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease-

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

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

**61. Prevention of infectious disease transmissible from animals -** If, in any

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

**PART II**

**Notified Infectious Diseases**

**62. Notified diseases -** In this part, 'notified disease' means

(a) cerebro-spinal fever (b) chicken-pox (c) cholera

(d) diphtheria (e) leprosy (f) measles

(g) plague (h) rabies (i) scarlet fever

(j) small-pox (k) typhus, or

(!) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this Part either generally throughout the \*[State] or in such part or parts thereof as may be specified in the notification.

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

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

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during

\*Substituted by the Adaptations of Laws Order 1950.

which it had been occupied or used for any of the purposes referred to in sub-section (1). Such compensation and rent shall be fixed by the District Collector.

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

**64. Information regarding notified disease** - Every medical practitioner, who in the course of his practice becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of a notified disease, shall if the case has not been already reported, give information of the same with the least practicable delay-

(a) in municipal areas, to the executive authority, the Health Officer or a Sanitary Inspector, and

(b) in non-municipal areas, to the Health Officer or Sanitary Inspector or the village headman.

**Explanation** :- In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

**65. Power of entry of local officers to take preventive measures** - (1) The Health officer or any person authorised by him in this behalf may -

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

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

(2) The powers conferred by sub-section (1) on the Health Officer may in municipal areas, be exercised also by the executive authority or any person authorised

by such authority.

**66. Destruction of hut or shed to prevent spread of infection** - (1) If it

appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the

circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

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

**67. Closure of lodging houses** - If, on the application of the Health officer. Magistrate (not being a Magistrate of the third class) is satisfied that it is necessary in the interest of public health that a lodging house or any place where articles of food are sold, or prepared, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection,

**68. Infected clothes not to be sent to laundry** - No person shall -

(1) send or take to any laundry or public wash-house or any public water-course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleansed, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of the Health Officer, or a 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

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

**69. Infected persons not to use public conveyance** - (1) No person who knows that he is suffering from a notified disease shall -

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

(b) enter any other public conveyance,

without previously notifying the owner, driver or conductor thereof that he is so suffering.

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

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

(b) in any other public conveyance,

without previously notifying the owner, driver or conductor thereof that the person is so suffering.

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

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

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

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

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

#### **70. Letting or sub-letting a building occupied by an infected person - No**

person shall, without a special permit from the Health Officer, let or sublet, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has been suffering from a notified disease within the three months immediately preceeding.

**71. Prohibition of the exposer of other persons to infection - (1) No** person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in -

(a) any street or public place, or

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

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

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

(e) any factory or shop.

**Explanation** - A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other 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 registered under the Madras Medical Registration Act, 1914, that he is so suffering.

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

**72. Forbidding work in infected premises** - (1) If a case of notified disease occurs on any premises, the Health Officer may, whether the person suffering from the disease has been removed from the premises or not, make an order forbidding any work to which this section applies, to be given out to any person living or working on those premises or in such part thereof as may be specified in the order, and any order so made may be served on the occupier of the factory from which the work is given out or on any contractor employed by such occupier.

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

(3) This section applies to the making, cleaning, washing, altering, ornamenting, furnishing or repairing of wearing apparel and any work incidental thereto, and to such other classes of work as may from time to time be notified by the \* [Director of Health Services.]

**73. Prohibition of use of public library by infected person** - No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken from any public or circulation library.

**74. Disposal of bodies of persons dying while suffering from notified disease** - (1) No person having the charge or control of the body of any person who has died while suffering from a notified disease shall permit or suffer persons to come unnecessarily into contact with, 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 public mortuary)



for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3)(a) If any such body (not being a body kept in a mortuary), remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or

\* Substituted by Kerala Decentralisation of Powers Act, 2000, Act 16 of 2000 Published in KeralaGazetteExtraNo.869dated 12-5-2000 .

If the dead body of any person is retained in 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 forth with 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 Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

#### **75. Power of Magistrate to prohibit an assembly of more than fifty persons**

- In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, any Magistrate, not being a Magistrate of the third class, having local jurisdiction shall have power to prohibit either generally or by special order in any

individual case, assemblages consisting of any number of persons exceeding fifty, in any place whether public or private or in any circumstances, or for any purpose, if in his opinion such assemblages in such place, in such circumstances, or for such purpose, would be likely to become a means of spreading the disease or of rendering it more virulent.

**76. Power of Government to confer special powers on officers to control notified diseases -** \*[( I )(a) In the event of the prevalence or threatened outbreak of

\*Substituted by Act X of 1949.

notified disease in any place or area, Government may declare that such place or area, is visited by or threatened with, an outbreak of such disease.

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

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

(2) \*[When a declaration under clause (a) or (b) of sub-section (I), 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 rule 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

\* Substituted by Act X of 1949.

(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 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 markets and to appoint special places where markets may be held.

(3) (a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2) declare before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation, will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representation by him or on his behalf, exempt such person or child from vaccination or 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, give compensation to any person who, in its opinion, has sustained substantial loss by the destruction of any property under the powers conferred by this section; but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

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

\*.Omitted by Act X of 1949.

\*\* Inserted by Act X of 1949.

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

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

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

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

### **PART III**

#### **Veneral Diseases**

**78. Provision for treatment of venereal diseases by local authorities -** (I)A local authority may, and if so required by the Government shall, make such arrangements in its local area as may be directed by the Government for -

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

(b) the prevention of infection from such diseases.

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

(a) with any other local authority, or

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

(c) with the sanction of the Government with any medical practitioner registered under the Madras Medical Registration Act, 1914.

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

(a) impress upon such person the necessity for treatment until the cure is effected;

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

(c) furnish him with such other information relating to the disease as may be provided by the \*[Director of Health Services].

\*Substituted by KeralaDecentralisation of powers Act, 2000, Act 16 of 2000 published in KeralaGazetteExtraNo. 869 dated 12/5/2000.

**80. Certain medical practitioners to certify as to freedom from venereal disease** - Every medical practitioner registered under the Madras Medical Registration Act, 1914 and included in a panel published by the Government for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that \* [such person is not suffering] from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

## **PART IV**

### **Power to make rules**

#### **81. Rules for the prevention, treatment and control of certain diseases .**

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

## **CHAPTER VIII**

### **Maternity and Child Welfare**

#### **82. Local authority to carry out maternity and child welfare measures -**

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

## CHAPTER IX

### Mosquito Control

#### **83. Prohibition of mosquito breeding in collections of water -** If the

provisions of this section have been extended to any local area, no person or local authority shall, after such extension -

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

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

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

\*Substituted by Act X of 1950.

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

**84. Treatment of mosquito breeding places -** (1) The Health Officer may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty-four hours, to take such measures with respect to the same, or to treat the same by such physical, chemical or biological method, being measures or a method, approved by the \* [Director of Health Services] as the Health Officer may consider suitable in the circumstances.

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

**85. Health Officer's powers in case of default-** If the person on whom a notice is served under S. 84 fails or refuses to take the measures, or adopt the method of treatment, specified in such notice within the time specified therein, the Health Officer may himself take such measures or adopt such treatment and recover the cost of doing so from the owner or occupier of the property, as the case may be, in **the same manner** as if it were a property tax.

**86. Protection of anti-mosquito works -** Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local

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

**87. Prohibition of interference with such works** - (1) No person shall, without the consent of the Health Officer interfere with, injure, destroy or render useless, any work executed or any material or thing placed, in, under, or upon any land or buildings, by or under the orders of the Health Officer with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may

\* Substituted by Kerala Decentralisation of Powers Act. 2000. Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

**\*\***^Substituted by Act XIV of 195 I.

be, and the cost of doing so shall be recovered from such person in the same manner as if it were a property tax.

**88. Power of Health staff to enter and inspect premises** - For the purpose of enforcing the provisions contained in this Chapter, the Health Officer or any of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times after giving such notice in writing as may appear to him reasonable, enter and inspect any land or building within his jurisdiction; and the occupier or the owner, as the case may be, of such land or building, shall give all facilities necessary for such entr\ and inspection, and supply all such information as may be required of him for the purpose aforesaid.

## CHAPTER X

### Sanitation and Buildings

#### PART I Residential Areas

**89. Notification of residential areas** - (1) Every urban local authority shall, within one year from the commencement of this Act, or within such further time as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of streets, in its local area which shall be reserved for residential purposes.

(2) An urban local authority may, at any time subsequent to the issue of a

notification under sub-section (1) notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

(3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

**90. Approval of \*[Director of Health Services] and of Director of Town - Planning to be obtained for notification** - (1) Before issuing a notification under S. 89, the local authority shall -

(a) obtain the approval both of the\*[Director of Health Services] and of the Director of Town Planning in regard to -

(i) the suitability of the areas proposed to be reserved for residential purposes; and

\* Substituted by Kerala Decentralisation of Powers Act, 2000. Act 16 of 2000 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

(ii) the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of S. 89; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of S. 89; and consider all objections received by it within six weeks of such publication.

(2) In the event of a difference of opinion between the local authority and the

\* [Director of Health Services] or the Director of Town Planning, the matter shall be referred to the Government whose decision shall be final.

**91. Appeal against notification** - Any person aggrieved by the issue of a notification under S. 89, may appeal to the Government whose decision shall be final.

**92. Consequence of notification** - Upon the issue of a notification under S. 89, the following consequences shall ensue, namely:-

(a) The construction or establishment of any new factory, workshop or workplace, or the carrying on of any new offensive trade in the areas specified in the notification shall be absolutely prohibited.

(b) In the case of any factory, workshop or workplace in existence at the time when the notification comes into force or of any offensive trade in existence, at such time, the restrictions, limitations and conditions, if any, specified in the notification, shall be observed in the areas aforesaid.

**Explanation** - (1) If work in any factory, workshop, or workplace existing at the time when the notification under S. 89 comes into force or any offensive trade carried on



by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop or workplace or of such offensive trade as the case may be, shall, unless the Government otherwise order, be deemed to be absolutely prohibited under clause (a).

**Explanation** - (2) In the case referred to in Explanation (1), where the period exceeds six months but does not extend to one year, work in the factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without written permission of the Health Officer unless the Government otherwise order.

**93. Extension of Ss.89 to 92 to non-urban local authorities - The Government**

may, by notification, direct that the provisions of Ss. 89 to 92 shall apply to any non-urban local authority specified in such notification: and thereupon the provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of S. 89 were a reference to the date of publication of the notification under this section.

\* Substituted by Kerala Decentralisation of Powers Act, 2000, 16 of 2000  
Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

## **PART II**

### **Control over insanitary buildings**

**94. New building not to be erected on certain sites** - (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has been deposited, unless and until the Health Officer certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.

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

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

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

**96. Dwelling house unfit for human habitation to be vacated** - (1) If any

dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation he may, in cases not falling under S. 46, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Provided that before making an order under this sub-section, the local authority shall give the owner and the occupier or occupiers, if any concerned a reasonable opportunity of showing cause why it should not be made.

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

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

\*[x x x x ]

\*Omitted by Act X of 1949.

### **PART III**

#### **Abatement of Overcrowding**

**98. Definitions** - In this part -

(1) 'tenement' means a dwelling house and includes -

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

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

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

**99. Duties of landlord** - A landlord of a tenement -

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

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

Provided that no proceedings shall be instituted against the landlord in respect of any infringement by him of the provisions of this section, unless a notice in writing that the tenement is not in a habitable condition or that it is overcrowded, has been served upon the landlord or his agent by the Health Officer, and the landlord fails within such time as may be specified in such notice to take such steps as may be reasonably open to him for putting the tenement in habitable condition or for securing the abatement of the overcrowding therein, as the case may be, including, if necessary, the taking of legal proceedings for possession of the tenement.

**100. Power to make rules** - The Government shall have power to make rules for determining -

(a) whether a tenement or any class of tenement is or is not maintained in a habitable condition within the meaning of S. 99; and

(b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

## CHAPTER XI Lodging House

**101. Lodging house to be registered** - No person shall keep a lodging house or receive a lodger therein unless he is registered as the keeper thereof under this Act.

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

**102. Register of lodging houses** - Every executive authority shall keep a register in which shall be entered-

(a) the full name and the place of residence of every person registered as the keeper of a lodging house;

(b) the situation of every such lodging house;

(c) the number of persons authorised to be received in the lodging house; and

(d) the full names and the places of residence of any person who are to act as deputies of the keeper of the lodging house.

**103. Conditions of registration and of renewal of registration.**- (I) An executive authority on receiving from any person an application for registration, or for the renewal of the registration as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in

respect of the lodging house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority-(fa) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration, and

(b) may refuse to register or, to renew the registration of, an applicant if he is satisfied that -

(1) the applicant or any person employed or proposed to be employed, by the applicant at the lodging house as a deputy or otherwise is not a fit person whether by reason of age or otherwise, to keep or to be employed at a lodging house; or

(ii) the premises are not suitable for use as lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire suitably equipped for use as such; or

(iii) the use of the premises as lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

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

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

(4) If at any time, a person registered as the keeper of a lodging house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person

approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly, and make any consequential alterations in the certificate of registration.

**104. Appeal to local authority** - A person aggrieved by the refusal of an executive authority to grant or renew registration under S. 103 may appeal to the local authority.

**105. Rules for the upkeep and maintenance of lodging houses** - The Government shall have power to make rules -

(a) for fixing the number of persons who may be received into a lodging house and for the separate accommodation of the sexes therein;

(b) for promoting cleanliness and ventilation in lodging houses and requiring the walls and ceiling thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;

(c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and

(d) generally for the well-ordering of lodging houses.

**106. Notice to be affixed outside the lodging house** - (1) The keeper of a lodging house shall, if so required by the executive authority, affix, and keep affixed and undefaced and legible, a notice with the words "Registered lodging house" in some conspicuous place on the outside of the house.

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

**107. Cancellation of registration by Court** - When the registered keeper of a lodging house is convicted of an offence under this Chapter or under S. 64 or a rule or bye-law applicable to him made under this Act. the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as the Court thinks fit for being again registered as such keeper.

## **CHAPTER XII**

### **Food Control**

**108. Prohibition of sale of unsound food** - (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

(h) 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.

**109. Punishment for contravening provisions of S, 108 through others -**

(1) Any person who does any of the acts mentioned in sub-section (1) of S. 108 or in clauses

(a) to (d) of sub-section (1) of S. 5 of the Madras Prevention of Adulteration Act, 1918\* through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

(2) If a child under seven years of age does any of the acts aforesaid, the employer of the child or the parent or other person having the care and custody of the child, as the case may be, shall be liable to punishment for such act as if he had himself done the same.

**110. Flesh of dead animal not to be consumed** - No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

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

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

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any Officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer

may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority.

\* Repealed by the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954).

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

(a) cured or preserved meat, or

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

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

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

#### **112. Power of Health Officer to enter premises used for food trade - The**

Health Officer may, without notice enter any place at any time, by day or by night, where any article of food is being manufactured, prepared, exposed or stored for sale, and inspect such article and any utensil or vessel used for manufacturing, preparing or containing, the same. .

**113. Powers of Health Officer to deal with carriers of disease handling food** - (1)The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

(2) If on such examination the Health Officer finds that such person is suffering from, or harbouring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing, preparing or in any manner handling any article of food intended for sale, until the Health Officer certifies in writing that he is free from infection from such disease.

**114. Investigation of diseases caused by milk or dairy produce** - (1) If the Health Officer has reason to believe -

(a) that any person within the local area over which he has jurisdiction is suffering from an infectious disease attributable to milk or dairy produce supplied within such area, or

(b) that the consumption of any milk or dairy produce supplied within such local area is likely to cause any person therein to suffer from an infectious disease.

the Health Officer may require the person supplying the milk or dairy produce to furnish within such time as may be fixed by the Health Officer, a complete list of all dairies (whether situated within or outside the limits of the local area) from which that person's supply of milk or dairy produce is derived or has been derived during the six weeks immediately preceding.

(2) If such supply or any part of such supply is obtained not directly from a dairy

but through some other person, the Health Officer may make a similar requisition upon such other person.

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

**115. Inspection of dairy by Health Officer -** (I) The Health Officer may inspect any dairy referred to in S. 114 and the milch cattle and the employees therein, and if,

on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy,

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

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

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

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

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

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

## **CHAPTER XIII**

### **Fairs and Festivals**

**116. Notification of fairs and festivals by Government -** (I) The Government may, by notification -

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre, for

such period as may be specified in the notification; and



(b) define the limits of the area which shall, for the purposes aforesaid, be the site for the fair or festival.

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

**117. Levy of pilgrim tax on travellers by inland waterways - (1) The**

Government, or the local authority with the approval of the Government, may, by notification, impose, during a period to be specified in the notification, a tax on persons, leaving by inland waterways a notified fair or festival centre or any place within such distance there from as may be specified in the notification.

(2) every such notification shall specify the rates at which the tax shall be levied:

Provided that the tax shall not exceed four annas in the case of passengers leaving by steam vessels, and two annas in the case of passengers leaving by other vessels including ferry boats.

(3) The Government shall have power to make rules regarding -

(a) the collection of the tax;

(b) the ascertainment of the expenses incurred in collecting the tax.;

(c) in case the tax is collected by any authority (other than the local authority concerned) or any person, the payment of the proceeds of the tax after deducting the expenses of collecting the same to the local authority.

(d) in the case referred to in clause (c), the returns and the information to be

furnished by the authority or person collecting the tax to the local authority concerned, and the decision of disputes between the authority or person aforesaid and such local authority; and

(e) the decision of disputes between two or more local authorities.

**118. Levy of tolls on vehicles - (1) The Government, or the local authority with the approval of the Government, may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates and subject to such exemptions, as may be specified in the notification.**

(2) The Government shall have power to make rules regarding -

(a) the collection of tolls;

(b) the composition of the tolls payable by any person;

(c) the seizure, detention, and disposal of any vehicle or animal in respect of which toll is not paid;

(d) the duty of the police to assist persons authorised to collect tolls, and the powers of the police in that behalf; and

(e) the penalties to be imposed in case of evasion of tolls or of resistance to the seizure and detention of any vehicle or animal in respect of which toll is not paid.

**119. Notice to be given of fair or festival** – (1) The person or authority in charge of any fair or festival shall, not less than sixty days before the commencement, intimate to the executive authority or Health Officer of the local authority concerned, or in case the fair or festival is to be held, within the jurisdiction of more than one local authority to the executive authority or Health Officer of each of the local authorities concerned. the date of commencement of such fair or festival, and the period for which it will kw

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

**120. Sanitary arrangements, etc.** - The local authority within whose jurisdiction a fair or festival is held or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities, jointly shall make provision for -

(1) the demarcation and preparation of (he site of the fair or festival);

(2) the clearing and draining of the site;

(3) disposition of the several parts of the fair or festival, including the alignment of roads within the site:

(4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and proper preservation of such water;

(5) the accommodation of pilgrims and visitors; to such extent as may be practicable;

(6) the lighting of the fair or festival \* [centre];

(7) the supply by suitable persons of wholesome food, at reasonable rates, and \*[in such quantities as may be necessary], to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival \* [centre];

(8) the collection, removal and disposal of refuse, rubbish and sewage;

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

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

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

\*Substituted by Act X of 1949.

(12) such other purposes as may be prescribed.

**121. Health Officer to supervise the arrangements** - The arrangements mentioned in S, 120 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer of one of such local authorities designated by the person or committee referred to in S. 120, or in case no Health Officer is so designated, under the supervision and control of the Health Officers concerned with their respective local areas.

**122. Power to enter and seize unwholesome food** - (1) The Health Officer, or a Health or Sanitary Inspector or the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may -

(a) enter and inspect any building or shop in the fair or festival \*[centre], which is a source of food-supply;

(b) for the purpose of inspection, have access to any source of water-supply on such "[centre] or within such distance therefrom as the Government may, by general or special order determine; and

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

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

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

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

**123. Occupation of building, etc., required in connection with fair or festival** - (1) The local authority may, in case of emergency with the sanction of the

\*Substituted by Act X of 1949.

District Collector, depute any person to enter upon to occupy and use, without having recourse to the provisions of the Land Acquisition Act, 1894, any land or any building not being a dwelling house in the notified fair or festival centre which in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim-sheds, water-sheds, hospitals, segregation sheds, latrines, and the like:

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

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

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

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

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

**125. Licensing of houses to accommodate visitors to fair or festival** - (1)

The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival [centre] shall not, for purposes of gain,

accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any local authorities concerned.

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

\*Substituted by Act X of 1949.

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

and shall be accompanied by such fee as may be prescribed for the grant of the licence.

(3)(a) If it appears to the executive authority or the Health Officer, as the case may be, that the house is suitable for accommodating visitor to the fair or festival, he may issue a licence, in the prescribed form and subject, to the prescribed conditions for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein having regard to the number of persons resident in the house, whether as members of the family or as servants of the owner or occupier.

(b) The licence shall also specify-

(i) the maximum number of persons (residents and visitors) who may be accommodated in the house at any one time; and

(ii) the date until which it shall remain in force.

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

\*[125A. Extension of provisions of Chapter to certain areas - The

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

## CHAPTER XIV

### Finance

**126. Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals** - If in respect of any fair or festival, any tax or toll is levied under S. 117 or S. 118 of this Act, or under S. 116 of the Madras District Municipalities Act,

1920, or S. 110 of the Madras Local Boards Act, 1920, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the Government may,

by general or special order, authorise.

**127. Earmarking of revenue by local authorities for expenditure on public health** - (1) Every municipality shall earmark not less than 30 per cent of its income from

\* Inserted by Act X of 1949.

all sources other than Government grants for expenditure on the advancement of public health in its local area, including expenditure on medical relief and every district board or panchayat shall similarly earmark not less than 12 1/2 per cent of its income from such sources:

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

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

(b) Any expenditure incurred by a local authority, which is authorised by clause (a) shall be taken into account for the purposes of sub-section (1).

## CHAPTER XV

### Rules, bye-laws, penalties, etc.

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

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

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

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

**129. Penalty for breach of rules -** (I) In making a rule under S. 81 the

Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine or with both.

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

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

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

**130. Procedure for making and the effect of rules -** (1) The power to make

rules under this Act shall be subject to the following conditions -

(a) A draft of the rules shall be published in the Official Gazette.

(b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.

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

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

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

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

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

**133. Procedure for making or altering bye-laws -** In regard to bye-laws made by .1 local authority under Ss. 131 and 132, the following provisions shall apply, namely;

(a) In case the local authority is the Corporation of Madras, Ss. 352, 353, 354 and 356 of the Madras City Municipal Act, 1919:

(b) in case the local authority is a municipality constituted under the Madras District Municipalities Act, 1920, Ss. 309, 310 and 311 of that Act; \* [...]

(c) in case the local authority is a local board constituted under the Madras Local Boards Act, 1920, Ss. 204, 205 and 205-A, of that Act.

\*\*[(d) in case the local authority is a panchayat constituted under the Madras Village Panchayats Act, 1950, S. 114 of that Act.]

#### **134. Penalties for offences against Act, etc. - (1) Whoever-**

(a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or

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

\*Omitted by Act X of 1950. \*\*  
Inserted by Ibid.

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of-

(a) contravening any of the provisions of this Act specified in the first and second columns of Schedule II; or

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

(c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions

continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

**Explanation** - The entries in the third column of Schedules I and II headed "Subject" are not intended as definitions of the offences described in the provisions specified in the first and second columns thereof, or even as abstracts of those provisions, but are inserted merely as references to the subject dealt with therein.



### **135. Penalty for preventing entry of executive authority or Health Officer**

- Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

### **Miscellaneous**

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

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

(a) by giving or tendering the notice to such person; or

(b) if such person is not found, by leaving such notice at his last known place of abode or business or by giving or tendering the same to some adult member or servant of his family; or

(c) if such person does not reside in the local area and his address elsewhere is known to the executive authority, by sending the same to him by post, registered; or

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

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

**138. Cognizance of offences against the Act** - No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-law made under it, unless complaint is made within three months of the commission of the offence by the police,

or the executive authority or the Health Officer, or by a person expressly authorised in this behalf by the local authority, the executive authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1 S98, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

**\*[138A, Power to compound offences** - The executive authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may, by rules made by the Government, be declared compoundable.

The power to compound any offence so declared may also be exercised by such other authority or person, as may be authorised in that behalf by rules made by the

Government],

### **139. Powers of police officers to arrest offenders against Act, etc. - Any**

police officer who sees a person committing an offence against any of the provisions of this Act or of any rule or bye-law made thereunder, may arrest such person, if his name and address are unknown to the officer and such person on demand declines to give his name and address or gives a name and address which the officer has reason to believe to be false.

### **140. Powers of executive officer and public health staff to arrest offenders**

against Act, etc. - (I) The executive officer of a local authority or any member of the

public health establishment of a local authority not below the rank of a Health or Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and

\*Inserted by Act X of 1949.

address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer-in charge of the nearest police station as expeditiously as possible.

(2) The offences referred to in sub-section (1) are-

(a) offences against any of the provisions of this Act or of any rule or bye-law made thereunder; and

(b) offences falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction -

(1) Chapters VII to XIII, both inclusive, of the Madras City Municipal Act, 1919, read with S. 357 of that Act and Schedules VII and VIII thereto;

(ii) Chapters VII to XIII both inclusive, of the Madras District Municipalities Act, 1920, read with S. 313 of that Act and Schedules VII and VIII thereto;

(iii) Chapters VIII to XI, both inclusive, of the Madras Local Bodies Act, 1920, read with S. 207 of that Act and Schedules VIII and IX thereto.

[(iii-a) Ss. 79, 81, 82, 84, 85, 87, 88, 90 to 92 and 123 of the Madras Village Panchayats Act, 1950, read with S. 115 of that Act and Schedules I and II thereto];

(iv) Ss. 53 and 73 of the Madras City Police Act, 1888;

(vj) clauses (9) and (11) of S. 3 and Ss. 4 and 10 of the Town Nuisances Act, 1898; and

\*\*[(vi) section 5 of the Madras Prevention of Adulteration Act, 1918.]

\*\*\*[141. **Procedure after arrest** - Any person arrested for an offence under this Act shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate; and no such person shall be detained in custody beyond the said period without the authority of the Magistrate.]

**142. Bar of suits and prosecutions in certain cases** - (1) No suits, prosecution or other proceeding shall lie against any local authority or any executive authority, or a local authority, or against the Government or any officer or servant of a local authority, or of the Government, or against any person appointed under S.I 2 of this Act, for any act done or purporting to be done under this Act, without the previous sanction of the Government.

(2) No local authority or executive authority of a local authority, no officer or

\*Inserted by Act X of 1950.

\*\* Repealed by the Prevention of Food Adultration Act, 1954.

\*\*\*\* Substituted by Adaptation of Laws (Amendment) Order, 1950.

servant of any local authority or of the Government and no person appointed under section 12 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the Act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or order this Act.

**143. Punishment for malicious abuse of powers** - Any executive authority of

a local authority or any officer or servant of a local authority or of the Government, or any person appointed under S. 12 of this Act, who maliciously abuses any powers conferred on him by or under this Act shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

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

**\*143-A. Delegation of powers by Government** - The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority;

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act or to their powers under Ss. 2(2), 2 (3)(b), 8(2), 127(1) and 145].

\*\*[143B .....]

**144. Act to override other enactments** - If any provision relating to public-health contained in any other enactment in force in the \*\*\* [State] of Madras is repugnant to any provision contained in this Act, the latter provision shall prevail and the former provision shall, to the extent of the repugnancy, be void.

**145. Power to remove difficulties** - If any difficulty arises in giving effect to the

provisions of the Act, the Government, as occasion may require, may by order, do anything which appears to them necessary for the purpose of removing the difficulty.

\*Inserted by Act X of 1949.

\*\* S. 143h omitted by Kerala Decentralisation of Powers Act. 2(KK), Act 16 of 2(X)0 Published in Kerala Gazette Extra No. 869 dated 12-5-2000.

\*\*\*\* Substituted by Adaptation of Laws Order, 1950. **SCHEDULE I**

Ordinary Penalties

(See S. 134(1))

Section Sub-Section Subject Fine which may

be or clause imposed

1

2 3

4

24

(2) Failure of the owner .....Fifty rupees  
or other person having

control to obey or  
comply with the  
directions

contained in a notice  
requiring to keep any  
well,

etc. in good repair, to  
cleanse it, or protect, etc.

26

..... Owner of new .....Fifty rupees  
dwelling house  
occupying or

permitting its occupation  
without a supply of

wholesome water

28

(1 ) Failure to comply .....Fifty rupees  
with notice to provide  
efficient drainage

29

..... Failure to .....Fifty rupees  
comply with notice  
requiring to connect

a house-drain with an  
outside drain

30

..... Failure on the part of the  
owner of land to comply

with notice requiring a drain for a hut  
on the land

- 31 ..... Failure to ..... Fifty rupees  
 comply with notice for  
 paving or raising  
 the level of any  
 courtyard, etc...
- 32 (1 ) Unlawful ..... Fifty rupees  
 construction of cesspool  
 or construction of  
 cesspool on unapproved  
 site
- (2) Failure to comply with notice ..... Fifty rupees  
 requiring removal or  
 closure of cesspool
- 33 ..... Occupying or .... One hundred rupees  
 permitting occupation of  
 new  
 building without drain
- 34 ..... Letting out ..... Fifty rupees  
 sullage or sewage into a  
 street, etc.
- 35 ..... Discharging ..... One hundred rupees  
 injurious refuse, etc., into  
 a drain
- 36 ..... Polluting  
 water-course,...