



The Madhya Pradesh Tuberculosis Sanatorium (Regulation of Buildings) Act, 1948

Act 13 of 1948

Keyword(s):

Erect or Re-erect a Building, Building, Sanatorium, Regulate the Construction of a Building

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THE MADHYA PRADESH TUBERCULOSIS SANATORIUM
(REGULATION OF BUILDINGS) ACT, 1948
No. 13 of 1948

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THE MADHYA PRADESH TUBERCULOSIS SANATORIUM
(REGULATION OF BUILDINGS) ACT, 1948
(No 13 of 1948)¹

(Received the assent of the Governor on the 27th March 1948; assent first published in the Central Provinces and Berar Gazette on the 9th April 1948)

An Act to regulate the construction of buildings in the neighbourhood of a tuberculosis sanatorium.

Preamble. Whereas it is expedient to regulate the construction of buildings in the neighbourhood of a tuberculosis sanatorium;

It is hereby enacted as follows :—

1. (1) This Act may be cited as the [Madhya Pradesh]² Tuberculosis Sanatorium (Regulation of Buildings) Act, 1948. Short title and extent.

[(2) It extends to and shall be in force in the whole of [Madhya Pradesh].]³

2. In this act unless there is anything repugnant in the subject or context,— definitions.

(1) the expression “erect or re-erect a building” includes—

- (a) making any material alteration to, or enlargement of, a building,
- (b) converting into a dwelling place any building not originally constructed for that purpose,
- (c) converting into two or more dwelling places a building originally constructed as a single dwelling place,
- (d) converting two or more dwelling places into a large number of such places,
- (e) converting into a stable, cattle-shed, cow-house, workshop or factory any building originally constructed as a dwelling place,
- (f) making any alteration likely to affect the stability or safety of a building or the condition of a building in respect of its drainage, sanitation or hygiene, or
- (g) making any alteration to a building which increases or diminishes its height or the area covered by it, or the cubic capacity thereof, or reduces the cubic capacity of any room therein;

1. For Statement of Objects and Reasons, see Central Provinces and Berar Gazette, dated the 1st August 1947, Part II, page 132. For Report of the Select Committee, see Central Provinces and Berar Gazette, dated the 2nd January, 1948 Part II, page 5. For Proceedings in Assembly, see Central Provinces and Berar Legislative Assembly Proceedings, 1947, Vol. IV, pages 50-51 of No. 13, dated the 29th October 1947, and Vol. V, pages 38-40 of No. 4, dated the 4th March, 1948.

2. Subs, by M. P. Act 23 of 1958, S. 3 (4) for “Central Provinces and Berar”

3. Subs. by S. 3(3), *ibid*, Sch., Part A, item 53.

- (2) "building" includes—
- (a) a house, outhouses, stable, latrine, godown, shed, hut, wall, fencing and any other structure, whether wholly or partially of masonry, bricks, wood, mud, metal, or any other material whatsoever;
 - (b) a structure on wheels or simply resting on the ground without any foundation;
 - (c) a tent, van, or any other such structure used for human habitation;
- (3) "prescribed" means prescribed by rules made under this Act;
- (4) "sanatorium" area means such area as the State Government may, by notification, declare for the purposes of this Act.

Sanction for building.

3. (1) No person shall erect or re-erect a building on any land in a sanatorium area, except with the previous sanction of the State Government.

(2) An application for sanction shall be made in writing to the prescribed authority and shall—

- (a) specify the purposes for which it is intended to use the building ; and
- (b) furnish such information and be accompanied by such plans as may be prescribed.

(3) If an application made under sub-section (2) does not comply with any of the particulars required by that sub-section or if it appears to the prescribed authority that an application is incorrect or incomplete in material particulars, it may give opportunity to the applicant to amend it within such time as may be prescribed.

(4) If the application is not in order and if the applicant has failed to amend or complete it within the time allowed by the prescribed authority, the prescribed authority shall forward the application to the State Government with its report and the State Government may reject the application.

(5) If the prescribed authority is satisfied that an application is in order, it shall forward it to the State Government, with its recommendation after such enquiry as it may deem fit.

Power of State Government to sanction or refuse.

4. (1) The State Government may either refuse to sanction the application or may sanction it either unconditionally or subject to such conditions as it thinks fit to impose in respect of all or any

of the following matters, namely :—

- (a) the free passage or way to be left in front of the building;
- (b) the space to be left about the building to secure free circulation of air, the prevention of fire and to facilitate scavenging;
- (c) the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;
- (d) the provision and position of drains, latrines, urinals, cesspools or other receptacles for rubbish or filth;
- (e) the level and width of the foundation, the level of the lowest floor and the stability of the structure;
- (f) the line of frontage with neighbouring buildings if the building abuts on a street;
- (g) the means to be provided for egress from the building in case of fire;
- (h) the materials to be used for, and the method of construction of, external and partition walls, rooms, floors, fireplaces and chimneys;
- (i) the height and slope of the roof above the upper most floor on which human beings are to live or cooking is to be done; and
- (j) any other matter affecting the ventilation and sanitation of the buildings.

(2) Any conditions imposed under sub-section (1) shall be in writing, and the person erecting or re-erecting the building shall comply therewith in every particular.

(3) The decision of the State Government under sub-section (1) shall be final and no suit or other proceeding shall lie in any Court calling in question any such decision.

5. Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and, if the sanctioned erection or re-erection is not commenced within that period, it shall not thereafter be commenced unless the State Government on an application made in writing in that behalf has extended that period.

Lapse of sanction.

6. (1) The State Government may, at any time, by order in writing, direct the owner, lessee or occupier of any land in a sanatorium area—

Power to stop erection or re-erection or to order demolition etc.

- (a) to stop the erection or re-erection of any building, or

- (b) to alter or demolish, within such time as may be specified in the order, any building or part thereof,

if, in the opinion of the State Government, the erection or re-erection of such building or part constituted or will constitute, an offence under section 9.

(2) If the direction given under clause (b) of sub-section (1) is not complied with within the specified time, the State Government may have the required act done through its officers at the expense of such person. The amount of cost of the required act shall be recoverable from such person as an arrear of land revenue.

Power to direct alteration or demolition of buildings constructed after the 1st January, 1947.

7. (1) The State Government may, if it considers necessary so to do, by order in writing direct the demolition or alteration within the time specified in such order of any building constructed in the sanatorium area [in the Mahakoshal region]¹ after the 1st January 1947 and before the commencement of this Act [in the said region]².

(2) On failure to comply with a direction given under sub-section (1) the provisions of sub-section (2) of section 6 shall apply.

Bar of compensation.

8. No person shall be entitled to claim any compensation for any damage or loss sustained by him in consequence of—

- (a) the refusal of the State Government to sanction the erection or re-erection of any building, or
- (b) any condition imposed by the State Government in regard to such erection or re-erection under section 4 or of any order passed by it under section 6.

Penalty.

9. Whoever begins, continues or completes the erection or re-erection of a building—

- (a) before such erection or re-erection has been sanctioned by the State Government, or
- (b) without complying with any condition imposed under section 4, or
- (c) when sanction has been refused by the State Government, or after the sanction has ceased to be available under section 5, or
- (d) in contravention of a direction given under sub-section (1) of section 6,

shall be punished with fine which may extend to one thousand rupees.

1. Ins. by M. P. Act 23 of 1958, S. 3 (3) Sch., Part A, it em 53.

2. Added, *ibid.*

10. The State Government may after previous publication make rules for carrying out all or any of the purposes of this Act. Power to make rules

(2) In particular and without prejudice to the generality of the foregoing power, the rules may provide for—

- (a) the manner in which and the authority to which applications for sanction to erect or re-erect a building in the sanatorium area shall be made and the information and plans to be furnished either along with such application or subsequently, and the time within which an application shall be amended under sub-section (3) of section 3;
 - (b) the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;
 - (c) the minimum cubic capacity of any room or rooms in a building which is to be erected or reerected;
 - (d) the supply of plans of specifications of the type of buildings which may be erected in the sanatorium area on request made by any person;
 - (e) the fees which may be charged in respect of any application made, or plans or specifications supplied under this Act,
 - (f) the circumstances in which a mosque, temple, or church or other sacred building may be erected or re-erected.
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