



The Madhya Pradesh Public Health Act, 1949

Act 36 of 1949

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THE MADHYA PRADESH PUBLIC HEALTH ACT, 1949

(No. 36 of 1949)

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(No. 36 of 1949)¹

(Received the assent of the Governor on the 17th May 1949; assent first published in the Central Provinces and Berar Gazette on the 27th May 1949).

An Act to make provision for advancing the public health of [Madhya Pradesh].²

Preamble.

Whereas it is expedient to make provision for advancing the public health of [Madhya Pradesh];²

It is hereby enacted as follows :—

CHAPTER I

PRELIMINARY

1. (1) This Act may be cited as the [Madhya Pradesh]³ Public Health Act, 1949.

Short title and extent.

(2) It extends to the whole of [Madhya Pradesh].⁵

[2. (1) The provisions of the Act, except Chapter IX and Part III of Chapter X shall be in force in the whole of Madhya Pradesh.

Commencement.

(2) The provisions of Chapter IX, to such extent as they were in force in any local area of the State immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958(23 of 1958), shall be in force in that area and Government may, from time to time, by notification in the official Gazette, bring into force all or any of those provisions in any other local area of the State and may cancel or modify such notification.

(3) (a) The provisions of Part III of Chapter X shall be in force in any local area in Mahakoshal region which has been or may hereafter be declared to be a municipality or notified area under the Central Provinces Municipalities Act,

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1. For Statement of Objects and Reasons and Report of Select Committee, see Central Provinces and Berar Gazette Extraordinary, pages 513—517 and 91 and 92, dated the 24th March 1948, and 19th March, 1949, respectively. For discussion, see Central Provinces and Berar Legislative Assembly Proceedings, Vol. V, pages 53—65, dated the 2nd April, 1948, Vol. VI, page 34, dated the 8th September, 1948 and Vol. VII, pages 59 and 60, dated the 30th March, 1949.
 2. Subs. by A. O. 1950, for "the Central Provinces and Berar".
 3. Subs. by M. P. Act 23 of 1958, S. 3(4), for "Central Provinces and Berar".
 4. This Act does not extend to merged territories by virtue of paragraph 8 of the A. O. 1950.
 5. Subs. by M. P. Act 23 of 1958, Sch., Part A, item 60 for "Mahakoshal region".

1922 (II of 1922), and shall, on the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958) come into force in every local area of any other region of the State which has been or may hereafter be declared to be a municipality or a notified area under any corresponding law in force in that region.

(b) The provisions of Part III of Chapter X shall be in force in any other local area in which they were in force immediately before the commencement of the Madhya Pradesh Extension of Laws Act, 1958 (23 of 1958), and Government may, from time to time, by notification in the official Gazette, bring into force these provisions in any other local area of the State and may cancel or modify any such notification.]¹

Definitions.

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

(1) "building" includes—

(a) a house, outhouse, stable, latrine, godown shed, hut, wall (other than a boundary wall not exceeding six feet in height) or other structure for whatsoever purpose and of whatsoever material constructed and every part thereof, whether used as a human habitation or not and includes well, drainage work, fixed platforms, verandah, plinth, doorstep, compound or boundary wall over six feet in height and such like, and any work connected therewith;

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

(c) a vessel, both, tent van, and any other such structure used for human habitation;

(2) "Board" means the [State]² Board of Health constituted under section 4;

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

(4) "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;

Explanation.—A confectioner's shop where milk, curd, "rubdi," "khoa" or other milk products are kept, stored and sold is a dairy within the meaning of this definition.

1. Subs. by M. P. Act 23 of 1958, Sch. Part A, item 60.

2. Subs. by A. O. 1950 for "Provincial".

(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 condition in which it was first received in such shop or place;

(5) "dairyman" includes any person who sells milk whether wholesale or retail;

(6) "drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, open or covered, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain-water, or subsoil water, together with "pail depots," traps, sinks, cisterns, flushing tanks and fitting appertaining thereto;

(7) "drug" includes all medicines for internal or external use of human beings or animals, and all substances intended to be used for the treatment, mitigation or prevention of diseases in human beings or animals;

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

(9) "Executive Authority" in relation to a local authority means any office bearer or officer who is entrusted with general executive powers by or under the Act creating such local authority and where any such Act does not make any provision in this behalf, such office-bearer or officer as the State Government may prescribe;

(10) "Executive Officer" means paid officer, if any, of the local authority who is vested with general executive powers in the local area for which such authority is constituted under any enactment for the time being in force;

(11) "factory" means any premises including the precincts thereof, wherein twenty or more workers are working, or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on with the aid of power or is ordinarily so carried on but does not include a mine, subject to the operation of the Indian Mines Act, 1923 (IV of 1923)¹;

(12) "filth" means—

- (a) nightsoil and other contents of latrines, cesspools, drains, ashpits and dustbins ;

1. See now Mines Act, 1952 (35 of 1952.)

(b) dung, stable or cowshed litter, kitchen and other domestic waste products or refuse, street refuse and the refuse or useless or offensive material thrown out in consequence of any process of manufacture, industry or trade;

(c) putrid and putrefying substances;

(13) "food" includes every article consumed or used for food or drink by man, other than drugs or water and any article which ordinarily enters into or is used in the composition or preparation of human food and also includes flavouring matters and condiments;

[(14) x x x x]¹

(15) "Health Officer" means any qualified Medical Officer appointed by Government or local authority to act in that capacity;

(16) "house-drain" means any drain actually used, or intended to be used, for drainage of one or more premises;

(17) "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 which the local authority may declare to be a hut for the purposes of this Act;

(18) "infectious disease" means an infectious disease as defined in section 50;

(19) "latrine" includes earth closet, pail closet, water closet, pit or trench used for calls of nature, septic tank, latrine and urinal whether public or private;

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

[(21) "local authority" means any Municipal Corporation, Municipal Committee, Notified Area Committee, Town Committee, District Board, Janpada, Sabha, Mandal Panchayat, Kendra Panchayat, Gram Sabha, Gram Panchayat, Village Panchayat or other local authority which may be entrusted by an enactment with the municipal administration of any local area.]²

(22) "lodging house" means a hotel, a boarding house, a sarai, dharamshala or rest house not maintained by the Government or a local authority, and 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 student's hostel under public or recognized control, or

1. Omitted by M. P. Act 23 of 1958, Sch. Part A, item 60.

2. Sub. *ibid.*

(b) a house licensed under section 135 for accommodating visitors to a fair or festival, or

(c) retiring rooms provided in railway premises for the use of passengers or railway servants;

(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) "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;

(25) "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 thereof; and

(b) a rent-free occupant;

(26) "offensive matter" includes -

(a) filth;

(b) sewage; and

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

(27) "offensive trade" means any trade in which the substances dealt with are, or are likely to become a nuisance;

(28) "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;

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

(30) "street" means a public or private street;

(31) "public street" means any street or road, square, court, alley, land, passage or riding path, whether a thoroughfare or not, heretofore levelled, paved, metalled, channelled,

sewered or repaired by a local authority or over which the public have 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 of causeway and the land whether covered or not by any payment, 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 Government or the State Government]¹;

(32) "private street" means a street which is not a public street;

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

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

(35) "Urban local authority" means -

- (a) a municipal corporation,
- (b) a municipal committee,
- (c) a notified area committee,
- (d) [any other local authority]² notified by the State Government as an urban local authority for the purposes of this Act, so long as the notification remains in force;

(36) "venereal disease" means syphilis, gonorrhoea, soft chancre, venereal granuloma or lymphogranuloma;

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

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

(39) "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.

¹ Sub. by A. O, 1950 for "the Crown".

² sub. by M. P. Act 23 of 1958, Sch. Part-A item 60, "any Gram Panchayat".

CHAPTER II

CONTROLLING AUTHORITIES AND THEIR POWERS

[State]¹ Board of Health

4. (1) There shall be constituted a [State]¹ Board of Health consisting of the following members, namely:— Constitution of the Board.

- (a) the Minister for Public Health;
- (b) the Minister for Local Self-Government;
- (c) three members of [Madhya Pradesh]² Legislative Assembly nominated by the Government;
- (d) Director of Health Services;
- (e) Deputy Director of Health Services;³
- (f) the Public Health Engineer;
- (g) the Chief Engineer, Public Works Department;
- (h) one other officer of the Government nominated by the Government;
- (i) two members nominated by the State Government from amongst persons who for the time being are or deemed to be members of a Janapada Sabha [or Mandal Panchayat or Town Committee or District Board]⁴ or Municipal Committee or Municipal Corporation;
- (j) one member of the [State]⁵ Branch of the Indian Medical Association elected by that Branch in the prescribed manner;
- (k) [one member practising the Ayurvedic or the Unani Systems of medicine to be elected by such body and in such manner as may be prescribed]⁶
- (l) one member practising the Homeopathic or the Bio-chemic system of medicine to be elected by such body and in such manner as may be prescribed.

(2) Members nominated under clauses (c) and (i) and elected under clauses (j), (k) and (l) shall hold office for [three years]⁷ from the date on which the nominations or elections are notified in the Gazette by the State Government:

-
1. Subs. by A. O. 1950, for "Provincial"
 2. Subs. *ibid.*, for the "C. P. and Berar".
 3. Subs. by M. P. Act 6 of 1952, S. 2.
 4. Ins. by M. P. Act 23 of 1958, Sch. Part A, item, 60.
 5. Subs. by A. O. 1950, for "Provincial".
 6. Subs. by M. P. Act 23 of 1958., Part A, item 60.
 7. Subs. by M. P. Act 9 of 1954 S.2 (i) for "one year".

[Provided that if a person nominated under clause (c) or clause (i) ceases for any reason to be a member of the body from which he was nominated, he shall forthwith cease to be a member of the Board and his office shall become vacant.]¹

(3) If the Board, constituted from time to time in accordance with sub-section (1), does not contain a woman, the State Government shall nominate one woman to be a member of the Board for a period of [three years]² from the date of the notification of the nomination.

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

(5) The Board shall have power to call to a meeting or meetings any officer of Government or representatives of a local authority affected by its deliberations.

Functions of the Board.

5. (1) The Board shall advise the Government on such matters as the Government may from time to time refer to it. It shall formulate the health policy for the [State]⁴ as a whole and make recommendations in respect of grants to be sanctioned by the Government for health schemes in local areas. It shall advise Government on all matters connected with public health including town improvement schemes, water supply and drainage schemes, municipal and village sanitation measures against epidemics and vital statistics.

(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.

Power of the Government and of the [Director of Health Services]⁵ and his staff.

(1) Powers of the Government and of the [Director of the Health Services]⁵

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

(2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by [the Director of Health Services]⁵ 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

1. Adde. by M. P. Act of 1954 S. 2(ii).

2. Subs. by S. 2(iii), *ibid.*, for "one year"

3. Subs. by M. P. Act 6 of S. of 1952, S. 3 for "Director of Public Health".

4. Subs. by A. O. 1950, for "Province".

5. Subs. by M. P. Act 6 of 1952, S. 3, for "Director of Public Health."

Government or the [Collector]¹ under any other law for the time being in force.

7. The [Director of Health Services]² 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; and the local authority concerned shall carry out such measures :

Powers of the [Director of Health Services]² to advise local authorities.

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 and thereupon the local authority shall comply with such decision.

Public Health Establishments of Local Authorities

8. (1) The State Government may, from time to time, fix the scales of pay and the qualifications of such technical and enforcement staff, on the public health establishment of local authority, as may be prescribed.

Public Health establishment.

(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 contained in any Act constituting a local authority, 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]² shall have disciplinary control over the members of such public health establishments.

9. (1) A local authority shall, if so directed by the Government, appoint a Health Officer of prescribed qualifications.

Appointment of Health Officer.

(2) Notwithstanding anything contained in any Act constituting a local authority the Government—

- (a) shall, where the local authority does not comply with the direction issued under sub-section (1), appoint a Health Officer; and
- (b) may recover from each such local authority, the whole or such proportion of the salary and allowance paid to the Health Officer, and such contribution towards his leave allowances, pension and provident fund as the Government may, by general or special order, determine.

1. Subs. by M. P. A. O. 1956, for "Deputy Commissioner".

2. Subs. by M. P. Act 6 of 1952, S. 3. for "Director of Public Health".

Appointment of temporary Health Officers in emergencies.

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

(2) For the purpose of sub-section (1) the Government may appoint any medical practitioner registered under the Central Provinces and Berar Medical Registration Act, 1916 (1 of 1916) 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.

Delegation of powers of Health Officer.

11. The Government may, by general or special order, authorize any officer of the Government or of a local authority, to exercise such of the powers of a Health Officer under this Act, in such area, and subject to such control and revision as may be specified in such order.

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

12. (1) Notwithstanding anything contained in this Act or in any other Act governing a local authority, 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, where more than one local authority is concerned, in such proportions, as may be determined by the Government.

Power of [Director of Health Services]¹ over public health staff of local authorities.

13. (1) Subject to any rules made under this Act the Government 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) In the case referred to in clause (b) of sub-section (1) the local authority within whose jurisdiction a member of the public health establishment of another local authority is working, shall pay for the period of such temporary duty, the salary and allowances of such member and such contribution towards his leave allowances, pension and provident fund as the Government may by general or special order, determine.

1. Sub. by M. P. Act 6 of 1952, S.3, for "Director of Public Health".

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

(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) If for any reason the executive authority disagrees with the order of the Health Officer under clause (a), the executive authority shall refer the matter to the Government whose decision shall be final.

15. Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery, and forms as may be in the opinion of the [Director of Health Services]¹ be necessary for the proper conduct of the business of such Health Officer.

Local authority to provide adequate facilities to the Health Officer.

16. Notwithstanding anything contained in any Act constituting a local authority or the Central Provinces and Berar Prevention of Adulteration Act, 1919 (II of 1919),² 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 any such Act as aforesaid, subject to such control as the Government may, by general or special order, determine.

Authorization of Health Officer to perform the function of executive authority in public health matters.

CHAPTER III

Water-Supply

17. (1) Every local authority may, provide or arrange for the provision of a sufficient supply of drinking water and water for cooking purposes for the inhabitants of the area within its jurisdiction.

Local authority to provide potable water.

(2) The local authority shall, so far as may be practicable, make adequate provision to the satisfaction of the [Director of Health Services]¹ for securing —

(a) that the water supply is continuous throughout the year, and

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

1. Subs. by M. P. Act 6 of 1952, S. 3, for "Director of Public Health".

2. See now Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954).

(3) A local authority may and if so required by Government shall also provide or arrange for the provision of sufficient supply of water for other domestic purposes or for nondomestic purposes.

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

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

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

- (a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works without the limits of its local area, for supplying such area with water ;
- (b) purchase or take on lease any waterworks, or any water, or any right to store or to take or convey water either within or without the limits of its local area ;
- (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 the local authority, only to the extent necessary for such purposes.

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

19. The Government may at any time 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 explanation or objections if any.

20. (1) The [Collector]¹ of the district, or any other Officer appointed by Government in this behalf, may, in consultation with the Health Officer, cause inquiries to be made in any local area or part thereof, with a view to ascertaining. —

Power of [Collector]¹ in regard to water-supply.

- (a) whether the source of water supply for such local area or part thereof 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 thereof.

(2) The [Collector]¹ or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice, direct that any source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional source or sources of water-supply be provided, as the case may be :

Provided that before issuing a notice under this sub-section on the [Collector]¹ 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) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authority or authorities or the person or persons by whom, and the period within which, they are to be executed.

(b) The notice shall either—

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

(4) 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,

(5) (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

1. Subs. by M.P.A.O. 1956, for "Deputy Commissioner".

specified therein or under sub-section (4) 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 inquiry, are found to be benefited by the works or shall be shared between such inhabitants and the local authority concerned in such proportions as may be determined by the Government.

Explanation.—For the purpose of this sub-section, “water-tax” means—

- (a) a tax levied under section 25; or
(b) a water rate or drainage-tax lawfully levied by a local authority.

(6) Any person aggrieved by a direction issued under sub-section (2) may, within a period thirty days from the communication of the direction appeal to the Government. The Government shall pass, thereupon, such order as it may think fit. The appellate order of the Government shall be final.

Power of [Director of Health Services]¹ to direct local authority to improve water-supply.

21. If the [Director of Health Services]¹ is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk or contamination by reason of unsatisfactory location, protections construction, operation or maintenance, a 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 local authority shall take action accordingly.

Railway administrations to submit samples of drinking-water for analysis.

22. In the case of any railway in [Madhya Pradesh],² the Government may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, on 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.

Rules for the protection and periodical examination of water-supply

23. The Government may make rules providing for the protection and periodical examination of sources of water supply in the [state].³

Health Officer's powers in regard to insanitary sources.

24. (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

1. Subs. by M. P. Act 6 of 1952, S. 3, for “Director of Public Health”
2. Subs. by A. O. 1950, for “the Central Province and Berar”
3. Subs., *ibid.*, for “Province”.

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 there of—

- (a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or
- (b) cleans any such source of water-supply from silt, refuse and vegetation; or
- (c) protect any such source of water supply from pollution by surface drainage in such manner as the Health Officer may direct ; or
- (d) fill in, repair, protect, enclose or have overhanging branches of trees and bushes removed in such manner as the Health Officer may direct, any such source of water supply, if for want of sufficient repair, protection or enclosure, such source of-water-supply is in his opinion dangerous to the Health or safety of the public or of any persons having occasion to use or to pass or approach the same; or
- (e) desist from using, and from permitting other to use, for drinking purposes, any such source of water-supply if, in the opinion of the Health Officer, the water is unfit for drinking; or
- (f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion the water is unfit for drinking; or
- (g) drain off or otherwise remove from any such source of water-supply, or from any land or premises or receptacle or reservoir attached or adjacent thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood :

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

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

(2) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (1) within the time specified therein, the Health Officer may, if immediate action is necessary to protect the health or safety of any person or persons, at once proceed to execute the work specified in such notice, and all the expenses incurred in respect thereof by the Health Officer shall be paid by the owner of, or person having control over such source of water-supply :

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, under an order of the Health Officer under this section have been incurred by the owner of, or person having control over, the source of water-supply shall on application by such person be paid from the funds of the local authority.

Levy of water-tax and earmarking the proceeds for water-works.

25. (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 thereof.

(2) Any tax levied under sub-section (1) may be a new tax levied on such basis, and assessed and realised 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 realisation 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 on 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 it 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 therefrom for the maintenance of sinking-fund for replacement of old machinery and 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 any local authority to levy a water-rate or drainage tax under any other Act.

CHAPTER IV

DRAINAGE

26. (1) Every urban local authority shall, so far as the funds at its disposal may permit, provide and maintain to the satisfaction of the [Director of Health Services]¹ a sufficient and satisfactory system of public drains for the effectual draining of its local area.

Local authority to maintain public drains.

(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, it may direct the local authority to provide or execute, within such time as may be fixed by it in this behalf such works as may be considered necessary by it.

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

27. (1) If any premises are in the opinion of the Health Officer without sufficient means of effectual drainage, he may, by notice, direct the owner of such premises to construct a drain leading therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage :

Power of Health Officer to require drains to be constructed.

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 the premises to construct—
- (i) 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.

1. Subs. by M. P. Act 6 of 1952, S. 3, for "Director of Public Health".

(2) Where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority or wholly by the owner or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

Drains in private streets.

28. 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 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.

Drainage of huts.

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

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

Drainage of courtyard alley, passage, etc.

30. For the purpose of efficiently draining any land or building the Health Officer may, by notice, require the owner of any courtyard, alley, lane, passage or open space—

- (a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or
- (b) to raise or alter the level of such courtyard, alley, lane, passage or open space.

Construction and closure

31. (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 three hundred feet of any reservoir used for the storage of filtered water to be supplied to any local area, except upon a site and in a position which have been approved in writing by the Health Officer of the local area to which water is supplied from such reservoir, whether or not it is situated within the said local area.

(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.

32. No person having control over any building or land shall cause or allow—

Sullage or sewage not to be let out into street.

- (a) the water of any sink, cesspool, sewer, latrine or sanitary convenience, or any other liquid of 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 cesspool, sewer, latrine or sanitary convenience to run drain or be thrown in to a surface drain in any street.

33. 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—

Injurious refuse not to be discharged in to 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.

34. No local authority or person shall, save as may be generally or specially prescribed—

Pollution of water-courses prohibited.

(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, in to any water-course, tank or lake,—

- (a) any solid or liquid sewage matter, or
 - (b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or
 - (c) any dead human body, unless this has been totally reduced to ashes, 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, tank or lake 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, tank or lake 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 of putrid solid matter, or
- (3) commit nuisance in or in the neighbourhood of any water-course, tank or lake.

CHAPTER V

SANITARY CONVENIENCES

Obligation of local authority to provide public sanitary conveniences.

35. 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.

New houses to be provided with sanitary conveniences.

36. If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the groundfloor, the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.

Additional sanitary conveniences.

37. (1) 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 stand 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.

38. (1) All latrines shall—

Mode of construction
of latrines.

- (a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighbourhood; and
- (b) be maintained, repaired, altered and used in accordance with the rules and bye-laws made under this Act.

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

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

CHAPTER-VI

ABATEMENT OF NUISANCES

39. Without prejudice to the generality of the definition of the expression "nuisance" contained in clause (24) of section 3, the following shall be deemed specifically to be nuisances for the purposes of this Chapter—

Certain things to be
nuisances.

- (1) any premises or any tent, van, shed or similar structure used for human habitation in such a state or so overcrowded as to be dangerous and injurious to health;
- (2) any pond, pool, ditch, gutter, water-course, water-rough, latrine, cesspool, drain or ashpit which is so foul or in such a state as to be prejudicial to health;
- (3) any animal kept in such a place or manner as to be prejudicial to health;
- (4) any accumulation or deposit of refuse or other matter which is prejudicial to health;

Provided that there will be no penalty if it is proved that the refuse or other matter was kept not longer than it was necessary for trade or other purposes and the best available means have been used for preventing injury to health ;

(5) any factory not being a factory governed by the provisions of the Factories Act, 1934 (XXV of 1934)¹, workshop or workplace, which is not provided with sufficient means

1. See now the Factories Act, 1948 (LXIII of 1948).

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 over crowded while work is carried on as to be prejudicial to the health of those employed therein;

(6) any fire-place or furnace which does at as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye-house, brewery, bake-house or gas-work; or in any manufacturing or trade process whatsoever;

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

(8) any noise, vibration, dust, cinders, irritating smell or offensive colour produced by a factory, workshop or work-place which is a nuisance to the neighbourhood; and

(9) any noise caused by beating a drum or tom-tom, blowing a horn or trumpet or beating or sounding any other instrument including a gramophone, a wireless receiver, a loudspeaker or other electrically operated means of producing or reproducing sound, when such noise is nuisance to the neighbourhood or public in general.

Detection of nuisance.

40. 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 therein, calling for abatement under the power conferred on such authority by this Act; and
- (b) enforce the provisions of this Act in order to abate such nuisances.

Information regarding nuisance.

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

Power of Health Officer to abate nuisance.

42. If the Health Officer is satisfied, whether upon information given under section 41 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance within a specified time and to execute such works and take such steps as may be necessary for that purpose :

Provided that—

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and

- (b) where the person causing the nuisance cannot be found and it is clear that the nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier of the premises, the Health Officer may himself forthwith do what he considers necessary to abate the nuisance and to prevent a recurrence thereof.

43. If the person on whom a notice to abate a nuisance has been served under section 42 makes default in complying with any of its requirements within the time specified therein, or if the nuisance although abated within such time is, in the opinion of the local authority, likely to recur on the same premises, the local authority may arrange for the execution of any works necessary to abate the nuisance or to prevent its recurrence as the case may be, and may recover the cost from such person as if it were a tax due to the local authority.

Power of local authority to abate nuisance.

44. 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.

Provision regarding house rendered unfit for occupation by reason of nuisance.

45. (1) A local authority may sell any material which has 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.

Disposal of articles removed while abating nuisance.

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

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

46. 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 :

Power of entry and inspection.

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 usage of the persons residing in the premises.

Power of Government in case of default by local authority.

47. 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 authorize 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.

Nuisance caused by act or omission outside local area.

48. 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 proceeding in relation to nuisances, authorized by this Act in the like cases and with the like incidents and consequences as if the act or default were committed or took place wholly within such local area.

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

49. (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 landing place or on the bank of any water-course, except in such receptacles as may be provided or at such places in such manner and at such hours, as may be fixed by the Health Officer.

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

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

CHAPTER VII

PREVENTION, NOTIFICATION AND TREATMENT
OF DISEASES

PART I INFECTIOUS DISEASES IN GENERAL

50. For the purposes of this Act, "Infectious diseases" means Infectious diseases—

- (a) anthrax,
- (b) cerebro-spinal meningitis,
- (c) chicken-pox,
- (d) cholera,
- (e) diphtheria,
- (f) dysentery (bacillary and amoebic),
- (g) encephalitis lethargica,
- (h) epidemic influenzal pneumonia,
- (i) enteric group of fevers, *viz.*, typhoid, paratyphoid, A, B, C, fevers,
- (j) leprosy,
- (k) measles,
- (l) mumps,
- (m) plague,
- (n) puerperal fever,
- (o) relapsing fever,
- (p) scarlet fever,
- (q) smallpox,
- (r) tuberculosis of lungs,
- (s) typhus,
- (t) undulant fever,
- (u) whooping cough,
- (v) acute poliomyelitis,
- (w) rabies,

or any other disease which the State Government may, from time to time, by notification, declare to be an infectious disease, either generally throughout the [State] or in such part or parts thereof as may be specified in the notification.

51. Notified infectious disease means—

acute poliomyelitis,
anthrax,
cerebro-spinal meningitis,
chicken-pox,
cholera,
diphtheria,
dysentery (amoebic and bacillary),
enteric group of fevers,
viz., typhoid, paratyphoid, A, B, C, fevers,
encephalitis lethargica,

Notified infectious
diseases

1. Subs. by A. O. 1950 for "Province".

epidemic pneumonia,
 influenza,
 leprosy,
 measles,
 mumps,
 plague,
 puerperal fever,
 relapsing fever,
 scarlet fever,
 small-pox,
 tuberculosis of lungs,
 typhus,
 whooping cough,

or any other disease which the Government may from time to time by notification declare to be notified disease for the purposes of this Act, either generally throughout the [State]¹ or in such part thereof as may be specified in the notification.

Appointment of additional health staff.

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

Provided that, if the local authority does not agree with the opinion of the Health Officer, the matter shall be referred to the [Director of Health Services]² 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.

Provision and maintenance of isolation hospitals and wards.

53. (1) The Local Authority may provide or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from infectious diseases.

(2) (a) For purpose of the reception and treatment of such person, a local authority may—

1. Subs. by A. O. 1950, for "Province".

2. Subs. by M. P. Act VI of 1952, S. 3, for "Director of Public Health".

- (i) 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.

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

54. A local authority may and if so required by the [Director of Health Services], I shall—

Provision of ambulances, etc.

- (a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for the free carriage of persons suffering from any infectious disease to isolation hospitals; and
- (b) provide proper places, materials, 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.

55. Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified infectious disease in any private or public dwelling other than 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 infectious disease, shall give information of the same with the least practicable delay—

Intimation of infectious diseases.

- (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 Sanitary Inspector or the village headman.

Explanation.—In this section “medical practitioners” includes a hakim or vaidya, whether registered or not.

1. Subs. by M. P. Act VI of 1952, S. 3, for “Director of Public Health”.

Prohibition of the use of water from suspected source.

56. (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.

Removal of infected person to hospital.

57. (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:

Provided that if such person is indigent, the Health Officer shall not remove him or cause him to be removed to such hospital or place until a bed can be made available there for such person without payment of any charge.

(2) An appeal shall lie to the Civil Surgeon within the prescribed period from the order of the Health Officer passed under sub-section (1) in cases of persons suffering from such infectious diseases as may be notified by the State Government for the purpose.

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

- (i) the removal shall be 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.

(4) 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.

(5) 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 (4),

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

58. (1) No person who knows that he is suffering from an infectious disease and no person who has care of a person whom he knows to be suffering from an infectious disease shall himself expose other persons to the risk of infection or permit the other person to do so by his presence or conduct in—

Prohibition of the exposure of other persons to infection.

- (a) any market, theatre or other place of entertainment or assembly; or
- (b) any school, college, play-ground or such other place; or
- (c) any lodging-house, hostel, or club; or
- (d) any factory or shop.

(2) No person who knows that he is suffering from an infectious disease shall enter and no person in charge of a person whom he knows to be suffering from an infectious disease shall cause or permit that person to enter any public conveyance,—

- (a) if it contains passengers other than members of his own family or attendants,
- (b) without previously notifying the owner, driver, or conductor thereof that he is so suffering.

(3) The owner, driver or conductor of a public conveyance used for the conveyance of passengers shall not convey therein a person whom he knows to be suffering from an infectious disease at any time when a passenger other than the attendant of the patient is being conveyed therein.

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

(5) If a person suffering from an infectious 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 an infectious disease has been conveyed shall provide for its disfection.

Explanation.—For the purposes of sub-section (1) and (2) a person shall be deemed to know that he is suffering from an infectious disease within the meaning of this 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 Officer or Sanitary Inspector, or by medical practitioner registered under the Central Provinces and Berar Medical Registration Act, 1916 (1 of 1916), that he is so suffering.

Infected persons not to engage in certain trades and occupations.

59. 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; or
- (c) bath, wash, wash clothes in or near or take water from any public well, tank, pond, pool, spring, stream or water-course or other sources of public water-supply ; or
- (d) wilfully touch any article of food, drink, medicine or drug exposed for sale by others.

Prevention of infectious diseases transmissible from animals.

60. If, 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 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 out break or threatened out break thereof; and the local authority shall consider such recommendations and take such action thereon as it may deem fit.

Occupation of houses to prevent the spread of infection.

61. (1) The Health Officer may, in cases of emergency, with the sanction of the [Collector]¹ enter upon, occupy and use,

Subs. by M. P. A. O., 1956, for "Deputy Collector".

or depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act 1894 (1 of 1894), any building or place which, in the opinion of Health Officer, is required, and is suitable for any purpose connected with the prevention or control of infection from an infectious disease:

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

(2) The owner or lessee of such building or place shall be entitled to compensation for any damage or expenses incurred and to a reasonable rent for the period during which it remains occupied or used for any of the purpose referred to in sub-section (1). Such compensation and rent shall be fixed by the [Collector].

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

62. 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 infectious disease is reported or suspected to exist, without notice in the case of a factory, workshop, workplace, office, business place and the like and after giving such notice as may appear to him reasonable in other cases, including a dwelling-house; 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.

63. (1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any infectious disease, he may, after consultation with the executive authority and 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

Power of entry of local officers to take preventive measures.

Destruction of hut or shed to prevent spread of infection.

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.

Closure of lodging house

64. If, on the application of the Health Officer, a Magistrate (not being a magistrate of the Third Class) is satisfied that it is necessary in the interests of public health that a lodging-house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging-house or place of a case of an infectious 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.

Infected clothes not to be sent to laundry.

65. No person shall—

- (1) send to take to any laundry or public wash-house or any public water-course, tank, well, public water-stand or other place for the purpose of being washed, or cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any infectious 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 an infectious disease and which has not been disinfected; or
- (3) deposit or cause or permit to be deposited, any excreta dejecta or any substance voided by a case of an infectious disease into any drain, sewer or receptacle intended for the purpose unless it has previously disinfected in the manner directed by the Health Authority.

Letting or subletting a building occupied by an infected person.

66. No person shall let or sublet or permit or suffer any prospective tenant or other person to enter or occupy, any premises or building which he knows or has reason to know has been occupied, during the three months immediately preceding, by a person suffering from a infectious disease without a special permit from the Health Officer or unless the same has been thoroughly disinfected to the satisfaction of the Health Officer.

Prohibition of the exposure of other persons to infection.

67. (1) No person who knows that he is suffering from any infectious disease shall do, undertake to do, or receive

any work specified in sub-section (4) from any factory, work-shop, or warehouse.

(2) If any inmate of a house is suffering from an infectious disease, 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, specified in sub-section (4), to be given out to or received from any person living or working on these premises or in any such part thereof as may be specified in the order or any order so made may be served on the occupier of any factory, workshop, shop or warehouse from which work is given out, or on any contractor employed by such occupier.

(3) Every occupier of any factory, workshop, shop or warehouse from which work is given out and every contractor employed by such occupier must in regard to certain classes of work specified in sub-section (4), shall keep list of names and addresses and places of employment of all out-workers employed by him and must furnish copies of such list to the Health Officer twice a year, *viz.*, on or before February 1st and August 1st.

Explanation.—“Occupier” of a factory, workshop, shop or warehouse means the person who has ultimate control over its affairs:

Provide that where its affairs are entrusted to a managing agent, such agent shall be deemed to be its occupier.

(4) This section applies to the making, cleaning, waging, altering, ornamenting, finishing or repairing of wearing apparel and any work incidental thereto, preparation of sweets, confectionaries, condiments or other classes of work as may from time to time be notified by the [Director of Health Services,]1

68. (1) No person who knows that he is suffering from infectious disease shall hire or take on approval from any shop, factory or warehouse any article or wearing apparel. If any such article was taken or received prior to the person becoming cognizant of the disease the said article shall not be sent back to the shop, factory or warehouse concerned without having been previously disinfected to the satisfaction of the Health Officer.

Forbidding of hiring or taking on approval clothes, etc., by infected persons.

(2) No person who knows that he is suffering from an infectious disease shall take, or cause to be taken, or use any book, magazine, periodical, newspaper or any other printed matter from any public or circulating library. Any such

Prohibition of use of public library or reading room by infected persons.

1. Subs. by M. P. Act VI of 1952, S. 3 for “Director of Public Health”.

book, magazine, periodical, or newspaper in the possession of a person who is suffering from an infectious disease shall not be returned to the library until it has been disinfected to the satisfaction of the Health Officer.

Disposal of bodies of persons dying while suffering from infectious disease.

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

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the Government or of the local authority concerned, not below the rank of Health or Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any infectious disease.

(3) (a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building, any Magistrate may, on the application of an 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 an infectious 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 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 crema-

torium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

- (b) When the body is removed for the purpose aforesaid, it shall forthwith be taken direct to a burial or burning-ground or a crematorium and there buried or cremated with the least practicable delay.

(5) Without the permission of the Health Officer or a Magistrate, no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from an infectious disease.

(6) No person shall deposit in any river, stream, tank or lake the remains of any person who has died of any infectious disease unless the body has been completely incinerated.

70. In the event of the prevalence of an infectious 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.

Power of Magistrate to prohibit the assembly of fifty or more persons.

71. (1) In the event of the prevalence or threatened out-break of an infectious disease in any local area, the Government may, by notification—

Power of Government to confer special powers on Officers to control infectious diseases.

- (a) declare that such local area is visited or threatened with an out-break of such disease, and
- (b) confer on the Health Officer or any other Officer of the local authority concerned, or on any Officer of the Government not below the rank of Tahsildar, all or any of the powers specified in subsection (2).

(2) The powers which may be conferred under subsection (1) are—

- (a) powers to order the evacuation of infected house and houses adjoining them or in their neighbourhood, or generally of all houses in any infected locality;
- (b) power to make vaccination and preventive inoculations compulsory subject to the provisions of subsection (3);

(c) power to direct—

- (i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any one of 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 infectious disease, or likely to infect other persons with any such disease; and
- (ii) in respect of, or in relation to articles exposed to infection from any infectious disease, or likely to infect persons with any such disease,

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

(e) power to direct that at any place within or outside the local area, any consignment of grains 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 ;

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

(g) power to recommend the prohibition of any fair or festival.

- (3) (a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in clause (b) of sub-section (2), declares before a Magistrate specially empowered by the Government in this behalf that as a result of a careful inquiry into the subject he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made

by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions if any, as may be directed by the Magistrate :

Provided that any exemption granted under this clause shall cease to have effect after a conviction under clause (b) and no exemption shall be granted to any person who has been so convicted.

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

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

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

Destruction of rats,
mice, etc.

(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.

PART II—VENEREAL DISEASES

73. (1) A local authority may make such arrangements in its local area as may be directed by the Government for—

Provision for treatment
of venereal disease by
local authorities.

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

(2) The local authority may, for the purpose mentioned in sub-section (1), enter in to 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 Central Provinces and Berar Medical Registration Act, 1916 (I of 1916).

Patient to be instructed in methods of prevention of the spread of venereal disease.

74. 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 the person in regard to the measures necessary for preventing the spread of the disease; and
- (c) furnish the person with such other information relating to the disease as may be provided by the [Director of Health Services.]¹

Certain medical practitioners to certify as to freedom from venereal disease.

75. Every medical practitioner registered under the Central Provinces and Berar Medical Registration Act, 1916 (1 of 1916), 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 III—LEPROSY

Definitions.

76. In this Part—

- (a) “Authorised practitioner” means a medical practitioner authorised by the Government in this behalf;
- (b) “Laprosy” means open leprosy; that is to say, that form of the disease in which leprosy bacilli can be demonstrated from the mucous membrane of

1. Subs. by M.P. Act 6 of 1952, S. 3 for “Director of Public Health”

the patient's nose or from his skin by recognised standard method of examination i.e. Ziehl Neelsen method.

77. (1) A Local Authority may make such arrangements in its local area as may be directed by the Government for—

Provision for treatment of leprosy by local authority.

- (a) the free diagnosis and treatment of persons suffering or suspected to suffer from leprosy; and
- (b) the prevention of infection from leprosy.

(2) The local authority may, for the purpose 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 prior sanction of the Government, with any medical practitioner.

78. It shall be the duty of every medical practitioner or other person treating or examining with a view to treating a person having leprosy, to take such steps as may be prescribed to prevent the spread of leprosy.

Steps to be taken for prevention of the spread of leprosy.

79. Every authorised practitioner shall, if so desired and on payment of a fee of five rupees, examine any person for leprosy and if on such examination he finds that such person—

Certain medical practitioners to certify as to freedom from leprosy.

- (i) is not suffering from leprosy; or
- (ii) is suffering from leprosy which is non infectious; or
- (iii) has been cured of leprosy;

he shall grant him a certificate to that effect the prescribed form.

80. (1) No person who knows that he is suffering from leprosy shall, until it is certified by an authorised practitioner to be non infectious and to have been so for a period of not less than six months, engage himself or accept any employment—

Persons suffering from leprosy not to engage in certain occupations.

- (i) as a teacher, student, doctor, nurse, midwife, ayah or orderly, house servant, personal attendant; or
- (ii) in any other capacity, in which a direct and continued contact with any other person is effected or which involves deleterious contact with children.

(2) No one shall engage or employ any person whom he knows or has reason to believe to be suffering from leprosy in any of the capacities referred to in sub-section (1) unless such person possesses a certificate granted under section 79.]¹

Prohibition of persons suffering from leprosy from attending school, college, or taking out books from public libraries.

81. (1) No person who knows that he is suffering from leprosy shall—

- (a) attend any school, college, playground, or such other place; or
- (b) take any book or cause any book to be taken for his use or use any book taken from any public or circulating Library.

(2) No person who has the care of a person whom he knows to be suffering from leprosy shall permit him to do any of the acts prohibited by sub-section (1).

Segregation

Segregation of persons suffering from leprosy.

82. The Government, may, on the recommendation of the [Director of Health Services]² by notification declare any area in the [State]³ to be a "Segregation area", if they are satisfied that in such area adequate segregation accommodation for person suffering from leprosy has been provided by the local authority, or has been placed at its disposal and set apart by it for the purpose; and thereupon, the following provisions shall apply to such area:—

- (i) the Health Officer may, by notice, require any person suffering from leprosy and residing within the segregation area to remove himself to such segregation accommodation as may be specified in the notice and remain there until such time as he is certified by an authorised practitioner to be no longer infectious;
- (ii) the notice shall allow a reasonable period for compliance therewith;
- (iii) if the person suffering from leprosy does not comply with the notice within the period allowed therein, the Health Officer may have him compulsorily removed to the segregation accommodation specified therein using such force as may be reasonably necessary for the purpose;
- (iv) the Health Officer may permit any person detained in the segregation accommodation to engage himself or accept employment in any of the capaci-

1. Subs. by M. P. Act 21 of 1972, S. 2.

2. Subs. by M.P. Act VI of 1952. S. 3 for "Director of Public Health".

3. Subs. by M.P. Act 23 of 1958. Part A, Sch, item 60, for "Mahakosal region"

ties other than those specified in section 78, provided that it does not involve the performance of any act specially prohibited by this Act;

- (v) the notice referred to in clause (i) may be given to the person who has the care of person suffering from leprosy, and thereupon it shall be the duty of the former to remove the person suffering from leprosy to the segregation accommodation specified in the notice;
- (vi) if any person suffering from leprosy escapes from, or leaves the segregation accommodation provided for him, without the written permission of the Health Officer authorised by him in this behalf, such person may be arrested without a warrant by any police officer or by any one specially empowered by the Government and removed forthwith to such segregation accommodation;
- (vii) the local authority shall arrange for the food, clothing and other necessities of every person suffering from leprosy who is detained in the segregation accommodation, but any such person shall be at liberty to make his own arrangements for his food, clothing or other necessities;
- (viii) if any person is arrested under clause (vi) after having been arrested and dealt with under that clause on at least three previous occasions, he shall, if the Health Officer so directs in writing, be produced before a Magistrate of the First Class who shall have power to order his detention in a leprosy annexe attached to a prison, until such time as he is certified by an authorised practitioner to be no longer infectious; and thereupon all the provisions of the law for the time being in force shall, so far as may be and with such modifications, if any, as may be prescribed, apply to such person, as if he had been sentenced to simple imprisonment for the period for which such detention was ordered.

If the Magistrate does not order such detention or if the order of detention passed by him is subsequently cancelled, whether by himself or by any other District Magistrate, the person arrested or detained, as the case may be, shall forthwith be removed to the segregation accommodation aforesaid.

REVOCATION OF CERTIFICATES

83. Where any authority prescribed in this behalf has reason to believe that a certificate such as is referred to in section 78 or in clause (i) of section 82 issued in respect of any person suffering from leprosy has ceased to be correct by reason of his having subsequently become infectious, such authority

Power to require fresh certificate that person suffering from leprosy is not infectious.

may require such person to obtain a fresh certificate from any authorised practitioner of his choice, as to the character of his leprosy, that is to say, as to whether he is or is not infectious.

Unless a fresh certificate as aforesaid is obtained by the person suffering from leprosy within such period as may be prescribed and such certificate declares him to be non-infectious, the certificate previously issued shall, for the purposes of all the provisions contained in this part, be deemed to have been cancelled.

PART—IV POWER TO MAKE RULES

Power to make rules.

84. The Government may make such rules as it deems 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 such rules shall be enforced and executed.

CHAPTER VIII

MATERNITY AND CHILD WELFARE

Local authority to carry out maternity and child welfare measures.

85. (1) Every local authority may establish maternity and child welfare centres at specified places and shall carry out such measures pertaining to maternity and child welfare as may be prescribed by the Government.

(2) Every local authority may establish a maternity and child welfare sub-committee in the prescribed manner to which all matters relating to maternity and child welfare shall be referred.

Local authority to carry out welfare measures amongst school children.

86. Every local authority shall take such measures as may be prescribed for the proper medical inspection and promotion of physical welfare of school children.

CHAPTER IX

MOSQUITO CONTROL

Prevention of mosquito breeding in collection of water.

87. (1) In the local area to which the provisions of this Chapter have been extended no person shall—

- (a) have, keep or maintain any collection or standing or flowing water in which mosquitoes breed or are likely to breed, or
- (b) cause, permit, or suffer any water to form a collection in which mosquitoes breed or are likely to breed,

unless such collection has been treated so effectively as 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.

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

(3) The Health Officer may, by notice in writing, require the owner or occupier of any building or property to provide at his own expense mosquito proof covering for wells or abandoned shaft or domestic cess pools or any other mosquito breeding place in respect of which in the opinion of the Health Officer such action is necessary and practicable.

(4) Whenever the Health Officer is of opinion that any land may be rendered more sanitary by surface or sub-soil drainage to a suitable outfall the Health Officer may require the owner or occupier of such land to provide at his own expense surface or sub-soil drainage.

(5) No person or corporation shall make or permit to be made any excavation for the purpose of taking earth therefrom or for making bricks or tiles without having first made adequate arrangement to the satisfaction of the Health Officer for the filling up of such excavation or for draining it at the expense of such person or corporation.

(6) Wherever any land appears to the Health Officer by reason of any vegetation, undergrowth or jungle to be harbouring or likely to harbour mosquitoes, the Health Officer may require the owner or occupier of such land at his own expense to clear and remove such vegetation, undergrowth or jungle.

88. (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,]¹ as the Health officer may consider suitable in the circumstances.

Treatment of mosquito breeding places.

(2) If a notice under sub-section (1) is served on the occupier, he shall, in the absence of a contract, express or implied, to the contrary, be entitled to recover from the owner 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.

89. When in the opinion of the Health Officer any human habitation, cattle shed or other building is harbouring or likely to harbour infected adult mosquitoes, the Health Officer

Destruction of adult mosquitoes.

1. Subs. by M.P. Act 6 of 1952 S. 3. for "Director of Public Health".

may, by written notice require the owner or occupier to treat the interior of such human habitation, cattle shed or other building with such insecticide, in such proportion and at such interval as may be specified in the notice at the expense of the owner or occupier. It shall be lawful for the Health Officer or his authorised agents to carry out such insecticidal measures as the Board may determine to be necessary in respect of any such place.

Health Officers power in case of default.

90. If the person on whom a notice is served under section 88 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 himself shall 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.

Protection of anti mosquito work.

91. 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, has constructed any works in such land or building, the owner as well as the occupier of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such work, or which impairs, or is likely to impair, their efficiency.

Prohibition of interference with such works.

92. (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 building, by or under the orders of the Health Officer with the object of preventing the breeding mosquitoes therein.

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

Power of health staff to enter and inspect premises.

93. (1) For the purpose of enforcing the provision contained in the Chapter, the Health Officer, or any of his subordinates at 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 carry out insecticidal measures therein; and the occupier or the owner, as the case may be, of such land or building shall give all facilities necessary for such entry, inspection and measures, and supply of such information as may be required of him for the purpose aforesaid.

(2) To ensure privacy for the female occupants and regard for social and religious usage, due notice as may appear reasonable to the inspecting Officer shall be given to the occupier of the premises.

CHAPTER X

SANITATION AND BUILDINGS

PART I.—RESIDENTIAL AREAS

94. (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 an authority, notify in the prescribed manner the localities, divisions wards streets or portions of streets its local area which shall be reserved for residential purposes.

Notification of residential areas.

(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 work-place in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any persons at such time shall be subject to such restrictions, limitations and conditions as may be specified in the notification.

95. (1) Before issuing a notification under section 94, the local authority shall—

Approval of [Director of Health Services]¹ to be obtained for notification.

(a) obtain the approval of the [Director of Health Services]¹ regard to—

- (i) the suitability of the areas proposed to be reserved for residential purposes ; and
- (ii) the restrictions, limitations and conditions, if any proposed to be imposed under sub-section (3) of section 94 ; 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 section 94 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 [Director of Health Services]¹ the matter shall be referred to the Government whose decision shall be final.

96. Any person aggrieved by the issue of notification under section 94, may, within such time as may be prescribed appeal to the Government whose decision shall be final.

Appeal against notification

1. Subs. by M. P. Act 6 of 1952, S. 3 for "Director of Public Health,"

Consequences of notification.

97. (1) Upon the issue of a notification under section 94 the following consequences shall ensue, namely :—

- (a) the construction of establishment of any new factory, workshop or workplace, or the carrying of any new offensive trade in the area 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.

(2) If work in any factory, workshop or workplace existing at the time when the notification under section 94 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 orders, deemed to be absolutely prohibited under clause (a) of sub-section (1) :

Provided that where the period exceeds six months but does not extend to one year, work in such factory, workshop or workplace or the offensive trade, as the case may be, shall not be resumed without the written permission of the Health Officer unless the Government otherwise orders.

Extension of sections 94 to 97 to non-urban local authorities.

98. The Government may, by notification, direct that the provisions of sections 94 to 97 shall apply to any non-urban local authority specified in such notification; and, thereupon the provisions of those sections shall apply to such authority as if it were an urban local authority.

PART II CONTROL OVER INSANITARY BUILDINGS

New building not to be erected on certain sites.

99. (1) No persons 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, within such time as may be prescribed and its decision shall be final.

New house not to be occupied without adequate water supply, drainage, etc.

100. 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,—

- (a) that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house;
- (b) that the building has been provided with sufficient means of drainage; and
- (c) that the sanitary conveniences as required by section 36 have been provided for.

101. (1) I 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 courtyard or passage to be swept and cleansed.

Cleansing of courtyard or passage used in common.

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

102 (1) If any dwelling house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may in cases not falling under section 44, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling house or portion thereof for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

Dwellings house unfit for human habitation to be vacated.

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

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

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

103. Notwithstanding anything contained in any other law or provision having the force of law for the time being in force, no person shall, without the previous permission of the Health Officer, erect any back to back house intended to be

Back-to-back house not to be erected without permission.

used as dwelling houses, and such house the erection of which is begun after the commencement of this Act without such permission shall be deemed to be unfit for human habitation within the meaning of section 102:

Provided that nothing shall prevent the erection of a house containing back-to-back tenements, if the Health Officer certifies that the tenements are so arranged as to secure adequate ventilation and lighting of all the habitable rooms.

Power to require untenanted buildings to be secured.

104. (1) The local authority may, by notice, require the owner, or co-owner or any person claiming to be the owner, co-owner of any building or land which, by reason of abandonment or disputed ownership or other cause remains untenanted and thereby becomes a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time specified in the notice.

Power to require dangerous places to be made safe.

(2) If any building or any well, tank, reservoir, pool, depression or excavation is for want of sufficient repair protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the local authority may, by notice, require the owner or the occupier thereof to repair, protect or enclose the same; and if it appears to the local authority to be necessary in order to prevent imminent danger, the local authority shall at the expense of the owner or occupier forthwith take such steps to avert the danger as may be necessary.

Power to require ruinous structure to be removed or repaired.

105. If any building, wall or structure or anything fixed thereto, or any bank or tree is deemed by the local authority to be in a ruinous state or in any way dangerous, the local authority may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such repairs to be made to the building wall, structure, thing, bank or tree as the local authority may consider necessary for the public safety and, if it appears to the local authority to be necessary in order to prevent imminent danger, the local authority shall forthwith take such steps at the expense of the owner or occupier as are necessary to avert the danger.

Power to require to clean land or buildings and to remove noxious growth.

106. Should the owner, co-owner or occupier of any land or building suffer the same to be in a filthy or unwholesome state or overgrowth with thick or noxious vegetation or undergrowth which in the opinion of the Health Officer is injurious to health or offensive to the neighbourhood the Health Officer may, by notice, require him within 24 hours to cleanse the same or otherwise put it in a proper state and thereafter to keep it in a clean and proper state and if it appears necessary for sanitary purpose may, at any time, by notice, direct the occupier of any building to limewash or otherwise cleanse the said building inside or outside or clear away and remove, within a specified time, any thick or noxious vegetation or undergrowth.

PART III—ABATEMENT OF OVERCROWDING

Definitions.

107. In section 108 and 109—

- (1) “tenement” means a dwelling house and includes—
- (a) any part of a dwelling house which is capable of separate occupation; and
 - (b) a student’s hostel under public or recognized control, but does not include a dwelling house or part of a dwelling house occupied by the owner thereof; and

(2) “landlord” means the immediate landlord of the occupier or occupiers of a tenement.

108. (1) A landlord of a tenement—

Duties of a landlord.

- (a) shall maintain it in a habitable condition;
- (b) shall not let it out to such number of tenants as will amount to overcrowding.

(2) A tenant shall not, except temporarily on occasions such as marriages and the like, cause or permit the tenement to be overcrowded.

(3) No proceedings shall be instituted in respect of a contravention of sub-sections (1) and (2) 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 tenant, as the case may be, by the Health Officer and the landlord or the tenant fails within such time as may be cited in such notice to take such steps as may be reasonably open to him for putting the tenement in a habitable condition or for securing the abatement of the overcrowding therein, as the case may be.

109. The Government may make rules for determining—

Power to make rules.

- (a) Whether a tenement or any class of tenements is or is not maintained in a habitable condition within the meaning of section 108, and
- (b) whether a tenement or any class of tenements is or is not overcrowded within the meaning of that section.

CHAPTER—XI

LODGING HOUSES

110. 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.

Keepers of lodging-houses to be registered.

Restrictions on letting lodging-houses to persons suffering from tuberculosis.

111. No person, his agent or manager shall let his lodging-house or any part thereof for a patient suffering from or undergoing treatment for tuberculosis of the lung or abdomen or any other organ of the body unless the same has been licensed for use as a lodging-house for such patients in accordance with such terms and conditions as may be prescribed.

Register of lodging-houses.

112. 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 authorized to be received in the lodging-house; and
- (d) the full names and the places of residence of any persons who are to act as deputies of the keeper of the lodging-house.

Conditions of registration and renewal of registration.

113. (1) An executive authority on receiving from any person an application for registration, or for the renewal of his registration, as a keeper of a lodging-house, and on payment by him of such fee, if any, as may be prescribed for the purpose, shall register the applicant in respect of the lodging-house named in the application or renew his registration in respect thereof and issue to him a certificate of registration or of renewal of registration:

Provided that the executive authority—

- (a) shall not register an applicant until the Health Officer has inspected the premises named in the application and has recommended such registration; and
- (b) may refuse to register, or to renew the registration of, an applicant if it is satisfied that—
 - (i) 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 a lodging-house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire, suitably equipped for use such; or

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

(2) The registration, or the renewal of the registration, of a person as a 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 to 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.

114. A person aggrieved by the refusal of an executive authority to grant or renew registration under section 113 may appeal to the local authority.

Appeal to local authority.

115. The Government may make rules—

- (a) for fixing the number of persons who may be received as residents into a lodging-house or a part thereof and for the separate accommodation of the sexes therein;
- (b) for promoting cleanliness, and ventilation in lodging houses and requiring the walls and ceilings thereof to be lime-washed or treated, with some other suitable preparation, at specified intervals;
- (c) with respect to the taking of precautions when any case of infection disease occurs in a lodging house;
- (d) for ensuring for each family adequate latrine or water-close accommodation, water-supply and washing facilities and accommodation for the storage, preparation and cooking of food;
- (e) for securing stability and prevention of and safety from fire and adequate lighting for every room and stair-case; and
- (f) generally for the well-ordering of lodging-houses.

Rules for the upkeep and maintenance of lodging-houses.

Notice to be affixed outside the lodging-house.

116. (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 case, or taking part in the management thereof, shall at all time 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.

Cancellation of registration by Court.

117. When the registered keeper of a lodging-house is convicted of an offence under this Chapter or under section 55 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

Prohibition of sale of unsound food.

118. (1) No person shall—

- (a) sell, expose or hawk about for sale or keep, store or prepare for sale any animal intended for human consumption which is diseased, or the flesh of any animal which has died on account of natural causes; or
- (b) sell, expose or hawk about for sale or keep, store, manufacture or prepare for sale any food or drug intended for human consumption which is unfit for such purpose or is unwholesome or is adulterated; or
- (c) sell, expose or hawk about for sale any cooked food intended for human consumption except in a dust-proof case; or
- (d) sell or offer for sale any article of food which is not of the nature, substance or quality specified by a notification by the Government under this or any other Act.

(2) Where it appears to the Health Officer—

- (a) that any article of food offered or exposed for sale or stored or deposited with a view to sale, in or on a street, stall or place in the local area is in such a filthy, dangerous, adulterated or unwholesome condition as to be unfit for human consumption; or

Cleansing or destruction of filthy or verminous articles or articles unfit for human consumption.

- (b) that the cleansing disinfection or destruction of any such article or any article in a house is necessary in order to prevent the risk of, or to check, infectious disease; or
- (c) that any such article is infected with vermin or by reason of having been used by any person infected with vermin is likely to be so infected; or
- (d) that any article of food offered or exposed for sale is in contravention of clause (d) of subsection (1);

The Health Officer may cause the article to be cleaned disinfected or if he think destroyed and removed for that purpose:

Provided that where the value of any such animal or article exceeds twenty five rupees, the Health Officer shall cause it to be produced before a Magistrate and if the Magistrate is of opinion that the animal or article is such as is described in this subsection or sub-section (1), he shall pass an order for its destruction and removal.

(3) In any prosecution for contravention of subsection (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.

119. (1) Any person who does any of the acts mentioned in subsection (1) of section 118 or sells or offers or manufactures or stores for sale, any article of food which is not of the nature, substance or quality demanded by the purchaser or specified by a notification by the Government 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.

Punishment for contravening provisions of section 118 through others.

(2) If a child under twelve 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.

Flesh of dead animal not to be consumed.

120. (1) No person shall knowingly consume or cause to be consumed, prepare or cause to be prepared, sell, distribute or keep, ostensible for human consumption the flesh of any animal which has died on account of natural causes.

Explanation.—(i) It shall be a 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.

(ii) The onus of proving that preparation, selling, keeping or distribution of such flesh was not intended for human consumption shall lie on the accused.

(2) Any police officer may arrest without warrant any person reasonably suspected of having contravened any provision of sub-section (1).

(3) Whoever contravenes any provision contained in sub-section (1) shall be punishable with imprisonment which may extend to six months or with fine or with both.

Provision of public Slaughter-houses or meat markets.

121. A local authority may provide one or more suitable public slaughter-houses for the slaughter of each of different categories of animals which serve as food for men and shall make proper arrangements for—

- (a) licensing the slaughter and sale of meat ;
- (b) veterinary inspection of animals before slaughter;
- (c) veterinary examination of the flesh and organs of slaughtered animals ;
- (d) stamping of various quarters of the carcass with a suitable stamp and stamping ink; and,
- (e) suitable premises where the meat of different categories would be separately sold or exposed for sale or stored.

Importing meat into local area

122. (1) No person shall bring into any local area, without the permission in writing of the Health officer thereof, the flesh or organs 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 and organs brought into local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorized by him in that behalf and sold or otherwise disposed of as the Health Officer may direct ; and in case of sale the sale proceeds shall be credited to the funds of the local authority.

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

- (a) cured or preserved meat, or
- (b) flesh or meat carried through any local area for consumption outside the limit thereof and not stored any where 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.

123. 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.

Power of Health Officer to enter premises used for food trade.

124. (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.

Power of Health Officer to deal with carriers of disease handling food.

(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.

125. (1) If the Health Officer has reason to believe—

Investigation of diseases caused by milk of dairy produce.

- (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 persons 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.

Inspection of dairy by Health Officer.

(4) The Health Officer may inspect any dairy specified in the list under sub-section (1), (2) or (3) referred to above and any milch cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or 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 from human consumption from such dairy.

(5) An order made under sub-section (4) shall be forthwith cancelled by the Health Officer on his being satisfied that the milk supply has been changed, or that the employees objected to by him have ceased to work at the dairy, or that the cause of infection has been removed.

(6) If an order, made under sub-section (4) or cancelled under sub-section (5), 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.

(7) When an order is made under sub-section (4) 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.

(8) No person shall sell or supply any milk or dairy produce in contravention of the provisions of this section.

CHAPTER-XIII

FAIRS AND FESTIVALS

Notification of fairs and festivals by Government.

126. (1) The Government may, by notification—

(a) declare that any local area or part of a local area in which a fair or festival is to be held shall, for the purposes of this Chapter, be a notified fair or festival centre, for such period as may be specified in the notification; and

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

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

127. The State Government may make rules for the regulation of fairs, festivals and other large public assemblages.

Power of Government to make rules.

128. (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 visiting a notified fair or festival centre or any place within such distance therefrom as may be specified in the notification.

Imposition of pilgrim tax on travellers.

(2) Every such notification shall specify the rates at which the tax shall be levied.

Provided that the tax shall not exceed four annas per capita.

(3) The Government may 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 persons collecting the tax to the local authority concerned, and the decision of dispute between the authority or person aforesaid and such local authority; and

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

(4) 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, and at such rates, and subject to such exemptions, as may be specified in the notification.

Levy of tolls on vehicles.

(5) The Government may 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 tolls is not paid;

(d) the duty of the police to assist persons authorized 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.

(6) Any sum collected by way of tax or toll under this section shall be credited to the funds of the local authority within whose jurisdiction it is levied.

Notice to be given of fair or festival.

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

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

Sanitary arrangements.

130. The local authorities within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more local authorities, any person or committee appointed by such local authorities jointly, shall make provision for—

- (1) the demarcation and preparation of the site of the fair or festival;
- (2) the clearing and the draining of the site;
- (3) the disposition of the several parts of the fair or festival, including the alignment of the roads within the site;
- (4) (a) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of person resorting to the fair or festival and the proper preservation of such water;
- (b) the supply of sufficient quantities of clean water for animals such as horses, bullocks, or buffaloes, or the like brought to the fair;
- (c) washing and bathing places for person resorting to the fair or festival;
- (5) the accommodation of pilgrims and visitors to such extent as may be practicable;
- (6) the lighting of the fair or festival site;

- (7) the supply by suitable persons of wholesome food, at reasonable rates, and in sufficient quantities, 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 proper collection, removal and disposal of refuse, rubbish and sewage;
- (9) the supply and maintenance of suitable latrines and urinals for the use of persons resorting to the fair or festival;
- (10) the detection and segregation of cases of infectious disease and the prevention of the introduction and spread of such diseases;
- (11) the employment of adequate medical and sanitary staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and
- (12) such other purposes as may be prescribed.

131. The arrangements mentioned in section 130 shall be executed under the supervision and control of the Health Officer concerned, or if the fair or festival is held within the jurisdiction of more than one local authority, under the supervision and control of the Health Officer, of one of such local authorities designated by the person or committee referred to in section 130 or in case no Health Officer is so designated, under the supervision and control of the Health Officer concerned within their respective local areas.

Health Officer to supervise the arrangement.

132. (1) The Health Officer, or a Health or Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may—

Power to enter and seize unwholesome food.

- (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 (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed.

(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 costs, 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 authority or the 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.

Occupation of building, etc., required in connection with fair or festival.

133. (1) The local authority may, in case of emergency, with the sanction of the [Collector]¹ depute any person to enter upon, occupy and use, without having recourse to the provisions of the Land Acquisition Act 1894 (1 of 1894) any land or any building not being a dwelling house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival such as the construction of pilgrim sheds, watersheds, hospital 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 fours before it is entered upon.

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

(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.

Control over private sources of water supply.

134. (1) The Health Officer may, by notice in writing, require the owner or other person having control over, any source of water—supply situated on the fair or festival

1. Subs. by M.P. A. O. 1956, for "Deputy Commissioner".

site, or within such distance there from as the Government may by general or special order, determine, to close or dis-infect such source within a specified time if, in the opinion of the Health Officer, it is likely to endanger or cause the spread of disease amongst persons resorting to the fair or festival.

(2) If the owner or person aforesaid fair or neglects to comply with any notice issued under sub-section (1) within the time specified there in, 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.

135. (1) The owner or occupier of a house not being a lodging-house registered under section 110. situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authority or any of the local authorities concerned,

Licensing of houses to accommodate visitors to fair or festival.

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

(2) Every application for a licence under sub-section (1) shall be writing, shall contain such information as may as may be required by the authority to whom it is addressed, it is addressd, 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 accommodatng visitors to the fair or festival, he may issue a licence in the prescribed form and subject to the prescribed conditions, for the accommodation in the house of such number of visitors as may, in his opinion, be conveniently received therein having regard to the number of persons resident in the house, whether as members of the the family or as servants of the owner or occupier.

(b) The licence shall also specify—

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

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

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

Extension of provisions of this Chapter to certain areas.

136. The Government may, by notification and subject to modifications, if any, as may be specified therein, extend all or any of the 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 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

BURIAL AND BURNING-GROUND AND PLACES FOR DISPOSAL OF BODIES OF DEAD ANIMALS

Burial or burning grounds and places for disposal of carcasses.

137. (1) A local authority may, and if so required by the Government, shall by public notice provide suitable burial and burning grounds and places for the disposal of bodies of dead animals.

(2) No burial or burning ground and place for the disposal of bodies of dead animals shall be made or formed after the commencement of this Act, except with the sanction in writing of the local authority which shall not be granted unless the Health Officer has certified in writing that making or forming of such ground or place is not prejudicial to public health.

(3) (a) The local authority may, and if so directed by the Government, shall, by public notice, order any burial and burning-ground or place for the disposal of bodies of dead animals situated within its limits or within one mile thereof, which is certified by the Health Officer to be offensive or dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice and shall, in such case, if no suitable place for burial or burning or disposal exists within a reasonable distance, provide a suitable place for the purpose subject to the approval of the Government.

(b) Private burial places or grounds may be excepted from the notice, subject to such condition as the local authority may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined and that they shall only be used for the burial of members of the family or the owners thereof.

Prohibition of burial, etc., in other places.

(4) No person shall, without the permission of the local authority bury, burn or dispose of or cause or permit to be buried, burnt or disposed of, any corpses or carcass at any place which is not a notified burial or burning-ground or disposal place, or in any burning or burial ground or disposal place made or formed contrary the provisions of this section, or after the date fixed thereunder for closing the same.

138. (1) The local authority may, by public notice, prescribe routes for the removal of corpses and carcasses to burial, burning and disposal places.

Routes.

(2) No person shall carry a corpse or carcass along a route prohibited by the local authority or in a manner likely to cause offence or annoyance to the public.

CHAPTER XV

DANGEROUS ANIMALS

139. (1) A local authority may—

Disposal of mad and stray dogs and other animals,

(a) authorise any person—

(i) to destroy, or cause to be destroyed, or confine, or cause to be confined for such period as the local authority may direct, any dog or other animal suffering or reasonably suspected to be suffering from rabies, or bitten by any dog or other animal suffering or suspected as aforesaid, or any dog or other animal dangerous to human safety, or any bird, animal or other vermin causing a nuisance;

(ii) to confine, or cause to be confined any dogs found wandering about streets or public places without collars or other marks distinguishing them as private property and to charge a fee for such detention and to destroy or otherwise dispose of any such dog if it is not claimed within one week, and if the fee is not paid;

(b) to issue a temporary or standing order that any dogs without collars or other marks distinguishing them as private property found straying on the streets or beyond the enclosure of the houses of the owners of such dogs should be destroyed and destroy or cause them to be destroyed accordingly:

Provided that before issuing such order a notice to that effect shall be published in the prescribed manner.

(2) No damage shall be payable in respect of any dog or other animal destroyed or otherwise disposed of under this section,

(3) No person being the owner or person in charge of any dog shall allow it to be at large in any street without a muzzle—

Allowing dog to be at large.

(a) if such dog is likely to annoy or intimidate passers-by; or

(b) if the local authority has by notice in the prescribed manner during the prevalence of rabies directed that dogs shall not be at large without muzzles.

CHAPTER-XVI

FINANCE

Earmarking of revenue by local authorities for expenditure on public health.

140. (1) Every municipality shall earmark not less than 30 percent of its income from 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 Janapada authority or panchyat shall similarly earmark not less than 12-1/2 percent 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 Janapada authority 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 authorized by clause (a), shall be taken into account for the purposes of sub-section (1).

(3) Any expenditure incurred from the funds of a local authority by or under any provision of this Act shall be deemed to be lawful for all purposes notwithstanding anything contained in the Act under which such local authority is constituted.

CHAPTER-XVII

RULES, BYE-LAWS, PENALTIES, ETC.

Power of Government to make rules.

141. (1) The Government may, in addition to the rule-making power conferred on it by any other provision contained in this Act, 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 respect to any matter which is to be or may 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.

(3) all rules made under this Act shall be subject to the condition of previous publication, and the date to be specified

under clause (3) of section 22 of the Central Provinces and Berar General Clauses Act, 1914 (I of 1914), shall not be less than six weeks from the date on which the draft of the proposed rules shall be published.

(4) All such rules shall be published in the Gazette and shall, unless some later date is appointed, come into force on the date of such publication.

(5) In making a rule under section 84, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months or with fine up to one hundred rupees or with both.

(6) 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 two hundred rupees, and in case of a continuing breach, with fine which may extend to thirty rupees or 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.

142. (1) Subject to the provisions of sub-section (2), any local authority may, and if so required by the Government shall, make bye-laws not inconsistent with this Act or the rules made thereunder and in the manner provided for the purpose of making-byelaws by or under the Act under which such local authority is constituted.

Bye-laws by local authorities.

(2) 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.

143. (1) Whoever contravenes any provision of this Act or of any rule or bye-law made there under shall, if no other penalty is provided for the offence, be punishable with fine which may extend to two hundred rupees.

Penalties.

(2) Whoever wilfully disobeys any direction lawfully given by any person or authority empowered under this Act or any rule or bye-law made thereunder to give such direction, or obstructs any person or authority in the discharge of any functions which such person or authority is required or empowered by this Act or any rule or bye-law made thereunder to discharge, or being required by this Act or any rule or bye-law made thereunder to supply any information, withholds such information or gives information which he knows to be false or which he does not believe to be true shall, if no other penalty is provided for the offence, be punishable with fine which may extend to one hundred rupees and if the breach is a continuing one, with fine which may extend to twenty rupees for every day after the first during which the breach is proved to have persisted in.

Penalty for preventing entry of Executive Authority or Health Officer.

144. 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 power of entering on or into any land or building, from exercising his lawful power of entering thereon or thereinto shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

Miscellaneous

Appeal against decision of Health Officer.

145. (1) Any person aggrieved by any order passed by the Health Officer under section 16, 27, 28, 29, 30, 31, 36, 37, 38, 42, 87, or 102 may prefer an appeal to the Executive Authority to which the said Health Officer is subordinate within seven days from the date of communication of the order to such person.

(2) On the presentation of an appeal, the Executive Authority may suspend the execution of the order of the Health Officer pending the decision of the appeal.

Method of serving notices.

146. (1) When any notice is required to be given to any person 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 registered post; or
- (d) if none of the means aforesaid be available, by affixing the same in some conspicuous part of such place of abode or business.

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

147. Where by reason of the failure of any person a local authority has done any act executed any work and such local authority is, by or under any provision of this Act entitled to recover the cost in respect of such act or work from the person in default, the local authority may recover the cost from such person in the same manner as arrears of land revenue.

Recovery of cost as arrears of land revenue.

148. No Court shall take cognizance of any offence punishable under this Act except on a complaint in writing of the facts constituting such offence filed by an Executive Authority or such other officer as may be authorised by it.

Cognizance of offences.

149. (1) The Executive Authority or such other officer as may be authorised by it may, on acceptance of such sum as may be prescribed, 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.

Power to compound offences.

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

(2) On the composition of the offence no further action in respect thereof shall be taken against the person accused of it, and if any proceedings have already been instituted against him in any Court, the composition shall have the effect of an acquittal of such person.

150. (1) The Executive Officer of a local authority or any member of the public health establishment of a local authority not below the rank of Health or Sanitary Inspector, may arrest any person committing in his view any offence punishable under this Act, or the rules or bye-laws made thereunder —

Powers of Executive Officer and Public Health staff to arrest offenders against Act, etc.

(a) if the name and address of the person are unknown to him, and

(b) if the person declines to give his name and address or there is reason to doubt the accuracy of the name and address given.

(2) A person arrested under this section may be detained until his name and address are correctly ascertained:

Provided that no person so arrested shall be detained longer than is necessary for bringing him before a Magistrate unless an order of a Magistrate for his detention is obtained.

Bar of suits and prosecutions in certain cases.

151. (1) No suit, prosecution or other proceeding shall lie, against any local authority or any Executive Authority of a local authority or against the Government or any officer or servant of a local authority or of the Government, or against any person appointed under section 11 or section 12 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 servant of any local authority or of the Government and no person appointed under section 11 or 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 under this Act.

Punishment or malicious abuse of powers

152. (1) Any Executive Authority or any officer or servant of a local authority or of the Government, or any person appointed under section 11 or section 12 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punishable with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

(2) No prosecution shall be instituted under this section without the previous sanction of the Government.

Delegation.

153. The Government may, by order direct that any power or duty, which is conferred or imposed on the Government under this Act, shall, in such circumstances and under such conditions, if, any, as may be specified in the order, be exercised or discharged by any officer or authority :

Provided that nothing contained in this section shall apply to any power of Government to make rules under this Act or to their powers under sections 6, 11, 12, 19, 23, 71, 84, 126, 127, 128, and 141.

Act of override other enactments.

154. If a any provision relating to public health contained in any other enactment in force in (Madhya Pradesh) 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.

Provision for avoidance of difficulties

155. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Gazette, amend any of the provisions of this Act for the purpose of removing the difficulty.

(2) Subject to the provisions of sub-section (3), any amendment made by an order published under sub-section (1) shall have effect as if enacted in this Act.

(3) Every order Published under sub-section (1) shall be laid on the table of Madhya Pradesh Legislative Assembly at the session of the said Assembly next following and shall be liable to be modified or rescinded by a resolution of the said Assembly and such order shall, without prejudice to the validity of any thing done there under, be deemed to be modified or rescinded accordingly.
