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Kerala Public Health Act (Draft), 2009

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GOVERNMENT OF KERALA

**DRAFT PUBLIC HEALTH ACT 2009
(FOR KERALA)**

JANUARY 2009

SUGGESTIONS INVITED ON DRAFT PUBLIC HEALTH ACT FOR KERALA

An Act makes provision for advancing the Public Health of State of Kerala.

Preamble: WHEREAS it is expedient to make provision for advancing the Public Health of State of Kerala and to unify and amend the existing laws relating to the Public Health, it is here by enacted as follows:

CHAPTER I Preliminary

1. *Short title and extent.*— (1) This Act may be called *The Kerala Public Health Act 2009*. (2) It extends to the whole State of Kerala.
2. *Commencement.* It shall come in to force on such date as the government may by notification in the official Gazette, appoint
3. *Definitions.* In this Act, unless the context otherwise requires
 - (1) "Aggrieved person" means any person who can make an application for grievance under the Act or rules, and includes
 - a. User of the service; or
 - b. Person designated by the user; or c. An adult member of the family; or
 - d. Guardian of the user, in case of user being a minor; or
 - e. In event of the death of the user or his/her being incapacitated due to existing physical/ mental/ emotional state rendering him/her incapable to designate, a person willing to take up the responsibility for the user.
 - f. Any person/persons whose collective community rights are violated.
 - (2) "Appellate authority" means:-
 - a. Health Secretary for the State of Kerala
 - b. District Collector concerned, for the District for their jurisdiction
 - (3) "Building" includes—
 - a). a house, out-house, stable, latrine, godown, shed, hut, wall (other than a boundary wall not exceeding two meters in height) and any other such structure, whether of masonry, bricks, wood mud, metal or any other material whatsoever;
 - b) a structure on heels or simply resting on the ground without foundations; and
 - c) a ship, vessel, boat (when outside the port limit of major ports as defined under the Indian Ports Act 1908), and
 - d) tent, van and any other structure used for human habitation, but do not include a temporary shed erected on ceremonial or festival occasions.
 - (4) "Canal" includes any river, inland navigation, lake, backwater or any waterway being within or bordering the State, whether it is or is not within the ebb and flow of the tide.
 - (5) "Canal Boat" means any vessel however propelled, which is used or capable of being used for the conveyance of goods or passengers are or both along a canal.
 - (6) "Cattle" Includes elephants, camels, mules, asses, horses, cows, bulls, bullocks, buffaloes, sheep, goat and pigs and the young ones of these species
 - (7) "Catering" means providing of foods and drinks at the required site

- (8) “*City Corporation*” means municipalities or corporations of the cities coming under the Kerala Municipal Act 1994
- (9) “*Communicable Diseases*” means a disease resulting from an infection due to pathogenic agents or toxins generated by the infection, following the direct or indirect transmission of the germs from the source to the host. (a shop or place from which milk is sold or supplied for sale in hermetically closed)
- (10) “*Community based services*” means preventive and promotive outreach services delivered at community level to specific individuals (such as immunization) or to the entire community at large (such as chlorination of wells, epidemic control activities etc.)
- (11) “*Contagious disease*” means an infectious disease that can be transmitted from individual to individual.
- (12) “*Contaminated material*” means wastes or other materials exposed to or tainted by chemical radiological, or biological substances or agents.
- (13) “*Diary*” 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 nor manufactured for sale into butter, ghee, cheese, cream, curd, buttermilk or dried, sterilized, toned milk or condensed milk; and
 - 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 sales of milk, but does include—
 - i. a shop or place in which milk is sold for consumption on the premises only; or
 - ii. a shop or place from which milk is sold or supplied for sale in hermetically closed and unopened receptacles in the same original conditions in which it was first received in such shop or place.
- (14) “*Dairy man*” includes any person who sells milk or milk products whether wholesale or by retail
- (15) “*Drain*” means a house-drain or drain of any other description for carrying off rain water or sub-soil water
- (16) “*Day Care Centre*” means any health care establishment where surgical or other treatment is given and may not require overnight admission but arrangements for monitoring the patient overnight need to be in place in order to take care of any arising complications.
- (17) “*Decontamination*” means to remove or neutralize chemical, radiological, or biological substances or residues from individuals, buildings, objects, or areas.
- (18) “*Denial of guaranteed health care services*” means and includes a. Non-provision of guaranteed services or any of them b. Defective or sub-standard quality of guaranteed services
- a. Non-provision of guaranteed services or any of them
 - b. Defective or sub-standard quality of guaranteed services
 - c. Any malpractice, including but not restricted to extortion of money in excess of standard charges
- (19) “*Disaster*” means any occurrence that causes damage, ecological disruption, loss of human life or deterioration of health and health services on the scale sufficient to warrant an extraordinary response from outside the community or the area.
- (20) “*Disaster Management Committee*” shall mean committee for the management of disaster constituted by the government from time to time.
- (21) “*Discrimination*” shall mean any distinction, exclusion or restriction made on the basis of grounds of age, sex, economic status, place of residence, religion, caste, physical or mental ability, mental

- health status or HIV/AIDS and similar diseases status or serostatus which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by the person, on a basis of equality, of human rights and fundamental freedoms.
- (22) "*Disease outbreak*" means the sudden and rapid increase in the number of cases of a disease or other condition of public health importance in a population
 - (23) "*Drug*" means any substance used as medicine whether for internal or external use, or any substance used in the composition or preparation of such medicine.
 - (24) "*Dwelling house*" means a building constructed, used or adapted to be used, wholly or partly, for human habitation or in connection there with.
 - (25) "*Essential drugs*" includes all drugs, as enumerated by the State Government, on the basis of the National Essential Drug List, that shall be available free of cost to all users at all times in the respective public health care establishments.
 - (26) "*Essential public health services and functions*" mean those services and functions to
 - a. Monitor health status to identify and solve community health problems;
 - b. Investigate and diagnose health problems and health hazards in the community;
 - c. Inform, educate, and empower individuals and people about health issues;
 - d. Mobilize public and private sector participation and action to identify and solve health problems;
 - e. Develop policies, and plans, and programs that support individual and community health efforts;
 - f. Enforce laws and regulations that protect health and ensure safety;
 - g. Promote established linkage between various national health programmes and "Executive authority means any functionary of the local authority concerned who is "vested" prevention of disability
 - h. Link individuals to needed personal health services and assure the provision of health care
 - i. Assure a competent public health workforce
 - j. Evaluate effectiveness, accessibility, and quality of personal and population-based health services.
 - (27) "*Essential Public health supplies*" shall mean materials, besides medicine, used for Public health activities (e.g. bleaching powder, water disinfectant) and shall include the supplies listed out in the list of Essential Public health supplies, as made by the State Government.
 - (28) "*Executive authority*" means any functionary of the local authority concerned, who is vested with general executive powers under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994) or the local Tahasildar as the case may be.
 - (29) "*Factory*" means any premises including the precinct there of where in any industrial, manufacturing or trade process is carried on with the aid of steam, water, oil, gas, electrical or any other form of power which is mechanically transmitted and is not generated by human or animal agency and means any premises as defined in the Factories Act 1948.
 - (30) "*Family member*" means and includes husband/wife, father, mother, major son and daughter, brother, or sister (full blood or by adoption), grandparents and grandchildren.
 - (31) "*Filth*" means
 - a. night soil and other contents of latrines cesspools and drain
 - b. dung and the refuse of useless or offensive material thrown out in consequence of any process of manufacture, industry or trade;
 - c. putrid and putrefying substances and
 - d. all other substances causing danger to the public health
 - (32) "*Food*" includes every article consumed or used by man, for food, drink or chewing and all material used or admixed in the composition or preparation or such article and shall also include flavoring, stabilizing and coloring matter and condiments.

- (33) “*Government*” means the Government of Kerala
- (34) “*Guaranteed health care services*” includes all health care services as have been mentioned in Schedule.
- (35) “*Guardian*” includes any person who has or is presumed to have accepted the care or custody of any child or laborer
- (36) “*Health Authority*” means:
- a) the Medical Officer in charge, for a Primary Health Centre area;
 - b) the Medical Officer in charge, for a Block Primary Health Centre area;
 - c) the Medical Officer in charge in a city corporation or Medical Officer in charge of the public health establishment handed over to the local self government or Deputy District Medical Officer in charge of public health of the district, for a City Corporation;
 - d) the Deputy District Medical Officer in charge of Public Health, for the District;
 - e) District Medical Officer in charge of concerned district and
 - f) Additional Director in charge of Public Health, and Director of Health Services and Food Safety Commissioner of the State for the State, for their jurisdiction.
- (37) “*Health care establishment*” means the whole or part of a public or private institution, whether for profit or not; where inpatient or outpatient treatment; diagnostic or therapeutic interventions; nursing, rehabilitative, palliative, convalescent, preventive or other health care services or any of them are provided. Healthcare establishment includes clinical establishment meaning any premises used for person suffering from any sickness, injury or infirmity and shall include hospital and maternity homes.
- (38) “*Healthcare provider*” means an individual whose vocation or profession is related to the maintenance or restoration of the health of another individual including any physician, nurse, paramedic, psychologist, counselor, health care functionary providing outreach health care services or other individual providing medical, nursing, psychological, or other healthcare services of any kind.
- (39) “*Health Officer*” means
- a. Health/Food Inspector, for a Primary Health Centre area,
 - b. Health Supervisor and Health/Food Inspector Gr.I and Gr.II in a city
 - c. Health Supervisor, for a Block Primary Health Centre area
 - d. Technical Assistant/ District Food Inspector, for the District, for their jurisdiction
- (40) “*Health Services*” means Health care services, consultation, diagnosis and treatment including outreach services; and Services for the promotion and maintenance of public health.
- (41) “*House drain*” means any drain actually used, or intended to be used, for the drainage of rain or sub soil water of one or more premises thatch or metallic sheets and includes any temporary structure of whatever size of any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act.
- (42) “*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 of any small building of whatever material made which the local authority may declare to be a hut for the purposes of this Act.
- (43) “*Infectious disease*” means a clinically manifest disease of man or animal resulting from an infection. Infection means the entry and development or multiplication of an infectious agent in the body of a man or animal.
- (44) “*Infectious waste*” means:

- a. Biological waste, including blood and blood products, excretions, exudates, secretions, suctioning and other body fluids, and waste materials saturated with blood or body fluids;
 - b. Cultures and stocks, including etiologic agents and associated biological; specimen cultures and dishes and devices used to transfer, inoculate, and mix cultures; wastes from production of biological and serums; and discarded live and attenuated vaccines;
 - c. Pathological waste, including biopsy materials and all human tissues; anatomical parts that emanate from surgery, obstetrical procedures, necropsy or autopsy and laboratory procedures; and animal carcasses exposed to pathogens in research and the bedding and other waste from such animals, but does not include teeth or formaldehyde (or other preservative agents); and
 - d. Sharps, including needles, I.V. tubing with needles attached scalpel blades, lancets, breakable glass tubes, and syringes that have been removed from their original sterile containers.
- (45) “*Informed consent*” means consent given to a proposed specific intervention, without any force, undue influence, fraud, threat, mistake or misrepresentation, and obtained after disclosing to the person giving consent adequate information including risks and benefits of, and alternatives to, the proposed intervention in a language and manner understood by such person with no binding to consent after being informed.
- (46) “*Isolation*” means the physical separation and confinement of an individual or groups of individuals who are infected or reasonably believed to be infected with a contagious or possibly contagious disease from non-isolated individuals, to prevent or limit the transmission of the disease to non-isolated individuals.
- (47) “*Latrine*” includes privy, water-closet and urinal, whether public or private, or whether open or flush out
- (48) “*License*” means, an authorization that conditionally allows the recipient to conduct, for a specified period of time, activities that would be unlawful without the authorization.
- (49) “*Local area*” means the area with in the jurisdiction of a local authority. (53) “*Local authority*” means, in any corporation area, the Corporation Council concerned; any municipal area, the Municipal Council concerned; in any township area, the Township Committee concerned; in any panchayat area, the Panchayat Board at any level constructed of under section 4 of the Kerala Panchayat Raj Act 1994; in any other area the authority appoints by the Government to be a local authority for the purpose of this act.
- (50) “*Lodging house*” means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or with out food, on payment but does not include—
- a. a students’ hostel under public or recognized control, or
 - b. house licensed under S.... for accommodating visitors to a fair or festival,
 - c. retiring rooms and rest-houses provided by a railway administration and normally used by passengers or railway servants or both, or
 - d. resting rooms or rest-houses provided by the Airport Authority normally used by passengers or cabin crew or both, or
 - e. rooms situated with in the compound of any place of worship and used by devotees for taking rest.
- (51) “*Magistrate*” includes executive magistrates not less than the rank of Sub Divisional Magistrate, Judicial Magistrate of I Class I and higher.
- (52) “*Market*” means any place set apart or ordinary or periodically used for the assembling of the persons for the same purchase of grain, fruit, vegetable, meat, fish or any perishable or non perishable article of food or for the sale or purchase of livestock or poultry or any agriculture or industrial produced or any raw or manufactured products or any other articles or commodity

necessary for the convenience of life. Provided that a single shop or a group of shops not being more than 6 numbers shall not be deemed as market.

- (53) “*Medical Laboratory*” means an establishment where bio-medical, biological, and clinical pathological, biopsy, bacteriological, radiological, microscopic, chemical, genetic investigations or any other diagnostic tests, examinations or analysis or the preparation of cultures, vaccines, serums or other biological or bacteriological products, in connection with the diagnosis or treatment of diseases, are carried out.
- (54) “*Medical Practitioner*” means any person qualified for the practice of Modern Medicine, Homeopathic Medicine, Indigenous Medicine, Sidha Medicine, Unani Medicine as the case may be.
- (55) “*Medical Treatment*” means systematic diagnosis and treatment for prevention or cure of any disease, or to improve the condition of health of any person through allopathic or any other recognized systems of medicine such as Ayurveda, Unani, Homeopathy, Yoga, Naturopathy and Siddha; and includes Acupuncture and Acupressure treatments
- (56) “*Migrants*” shall mean all persons who leave their villages and homes either seasonally or otherwise, in normal or distress situations in search of livelihood.
- (57) “*Migrant Labor*” means a person from a state other than the state of Kerala employed in or in connection with the work of any establishment to do any skilled or semi skilled or unskilled, manual, supervisory, technical or clerical form of work for reward, whether in terms of employment, expressed or implied by or through a contract in relation to such establishment.
- (58) “*Milk*” means the milk of a cow , buffalo, goat, ass or any other animal and includes) “cream skimmed milk, separated milk, toned and condensed, sterilized or desiccated milk or any other product of milk.
- (59) “*Notifiable Disease*” means a disease which a Registered Medical Practitioner is required to notify to the Health Authority of his area under the law for the time being in force, and includes those diseases specified in Schedule I.
- (60) “*Notification*” means a notification in the Official Gazette.
- (61) “*Nuisance*” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or harassment 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 person or persons who may have occasion to use any public right.
- (62) “*Occupier*” includes—
 - a) any person for time being paying or liable to pay to the owner the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land building, or part; and any owner in occupation of or otherwise used his land or building or part and
 - b) a rent-free tenant of any land or building
 - c) a licensee in occupation of any land or building
- (63) “*Offensive matter*” includes—
 - a) filth as defined in Clause (33),
 - b) sewage as defined in Clause (106), and
 - c) dirt, house sweeping, spitting including chewed betel and tobacco, kitchen or stable refuse, broken glass or pottery, debris and waste paper.
- (64) “*Offensive trade*” means by trade in which the substances dealt with are, or are likely to become, a nuisance

- (65) "*Open drain*" - means, culvert, ditch, channel etc., built at both sides of street or any drain carrying drained water, rain water and subsoil water.
- (66) "*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.
- (67) "*Parent*" means the father or mother of a child and includes foster and step parents
- (68) "*Physical standards*" means physical standards as prescribed by the Indian Public Health Standards.
- (69) "*Physiotherapy Clinics/ Physical Therapy Clinics*" means an establishment where massaging, electrotherapy, hydrotherapy or similar work is usually carried on, for the purpose of treatment of diseases or of infirmity or for any other purpose whatsoever, whether or not analogous to the purposes herein before mentioned in this clause.
- (70) "*Premises*" includes buildings, land, lake etc., in any form owned by an or riding path which is not a public street, that does not include a path way made by the owner of a premises on his own land to secure access to or the convenient use of such premises.
- (71) "*Prescribed*" means prescribed by the Government by rules made under this Act.
- (72) "*Private Building*" means any building other than Public building.
- (73) "*Private Health Care Establishment*" means any medical clinic (inpatient and or out patient), health care establishment, maternity home, hospital, old age homes, day care centers, physical therapy establishment, in-vitro fertility clinics, genetic laboratories and counseling centres, medical laboratory / Diagnostic Center, Radiological and Imaging centres / (Scanning Center), Physiotherapy Center, dispensary (with bed), medical institution / center of analogous establishment by whatever name called, owned by any private party, individual, trust, corporation or NGO, where investigation, diagnosis invasive procedure / curative medical treatment facilities are provided to the public, with or without inpatient facilities, including institutions registered under the Mental Health Act. These would include the hospitals managed by trusts, run by corporate bodies and polyclinics.
- (74) "*Private Market*" means any market other than a public market.
- (75) "*Private street*" means any street, road, square, court, alley, lane, passage or riding-path which is not "a public street", but does not include a pathway made by the owner of "premises on his own land to secure access to, or the convenient use of , such premises.
- (76) "*Process standards*"- Process indicators assess the degree to which activities that are necessary to attain specific health objectives are being implemented and the progress of these activities over time.
- (77) "*Public Building*" means a building used or adopted to be used as a place of public workshop or as a school or college or other place of institution (not belonging to a dwelling house so used) or as hospital or workhouse, public theatre, public cinema hall, public hall, public library or public lecture room, public concert room, public exhibition room as a public place or assembly for any other public purposes or as a hotel, eating house, lodging house, refuge, or shelters.
- (78) "*Public health*" means assuring the conditions in which the population can be healthy. This includes population-based or individual efforts primarily aimed at the prevention of injury, disease, disability or premature mortality, or the promotion of health in the community, such as assessing the health needs and status of the community through public health surveillance and epidemiological research, developing public health policy, and responding to public health needs and emergencies.
- (79) "*Public Street*" means any street, road, square, court, alley, lane, passage or riding path
- (80) "*Public health agency*" means an organization operated by the Public Health system of the

Central, State, or Local government that principally acts to protect or preserve the public's health, with the participation of civil society.

- (81) “*Public Health Care*” means the essential health care which prevents disease promote health and prolong life of the public
- (82) “*Public health care provider*” means any person who is in direct and regular employment of the Public Health System, and includes consultants, administrative and contractual appointment.
- (83) “*Public health emergency*” means an occurrence or imminent threat of an illness or health condition that
 - a. Poses a high probability of any of the following harms:
 - i. a large number of deaths or illness in the affected population;
 - ii. a large number of serious or long-term disabilities in the affected population, including teratogenic effects or
 - iii. or widespread exposure to an infectious or toxic agent that poses a significant risk of biological toxin; or substantial future harm to a large number of people in the affected population.
 - b. And can be caused by any of the following:
 - i. the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin;
 - ii. any disaster, including major accidents.

Explanation : *Public health emergency can be due to communicable infectious diseases, chronic non-infectious, non-communicable conditions affecting large population, notifiable diseases, conditions of public health importance or locally endemic diseases.*

- (84) “*Public Health Establishment*” means, Public Health Staff working in the Health Sector of Government of Kerala and includes semi governmental institutions.
- (85) “*Public information*” means information that is open to inspection or review by the public.
- (86) “*Public Market*” means any market owned, constructed, repaired or maintained by a Grama Panchayat, Municipality, Corporation, or any other public body.
- (87) “*Public Street*” means any street, road, square, court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way, and includes
 - a. the roadway over any public bridge or causeway;
 - b. the footway attached to any such street, public bridge or causeway; and
 - c. the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Central or State Government
- (88) “*Quarantine*” means the physical separation and confinement of an individual or groups of individuals, who are or may have been exposed to a contagious or possibly contagious disease and who do not show signs or symptoms of a contagious disease, from non quarantined individuals, to prevent or limit the transmission of the disease to non-quarantined individuals.
- (89) “*Register*” means to register under section — of this Act and the expressions ‘registered’ and ‘registration’ shall be construed accordingly
- (90) “*Registered Medical Practitioner*” means a medical practitioner registered under Indian Medical Council Act of 1956 or the Central Council of Indian Medicine Act 1970 or the Homeopathy Central Council Act 1973
- (91) “*Rubbish*” means dust, ash, broken bricks, glass etc., moltar and refuse of any kind.

- (92) “*Sample*” means a substance derived from a nonhuman source and collected for the purposes of analysis
- (93) “*Scan Centre*” means a place where Ultra Sound Sonogram, CT scan or MRI Scan tests are done including contrast studies and/or diagnostic and/or therapeutic procedures are carried out and shall include any other advanced method of scanning.
- (94) “*Screening*” means the systematic application of a test or exam to a defined population
- (95) “*Health hazard*” means
- a. A substance, thing, plant, animal or other organism,
 - b. A solid, liquid or gas, or any combination of them, or
 - c. A condition or process that presents or may present a serious and immediate threat to public health
- (96) “*Secretary*” means the secretary of the Grama Panchayat, Municipality or City Corporation.
- (97) “*Sewage*” means night soil and other contents of latrines, cesspools or drains and includes traded effluents and discharges from manufactories of all kind.
- (98) “*Special drain*” means a drain specially constructed or erected for carrying of sullage, sewage, offensive matter or polluted water except chemicals and factory waste.
- (99) “*Specimen*” means blood, sputum, urine, stool, or other bodily fluids, waste, tissues, and cultures necessary to perform required tests.
- (100) “*Public Health Board*” means the State Public Health Board and District Public Health Board established under this Act, to serve as an overall decision-making body monitoring and supervision of public health act in the state and the concerned districts respectively.
- (101) “*Street*” means a public or a private street
- (102) “*State Tribunal*” means State Tribunal as established under the Act. (109)
- (103) “*Test*” or “*examination*” means any diagnostic or investigative analyses or medical procedures that determine the presence or absence of, or exposure to, a condition of public health importance, or its precursor, in an individual.
- (104) “*Toxin*” means a chemical, radiological, or biological agent that causes disease or some alteration of the normal structure and function of an individual or animal.
- (105) “*Trade waste*” includes industrial and factory waste.
- (106) “*Universal work precautions*” means infection control measures that prevent occupational and nosocomial exposure to or reduce the risk of transmission of pathogenic agents including Hepatitis B&C, HIV etc. and includes the provision for education, training, personal protective equipment such as gloves, gown and masks, hand washing and employing safe work practices.
- (107) “*Unsanitary condition*” means a condition or circumstance
- a. that is, or may be, or might become injurious to health; or
 - b. that prevents or hinders the suppression of disease; or
 - c. that contaminates or pollutes, or may contaminate or pollute food, air, or water; or
 - d. that might render food, air, or water injurious to the health of any person; and includes a nuisance and any circumstance or condition declared to be an unsanitary condition by regulation, but does not include a serious health hazard.
- (108) “*User*” means any person who avails or seeks to avail of the health care services, including outreach services and in the case of a minor or a person incapable of giving consent, his/her parents or guardian or the closest available family member.
- (109) “*Vaccination*” or “*Vaccine*” means a suspension of attenuated or noninfectious microorganisms or derivative antigens administered to stimulate antibody production or cellular immunity against a pathogen for the purpose of preventing, ameliorating, or treating an infectious disease.

- (110) “*Venereal disease*” means syphilis, gonorrhea, soft chancre, venereal granuloma or lymphogranuloma
- (111) “*Water-course*” includes any river, stream or channel whether natural or artificial, other than a drain
- (112) “*Wharf*” means a landing place and includes any wall stage or stairs, any part of the land for show that is used for loading and unloading goods or for the embarkation of or disembarkation of passengers and any wall enclosing or adjoining the same.
- (113) “*Wholesome water*” means water that is
 - a. free from pathogenic agents
 - b. free from harmful chemical substances
 - c. pleasant to the taste, i.e. free from colour and odour and
 - d. usable for domestic purposes
- (114) “*Work-place*” means any premises including the precincts thereof (not being a factory or a) wherein is carried on any industrial, manufacturing or trade process, at work shop which not less than five person are employed for wages or any other remuneration.
- (115) “*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.
- (116) “*X-ray center*” means a place where X-rays are taken or contrast studies are done, and shall exclude scanning.

CHAPTER II

Controlling Authorities and their powers

Public Health Board

4. Constitution of the Public Health Committee—(1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the State of Kerala, State Public Health Committee and District Public Health Committee which will be advisory in function.

4 A. State Health Committee shall consist of following members, namely-

- a. the Minister of Health as Chairperson
- b. three Members of the Kerala Legislature nominated by the Government;
- c. the Health Secretary;
- d. the Director of Health Services
- e. the Food Safety Commissioner
- f. the State Mission Director (NRHM)
- g. the Director of Indigenous system of Medicine;
- h. the Director of Homeo Medicine;
- i. the Director of Medical Education;
- j. the Secretary or Local Government Department
- k. Director General of Police
- l. the Additional Director of Health Services (Public Health);
- m. the Professor & Head of the Department of Community Medicine, Medical College, Thiruvananthapuram;
- n. the Director of Municipal Administration
- o. the Director of Panchayat
- p. the Chief Government Analyst, Government Analytical Lab, Thiruvananthapuram

- q. the Chairman Pollution Control Board
 - r. the Chief Engineer of Kerala Water authority
 - s. the Chief Town Planner
 - t. the Director of Factories
 - u. the Director of Mining and Geology
 - v. the Director Social Welfare Department
 - w. the Director Animal Husbandry Department
 - x. four Technical Experts having special knowledge of the matters relating to Public Health nominated by the Government;
- (2) The Minister for Public Health shall be the Chairperson, the Health Secretary shall be the Co-chairperson, the Director of Health Services shall be the convener and the Additional Director, Health Services for Public Health shall be the Secretary of the Public Health Committee.

4B District Public Health Committee consisting of the following members, namely—

1. The District Panchayat President
2. District Collector
3. DMO
4. DMO (ISM)
5. DMO (Homoeo)
6. District Programme Manager (NRHM)
7. Deputy Director Panchayat
8. Deputy DMO (Public Health)
9. Deputy Director Factories and Boilers
10. Town Planner
11. Deputy Director Mining and Geology
12. Deputy Director Social Welfare
13. Deputy Director Education
14. Deputy Director Animal Husbandry
15. Executive Engineer (Kerala Water Authority), Executive Engineer Pollution Control Board.
16. Standing Committee of Public Health, Chair persons of Municipality

Chairpersons of District Panchayat President and Co chairperson shall be the District Collector; DMO Health shall be convener and Deputy DMO shall be the Member Secretary.

1. Special invitees according to the need may be included by the Committee.
2. The Committee may create sub-committees in order to address specific areas or needs concerning the public health issues.
3. The Committee shall be adequately funded by the State Government and the Director of Health Services shall provide adequate staff to conduct its operations.
4. The Committee shall meet at least once in six months and the mode of transaction of business at such meetings shall be governed by such regulations as may be framed by the State Government.
5. Committee members shall be compensated in accordance with existing State Laws

4C. Functions of the Public Health Committee

- (1) The Public Health Committee shall advice the Government on such matters as the Government may from time to time refer to it.
- (2) The proceedings of the Board shall not be invalidated by reason of any vacancy in the office of the Chairperson, Co-chair person, convener, the Secretary or a member.

- (3) It shall propose, amendments or repeal of any rules relating to the administration, implementation and observance of the provisions of the Act.
- (4) It shall prepare an annual or five year Comprehensive Public Health Plan of the State for the State Planning Board, with focus on vulnerable sections of society and ill-served areas of the state
- (5) It shall monitor implementation of the Comprehensive Public Health Plan through quarterly half-yearly meetings.

5 A Constitution of State Public Health Board.

Public Health Board should have following members

- a. Health Secretary
- b. Director of Health Services
- c. State Mission Director (NRHM)
- d. Food Safety Commissioner,
- e. Director Of Indian System of Medicine
- f. Director of Homoeo Medicine,
- g. Director of Medical Education
- h. Director, SC/ST Department
- i. Joint Director, Health Urban Affairs
- j. Director of Public Instruction (DPI)
- k. Nominee of Principal Secretary Home/DGP not less than rank Inspector General of Police,
- l. Drug Controller,
- m. Director of Animal Husbandry,
- n. Professor and Head of Community Medicine Department, Medical College, Trivandrum,
- o. Chief Engineer Water, Authority,
- p. The Additional Director Health Services (Public Health)
- q. Director, Public Health Lab
- r. Two Technical Experts nominated by the government,
- s. One District Panchayat President, One District Collector to be nominated by the Government.

The Secretary Health will be the Chairperson of the Council; Director Health Services shall be the convener and Additional Director- Health Services (PH) shall be the Secretary to the Committee.

5 B Composition of District Health Board

1. District Collector
2. Superintendent of Police/ Commissioner of Police
3. DMO
4. DMO
5. DMO (ISM)
6. DMO (Homeo)
7. District Programme Manager (NRHM)
8. Deputy Director Panchayat
9. Deputy DMO (Public Health)
10. Executive Engineer (Kerala Water Authority), Executive Engineer Pollution Control Board.
11. District Food Inspector Health
12. Technical Assistant to DMO

District Collector shall be the Chairman, DMO Health shall be the convener and Deputy DMO shall be the Member Secretary.

5 C. Functions of Public Health Board

1. The State/District Health Board shall be supervisory authority for monitoring the implementation of the Public Health Act at the State/District level respectively.

2. The state/District Health Board shall have the power to inspect and control the operations of District Health Authority and the Local authorities under this act.
 3. It shall advise the State Health Department on public health issues
 4. It shall discuss the annual budget and the annual comprehensive action plan and suggest modification
 5. It shall institute a mechanism to carry out medical and clinical audits, and receive relevant reports. It shall also establish a sub-committee for the purpose of audits, which shall carry out clinical and medical audits to ensure quality of care.
 6. It shall appoint committees, sub-committees etc. for such purpose and on such terms as it may deem fit, and may dissolve or remove any of them.
 7. It shall develop mechanisms for initiating public-private participation in implementation of public health programmes
 8. It shall develop mechanisms for empowering the decentralized monitoring committees at all levels, both rural and urban, to be established under this Act
 9. It shall seek feedback and suggestions from members of the rural and urban Monitoring sub-committees in a structured manner, through subcommittees
 10. It shall ensure preparedness for public health emergencies
 11. It shall take steps towards making equitable schemes for health insurance for persons of different income levels and special needs
 12. The State Public Health Board shall appoint an expert committee to develop Standard Treatment Protocols that are to be laid down and followed by public and private health care providers, including publicly funded treatment provided by private medical providers for:
 - i. National Health Programmes
 - ii. Common diseases and conditions of public health importance, including major conditions affecting women and children
- 6. Powers of the Government and of the Director of Health Services/District Collectors and his staff—**
- (1) The Government shall have power to inspect, control and superintend the operations of local authorities under this Act.
 - (2) The Government may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Health Services/ District Collectors or any member of his staff for the purposes of sub-section (1).
 - (3) Nothing contained in sub-sections (1) and (2) shall be deemed to affect, or derogate from any powers possessed by the Government or the District Collector under any other law for the times being in force.
 - (4) The Government may by notification, direct that in respect of any function to be performed by a local authority and specify jurisdiction under this Act.
 - (5) Powers to fix standards in respect of certain establishments:- The Public Health Board shall fix standards for hotels, restaurants, bars, motels, resorts, catering units, other food and drinks manufacturing units, lodges, amusement parks, cinema theatres, circuses, educational institutions, hostels, hospitals, laboratories, work shops and service stations, industrials, laundry, saloons, chicken stalls, fish stall, farms, dairy units, labor camps, ice manufacturing units, auditoriums and other such establishments.
- 7. Powers of the Health Secretary/DHS and the District Collectors/DMOs**
- Health Secretary/DHS and District Collector/DMOs may, from time to time, as occasion requires, recommend for adoption, by any local cal area, or for safeguarding the public health therein; Provided that, if on account of financial authority, such measures as may be necessary for

improving the public health administration in the 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/State/Health Committee whose decision shall be final.

2) Health Secretary and concerned District Collectors can hear upon the appeals and make decisions as per sub section (2) of section 3 in the state and concerned districts respectively.

8. Appointment or nomination of Health Officer—(1) Every Grama Panchayat and City Corporation shall have a Health Officer

2) The Government may by notification, direct that in respect of any function to be performed posted, District Health Authority may nominate an Officer not below the rank of a Health Inspector serving in any health institution under the control of the nearby Grama Panchayat or City Corporation, to function as the Health Officer ex-officio of that Grama Panchayat or City Corporation.

9. Appointment of temporary Health Officers in emergencies— (1) In the event of the prevalence or threatened out break of any infectious disease in any local area, of any unusual mortality therein, or other emergencies, the State Health Authority or District Health Authority, may, by order, appoint temporarily for such a period as may be specified there in, one or more additional Health Officers not below the rank of Health Inspector, for the management of such situations as the case may be.

10. Powers of State Health Authority over public health establishment - (1) Subject to such rules as may be prescribed, the State Health Authority, shall have power—

- (a) to transfer any member of the public health establishment under their control to another public health establishment under their control; and
- (b) in times of emergency, to assign one or more members of the public health establishment under their control for temporary duty in the area of another public health establishment;
- (c) to approve the proposal of the Director of Town Planning regarding notification of residential area;
- (d) to prohibit the manufacture, transportation, stock, sale and distribution of any article of food in the interest of Public Health by notification;
- (e) to prohibit assembly of more than 5 persons in the event of the prevalence of notifiable disease in any local area in public health emergency;
- (f) to control and supervise the whole fair and festival areas of the state and issue necessary orders to execute for the successful implementation of the Act.
- (g) enforce rules and regulations relating to abate nuisance and health hazards
- (h) make sanitary investigations as may from time to time be deemed necessary for the provisions and improvement of Public Health
- (i) shall make investigations and enquires with respect of cause of disease especially epidemics to investigate to the cause of mortality and the morbidity and the effect of localities and other conditions on the Public Health.

11. Powers of the District Health Authority

The District Health Authority shall have the power,

- (a) to exercise supervision and control of the Public health Staff within the district
- (b) to Conduct sanitary investigations as may time to time deemed necessary for the prevention and promotion of Public Health.

- (c) to conduct investigation and enquiry with respect to the cases of all communicable disease.
- (d) to issue directions as may time to time deemed necessary to the Local Health Authority of the Grama Panchayat , Municipality and Corporation. etc.

12. Powers of Local Health Authority

- (1) Health authority of the local area shall exercise supervision and control over all the members of the Public Health establishment in such area.
- (2) Notwithstanding anything contained in the Kerala Municipality Act 1994 or the Kerala. Panchayat Raj Act 1994, the health Authority of the local area shall perform such of the functions and discharge such of the duties in regard to public health matter under any of the provisions applicable to such health authority contained in this Act subject to such appeal and control as the Government may, by General or special order, determine.
- (3) Health Authority of local area shall have the power to:
 - a) Compound any offence committed or violation of any provisions of this Act and rules made there under which can be declared compoundable
 - (b) Issue fitness certificate to any person working in (such circumstance prejudicial to health.
- (4) Every Health Officer shall be deemed to be a public servant within the meaning of section 21 of the Indian penal code (45 of 1860) and shall be officially a subordinate to such authority as the Government appointing him.

13. Powers of Health Officer

- (1) Health Officer may enter and inspect
 - (a) any where, where any type of nuisance has taken place or continuing,
 - (b) any place, conducting dangerous and offensive trades
 - (c) any place where any articles of food is manufactured or stored, or exposed for sale or any source of water supply.
 - (d) any building or hotel or shop where exposed for sale including the fairs and festival which is a place of food supply obtained from a diseased animal or any article of food prepared, packed or kept under in sanitary conditions where by it has become contaminated or injurious to health or unwholesome or unfit for human consumption in the public health point of view and destroy the same forthwith. Provided that where the Health Officer takes any action under this Act, he shall call one or more witness at the time when such actions are taken and get his/her or their signature.
- 2) Health Officer may have the power to seize and carry away any article is intended for food.
- 3) Health Officer may
 - (a) At any time, inspect with or without assistants any place factories, work shop, office, cinema hall, hospital and the like may appear to him reasonable and in other cases including dwelling places in which any notified disease is reported or suspected to exist, without notice.
 - (b) Take such measures, as he may consider necessary to prevent the spread of such disease beyond such place.
- 4) Health Officer may
 - a) take action against the person or persons, who violate any provision of the Act or Rules and to launch prosecution for violations of any of the provisions of this

Act or Rules made there under

- b) b) take informal samples of any articles of food or drug or water from any place or premises for analysis as may appear them reasonable
- 5) Health Officer shall have power to take any action as per the Act and rule there under to abate any nuisance within the meaning of Section 3(66)

Further provided that

- (a) every Local Area shall be provided with a Health Officer
- (b) public health staff should be redeployed in Local Areas in an equitable manner
- (b) Jurisdiction of the Primary Health Centres and Block Primary Health Centres shall be refixed in accordance to the jurisdiction of the Local Area.
- (b) District and State Health Authorities shall pass necessary orders to fix the jurisdiction of the District level and State level Health Officers.

14. Assistance to the Health Authority and Health Officer

All Government servants and other public servants (except judicial department) shall render all helps and co-operation whenever they are approached by Health Authority or Health Officer for assisting or witnessing the action or in the conduct of enquiry in public health cases. Any reluctance, refusal or non-cooperation noticed on the part of the officer shall be viewed seriously by the government and appropriate penal action taken.

15. Duties of Police Officers

- (1) It shall be the duty of every police officer (Officer of the Panchayat which he receives of the design to commit or of the commission of any offence under this Act or any rule or bye-law made there under, and
 - a) to communicate without delay to the President, Secretary, Health Authority or Health officer of the local area
 - (b) to assist the President, Secretary, Health Authority or Health Officer of the local area demanding in writing his aid for the lawful exercise of any power vesting in the President, Secretary, Health Authority or Health Officer of the Panchayat under this Act or any rule or bye-law made there under, or for the performance of any function entrusted to any of them.
- 2) Any Police Officer who omits or refuses to perform any duty imposed on him by this Act shall be deemed to have committed an offence under S.41 of Kerala Police Act 1960 (5 of 1961).

16. Appointment of Additional Health Authority and Health Officer on local areas in emergencies

- 1) In the event of the prevalence or threatened outbreak of any notified disease in any local area or of any unusual mortality therein or any notified area of fair and festival, the Government or State Health Authority, may by order appoint Additional Health Authority and Health Officer for the local area temporarily for such a period as may be specified there in, for preventing such notified disease from spreading or for investigating the cause of them and preventing such mortality and proper conduct of fair and festival as the case may be.

17 Health Authority's and Health Officer's control over public health staff.- Health Authorities and Health Officers at all levels shall exercise supervision and control over all other members of public health establishment in the area under their jurisdiction. It is mandatory to the members of public health establishment to follow the directions of Health Authority and Health Officer for the public health management.

- 18 Health Officer's powers to exercise the Public Health and Environmental Laws in the State-** Health Officer shall have powers to exercise the provisions regarding public health and environment in the existing and enacting Acts in the State.
- 19. Health Authorities at all levels have the powers of Health Officer-** Health Authorities may themselves exercise powers of Health Officer
- 20. Local authority to provide adequate facilities to the Health Officer—**
- 1) Every local authority shall provide its Health Officer with such financial and clerical assistance, office accommodation, furniture, equipment, stationary, forms and vehicle necessary for the proper conduct of the business of such Health Officer.
 - 2) Any expenses incurred or loss suffered on account of execution of any work or steps taken by the Health Officer of the local area, for sanitary convenience, abatement of nuisance and the like, under this Act, shall be met by the local authority and such amount may be recovered from the person to whom the notice under this Act was issued, as arrears of land revenue by the local authority.
- 21. Authorization of Health Authority to perform the functions of Secretary of the local authority in public health matters.—**Notwithstanding anything contained in any Act or Rule related to public health, the Health Officer of a local authority shall perform such of the functions and discharge such of the duties, of its secretary in regard to public health matters aforesaid subject to such appeal and control as the Government may, by general or special order, determine.
- 22. Local authority to manage health institutions**
- 1) The local authority shall manage health institutions transferred to it by Government
 - 2) No sale, mortgage, lease, pledge, charge or transfer of possession of any land appurtenant to a health institution transferred to a local authority shall be made and such land shall not be used for any purpose other than the purpose for which it was transferred to a local authority.
 - 3) The Government may issue direction to the local authority on matters relating to health policy, planning for health facilities, standards to be maintained, mode of administration and it shall be the duty of the local authority to carry them out.

CHAPTER III WATER SUPPLY

- 23. Local authority to provide potable water—**
- 1) Every local authority may, and if the Government so direct, shall provide or arrange for the provision of a sufficient supply of drinking water for consumption by the inhabitants of the area within its jurisdiction.
 - 2) The local authority shall, so far as may be practicable, make adequate provision for securing—
 - (a) that the water-supply is continuous throughout the year, and
 - (b) that the water supply is at all times wholesome and fit for human consumption.
 - 3) Every local authority may also provide or arrange for the provision of a sufficient supply of water for other domestic purposes or non-domestic purpose.
 - 4) Every local authority shall analysis quality of the drinking water periodically at source, on supply and at points of delivery, at least in a random manner and remedial action to be taken.

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

- (1) If in the opinion of the Government, a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighborhood which are may be directed by the Government for providing a sufficient supply of wholesome water fit for human consumption.
- 2) A local authority may, with the previous sanction of the Government—
 - (a) construct, lay or erect filters, reservoirs, engines, conduits, pipes or other works without the limits (of its local area, for supplying such area with water;
 - (b) purchase or take on lease any water- work, or any right to store or to take or convey water, either within or without the limits of its local area; and
 - (c) contract with any local authority or other person or agency for the supply of water
- 3) A local authority may, with the previous sanction of the Government, by public notice, declare any lake, stream, spring, well, tank, reservoir, pond, or other source of water supply whether within or without the limits of its local area (other than a source under the control of the Government) from which water is or may be made available for the use of the public in the local area domestic purpose, to be a source of public water supply for such purpose, and every such source shall thereafter be under the control of local authority, only to the extent necessary for such purposes.

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

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

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

- (2) A local authority may, with the previous approval of the Government
 - (a) enter into a contract for supply of water of good quality in the area or a part thereof with another local authority or a water supply undertaking; 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 or
 - (c) provide a supply of water in bulk to a local authority of an adjoining area, on such terms and conditions as may be agreed;
 - (i) any trade, manufacture or business;
 - ii) hospitals, medical or educational institutions, hostels, hotels, restaurant, ports, ships railways, cantonments and camps;
 - (iii) fountains, swimming pools and lake;

Provided that the Government is satisfied that the proposal is not likely to interfere with the supply in quantity or in quality of water for domestic or other purposes within the area of the supplying local authority.

26. Power of District Collector in regard to water-supply—

- (1) The Collector of the district, or any other officer appointed by the Government in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining—
 - (a) whether the source of water-supply for such local area or part is contaminated from for such local area or part.
- (2) The Collector or other officer aforesaid may, after taking into consideration the result of such inquiries, by notice direct that source of water-supply be cleaned, improved, repaired or otherwise protected from contamination, or that such additional sources or source of water- supply be provided, as the case may be:

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

- (3) Against any direction issued by the Collector or other Officer under sub- section (2), an appeal shall lie to the Government whose decision shall be final.
- (4) (a) Every notice issued under sub-section (2) shall specify the nature and extent of the works to be executed, the estimated cost thereof, and the authorities or the persons or persons by whom and the period within, 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 person owning or having control over the source of water supply, as the case may be, in the prescribed manner.
- (5) If the directions contained in any notice issued under sub-section (2) have not been satisfactorily complied with, the officer issuing the notice may himself cause the works specified in the notice to be executed, provided that he may, on sufficient cause being shown, extend the period specified in the notice, or modify or rescind any direction contained therein.
- (6) (a) If a water-tax is imposed in the local area, the cost of carrying out the works specified in the notice issued under sub-section (2), whether such works are executed by the authority or person specified therein or under sub-section (5) by the Officer issuing the notice, shall be borne by the local authority concerned.
b) If no water-tax is imposed in the local area, such cost shall 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 tax levied under S.32 of this Act,

27. Powers of Health Authority to direct Local Authority to improve water supply

If the Health Authority is satisfied upon investigation that any source of public water supply in a local area is contaminated or is subject to imminent risk of contamination by reason of unsatisfactory location, protection is in his opinion, desirable, he may direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

28. Railway administration to submit sample of drinking water for analysis

In the case of any railway in the State, the Health Authority may, by written notice, require the authority administering the railway to submit for analysis, to such person or institution, in such manner and at such intervals, as may be prescribed, samples of drinking water supplied by such authority at any station or stations on such railway. For such analysis, the authority aforesaid shall pay to the Health Authority such fee and expenditure as may be prescribed by them.

29. Rules for the protection and periodical analysis of water supply

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

30. Health Officer's powers in regard to insanitary sources

- (1) The Health Officer may at any time by written notice require that owner of, or any person having control over, any lake, stream, spring, well, tank, reservoir, pond or other source of water-supply which is used for drinking, bathing or washing clothes shall, whether the same is private property or not, within a reasonable time to be specified in the notice, or in any case falling under clause (d) within such time as may be specified in the notice not being less than thirty-six hours from the receipt thereof
 - a) keep and maintain any such source of supply in such manner as the Health Officer may direct; or
 - b) cleanse any such source of water-supply from silt, refuse and vegetation; or
 - c) protect any such source of water-supply from pollution by surface drainage in such manner as the Health Officer may direct: or
 - d) fill in, repair, protect or enclose in such manner as the health officer may direct any such source of water supply, if for want of sufficient repair, protection or enclosure, such source of water-supply is, in his opinion, dangerous to the health or safety of the public or of any person having occasion to use or to pass or approach the same; or
 - e) desist from using, and from permitting others to use, for drinking purposes any such source of water-supply if, in the opinion of the health officer, the water is unfit for drinking; or
 - f) close any such source of water-supply, either temporarily or permanently, or fill up, enclose or fence the same in such manner as the Health Officer considers sufficient to prevent the use thereof for drinking purposes, if in his opinion, the water is unfit for drinking; 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 thereof, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighborhood: Provided that the provisions of clauses (a) and (d) 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 cannot be prevented otherwise than by the issue of a notice under clause(f).

- (2) if the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section(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, and shall be recoverable as if it were a tax due to the local authority concerned:

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

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

- (1) any local authority shall levy within its area or part thereof, any tax which may be necessary for providing water supply in such area or, part.
- (2) nothing contained in this section shall affect the power of any Gramapanchayat, Municipality, Corporation etc. governed by the Kerala Municipality Act 1994 and Kerala Panchayat Raj Act 1994 or any other Act.

32. New house not to be occupied without adequate water-supply

No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this act 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 Inspector, that there is within the house, or within a reasonable distance there from, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

**CHAPTER IV
DRAINAGE**

33. Local Authority to maintain public drains—

- (1) Every local authority shall, so far as the funds at its disposal may permit, provide and maintain a sufficient and satisfactory system of public drains for the effectual draining of its local area.
- (2) if, in the opinion of the Local Health Authority, any local area or part thereof should, for any special reason be provided with a system of public drains or with any other means

of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by them in this behalf, such works as may be considered necessary by them

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

34. Power of Health Officer to require drains to be constructed—

- (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 there from to the nearest public drain or other place set apart by the local authority for the discharge of rain water or sub soil water.

35. Local Authority can provide adequate drainage system for any other special purposes

Provided that—

- (a) the cost of constructing that portion of the special 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 special drain or other place set apart for the discharge of sewage within a reasonable distance of such premises, he may, by notice require the owner of the premises to construct
- (i) a closed cesspool, septic tank, filter or other work of such material, size and description, as he may direct; and
- ii) a house drain communicating with such closed cesspool, tank, filter or other work.
- (2) where by reason of a local authority changing its system of drainage or undertaking a new system of drainage, it becomes necessary for the owner of any premises to reconstruct or alter any drain, the cost of the reconstruction or alteration of such drain shall be borne wholly by the local authority, or wholly by the owner, or partly by the local authority and partly by the owner, in accordance with such rules as may be prescribed.

36. Drains in private streets

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

Provided that no such connection shall be made—

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

37. Community sewage pit for huts—Special drains for the drainage of huts shall be of such size and description, and be constructed of such materials, as may be considered by the Health Officer to practicable having regard to the circumstances of the locality and the position of the nearest community sewage pit or other place set apart by the local authority for the discharge of sewage.

- 38. Drainage of court-yard, alley, passage, etc**—for the purpose of efficiently draining any land specified in clauses (a) and (b) of this section shall be take or building the Health Officer may, by notice, require the owner of any court-yard, alley, lane, passage or open space— (a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair, or (b)to raise the level of such court-yard, alley lane passage or open space. Explanation:- It shall be open to the Health Officer to require that in any case both the measures.
- 39. Construction and closure of cesspools**
- (1) No person shall construct a cesspool---
- a) beneath any part of any building or within seven and a half meters of any tank, reservoir, water-course or well or within such other distance there from as the Health Officer may consider to be practicable having regard to the circumstances of the locality ; or
- b) within any local area, or outside such area but within ninety meters of any reservoir used for the storage of filtered water to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.
- (2) The Health officer may, at any time by notice require any person within whose premises any cesspool is constructed in contravention of sub- section(1) to remove such cesspool or to fill it up with such material as may be approved by him.
- 40. Prohibition of occupation of new building without drains.**—No owner of any building constructed or reconstructed after the commencement of this Act in any local area shall occupy it, or cause or permit it to be occupied until he has obtained a certificate form the Health Officer that the building has been provided with sufficient means of drainage.
- 41. Sullage or sewage not be let out into drain or streets.**—No person having control over by building or land shall cause or allow.—
- a) the water of any sink, sewer, latrine or sanitary convenience, on any other liquid or other matter which is, or is likely to become, offensive, to run or drain into, or to be thrown or put upon, any street or open space or to soak through any external wall; or
- b) any offensive matter from any sewer, latrine or sanitary convenience, to run, drain or be thrown into a drain in any street
- 42. Injurious refuse not to be discharged into public drains.**—No person shall, save as may be generally or specially prescribed, throw, empty, or turn or suffer or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain communicating with a public drain.—
- (a) any matter likely to injure the drain or to interfere with the free flow of its contents; or to affect prejudicially the treatment and disposal of such contents; or
- (b) any liquid being refuse or steam or other liquid which is either alone or in combination with the contents of the drain, dangerous, or the cause of a nuisance, or prejudicial to health; or
- (c) any explosive, or inflammable substance
- 43. Pollution of water-courses prohibited.**—No person shall, save as may be generally or specially prescribed,
- (1) put, or cause to be put or cause to fall or flow or be carried, or knowingly, permit to be put or to fall or flow or be carried, into any water-course—
- (a) any solid or liquid sewage matter, or

- (b) any poisonous, noxious or polluting liquid proceeding from any manufactory or manufacturing process, or
- 2) put, or cause to be put, or cause to fall or be carried, or knowingly permit to be put or to fall or be carried, into any water-course, so as either singly or combination with other similar acts of the same or any other person to interfere with the due flow of such water course or to pollute the water there in the solid refuse any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or putrid solid matter, or
- 3) commit nuisance or in the neighborhood of any water-course.

CHAPTER V SANITARY CONVENIENCES

- 44. Obligation of local authority to provide public sanitary conveniences** - Every local authority shall provide and maintain in proper and convenient places a sufficient number of sanitary conveniences for the use of the public and cause all such sufficient number of sanitary conveniences of the use of the public and cause all such places to be kept in proper order so as not to be nuisance or injurious to health
- 45. New houses to be provided with sanitary conveniences**—If in any local area any building intended for human habitation is constructed or is reconstructed after being pulled down to or below the ground floor the owner thereof shall provide such sanitary conveniences and in such positions as the Health Officer may, by notice, require.
- 46. Additional sanitary conveniences—**
- (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 there in 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.
 - (2) Every owner of the ground on which a building stands shall provide such sanitary convenience, in such positions, and with in such time as the Health Officer, may by notice, require for the use of the inhabitants of such building.
- 47. Mode of construction of latrines—**
- (1) All latrines shall—
 - (a) be so constructed as to screen persons using the same and the filth from the view of persons passing by or residing in the neighborhood; and passing by or residing in the neighborhood; and
 - (b) be maintained, repaired, altered and used in acc be maintained, repaired, altered and used in accordance with the rules and bye-laws 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 improvements therein and within such time as may be specified in the notice.
 - (3) When any latrine is used in common by the occupiers of two or more premises or by the members of two or more families, no person shall injure or improperly foul any such latrine or anything used in connection therewith.

48. **Any establishment prejudicial or likely prejudicial to the health of the public shall obtain Sanitary Fitness Certificate from the Health Officer of the area having jurisdiction.**

CHAPTER VI ABETMENT OF NUISANCES

49. **Certain things to be nuisances**—without prejudice to the generality of the definition of the expression “nuisance” contained in clause (66) of S.3, the following shall be deemed specifically to be nuisances for the purposes of this chapter:

- (1) any premises in such a state as to be prejudicial to health or a nuisance
- (2) any pond, pool, ditch, gutter, water-course, water-trough, latrine, cesspool, drain or ash pit which is so foul or in such a state as to be prejudicial to health or a nuisance
- (3) any animal kept in such a place or manner as to be prejudicial to health or a nuisance
- (4) any accumulation or deposit of refuse or building waste or other matter which is prejudicial to health or a nuisance
- (5) any factory, workshop or workplace, which is not provided with sufficient means of ventilation, or in which sufficient ventilation is not maintained, or which is not kept clean or not kept free from noxious effluvia, or which is so-crowded while work is carried on as to be prejudicial to the health of those employed therein;
- (6) any fireplace or furnace which does not as far as practicable consume the smoke arising from the combustible used therein, and which is used for working engines by steam, or in any mill, factory, dye house, brewery, bake-house or gas work, or in any manufacturing or trade process whatsoever
- (7) any chimney sending forth smoke in such quantity as to be a nuisance
- (8) any noise, vibration, dust, cinders, irritating smell or offensive odor produced by a factory, workshop or workplace which is a nuisance to the neighborhood
- (9) any x-ray unit, clinical laboratory, hospital which are not maintained with proper precautionary measures and in such a state which is prejudicial to health.
- (10) any hotel or food handling institutions, resorts, holiday camps, slaughter house, meat stall, chicken stall, milk stall, market, ice factory, theatre, auditorium, tourist home, lodges, hostel or rental building, catering units, barbershop, beauty parlor, and the like in such a state as to be prejudicial to health;
- (11) any school or other educational institution function in such a state as to be prejudicial to health
- (12) any burial ground, crematorium in such a state as to be prejudicial to health
- (13) any tree or any type of construction which are caused or maintained in such a state as to be prejudicial to health.
- (14) any park, play ground, or any other place in which people gather kept in such a state as to be prejudicial to health
- (15) any water collection, stagnant or flowing which are seem to be breeding sources of mosquitoes, or places seem to be the breeding places of flies, cockroaches, snails and the like in such a state as to be prejudicial to health;
- (16) any piggery, poultry, goat farm, cattle farm, hatchery and stable kept in such a state as to be prejudicial to health;

- (17) any godown, accumulation of garbage's and the like maintained or kept in such a manner to harbor rat, mice, ticks and the like which are prejudicial to health.
- (18) any kind of waste transported in a vehicle or water supplied in a vehicle prejudicial to health.

50. Detection of nuisance—Every Local Authority shall—

- (a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist there in calling for abatement under the powers conferred on such authority by this act; and
- (b) enforce the provisions of this Act in order to abate such nuisances.

51. Information regarding nuisance.—Any person aggrieved by a nuisance in any local area may give information of the same or a complaint in writing to the Local Health Authority/ Health Officer or any other officer of the Public Health Establishment of the local authority

52. Power of Health Officer to abate nuisance—(1) If the Health Officer is satisfied, whether upon information given under S.51 or otherwise of the existence of a nuisance, he may by notice require the person by whose act, default or sufferance the nuisance arises or continues, or if that person cannot be found the owner or occupier of the premises on which the nuisance arises or continues to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that

- (a) where the nuisance arises from any defect of a structural character, the notice shall be served on the owner of the premises; and
 - (b) 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. Further provided that, the Health Officer of the local area for reasons to be recorded in writing, and upon the application in writing by such person to whom such notice is issued, may extend the period specified in such notice, in the facts and circumstances of the case.
- (2) The direction contained in the notice under sub section (1) shall have effect, notwithstanding anything contained in any other law for the time being in force or any custom or usage or decree or order of a court, or any agreement or contract, express or implied, as far as they are not inconsistent with the provisions of this section.
 - (3) The issuance of the notice under sub section (1) to a person as occupier of any premises, shall not create any legal right, title or interest in such person, in respect of such premises, if such person is not the owner of such premises as the notice issued is only for creating the liability of abatement of nuisance or execution of any work or to take such steps as may be directed under sub section (1).
 - (4) If any person, owner or occupier of any premises, to whom a notice is issued by the Health Officer of the local area, under sub section(1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be the Health Officer of the local area, shall himself execute any work or take such steps, which he may consider necessary to abate, the nuisance and to prevent the recurrence thereof.

53. Penalties : (1) If any person

- a) whether by himself or by any other person on his behalf fails to comply with the directions contained in the notice issued under sub section (1) of section ... which is a nuisance within the meaning of clause 66 of Section 3.

- b) obstruct or Prevent Health Authority or Health Officer of the local area from exercising any powers conferred on him by or under this Act or
- c) prevents Health Authority or Health Officer of the local area any work or action for abatement of nuisance under this Act or
- (d) any other action from the part of a person which is contravention of any of the provisions of this Act or any rules made there under shall be punishable with simple imprisonment for a term which may extend to three months with fine which shall not be less than Rs.5000/- Provided that any breach of direction given by the Health Authority or Health Officer of the local area shall be punished with a fine which may extend to Rs.100 for every day during which the breach continues after receipt of notice from the Health Authority or Health Officer of the local area as the case may be, to discontinue such breach.

Provided further that the said offence under 12(3) may be compounded by the Health Authority of the Local area if the offender agrees to pay a fine of Rs.3000/-

- (2) If any person violate the directions of Health Authority or Health Officer of Local area in relating to section 12 and 13 of this Act or any other provisions of this Act or any rule made there under and such action of that person cause grave injury to any other person or public in general, he shall be punishable with imprisonment for a term which shall not be less than one year, which may extended to six years and with fine which shall not been less than 10000 rupees.
- (3) Whether by himself or any other person on his behalf gives to the Health Authority or Health Officer of the local area a false or misleading information about the true name and address of the person who is responsible for such nuisance or any other action from the part of a person which is in contravention of any of the provisions of this Act or of any rule made there under he shall be punishable with simple imprisonment for a term which - may extend to thirty days with fine which shall not be less than Rupees 1000/-Provided that the said offence may be compoundable by the Executive Magistrate not below the rank of SDM/RDO of the local area if the offender agrees to pay a fine of 1000/- rupees

54. Compounding of offences:

- (1) Subject to the condition, if any, as may be prescribed, the Executive Magistrate not below the rank of SDM/RDO of the local area, may accept from any person alleged to have committed offence under the Act or under the rules made there under or bye-laws against such person in respect of such offence by way of composition for such offence, a sum of Rs.1 000/- which may extant to Rs.6,000/
- (2) The Executive Magistrate not below the rank of SDM/RDO of the local area shall if there is no reason to the contrary make an order in writing specifying therein -.
 - (a) the sum determined by way of composition,
 - (b) the date on or before which the sum shall be paid,
 - (c) the date on or before which the person should report the fact to the health authority of the local area
- (3) The Executive Magistrate not below the rank of SDM/RDO of the local area shall send a copy of such order to the person concerned.
- (4) After compounding any offence under the Act, and the rules, if the person repeats the same offence again, he shall be liable to fine double the amount payable earlier and for continuance of the same offence Rs.100/- shall be recovered every day as long as the

breach continues.

- (5) The negligence from the part of the offender regarding sub section (4) shall be considered as grave offence contains in sub section of section ...

55. Power of Court to try case summary: - Not with standing anything contained in the Code of Criminal Procedure, 1973 (2 Of 1974), all offenders under sub-section (2) of section 16 shall be tried in a summary way by Executive Magistrate not below the rank of SDM/RDO or Judicial Magistrate of the First Class or higher especially empowered in this behalf by the state Government or by a Metropolitan Magistrate and the provisos of section 262 to 265 (both inclusive) of the said code shall as far as may be apply to such trial: (c) The date on or before which the person should report the fact to the Executive Magistrate not below the rank of SDM/RDO (c) The date on or before which the person should report the fact to the Executive Magistrate not below the rank of SDM/RDO of the local area.

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

58. Disposal of articles remove while abating nuisance -

- (1) A local authority may sell any materials which have been removed by it from any premises (including any street) when executing works under this Chapter or otherwise carrying into effect provisions thereof, if such materials are claimed and taken away by the owner before the expiration of seven days from the date on which they were removed by the local authority.
- (2) A local authority selling any materials under sub-section (1) shall pay the sale-proceeds to the person to whom the material belonged, after deducting there from the amount of any expenses recoverable from him by such authority.
- (3) The provisions of this section shall not apply to any offensive matter/items mentioned in section 49(6) removed by a local authority under the Act governing such authority
- (4) Perishable goods.

59. Powers of entry and inspection.— Any officer of the Health Services Department of the Government or of the local authority, not below the rank of Health Inspector may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this Chapter: Provided that—

- (a) no such entry shall be made between sunset and sunrise except when a nuisance is caused by anything done or omitted to be done in the premises between sunset and sunrise;
- (b) no dwelling house shall be so entered without the consent of the occupier thereof, unless he has received at least twenty-four hours previous notice of the intention to make such entry;
- (c) sufficient notice shall, in every case, be given to enable the inmates of any apartment appropriated to women to withdraw to some part of the premises where their privacy may preserved; and
- (d) due regard shall be paid, so far as may be compatible with the exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

60. Power of Government in case default by local authority.—If the local authority or its Health Authority or 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 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.

61. Nuisance caused by act or omission outside local area.—If a nuisance under this Act within, of 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 or Health Officer may take or cause to be taken against any person in respect of such act or default any proceedings 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.

62. Prohibition of the deposit of rubbish etc. in streets, etc.—

- (1) No person shall deposit, or cause or suffer any member of his family or household to deposit any carcasses of animals, any dust, dirt, dung ashes or refuse or filth of any kind, any animal matter, hospital waste, any broken glass, earthenware or other rubbish, plastic waste, 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 or on any quay, jetty, wharf or landing place or on any such part of the sea-shore, or on the bank of any water-course, excepted in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.
- (2) No person shall cause himself, or cause, permit or suffer any member of his family or household to ease himself, in any such street, arch, drain, open space, quay, jetty, wharf, landing place, sea-shore or bank aforesaid

CHAPTER VII NATIONAL AND STATE HEALTH PROGRAMMES AND MATERNITY AND CHILD WELFARE

63. Local authority to carry out National and State Health Programmes and maternity and child welfare measures.— Every local authority shall be bound to carry out such measures pertaining to National and State Health Programmes and maternity and child welfare as may be prescribed.

64. Health Authority shall inform and advice Local Authority to carry out the programmes referred in S.63

CHAPTER VIII PREVENTION, NOTIFICATION AND TREATMENT OF DISEASES

PART I INFECTIOUS DISEASES IN GENERAL

65. Infectious diseases.—For the purpose of this part, ‘Infectious disease’ means

- (a) acute influenzal pneumonia,
- (b) anthrax
- (c) cerebrospinal fever,
- (d) chickenpox
- (e) cholera
- (f) diphtheria
- (g) enteric fever

- (h) leprosy
- (i) measles
- (j) plague
- (k) rabies
- (l) relapsing fever
- (m) scarlet fever
- (n) infective hepatitis
- (o) tuberculosis
- (p) SARS
- (q) malaria
- (r) filaria
- (s) dysentery
- (t) Conjunctivitis
- (u) tetanus
- (v) mumps
- (w) poliomyelitis
- (x) typhus
- (y) yaws
- (z) yellow fever
- (aa) leptospirosis
- (ab) dengue fever
- (ac) japanese encephalitis
- (ad) chikungunya
- ag) any other disease which the Government may from time to time by notification,
- (ae) avian influenza
- (af) kala azar

or 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.

66. Appointment of additional health staff.—

- (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, medicine, appliances, equipment and other thing as may, in opinion of the Health Authority or 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.
- (2) To provide facilities as per the subsection above is the mandatory function of the Panchayat.
- (3) In the event aforesaid, if the Health Authority or Health Officer considers that immediate action is necessary in the interests of public health he may, notwithstanding anything contained in
- (4) Every appointment made under sub-section (3) shall reported forthwith to the executive authority and by such authority to the local authority concerned at its next meeting.

67. Provision and maintenance of isolation hospital and wards.—

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

- b) For the purpose of the reception and treatment of such persons a local authority may
- (i) itself build such hospitals, wards or places of reception, or
 - (ii) contract for the use of any such hospital or part a hospital or place of reception, or
 - (iii) enter into an agreement with any person having the management of any such hospital, for the reception and treatment therein of persons suffering from infectious diseases.
- c) for the purpose aforesaid, two or more local authority may in combination provide a common hospital or place of reception.

68. Provision of ambulance etc.—A Local Authority may, and if so required by the Health Authority or Health Officer shall—

- (a) provide and maintain suitable conveyances, with sufficient attendants and other requisites for the free carriage of persons suffering from any infectious disease; and
- (b) provide proper places and apparatus and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection; and when any conveyances, clothing, bedding or articles are brought to any such place for disinfection, may cause them, at its discretion, to be disinfected, either free of charge, or on payment of such fee as it may fix. practitioner who, in course of his practice becomes cognizant of existence of any case of infectious disease in any private or public dwelling, any hospital government or private, shall, if the case has not been already reported, give information of the same in writing with the least practicable delay to the Local Health Authority of the concerned area of infected person.

69. Medical practitioners, to give information of certain infectious diseases.— (1) Every medical practitioner who, in course of his practice becomes cognizant of existence of any case of infectious disease in any private or public dwelling, any hospital government or private, shall, if the case has not been already reported, give information of the same in writing with the least practicable delay to the Local Health Authority of the concerned area of infected person

(2) The Medical Practitioner is duty bound to report the matter to district disease control monitoring cell within 24 hours.

Explanation: -(1) In this section, 'medical practitioner' includes a medical practitioner, whether registered or not.

70. Hospitals shall have a Health Inspector.- Every hospitals having bed strength of thirty or more shall have a Health Inspector and he shall be duty bound to inform incidents of infectious disease, periodical recording etc., in time to the Local Health Authority. Health Inspector is also responsible to maintain sanitary conditions and safe disposal of waste in the hospital concerned

71. Prohibition of the use of water, food or drink from suspected source.

- (1) If it appears to the Health Officer that the water in any tank, well or other place, if used for drinking or any other domestic purpose is likely to endanger the spread of any infectious disease he may, by public notice, prohibit the use of the said water generally or for any specified domestic purpose.
- (2) If it appears to the Health Officer that the food or drink for public consumption or any other domestic purpose is likely to endanger the spread of any infectious disease he may,

by public notice, prohibit the cause of the said source generally or for any specified domestic purpose.

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

72. Removal of infected person to hospital.—

- (1) if it appears to the Health Authority or 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 neighborhood; and
(a) should be removed to a hospital or other place at which, patients suffering from such disease are received for treatment, the Health Officer may remove such person or cause him to be removed to such hospital or place.
- (2) if any women 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.
- (3) No person shall leave, or be taken away from, any hospital or other place referred to in sub-section (1) without the permission of the Medical Officer in charge or of the Health Officer.
- (4) Whoever—
- (a) obstructs the removal of any person to any hospital or other place under subsection (1) or
(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3), Shall be punished with imprisonment, which may extend to three months or with fine of Rs.1000/- or with both.

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

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

Explanation:- A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Authority or Health Officer, that he is so suffering.

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

- 74. Infected person not to engage in certain trades and occupations.—** No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease—
- (a) make, carry or offer for sale, or take any part in the business of making, carrying or offering for sale, any articles 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.
- 75. Prevention of infectious disease transmissible from animal.—**If, in any local area, any Infectious disease transmissible to man breaks out, or in the opinion of the Health Authority or Health Officer, likely to break out, amongst cattle or other animals, it shall be the duty of the Health Authority or Health Officer after consultation with Animal Husbandry district officials to recommend to the local authority the adoption of such measure as he may deem necessary for suppressing or mitigating the disease or for preventing the outbreak or threatened outbreak thereof; and it is mandatory to the local authority to take such action thereon.
- 76. Control of Insects and vector borne diseases**
- For the purposes of this Section “insects” include mosquitoes, flies, lice, mite sand fly, ticks and any other insects determinant to health.
- 77. Duties of local authority**
- 1) Every local authority shall take steps to eliminate places where insects are breeding or likely to breed and to control or destroy insects.
 - 2) The Government or the local authority shall take measures for the prevention, control and removal of any cause or causes of breeding of insects.
- 78. Duties and responsibilities of owners and occupiers**
- Every owner or occupier of lands or premises shall take measures to prevent the breeding of insects and when directed such measures as may be specified by the local authority

PART II

NOTIFIED INFECTIOUS DISEASES

- 79. Notified diseases.-** In this Part, ‘notified disease’ means
- a) avian influenza,
 - b) anthrax
 - c) cerebro- spinal fever,
 - d) chickenpox,
 - e) chikun gunia,
 - f) cholera,
 - g) dengue fever
 - h) diphtheria
 - i) enteric fever,
 - j) filaria,
 - k) Viral hepatitis - B
 - l) SARS

- m) Infective hepatitis, m) Japanese encephalitis, n) leptospirosis,
- n) Malaria
- o) Measles, q) plague
- r) Poliomyelitis, s) rabies, t) tetanus
- u) tuberculosis (Infective types), v) typhus,
- w) yellow fever

- 1) any other disease which the Government may from time to time by notification declare to be a notified disease for the purposes of this Part either generally throughout the State or in such part or part thereof as may be specified in the notification

80. Occupation of houses to prevent the spread of infection.—(1) The Health Authority or

Health Officer may, in cases of emergency, with the sanction of the District Collector, enter upon, occupy and use, or depute any person to enter upon, occupy and use without having recourse to the provisions of the Land Acquisition Act, 1894, any building or place which, in the opinion of the Health Authority/Health Officer, is required, and is suitable for any purpose connected with the prevention or control of infection from a notified disease: Provided that, if the building or place is occupied, notice shall be given in writing to the occupant, or be conspicuously affixed on such building or place, not less than thirty-six hours before it is entered upon.

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

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

81. Information regarding notified disease.—Every medical practitioner, who in the course of his practice becomes cognizant of the existence of any notified disease in any private or public dwelling, any hospital government or private and every manager of any factory or public building, every keeper of a lodging house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of a notified disease, shall if the case has not been already reported, give information of the same with the least practicable delay to the Local Health Authority and Disease Monitoring and Control Cell of the concerned area of infected person.

Explanation:— In this section, ‘medical practitioner’ includes a medical practitioner whether registered or not.

82. Power of entry of local officers to take preventive measure—(1) The Health Authority or Health Officer or any person authorized by him in this behalf may—

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

- (b) take such measure as he may consider necessary to prevent the spread of such disease beyond such place.
- 83. Closure of food handling places and lodging houses—**If on the application of the Health Officer or otherwise Executive Magistrate not below the rank of SDM/RDO is satisfied that it is necessary in the interest of public health that a lodging house or any place where articles of food are sold, or prepared, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging house or place of a case of notified disease, the Executive 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.
- 84. Infected clothes not to be sent to laundry—** No person shall—
- (1) send or take to any laundry or public wash-house or any public water- course, tank or well, for the purpose of being washed, or to any place for the purpose of being cleansed, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or
- 85. Power of Executive Magistrate to prohibit an assembly of more than fifty persons—**In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer or otherwise, any Sub Divisional Magistrate/RDO, 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
- 86. Power of Government to confer special powers on officers to control notified diseases.—** Government shall have special powers to confer special powers on officers to control notified diseases
- 87. Destruction of rats, mice, dogs etc.,—**
- (1) The occupier of every premises or if the premises are unoccupied, the owner thereof, shall take such steps as may be reasonably practicable for the destruction of rats, mice, dogs and other animals susceptible to plague, leptospirosis, rabies and the like.
- (2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfill the obligation laid on him by sub-section (1) he may either—
- (a) serve a notice on such occupier or owner, requiring him to take such steps and within such time as may be specified in the Notice,
- (b) direct local authority in writing to take such steps and within such time as may be specified
- (c) local authority shall take such steps as may be necessary for the purpose of destroying the rats, mice, dogs and other animals susceptible to plague, leptospirosis, rabies and the like, after giving spot notice to such occupier or owner.
- (3) Any expenses incurred under Cl. (c) of sub section (2) may be recovered by the local authority concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the local authority.
- 88. Provision for management of infectious diseases by local authority.—**
- (1) A local authority may, and if so required by the Health Authority shall, make such arrangements in its local area as may be directed by the Health Authority for

- (a) the free diagnosis and treatment of persons suffering, or suspected to suffer, from infectious disease; and
 - (b) the prevention of infection from such disease
- (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 registered hospital or medical institution in this behalf, or
 - (c) with any registered medical practitioner
- 89. Patient to be instructed in method of prevention of the spread of infectious disease.—** Every physician or other person treating, or examination with a view to treatment, a person having a infectious disease shall, at the first visit
 - (a) impress upon such person the necessity for treatment until the cure is effected
 - (b) instruct him in regard to the measure necessary for preventing the spread of the disease; and
 - (c) furnish him with such other information relating to the disease as may be provided by the Direction of Health Service.
- 90. Registered Medical Practitioners to certify as to freedom from infectious disease—**
Every registered medical practitioner, for the purpose of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and to examine such person, and if he finds that such person is not suffering from an infectious disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.
- 91. The Health Authority and Health Officer has the power to isolate or quarantine the infected persons.**
- 92. Precautions while handling dead body-** Health Authority and Health officer has powers to manage persons died due to infectious diseases by fulfilling international precautions. Local authority shall provide assistance under this section.

PART III POWER TO MAKE RULES

- 93. Rules for the prevention, treatment and control of certain disease.—**The Government shall have power to make such rules as they deem fit for the diagnosis and treatment of persons affected with any infectious disease and measures to prevent the spread of such disease and for vaccination and enforced and executed through Local Authority, Health Authority or Health Officer.

CHAPTER IX MOSQUITO CONTROL

- 94. Prohibition of mosquito breeding in collections of water.—** no person or local authority shall,
 - a) have, keep, or maintain within such area any collection of standing or flowing water in which mosquitoes breed or are likely to breed, or
 - b) cause, permit, or suffer any water within such area to form a collection in which mosquitoes breed or are likely to breed, unless such collection has been so treated as effectively to prevent such breeding.

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

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

95. Treatment of mosquito breeding places.—

- (1) The Health Officer may, by notice in writing, require the owner or the occupier of any place containing any collection of standing or flowing water in which mosquitoes breed or are likely to breed, within such time as may be specified in the notice, not being less than twenty- four hours, chemical or biological method, being measures or a method, approved by the Director of Health Services as the Health Officer may consider suitable in the circumstances.
- (2) If a notice under sub-section (1) is served on the occupier, he shall in the absence of a contract, expressed or implied, to the contrary, be entitled to recover from the owner the reasonable expenses incurred by him in taking the measures or adopting the method of treatment, specified in the notice, and may deduct the amount of such expenses from the rent which is then, or which may thereafter be, due from him to the owner.

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

97. Protection of anti mosquito works.—Where, with the object of preventing the breeding of mosquitoes in any land or building, the Government or any local authority or the owner or occupier at the instance of the Government or any local authority, have constructed any works in such land or building the owner, for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which cause, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

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

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

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

CHAPTER X SANITATION AND BUILDINGS

PART 1 RESIDENTIAL AREAS

- 100. Notification of residential and other areas—**(1) Every local authority shall, within one year from the commencement of this Act, or within such further times as the Government may allow in the case of any such authority, notify in the prescribed manner the localities, divisions, wards, streets or portions of street, in its local area which shall be reserved for residential, commercial, industrial and agricultural purposes. Provided that such residential areas should be the least possible agricultural lands. Change of such demarcated areas should not be allowed.
- 2) A local authority may, at any time subsequent to the issue of a notification under subsection (1) notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes
- (3) A notification issued under sub-section (1) or sub-section (2) may declare that operations in any factory, workshop or workplace in existence at the time when it comes into force, or that the continuance of any offensive trade carried on by any person at such time, shall be subject to such restrictions, limitation and conditions as may be specified in the notification.
- 101 Approval of Director of Health Service/ District Medical Officer to be obtained for notification—**
- (1) Before issuing a notification under S.100, the local authority shall—
- (a) obtained the approval from the District Medical Officer in 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) Section 100; 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) Section 100; and consider all objections received by it within six weeks of such publication.
- (2) In then event of a difference of opinion between the local authority and the District Medical Officer, the matter shall be referred to the District Health Board. The appeal of which will lie with the Secretary (Health).

PART II CONTROL OVER INSANITARY BUILDINGS

- 102. New building not to be erected on certain sites. —** (1) No person shall erect a new building on any ground which has been filled up with faecal or offensive vegetable or offensive animal matter or upon which any such matter has-been deposited, unless and until the Health Officer Certifies that such matter has been properly removed by excavation or otherwise, or has become or been rendered innocuous.
- (2) Against the refusal of the Health Officer to issue a certificate under sub-s. (1) an appeal shall lie to the Health Authority whose decision shall be final.
- 103. Cleansing of courtyard or passage used in common.—**
- (1) If any courtyard or passage which is used in common by the occupants of two or more

buildings, but is not 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 or the local authority may cause such work as per the direction of the Health Officer.

- (2) The local authority may recover any expenses reasonably incurred by itself or by the Health Officer under sub-section(1) from the occupants or owner 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 local authority by the Health Officer.

104. Dwelling house unfit for human habitation be vacated.—

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

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

- (2) When any order has been made under sub-section (1), the executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit the dwelling house or portion thereof, as the case may be, within thirty days after the communication of the order to him.
- (3) The owner of any dwelling house or portion of a dwelling house in respect of which an order under sub-section(1) is in force, shall not let or occupy, or permit to be let or occupied such dwelling house or portion, or any part thereof, as a human habitation.

**CHAPTER XI
LODGING HOUSE**

105. Lodging house to be registered.— No person shall keep a lodging house or receive a lodger therein unless he is registered with Local Authority as the keeper thereof under this Act.

106. Register of lodging houses.— Every local authority shall keep a register in which shall be entered—

- (a) the full name and the place 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 person who are to act as deputies of the keeper of the lodging house.

107. Conditions of registration and of renewal of registration.— (1) A local authority on receiving from any person an application for registration, or for the renewal of the registration as a keeper of a lodging house, and on payment by him of such fee, if any, as may be prescribed for the 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 he is satisfied that—
- c) may refuse to register or, to renew the registration of, an applicant if he is satisfied that—
 - (i) the applicant or any person employed or proposed to be employed, by the applicant at the lodging house as deputy or otherwise is not a fit person whether by reason of age or otherwise, to keep or to be employed at a lodging house; or
 - (ii) the premises are not suitable for use as lodging house or are not as regards sanitation and water-supply and in other respects including means of escape in case of fire suitably equipped for use as such; or
 - iii) the use of the premises as lodging house is likely to occasion inconvenience or annoyance to persons residing in the neighborhood.
- 2) The registration, or the renewal of the registration of a person as keeper of a lodging house shall expire at the end of the year for which it is granted unless, for special reasons. The executive authority considers that it should expire at an earlier date when it shall expire at such earlier date, which shall be specified in the certificate of registration or of renewal of registration.
- 3) If an executive authority refuses to grant or renew registration under this section, he shall deliver to the applicant a statement in writing of the grounds on 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 an person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly, and make any consequential alterations in the certificate of registration.

108. Rules for the upkeep and maintenance of lodging houses.— The Government shall have power to make rules—

- a) for fixing the number of persons who may be received into a lodging house and for then separate accommodation of the sexes therein; a) that any animal found in the possession of a person who is in the habit of keeping
- (b) For promoting cleanliness and ventilation in lodging houses and requiring the walls and ceiling thereof to be lime-washed or treated with some other suitable preparation, at specified intervals;
- (c) with respect to the taking of precautions when any case of infectious disease occurs in a lodging house; and
- (d) generally for the well-ordering or lodging houses

109. Notice to be affixed outside the lodging house:— (1) The keeper of a lodging house shall, affix, and keep affixed and under faced and legible, a notice with the words.

“Registered lodging house” and registration number in some conspicuous place on the outside of the house.

- (2) The keeper of a lodging house and every other person having the care or taking part in

the management thereof shall at all times allow the President or Secretary of the local authority, the Health Officer or the officials authorized by them in this behalf, to have free access to all part of the house.

CHAPTER XII FOOD CONTROL

110. Prohibition of sale of unsound food—(1) No person shall—

- a) sell, expose or hawk about for sale, or keep, store or prepare for sale, or transport 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, or transport any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.
 - c) sell, distribute, expose or hawk about for sale, or keep, store, manufacture or prepare for sale, or transport any food or drug intended for human consumption without valid license.
- (2) In any prosecution under sub-section (1), the Court shall unless and until the country 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 or transporting such food or drug for sale for human consumption, has been kept, stored, manufactured, prepared or transported by such person for sale.

111. Punishment for contravening provisions of S. 110 through others.—

- (1) Any person who does any of the acts mentioned in sub-section (1) of S.110 or in clauses (a) to (d) of sub-section (1)

112. Local authority may provide slaughter house.- (1) A local authority may establish and maintain or permit by license, person to establish and maintain slaughter houses for slaughtering animals as per existing rules and regulations.

- (2) No person shall slaughter any animal for sale of meat or for consumption as food except at a recognized slaughter house.

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

114. Importing meat into local areas.—

- 1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in slaughter-house maintained or licensed by the Government or by local authority.
- 2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale-proceeds shall be credited to the funds of the local authority
- 3) Nothing in this section shall be deemed to apply to—
 - a) cured or preserved meat, or

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

115. Power of Health Officer to enter premises used for food trade.— The Health Officer may, without notice enter any place, stop any mode of transport at any time, by day or by night, where any article of food is being manufactured, prepared, exposed, stored or transported for sale, and inspect such article and any utensil, vessel or vehicle used for manufacturing, preparing, containing or transporting the same.

116. Power of Health Officer to deal with carries of disease handling food

- 1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale
- 2) If on such examination the Health officer finds that such person is suffering from, or harboring the germs of, any infectious disease, such person shall not take part in selling any article of food or in manufacturing or preparing or in any manner handling any article of food intended for sale, until the Health Authority certifies in writing that he is free from infection from such disease.

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

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

118. Inspection of dairy by Health Officer.—

- (1) The Health Officer may inspect any dairy referred to in S.117 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.
- (2) An order made under sub-section(1) or 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 cause of infection has been removed.

- (3) If an order made under sub-section (1) or cancelled under sub-section(2) relates to a dairy situated outside the limits of the local area, the Health Officer shall also inform the local authority within whose jurisdiction the dairy is situated.
- (4) When an order is made under sub-s. (1), the Health Officer may either—
 - (a) permit the milk or other produce of the dairy, after being boiled or treated in such other manner as he may direct, to be sold or used as animal food, subject to any reasonable restrictions he may impose, or
 - (b) cause such milk or dairy produce to be destroyed.
- (5) No person shall, sell or supply any milk or dairy produce in contravention of the provisions of this section.

119. Establishment of halts & A local authority may establish and maintain markets or halts at suitable places for the convenience of people and may permit, by issue of licenses, private persons to establish and maintain markets and halts

120. Licensing of markets & other food handling institutions

- (1) No person shall establish or maintain a market or halt without a license from the local authority.
- (2) No local authority shall issue or renew any license with out obtaining the Sanitary Fitness Certificate form the Health Officer.
- (3) No local authority shall issue or renew any license of food handling institutions with out obtaining Health Card for the food handlers from the Local Health Authority. Validity of such card will be six months and should be renewed in time
- (3) Every such license shall be renewable every year and the local authority may for sufficient reasons under section refuse such renewal.

**CHAPTER XIII
FAIRS AND FESTIVALS**

121. Notification of fairs and festivals by District Collector

- (1) The District Collector 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 periods may be specified in the notification; and the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and proper preservation of such
 - 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 fair and festivals in connection with which a notification under sub-section (1) has been issued.
- (3) The Government shall have the power to constitute or authorize any body to supervise the arrangements in exceptional cases.

122. Notice to be given of fair or festival.—

- (1) The person or authority in charge of any fair or festival shall, not less than thirty days before the commencement, intimate to the Local Authority or Health Authority or Health Officer of the local area concerned, or in case the fair or festival is to be held, within the jurisdiction of more than one local authority to the Local Authority Health Authority or Health Officer of each of the local areas concerned, the date of commencement of such fair or festival, and the period for which it will last.
- (2) The person or authority in charge of the fair or festival shall also furnish such other particulars relating to the fair or festival as may be called for by the local authority and Health Officer of the local area or any of the local areas concerned.
- (3) *The Government shall have the power to constitute or authorize any body to supervise the arrangements in exceptional cases.*

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

- (1) the demarcation and preparation of the site of the fair or festival
- (2) the clearing and draining of the site
- (3) disposition of the several parts of the fair or festival, including the alignment of roads within the site
- (4) the supply in sufficient quantities of water fit for drinking and cooking purposes for the use of persons resorting to the fair or festival and proper preservation of such water
- (5) the accommodation of pilgrims and visitors; to such extent as may be practicable
- (6) the lighting of the fair or festival centre
- (7) the supply by suitable persons of wholesome food, at reasonable rates, and in such quantities as may be necessary, to persons resorting to the fair or festival and the proper supervision and inspection of all food prepared or offered for sale or stored or in course of transit within the fair or festival centre
- (8) the collection, removal and disposal of refuse, rubbish and sewage fair or festival
the introduction and spread of such diseases;
- (9) the supply and maintenance of suitable latrines for the use of persons resorting to the fair or festival
- (10) the detection and segregation of cases of infectious diseases and the prevention of the introduction and spread of such diseases;
- (11) the employment of adequate medical staff, the provision of medical relief, and the furnishing of hospital accommodation both for general and isolation purposes; and
- (12) such other purposes as may be prescribed

124. Health Authority to supervise the arrangements.— The arrangements mentioned in S. 120 shall be executed under the supervision and control of the Health Authority 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 Authority of one of such local authorities designated by the

person or committee referred to in S.120, or in case no Health Officer is so designated, under the supervision and control of the Health Authority concerned with their respective local areas.

125. Power to enter and seize unwholesome food.— (1) The Health Officer or Health Officers or the local authority or the local authorities concerned, or any officer of the Government or of any such local authority appointed by the Government in this behalf, may

- (a) enter and inspect any building or shop in the fair or festival centre, which is a source of food-supply;
- (b) for the purpose of inspection, have access to any source of water-supply on such centre or within such distance there from 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 forth with if, in his opinion, such food is of perishable nature or the value thereof does not exceed one thousand rupees.

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

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

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

- 2) The owner or lessee of such land or building shall be entitled to compensation for any damage or expenses incurred, and to a reasonable rent for the period during which it had been occupied or used for any of the purposes referred to in sub-so (1). Such compensation and rent shall be fixed by the District Collector
- 3) The local authority shall, when any such land or building ceases to be occupied or used for any of the purposes aforesaid, cause it to be thoroughly disinfected and cleansed.

127. Control over private sources of water-supply.—

- 1) The Health Officer may, by notice in writing, require the owner of, or other person having control over, any source of water-supply situated on the fair or festival site, or within such distance there from as the Government may by general or special order determine, to close or, disinfect such source within a specified time if, in the opinion of the Health Officer, it is likely to engender or cause the spread of disease amongst persons resorting to the fair or festival.
- 2) If the owner or person aforesaid fails or neglects to comply with any notice issued under subsection (1) within the time specified therein the Health Officer may, himself take the necessary action; and the whole of the expenses incurred in doing so or such part thereof as the Health Officer may determine to be reasonable, shall be recovered from such owner or person as if it were a tax due from him to the local authority or any of the local authorities concerned.

128. Extension of provisions of Chapter to certain areas.— The Government may, by Notification and subject to such modifications if any, as may be specified therein, extend all or any of the foregoing provisions of this Chapter or any other provision in this Act connected therewith, to any local area or part of a local area in which a large number of persons attending a fair or

festival held in a notified fair or festival centre halt, or are expected to halt on their way to, or return from such centre.

CHAPTER XIV **RULES, BYELAWS, PENALTIES, ETC**

129. Power of Government to make rules.—

- (1) The Government shall, in addition to the rule-making powers conferred on them by any other provision contained in this Act, have power to make rules generally to carry out the purposes of this Act.
- 2) In particular and without prejudice to the generality of the power conferred by subsection (1), the Government may make rules—
 - (a) with reference to all matters expressly required, or allowed, by this Act to be prescribed; and
 - (b) regulating the situations in which sanitary conveniences for the use of the public shall be constructed by a local authority, and the number of such sanitary conveniences.

130. Penalty for breach of rules.—

- 2) In making a rule under any provision contained in this Act, the Government may provide that a breach of such rule shall be punishable with imprisonment which may extend to two years or
 - (i) with fine which may extend to one lakh rupees for every day during which the breach continues after conviction for the first breach; or
 - (ii) with fine which may extend to fifty rupees for every day during which the breach continues after receipt of notice from the secretary of Health Authority or the Health Officer to discontinue such breach or with both.

131. Procedure for making and the effect of rules.—

- (1) The power to make rules under this Act shall be subject to the following conditions —
 - (a) A draft of the rules shall be published in the Official Gazette.
 - (b) Such draft shall not be further proceeded with until six weeks after such publication or until such later date as the Government may appoint.
- (2) All rules made under this Act shall be published in the Official Gazette, and upon b)contravenes any rule or order made under any of the provisions so specified; or (c) fails to comply with any direction lawfully given to him, or any requisition lawfully such publication shall have effect as if enacted in this Act.

132. Bye-laws by local authorities.— Any local authority may make bye-laws, not inconsistent with this Act or the rules made there under or with any other law, for carrying out all or any of the purposes of this Act.

133. Breach of bye-laws.— for making a bye-law, the local authority may provide that a breach thereof shall be punishable;

- a) with fine which may extend to ten thousand rupees, and in case of a continuing breach - with fine which may extend to hundred rupees for every day during which the breach continues after conviction for the first breach; or
- b) with fine which may extend to fifty 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.

- 134. Procedure for making or altering bye-laws.-** In regard to bye-laws made by a local authority under Ss.132 and 133, the following provisions shall apply, namely; (a) In case the local authority is a Corporation or a Municipality, Ss.352, 353, 354 and 356 of the Kerala Municipality Act, 1994. b) In case the local authority is a panchayath constituted under the Kerala Panchayati Raj Act, 1994, S.114 of that Act.

- 135. Penalties for offences against Act, etc.—**

(I) Whoever—

- a) contravenes any of the provisions of this Act specified in the first and second columns of Schedule I, or made upon him, under or in pursuance of any of the said provisions shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.
- b) contravening any rule or order made under any of the provisions so specified; or
- c) failing to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions continues to contravene the said provision or the said rule or order, or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

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

- 136. Penalty for preventing entry of Local Health Authority, Health Officer or Secretary of Local Authority.-** Every person who prevents the local Health authority, Health Officer or Secretary of local authority or any person to whom the local Health authority, Health Officer or Secretary of local authority has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering thereon or there in to, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to five thousand rupees, or with both

CHAPTER XV MISCELLANEOUS

- 137. Appeal against decisions of Health Authority and Health Officer. —**Appeal against any decision of the Health Authority or Health Officer shall be submitted to the Appellate Authority under sub section (2) of Section 3. Appellate Authority under sub section (2) of section 3 shall have the powers to dispose such appeals in appropriate manner. Final appellate authority will be the Public Health Board.

- 138. Method of serving notices.—**

- 1) When any notice is required to be given by this Act or by any rule, bye-law, regulation or order made under it, such notice shall be given— business or by giving or tendering the same to some adult member or servant of his family; or
 - 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 any police officer who is part of such place or abode or business

2) When the person is an owner or occupier of any building or 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.

- 139. Cognizance of offences against the Act.**—No person shall be tried for any offence against the provisions of this Act, or of any rule, or bye-law made under it, unless complaint is made within three months of the commission of the offence by the police, or the executive authority or the Health Officer, or by a person expressly authorized in this behalf by the local authority, the executive or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of criminal Procedure, 1898, in regard to the power of certain Magistrate to take cognizance of offence upon information received or upon their own knowledge or suspicion.

- 140. Power to compound offence.**— The District Collector/RDO/Executive Magistrate not less than the rank of SDO/RDO may compound any offence against this Act or the rules or bye-laws made there under which may, by rules made by the Government, be declared compoundable. The power to compound any offence so declared may also be exercised by such other authority or person, as may be authorized in that behalf by rules made by the Government.

- 141. Powers of Police officers to arrest offenders against Act, etc.**— Any police officer who sees a person committing an offence against the provisions of this Act or of any rules or bye-law made there under, may arrest such person, if his name and address are unknown to the Officer and such person on demand declines to give his name and address or gives a name and which the officer has reason to believe to be false.

- 142. Powers of Secretary Health Authority and Health Officer to arrest offenders against Act, etc.**—(1) The Secretary of local authority or Health Officer not below the rank of the Health Inspector, who seen a person committing any of the offence specified in sub-s. (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the Secretary of local authority or Health Officer aforesaid and such person on demand declines to give his name and address or give a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible.

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

- a) offences against any of the provisions of this Act or of any rules or bye-law made there under; and
- b) offence falling under any of the provisions of the Acts mentioned below, if such provisions are in force in the area over which the local authority has jurisdiction

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

- 144. Bar of suits and prosecutions in certain cases.**—

(1) No suits, prosecution or other proceeding shall lie against any local authority or any

secretary of local authority, or against the Government or any officer or servant of a local authority, or of the Government, for any act done or purporting to be done under this Act, with out the previous sanction of the Government.

- 2) No local authority or secretary of a local authority, no officer or servant of any local authority or of the Government shall be liable in respect of any such act in any 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 the functions imposed by or order of this Act.
- 145. Punishment for malicious abuse of power.**— Any secretary of a local authority or any officer or servant of a local authority, or of the Government of this Act, who maliciously abuses any powers conferred on him by under this Act shall be punished with imprisonment which may extend on him by under this Act shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both. **Explanation:-** No prosecution shall be instituted under this section with the previous sanction of the Government.
- 146. Delegation of powers by Government.**—The Government may, by notification and subject to any restrictions, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Act and may in like manner withdraw such authority; Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Act or to their powers under Ss. 2(2), 2(3)(b), 8(2), 127(1) and 145].
- 147. Act to override other enactment.**—If any provision relating to public health contained in any other enactment in force in the State of Kerala 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.
- 148. Power to remove difficulties.**—If any difficulty arises in giving effect to the provisions of the Act, the Government, as occasion may require may by order, do anything which appears to them necessary for the purpose of removing the difficulty.
- 149. Uniforms for Health Officers and staff under their direct supervision:-** Government shall fix uniforms of Health Officers and the staff under their direct supervision.
- 150. Spot fine for the offences:-** Government may fix the spot fine for various offences which can be imposed by the Health Officer.