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## **MUNICIPAL CORPORATION OF HYDERABAD (CONTROL OF MALARIA AND OTHER MOSQUITO BORNE DISEASES) BYE- LAWS, 1981**

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## **MUNICIPAL CORPORATION OF HYDERABAD (CONTROL OF MALARIA AND OTHER MOSQUITO BORNE DISEASES) BYE- LAWS, 1981**

In exercise of the powers conferred by Section 589 of the Hyderabad Municipal Corporation Act, 1955 (Act II of 1956), the Governor of Andhra Pradesh hereby accords sanction to the bye-laws approved by the Municipal Corporation of Hyderabad in its Resolution No. 594, dated the 22nd July, 1981, relating to control of Malaria and other mosquito borne diseases within the Jurisdiction of the Municipal Corporation of Hyderabad and made by the said Corporation under the powers conferred by Sub-section (21) and (48) of Section 586 read with Section 565 of the said Act, the same having been published in the manner specified in Section 588 of the said Act.

### **1. Short title :-**

These bye-laws may be called the Municipal Corporation of Hyderabad (Control of Malaria and other Mosquito Borne Diseases) Bye-laws, 1981. Notification published in the Andhra Pradesh Gazette enforce the following provisions.

## **2. Application :-**

The Commissioner/Chief Medical Officer of Health may, by notification published in the Andhra Pradesh Gazette, enforce the following provisions to the whole or any part of the city within the jurisdiction of the Municipal Corporation of Hyderabad.

## **3. Consequences of enforcement :-**

(1) On the provision of these bye-laws being extended, no person or local authority shall, after such extension,

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

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

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

## **4. Treatment of mosquito breeding places :-**

(1) The Health Officer may, by notice in writing, require the owner or the occupier place containing any collection of standing or flowing water in which mosquitoes breed or likely to breed, within such time as may be specified in the notice not being less than 24 hours, to take such measures with respect to the same or to treat the same by such physical, chemical or biological methods being measures or a method as the Health Officer may consider suitable in the circumstances.

(2) If a notice under Bay-law (1) is served on the occupier, he shall in the absence of a contract express or implied to the contrary, be entitled to recover from the owner 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 due or which may thereafter be, due from him to the owner.

## **5. Health Officers power in case of default :-**

If the person on whom a notice is served under provision 4 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 specified in such notice within the time specified therein, 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.

#### **6. Protection of anti-mosquito works :-**

Where with the object of preventing breeding of mosquitoes in any land or building, the Government or any local authority, have constituted any works in such land or building the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impairs its efficiency.

#### **7. Prohibition of interference with works and action in respect of household cans and other containers :-**

(1) No person shall, without the consent of the Health Officer, interfere with, injure, destroy or render useless, any work executed or building by or the orders of the Health Officer, with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) are contravened by any person, the Health Officer may re-execute the work or replace the materials or things, as the case may be in the same manner as if it were a property tax.

(3) The owner or occupier of any house, building, or shed or land shall not therein keep any bottle, vessel, can or any other container, broken or un-broken, in such manner that it is likely to collect and retain water which may breed mosquitoes.

#### **8. Provision relating to borrow pits :-**

All borrow pits required, to be dug in the course of construction and repair of roads, railways, embankments, etc., shall be so cut at to ensure that water does not remain stagnant in them. Wherever possible and practicable the borrow pits shall be left clean, free from deadment and sharp edges and extra expenditure not exceeding one per cent of the cost of the earth work in any project may be incurred to achieve this. The bed level of borrow pits shall be so graded and profiled that water will drain off by drainage channels connecting one pit with the other till the nearest natural drainage nallah is met with. No person shall create any isolated

borrow pit which is likely to cause accumulation of water which may breed mosquitoes.

**9. Settlement of disputes arising out of execution of anti-mosquitoes Schemes :-**

In case of any dispute or difference of opinion in the execution of any anti-mosquitoes scheme or in its operation or any work under these provisions in which the jurisdiction of the Government of India, or the Government of any other State is involved the matter shall be referred to the Government of India for their final decision in the matter.

**10. Power of Health Staff to enter and inspect the premises for the purpose of enforcing the provisions :-**

The Health Officer or any of his subordinates not below the rank of Health or Sanitary Inspector may, at all reasonable times, after giving such notice in writing as may appear to him reasonable and after giving such notice 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.

**11. Penalties :-**

Whoever commits any breach of any of the provisions of bye-laws shall on conviction

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

(b) be punished with fine which may extend to rupees ten for every day during which the breach continues, after receipt of written notice from the Commissioner or any Municipal Officer duly authorised in that behalf to discontinue the breach;

(c) in addition to the imposition of such fine, be required to remedy the mischief so far as lies in his power.