

MYSORE PUBLIC HEALTH ACT, 1944

10 of 1944

[20TH January, 1944]

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SCHEDULE 1 :- SCHEDULE

SCHEDULE 2 :- SCHEDULE

MYSORE PUBLIC HEALTH ACT, 1944

10 of 1944

[20TH January, 1944]

An Act to make provision for advancing the Public Health of 1[the State of Mysore except Bellary District]. Whereas, it is expedient to make provision for advancing the public health of the State of Mysore except Bellary District]; It is hereby enacted as follows

CHAPTER 1

Preliminary

1. Short title and extent :-

(1) This Act may be called the Mysore Public Health Act, 1944.

(2) It extends to the [whole of the State of Mysore except Bellary District].

2. Commencement :-

(1) The provision of this Act, except Chapter IX and Part III of Chapter X, shall come into force in the [whole of the State of Mysore except Bellary District] at once.

(2) The [State Government] may, from time to time, by notification, extend all or any of the provisions of Chapter IX to any local area in [the State of Mysore except Bellary District], and may cancel or modify any such notification.

(3)

(a) The provisions of Part III of Chapter X shall come into force at once.

(i) in the cities of bangalore and Mysore [x x x x x]; and

(ii) in every local area which has been, or may hereafter be, declared to be a municipality [under the Mysore Town Municipalities Act, 1951].

(b) The ¹[ment] may, from time to time, by notification, extend the provisions of Part III of Chapter X to any other local area in ²[the State of Mysore except Bellary District] and may cancel or modify any such notification.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. See the Mysore Adaptation of Laws Order, 1953

3. Definitions :-

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

(1) "Building" includes.

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

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

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

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

(3) "Dairy" includes

(a) any farm, cattle-shed, milk-store, milk-shop or other place from which milk is sold or supplied for sale, or in which milk is kept for sale or manufactured for sale into butter, ghee, cheese, cream, curds, butter-milk, or dried, sterilized 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 sale of milk, but does not include.

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

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

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

(5) "Drain" means a house-drain or a drain of any other description, and includes a sewer, tunnel, culvert, ditch, channel or any other device for carrying off sullage, sewage, offensive matter, polluted water, rain water or subsoil water;

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

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

(8) "Executive Authority" means the Commissioner, President, or other functionary of the local authority concerned, who is vested with general executive powers under the Act or Rule constituting the local authority;

(9) "Executive Officer" means the paid officer, if any, of the local

authority who is vested with general executive powers in the local area for which such authority is constituted under any Act or Rule;

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

(11) "Filth" means.

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

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

(c) putrid and putrefying substances;

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

(13) "Health Officer" means the Health Officer employed by the local authority concerned and if there is no such officer, the Health Officer of the District;

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

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

(16) "Infectious disease" means an infectious disease as defined in Section 53 and includes notified disease as defined in Section 63;

(17) "Latrine" includes privy, water-closet and urinal, whether public or private, or whether open or flush-out;

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

(19) "Local authority" means.

(a) in any municipal area, the Municipal Council [or [the City of Bangalore Municipal Corporation]] concerned;

(b) in any area in a district, which is comprised within the jurisdiction of a panchayat, a Sanitary Board or a Town Board, the panchayat, Sanitary Board or Town Board concerned, or if under Section 7 the [State Government] so direct in respect of any function, the District Board concerned in respect of such function; and

(c) in the case of all areas in a district which are not comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board, the District Board concerned;

(20) "Local Body" means a District Board, Municipal Council, [the City of Bangalore Municipal Corporation], a Sanitary Board or a Town Board;

(21) "Lodging-house" means a hotel, a boarding-house, a choultry, dharmasala or rest-house not maintained by the [State Government] or a local authority, an unlicensed emigration depot, or any place where casual visitors are received and provided with sleeping accommodation, with or without food, on payment, but does not include.

(a) a students' hostel under public or recognized control, or

(b) a house licensed under Section 125 for accommodating visitors to a fair or festival, or

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

(22) "Magistrate" does not include an honorary Magistrate;

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

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

(25) "Nuisance" includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or offence to the sense of sight, smell or hearing or disturbance to rest or sleep or which is or may be dangerous to life or injurious to the

(26) "Occupier" includes.

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

(b) a rent-free occupant;

(27) "Offensive matter" includes

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

(b) sewage as defined in clause (32); and

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

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

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

(30) "Prescribed" means prescribed by the ¹ [State Government] by rules made under this Act;

(31) "Private street" means any street, road, square, Court, alley, lane, passage or riding path which is not a "public street", but does not include a pathway made by the owner of premises on his own land to secure access to, or the convenient use of, such premises;

(32) "Public street" means any street, road, square, Court, alley, lane, passage or riding path, whether a thoroughfare or not, over which the public have a right of way and includes.

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway; and

(c) the drains attached to any such street, public bridge or causeway and the land whether covered or not by any pavement, verandah, or other structure which lies on either side of the

roadway up to the boundaries of the adjacent property

[State Government];

(33) "Sanitary convenience" includes a latrine;

(34) "Sewage" means night-soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kinds;

(35) "Street" means a public or a private street;

(36) "Urban local area" means the area within the jurisdiction of a urban local authority;

(37) "Urban local authority" means.

(a) a Municipal Council [or [the City of Bangalore Municipal Corporation]]; or

(b) any panchayat notified by [State Government] as an urban local authority for the purposes of this Act, so long as the notification remains in force;

(38) "Venereal disease" means syphilis, gonorrhoea soft chancre, venereal granuloma or lympho granuloma;

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

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

(41) "Workshop" means any premises including the precincts thereof (not being a factory), wherein any article or part of an article is made, repaired, altered, ornamented, finished or otherwise adapted for use on a commercial basis and not less than five persons are employed for that purpose for wages or any other remuneration.

1. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 2

Controlling Authorities and Their Powers Public Health Board

4. Constitution of the Public Health Board :-

(1) As soon as may be after the commencement of this Act, the [State Government] shall cause to be constituted for [the State of Mysore except Bellary District] a Public Health Board consisting of the following members, namely.

(a) the Minister in charge of Public Health;

(b) the Senior Surgeon in Mysore;

(c) two members of the Legislative Council elected by it;

(d) two members of the [Legislative Assembly] elected by it;

(e) two persons who have had experience in public health work nominated by the [State Government];

(f) the Director, Public Health.

(2)

(a)] Members elected under clauses (c) and (d) of sub-section (1) shall hold offices for a period of one year from the date of election, but shall be eligible for re-election.

[(b) Members nominated under clause (e) of sub-section (1) shall hold office for a period of two years from the date of nomination but shall be eligible for re-nomination.]

(3) The Minister in charge of Public Health shall be the President of the Public Health Board and the Director of Public Health shall be its Secretary.

5. Functions of the Public Health Board :-

(1) The Public Health Board shall advise the [State Government] on such matters as the [State Government] may from time to time refer to it.

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

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

(4) It will be competent for any two members of the Board to move propositions in regard to Public Health in Mysore and the working of the Mysore Public Health Act and call for a meeting of the Board for

their consideration. Powers of the [State Government] and of the Director of Public Health.

6. Powers of the State Government and of the Director of Public Health and his staff :-

(1) The [State Government] shall have power to inspect, control and superintend the operations of local authorities under this Act, and may from time to time give such directions as it may deem necessary.

(2) the [State Government] may, from time to time, define the powers to be exercised, and the duties to be performed, by the Director of Public Health or any member of his staff for the purposes of sub-section (1).

7. Power of State Government to direct performance by District Board of any function devolving on panchayats :-

(1) The [State Government] may, by notification, direct that in respect of any function to be performed by a local authority under this Act and specified in the notification the District Board and not the panchayat, Sanitary Board or Town Board shall be the local authority in all or any areas in the district which are comprised within the jurisdiction of a panchayat, Sanitary Board or Town Board.

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

(a) determine, or provide for the determination of, the expenses incurred by the District Board in performing such function in the area or areas comprised within the jurisdiction of any panchayat or panchayats, or Sanitary Board or Town Board or Boards, and

(b) apportion, or provide for the appointment of, such expenses between the District Board and the panchayat or panchayats or Sanitary Board or Town Board or Boards concerned.

8. Powers of the Director of Public Health to advise local authorities :-

The Director of Public Health may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the public health administration in the local area, or for safeguarding the public

health therein:

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

9. Public Health staff in local areas :-

(1) The public health establishment of every local authority shall be on such scale as the [State Government], in consultation with the concerned local authority, may from time to time direct.

(2) The authorities who may make appointments to the public health establishments referred to in sub-section (1), the conditions of service of the members of such establishments, and the duties of such members shall, notwithstanding anything contained in any Act or Rule constituting a local body be governed by regulations, not inconsistent with this Act, made by the [State Government]. Such regulations may lay down the extent to which the Director of Public Health shall have disciplinary control over the members of such public health establishments.

10. Appointment of the Health Officer :-

(1) A local authority shall, if so required by the [State Government], include the post of a Health Officer in its establishment schedule.

(2) Notwithstanding anything contained in any Act or Rule constituting a local body, the [State Government].

(a) shall appoint the Health Officers of all the local authorities in respect whereof a direction is issued under sub-section (1); and

(b) may recover from each such local authority, the whole or such proportion of the salary and allowances paid to the Health Officer, and such contribution towards his leave allowances, pension and compulsory insurance as the [State Government] may, by general or special order, determine. No orders under (a) and (b) of sub-clause (2) shall be issued unless the opinion of the concerned local body has been obtained previously.

11. Appointment of temporary Health Officers in

emergencies :-

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

(2) For the purpose of sub-section (1) the [State Government] may appoint any medical practitioner registered under the Mysore Medical Registration Act, 1931, either on an honorary basis or on such salary or allowances or both as the [State Government] may fix. The salary and allowances shall be payable from the funds of the local authority.

12. Delegation of powers of Health Officer :-

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

13. Appointment of persons to carry out the provisions of this Act :-

(1) Notwithstanding anything contained in this Act or in any other Act or Acts or Rule governing the local authority or authorities concerned, the [State Government] may, by general or special order, appoint any person or persons to carry out such provision of this Act, and in such areas, as may be specified in the order.

(2) The expenses incurred by such person or persons in doing so shall be met from the funds of the local authority or authorities concerned, either wholly or in part, and, where more than one local authority is concerned, in such proportions, as may be determined by the [State Government].

14. Powers of Director of Public Health over public health staff of local authorities :-

(1) Subject to such rules may be prescribed including rules for consultation with the executive authorities concerned, the Director

of Public Health shall have power.

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

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

(2) In the case referred to in clause (b) of sub-section (1), the local authority within whose jurisdiction the member or members of the public health establishment of another local authority are working, shall pay for the period of such temporary duty, the salary and allowances of such member or members and such contribution towards their leave allowances, pension and compulsory insurance as the [State Government] may, by general or special order, determine.

15. Health Officers control over public health staff :-

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

(2)

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

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

16. Local authority to provide adequate facilities to the Health Officer :-

Every local authority shall provide its Health Officer with such clerical assistance, office accommodation, furniture, equipment, stationery and forms as may be necessary for the proper conduct of the business of such Health Officer.

17. Authorization of Health Officer to perform the functions of executive authority in public health matters :-

Notwithstanding anything contained in any Act or Rule constituting a local body and [the Prevention of Adulteration Act, 1954 (Central Act 37 of 1954)], the Health Officer of a local authority shall perform such of the functions, and discharge such of the duties, of its executive authority in regard to public health matters under any of the provisions applicable to such local authority contained in the Acts aforesaid, subject to such appeal and control as the ¹ [State Government] may, by general or special order, determine.

1. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 3

Water-Supply

18. Local authority to provide potable water :-

(1) Every local authority may, and if the ¹ [State 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 supplied is at all times wholesome and fit for human consumption.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

19. Power of State Government] to direct local authority to execute water works :-

1

(1) If in the opinion of the ²[State Government], a local area does not possess a sufficient supply of wholesome water fit for the consumption of its inhabitants, they may direct the local authority concerned, either singly or in combination with the local authority or authorities having jurisdiction over any local area or areas in the neighbourhood which are similarly situated, to execute within such

time as the ³[State Government] may fix, such works as may be directed by the ⁴[State Government] for providing a sufficient supply of wholesome water fit for human consumption.

(2) A local authority may, with the previous sanction of the ⁵[State Government].

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

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

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

(3) A local authority may, with the previous sanction of the ⁶[State 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 ⁷ [State Government]), from which water is or may be made available for the use of the public in the local area for domestic purposes, to be a source of public water-supply for such purposes and every such source shall thereafter be under the control of the local authority, only to the extent necessary for such purposes.

1. Substituted for the word "Government" by Act No. 1 of 1956
2. Substituted for the word "Government" by Act No. 1 of 1956
3. Substituted for the word "Government" by Act No. 1 of 1956
4. Substituted for the word "Government" by Act No. 1 of 1956
5. Substituted for the word "Government" by Act No. 1 of 1956
6. Substituted for the word "Government" by Act No. 1 of 1956
7. Substituted for the word "Government" by Act No. 1 of 1966

20. Power of State Government to divert water from water-main belonging to local authority :-

¹The ²[State 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 ³[State Government] may consider reasonable:

Provided that before taking action under this section, the ⁴ [State 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.

1. Substituted for the word "Government" by Act No. 1 of 1956
2. Substituted for the word "Government" by Act No. 1 of 1956
3. Substituted for the word "Government" by Act No. 1 of 1956
4. Substituted for the word "Government" by Act No. 1 of 1956

21. Power of Deputy Commissioner in regard to water-supply :-

(1) The Deputy Commissioner of the district, or any other officer appointed by the ¹[State Government] in this behalf, may cause inquiries to be made in any local area or part thereof, with a view to ascertaining.

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

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

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

Provided, that before issuing a notice under this sub-section, the Deputy Commissioner 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 Deputy Commissioner or other officer under sub-section (2), an appeal shall lie to the ²[State 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 authority or authorities or the person or persons

by whom, and the period within which, they are to be executed.

(b) The notice shall either.

(i) be published in the prescribed manner; or

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

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

(6)

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

(b) If no water tax is imposed in the local area, such cost shall be borne by the inhabitants of the local area who, on 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 ³ [State Government].

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

(a) a tax levied under Section 26 of this Act, or

(b) a water and drainage tax or a tax for the specific purpose of executing, maintaining or improving any work for the supply of water levied under any Act or Rule constituting a local body.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

3. Substituted for the word "Government" by Act No. 1 of 1956

22. Power of Director of Public Health to direct local authority to improve water-supply :-

If the Director of Public Health is satisfied upon investigation that any source of public water-supply in a local area is contaminated or is subject to imminent risk of contamination by reason of

unsatisfactory location, protection, construction, operation or maintenance, and speedy remedy or immediate prevention is, in his opinion, desirable, he may, by order, direct the local authority to take such measures as may be specified therein; and the local authority shall take action accordingly.

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

In the case of any railway in ¹[the State of Mysore except Bellary District], the ²[State Government] may, by general or special order, require the authority administering the railway to submit for analysis, to such person or institution, in such manner, 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 ³ [State Government] such fee as may be prescribed by them.

1. See the Mysore Adaptation of Laws Order, 1953
2. Substituted for the word "Government" by Act No. 1 of 1956
3. Substituted for the word "Government" by Act No. 1 of 1956

24. Rules for the protection and periodical examination of water-supply :-

The ¹[State Government] shall have power to make rules providing for the protection and periodical examination of source of water-supply in ² [the State of Mysore except Bellary District].

1. Substituted for the word "Government" by Act No. 1 of 1956
2. See the Mysore Adaptation of Laws Order, 1953

25. Health Officers powers in regard to insanitary sources :-

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

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

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

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

(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 persons having occasion to use or to pass or approach the same; or

(e) resist 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 thereto, any stagnant water which the Health Officer considers to be either injurious to health or offensive to the neighbourhood:

Provided that the provisions of clauses (a) and (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.

26. Levy of water tax and earmarking the proceeds for waterworks :-

(1) Any local authority may with the previous sanction of the ¹[State Government], and shall, if so directed by them, levy within its area or any part thereof, any tax which may be necessary for providing water- supply in such area or part.

(2) Any tax levied under sub-section (1) ²[x x x x x] may be a tax or additional tax levied under any head of taxation specified in any law for the time being in force governing the local authority concerned, in which case all the provisions of such law ³[relating to the maximum rate, incidence], assessment or realization of a tax under such head or in any manner connected therewith shall be applicable to the tax or additional tax, ⁴[x x x x x].

(3)

(a) The rates at which any tax may be levied under this section shall be determined by the local authority with the previous sanction of the ⁵[State Government] in case the tax is levied by the local authority of its own motion, and by the ⁶[State Government] in case the tax is levied at their direction.

(b) The local authority may with the previous sanction of the ⁷[State Government] and shall, if so directed by them, alter the rates at which any such tax is to be levied.

(4)

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

(b) Such revenue shall be expended in according with such orders as may be issued by the ¹ [State Government] in this behalf.

(5) Nothing contained in this section shall be deemed to affect the

power of any local body to levy a water and drainage tax.

1. Substituted for the word "Government" by Act No. 1 of 1956
2. The words "may be a new tax levied on such basis assessed and realized in such manner as may be sanctioned or directed by the Government or" omitted by Act No. 1 of 1956
3. Substituted for the words "relating to the incidence" by Act No. 1 of 1956
4. The words "with such modifications and restrictions, if any, as may be prescribed" omitted by Act No. 1 of 1956
5. Substituted for the word "Government" by Act No. 1 of 1956
6. Substituted for the word "Government" by Act No. 1 of 1956
7. Substituted for the word "Government" by Act No. 1 of 1956

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

No owner of any dwelling-house which may be constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from an officer of the Public Health Department of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, that there is within the house, or within a reasonable distance therefrom, a supply of wholesome water sufficient for the domestic purposes of the inmates of the house.

CHAPTER 4

Drainage

28. Local authority to maintain public drains :-

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

(2) If, in the opinion of the ¹ [State Government], any local area or part thereof should, for any special reason, be provided with a system of public drains or with any other means of drainage, they may direct the local authority to provide or execute, within such time as may be fixed by it in this behalf, such works as may be considered necessary by it.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

29. 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 therefrom to the nearest public drain or other place set apart by the local authority for the discharge of sewage: Provided that.

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

(b) if, in the opinion of the Health Officer, there is no public drain or other place set apart for the discharge of sewage within a

(i) a dosed cess-pool, tank, filter or other work of such material, size and description, as he may direct; and

(ii) a house-drain communicating with such closed cess-pool, 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.

30. 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 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.

31. Drainage for huts :-

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

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

32. Drainage of courtyard, alley, passage, etc :-

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

(a) to pave the same with such material and in such manner as may be approved by the Health Officer and to keep such paving in proper repair; or

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

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

33. Construction and closure of cess-pools :-

(1) No person shall construct a cess-pool.

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

(b) within any local area, or outside such area but within three hundred feet of any reservoir used for the storage of filtered water

to be supplied to such area, except upon a site and in a position which have been approved in writing by the Health Officer.

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

34. Prohibition of occupation of new building without drains

:-

No owner of any building constructed or reconstructed after the commencement of this Act in any urban local area shall occupy it, or cause or permit it to be occupied, until he has obtained a certificate from the Health Officer that the building has been provided with sufficient means of drainage.

35. Sullage or sewage not to be let out into streets :-

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

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

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

36. Injurious refuse not to be discharged :-

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 stream 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.

37. Pollution of water-courses prohibited :-

No person shall, save as may be generally or specially prescribed.

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

(a) any solid or liquid sewage matter, or

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

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

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

CHAPTER 5

Sanitary Conveniences

38. Obligation of local authority to provide public sanitary conveniences :-

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

39. 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.

40. 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 therein are insufficient having regard to the number of persons occupying the building, or are inefficient, or are objectionable on sanitary

grounds, he may, by notice, in writing, require the owner of such building.

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

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

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

41. 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 neighbourhood; and

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

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

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

CHAPTER 6

Abatement of Nuisances

42. Certain things to be nuisances :-

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

(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, cess-pool, 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 other matter which is prejudicial to health or a nuisance;

(5) any factory (not being a factory governed by the provision of ¹ [the Factories Act, 1948 (Central Act LXIII of 1948)], 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 overcrowded while work is carried on as to be prejudicial to the health of those employed therein;

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

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

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

1. Substituted for the words and figures "the Mysore Factories Act, 1936" by Act No. 1 of 1956

43. Detection of nuisance :-

Every urban local authority shall.

(a) cause its local area to be inspected from time to time with a view to ascertain what nuisances exist therein 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.

44. Information regarding nuisance :-

Any person aggrieved by a nuisance in any local area may give

information of the same to the Health Officer or any other officer of the public health establishment of the local authority.

45. Power of Health Officer to abate nuisance :-

If the Health Officer is satisfied, whether upon information given under Section 44 or otherwise of the existence of a nuisance, he may, by notice, require the person by whose act, default or sufferance the nuisance arises or continues, or, if that person cannot be found, the owner or occupier of the premises on which the nuisance arises or continues, to abate the nuisance and to execute such works and take such steps as may be necessary for that purpose:

Provided that.

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

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

46. Power of local authority to abate nuisance :-

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

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

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 ¹ [to an Executive Magistrate] to prohibit the use of such house or building for human habitation until it is rendered fit therefor and the Magistrate shall, after enquiry, pass

such order as he deems fit.

1. Substituted for the words "to a Magistrate (not being a Magistrate of the Third Class)" by Act No. 13 of 1965, w.e.f. 1-10-1965

48. Disposal of articles removed while abating nuisance :-

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

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

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

49. Powers of entry and inspection :-

The executive authority or an officer of the Public Health Department of the ¹ [State Government] or of the local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, may enter and inspect any premises for the purpose of enforcing any of the provisions contained in this chapter:

Provided that.

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

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

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

(d) due regard shall be paid, so far as may be compatible with the

exigencies of the purpose of the entry, to the social and religious usages of the persons residing in the premises.

1. Substituted for the word "Government" by Act No. 1 of 1956

50. Power of State Government in case of default by local authority :-

¹If the local authority or its Health Officer makes default in doing its of his duty under this Act in regard to the abatement or prevention of nuisances, the ² [State Government] may authorize any of its officers to perform such duty and for that purpose to exercise any specified poweis of the local authority or of its Health Officer or of both, in the local area concerned and the expenses incurred by such officers shall be met from the funds of the local authority.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

51. Nuisance caused by act or omission outside local area :-

If a nuisance under this Act within, or affecting any part of, a local area, appears to be wholly or partly caused by some act or default committed or taking place outside such local area, the local authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisances, 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.

52. Prohibition of the deposit of rubbish, etc., in street, etc :-

(1) No person shall deposit, or cause or suffer any member of his family or household to deposit, any carcasses of animals, any dust, dirt, dung, ashes or refuse or filth of any kind, any animal matter, any broken glass, earthenware or other rubbish, or any other thing which is or may be a nuisance, in any street or in any such under a street, or in any drain beside a street, or on any open space (not being private property), or on the bank of any watercourse, except in such receptacles as may be provided or at such places, in such manner and at such hours, as may be fixed by the Health Officer.

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

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

CHAPTER 7

Prevention, Notification and Treatment of Diseases

53. Infectious diseases :-

For the purposes of this Part, 'infectious disease' mean. (a) acute influenzal pneumonia, (b) anthrax, (c) cerebrospinal fever, (d) chicken-pox, (e) cholera, (f) diphtheria, (g) enteric fever, (h) leprosy, (i) measles, (j) plague, (i) rabies, (1) relapsing fever, (m) scarlet fever, (n) smallpox, (o) tuberculosis, (p) typhus, or (q) any other disease which the ¹[State Government] may, from time to time, by notification declare to be an infectious disease either generally throughout ² [the State of Mysore except Bellary District] or in such part or parts thereof, as may be specified in the notification.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. See the Mysore Adaptation of Laws Order, 1953

54. 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, medicines, appliances, equipment and other things as may, in the opinion of the Health Officer, be necessary for the treatment of such infectious disease and preventing it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be:

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

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

(3) Every appointment made under sub-section (2) shall be reported forthwith to the executive authority and by such authority

to the local authority concerned at its next meeting.

55. Provision and maintenance of isolation hospitals and wards :-

(1)

(a) The local authority may, and if so required by the ¹ [State 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 receptions 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 of a hospital or place of reception; or

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

56. Provision of ambulances, etc :-

A local authority may, and if so required by the Director of Public Health 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.

57. Medical practitioners to give information of certain

infectious diseases :-

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

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

(b) in non-municipal areas, to the Health Officer, a Sanitary or Assistant Sanitary Inspector or the village patel. Explanation. In this section, 'medical practitioner' includes a hakim or vaidya, whether registered or not.

58. Prohibition of the use of water from suspected source :-

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

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

59. Removal of infected person to hospital :-

(1) If it appears to the Health Officer that any person is suffering from an infectious disease, and that such person.

(a)

(i) is without proper lodging or accommodation; or

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

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

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

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

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

(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.

(4) Whoever.

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

(b) leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3), shall be punished with imprisonment which may extend to three months, or with fine, or with both.

60. Prohibition of the exposure of other persons to infection
:-

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

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

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

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

(d) any factory or shop.

Explanation. A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the ¹ [State Government] or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931, that he is so suffering.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

61. Infected persons not to engage in certain trades and occupations :-

No person shall, while suffering from, or in circumstances in which he is likely to spread, any infectious disease.

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

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

62. Prevention of infectious diseases transmissible from animals :-

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

63. Notified diseases :-

In this part, notified disease means.

(a) cerebro-spinal fever,

(b) chicken-pox,

(c) cholera,

(d) diphtheria,

(e) leprosy,

(f) measles,

- (g) plague,
- (h) rabies,
- (i) scarlet fever,
- (j) small-pox,
- (k) typhus, or

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

1. Substituted for the word "Government" by Act No. 1 of 1956

64. Occupation of houses to prevent the spread of infection
:-

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

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

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

65. Information regarding notified disease :-

Every medical practitioner who, in the course of his practice, becomes cognizant of the existence of any notified disease in any private or public dwelling other than a public hospital, and every manager of any factory or public building, every keeper of a

lodging-house, every head of a family and every owner or occupier of a house, who knows or has reason to believe that any person in any premises under his management, control or occupation is suffering from, or has died of, a notified disease, shall, if the case has not been already reported, give information of the same with the least practicable delay.

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

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

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

66. Power of entry of local officers to take preventive measures :-

(1) 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, workshops, workplaces, offices, business places and the like and after giving such notice, as may appear to him reasonable in other cases, including dwelling-houses; and

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

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

67. Destruction of hut or shed to prevent spread of infection :-

(1) If it appears to the Health Officer that the destruction of any hut or shed is necessary to prevent the spread of any notified disease, he may, after giving to the owner and the occupier of such hut or shed such previous notice of his intention as may in the circumstances of the case appear to him reasonable, take measures for having such hut or shed and all the materials thereof destroyed.

(2) Such compensation as the local authority may consider

reasonable, shall be paid to any person who in its opinion sustains loss by the destruction of any hut or shed under the powers conferred by sub-section (1); but save as provided in this sub-section, no claim for compensation shall lie for any loss or damage caused by any exercise of the powers aforesaid.

68. Closure of lodging-houses :-

If, on the application of the Health Officer, ¹ [an Executive Magistrate] is satisfied that it is necessary in the interests of public health that a lodging-house or any place where articles of food are sold, or prepared, stored, or exposed for sale, or distributed, should be closed on account of the existence or recent occurrence in such lodging-house or place of a case of notified disease, the Magistrate may, by order, direct it to be closed until the expiry of such period as may be specified in the order or until it is certified by the Health Officer to be free from infection.

1. Substituted for the words "Magistrate (not being a Magistrate of the Third Class)" by Act No. 13 of 1965, w.e.f. 1-10-1965

69. 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 cleaned, any clothing, bedding or other article which he knows to have been exposed to infection from any notified disease, unless such article has been disinfected by, or to the satisfaction of, the Health Officer, or a registered medical practitioner, or unless under instructions from such a person, it is sent with proper precautions to a laundry for the purpose of disinfection with notice that it has been exposed to infection; or

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

70. Infected persons not to use public conveyance :-

(1) No person who knows that he is suffering from a notified disease shall.

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

(b) enter any other public conveyance, without previously notifying the owner, driver or conductor thereof that he is so suffering.

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

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

(b) in any other public conveyance, without previously notifying the owner, driver or conductor thereof that the person is so suffering.

(3) The owner, driver, or conductor of a public conveyance used for the conveyance of passengers at separate fares shall not convey therein a per-

Provided that a person suffering from a notified disease may be conveyed in the public conveyance aforesaid, in such cases of emergency and subject to such restrictions and safeguards as may be notified by the ¹ [State Government].

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

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

71. Letting or sub-letting building occupied by an infected person :-

No person shall, without a special permit from the Health Officer, let or sub-let, or permit or suffer any prospective tenant to enter, a building in which he knows or has reason to know that a person has

been suffering from a notified disease, within the three months immediately preceding.

72. Prohibition of the exposure of other persons to infection
:-

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

(a) any street or public place, or

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

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

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

(e) any factory or shop.

Explanation. A person shall be deemed to know that he is suffering from a notified disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the ¹ [State Government] or of a local authority, not below the rank of Sanitary or Assistant Sanitary Inspector, or a medical practitioner registered under the Mysore Medical Registration Act, 1931 that he is so suffering.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

73. Forbidding work in infected premises :-

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

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

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

74. Prohibition of use of public library by infected person :-

No person who knows that he is suffering from a notified disease shall take any book, or cause any book to be taken for his use, or use any book taken, from any public or circulating library.

75. Disposal of bodies of persons dying while suffering from notified disease :-

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

(2) No person shall, without the sanction in writing of an officer of the Public Health Department of the ¹[State Government] or of the local authority concerned, not below the rank of Sanitary or Assistant Sanitary Inspector, retain in any premises (elsewhere than in a public mortuary) for more than twelve hours the body of any person who has died while suffering from any notified disease.

(3)

(a) If any such body (not being a body kept in a mortuary) remains undisposed of for more than twelve hours without the sanction referred to in sub-section (2), or if the dead body of any person is retained in any building so as to endanger the health of the inmates of such building, or of any adjoining or neighbouring building, ²[any Executive Magistrate] may, on the application of any officer referred to in sub-section (2), order the body to be removed and disposed of within a specified time.

(b) ³[An Executive Magistrate] may, in the case of the body of a person who has died while suffering from a notified disease, or in

any other case in which he considers the immediate disposal of the body necessary, direct the body to be so disposed of, unless the Mends or the relatives of the deceased undertake the disposal of the body within a time specified in the order.

(c) The expenses of the removal and disposal of any body under clause (a) or clause (b) shall be borne by the local authority; but such expenses may be recovered, as if it were a tax due to it, by the local authority from any person who would have been legally liable therefor but for such removal and disposal, unless in the opinion of the local authority he is too poor to do so.

(4)

(a) If any person dies in a hospital or a place of temporary accommodation for the sick, while suffering from a notified disease, and the Health Officer certifies that in his opinion it is desirable, in order to prevent the spread of infection, that the body should not be removed from such hospital or place except for the purpose of being taken direct to a burial or burning ground or a crematorium for being forthwith buried or cremated, no person shall remove the body from the hospital or place except for such a purpose.

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

(5) Without the permission of the Health Officer or ⁴ [an Executive Magistrate], no person shall cause or permit to be carried in a public conveyance the dead body of any person who has died while suffering from a notified disease.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the words "any Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

3. Substituted for the words "a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

4. Substituted for the words "a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

76. Power of Magistrate to prohibit an assembly of more than fifty persons :-

In the event of the prevalence of a notified disease in any local area, on the application of the Health Officer, ¹ [any Executive Magistrate] 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.

1. Substituted for the words "any Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

77. Power of State Government to confer special powers on officers to control notified diseases :-

1

(1)

(a) In the event of the prevalence or threatened outbreak of a notified disease in any place or area, the ²[State

(b) The power conferred on the ³[State Government] by clause (a) may also be exercised, in the case of a place or area situated in a district, by the Deputy Commissioner of the district subject to the control of the ⁴[State Government].

(c) Any declaration made by the ⁵[State Government] under clause (a) or withdrawal thereof in whole or in part shall be published in the Official Gazette and shall come into operation on the date of such publication.

(d) Any declaration made by the Deputy Commissioner under clause (b) or withdrawal thereof in whole or in part shall be published in the Official Gazette, and shall come into operation on the date of such publication.

(2) When a declaration under clause (a) or clause (b) of sub-section (1) comes into operation and until it is withdrawn, the Deputy Commissioner of the district or any person duly authorized by him by general or special order or if empowered in this behalf by rules made under this Act, the Health Officer or any other officer of the local authority concerned or any officer of the ⁶[State Government] other than the Deputy Commissioner may, subject to such exceptions, restrictions, limitations, and conditions and to such control as may be prescribed, either generally or in the case of the notified disease to which the declaration relates, exercise the following powers, namely.

(a) power to order the evacuation of infected houses and houses adjoining them or in their neighbourhood, or generally of all houses in an infected locality;

(b) power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section (3);

(c) power to direct.

(i) that persons arriving from places outside the local area, or residing in any building adjacent to, or in the neighbourhood of, an infected building, shall be examined by any specified medical officer or by any one of a specified class of medical officers;

(ii) that the clothing, bedding or other articles belonging to such persons shall be disinfected, if there is reason to suspect that they have been exposed to infection; and

(iii) that any such person shall give his address and present himself daily for medical examination at a specified time and place, for a period not exceeding ten days;

(d) power to take such measures as may be necessary.

(i) in respect of, or in relation to, persons exposed to infection from any notified disease, or likely to infect other persons with any such disease, and

(ii) in respect of, or in relation to, articles exposed to infection from any notified disease, or likely to infect persons with any such disease, including, in case (i) the placing of restrictions on the movements of such persons, and in case (ii) the destruction of such articles and the placing of restrictions on their export from, import into, or transport within, the local area;

(e) power to direct that at any place within or outside the local area, any consignment of grain exported from, or imported into, such area by rail, road or otherwise, shall be examined and, if necessary, unloaded and disinfected in any specified manner; and

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

(3)

(a) If any person who, or a child in whose care, is sought to be vaccinated or inoculated in pursuance of the power referred to in

clause (b) of sub-section (2), declares ⁷[before an Executive Magistrate] specially empowered by the ⁴ [State Government] in this behalf that as a result of a careful inquiry into the subject, he believes that such vaccination or inoculation will be injurious to his health or the health of the child, as the case may be, the Magistrate may, after giving notice to the Health Officer and hearing any representations made by him or on his behalf, exempt such person or child from vaccination or inoculation, on condition of the person aforesaid undertaking to subject himself and the members of his family to isolation of such description and for such period and to such further restrictions, if any, as may be directed by the Magistrate:

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

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956
2. Substituted for the word "Government" by Act No. 1 of 1956
3. Substituted for the word "Government" by Act No. 1 of 1956
4. Substituted for the word "Government" by Act No. 1 of 1956
5. Substituted for the word "Government" by Act No. 1 of 1956
6. Substituted for the word "Government" by Act No. 1 of 1956
7. Substituted for the words "before a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

78. Destruction of rats, mice, etc :-

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

(2) Where the Health Officer is of opinion that the occupier or owner of any premises has failed to fulfil the obligation laid on him

by sub-section (1), he may either.

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

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

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

79. Provision for treatment of venereal diseases by local authorities :-

(1) A local authority may, and if so required by the ¹[State Government] shall, make such arrangements in its local area as may be directed by the ²[State Government] for.

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

(b) the prevention of infection from such diseases.

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

(a) with any other local authority, or

(b) with a hospital or medical institution recognized by the ³[State Government] in this behalf, or

(c) with the sanction of the ⁴ [State Government], with any medical practitioner registered under the Mysore Medical Registration Act, 1931.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

3. Substituted for the word "Government" by Act No. 1 of 1956

4. Substituted for the word "Government" by Act No. 1 of 1956

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

Every physician or other person treating, or examining with a view to treatment, a person having a venereal disease shall, at the first visit.

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

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

(c) furnish him with such other information relating to the disease as may be provided by the Director of Public Health.

81. Certain medical practitioners to certify as to freedom from venereal disease :-

Every medical practitioner registered under the Mysore Medical Registration Act, 1931, and included in a panel published by the ¹ [State Government] for the purposes of this section shall be bound, at the instance of a person desirous of obtaining a certificate under this section and on payment of a fee of five rupees, to examine such person, and if he finds that such person is not suffering from a venereal disease, or has been cured thereof, to furnish to such person a certificate to that effect in the prescribed form.

1. Substituted for the word "Government" by Act No. 1 of 1956

82. Rules for the prevention, treatment and control of certain diseases :-

The ¹ [State Government] shall have power to make such rules as it deems fit for the treatment of persons affected with any epidemic, endemic or infectious disease and for preventing the spread of such diseases and the rules may declare by what authority or authorities such rules shall be enforced and executed.

1. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 8

Maternity and Child-Welfare

83. Local authority to carry out maternity and child-welfare measures :-

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

CHAPTER 9

Mosquito Control

84. Prohibition of mosquito-breeding in collections of water

:-

(1) If the provisions of this section have been extended to any local area, no person or local authority shall, after such extension.

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

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

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

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

85. Treatment of mosquito-breeding places :-

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

86. Health Officers powers in case of default :-

If the person on whom a notice is served under Section 85 fails to refuse 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.

87. Protection of anti-mosquito works :-

Where, with the object of preventing the breeding of mosquitoes in any land or building, the ¹[State Government] or any local authority, or the owner or occupier at the instance of the ² [State Government] or any local authority, has constructed any works in such land or building, the owner for the time being as well as the occupier for the time being of such land or building shall prevent its being used in any manner which causes, or is likely to cause, the deterioration of such works, or which impairs, or is likely to impair, their efficiency.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

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

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

89. Power of Health staff to enter and inspect premises :-

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

CHAPTER 10

Sanitation and Buildings

90. Notification of residential areas :-

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

(2) An urban local authority may, at any time subsequent to the issues of a notification under sub-section (1), notify additional localities, divisions, wards, streets or portions of streets, as areas which shall be reserved for residential purposes.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

91. Approval of Director of Public Health and of Director of Town Planning to be obtained for notification :-

(1) Before issuing a notification under Section 90, the local authority shall.

(a) obtain the approval both of the Director of Public Health and of the Director of Town Planning 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) of Section 90; and

(b) publish in the prescribed manner for general information the situation and limits of the areas proposed to be reserved for residential purposes and the restrictions, limitations and conditions, if any, proposed to be imposed under sub-section (3) of Section 90 and consider all objections received by it within six weeks of such publication.

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

authority and the Director of Public Health or the Director of Town Planning, the matter shall be referred to the [State Government] whose decision shall be final.

92. Appeal against notification :-

Any person aggrieved by the issue of a notification under Section 90, may appeal to the ¹ [State Government] whose decision shall be final.

1. Substituted for the word "Government" by Act No. 1 of 1956

93. Consequences of notification :-

Upon the issue of a notification under Section 90, the following consequences shall ensue, namely.

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

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

Explanation (1).If work in any factory, workshop, or workplace existing at the time when the notification under Section 90 comes into force or any offensive trade carried on by any person at such time ceases to be carried on for a continuous period of not less than one year, the resumption of work in such factory, workshop, or workplace or of such offensive trade, as the case may be, shall, unless the [State Government] otherwise orders, be deemed to be absolutely prohibited under clause (a).

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

94. Extension of Sections 90 to 93 to non-urban local authorities :-

The [State Government] may, by notification, direct that the provisions of Sections 90 to 93 shall apply to any non-urban local authority specified in such notification; and thereupon, the

provisions of those sections shall apply to such authority as if it were an urban local authority and as if the reference to the commencement of this Act in sub-section (1) of Section 90 were a reference to the date of publication of the notification under this section.

95. New building not to be erected on certain sites :-

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.

96. Cleansing of Court, yard or passage used in common :-

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

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

97. Dwelling-house unfit for human habitation to be vacated :-

(1) If any dwelling-house or portion thereof appears to the Health Officer to be unfit for the purpose of human habitation, he may, in cases not falling under Section 47, apply to the local authority to prohibit the use thereof for such purpose, and such authority shall make an order prohibiting the use of such dwelling-house or portion for human habitation until in the opinion of the Health Officer it is rendered fit therefor:

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

(2) When any order has been made under sub-section (1), the

executive authority shall cause a copy of the order to be communicated to the owner as well as to every occupier concerned; and every such occupier shall be bound to cease to inhabit the dwelling-house or portion thereof, as the case may be, within thirty days after the communication of the order to him.

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

98. Definitions :-

In this part.

(1) "Tenement" means a dwelling-house and includes.

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

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

(2) "Landlord" means the immediate landlord or the occupier or occupiers of a tenement.

99. Duties of landlord :-

A landlord of a tenement.

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

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

100. Power to make rules :-

The ¹ [State Government] shall have power to make rules for determining.

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 11

Lodging-houses

101. Lodging-houses to be registered :-

No person shall keep a lodging- house or receive a lodger therein unless he is registered as the keeper thereof under this Act:

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

102. Register of lodging-houses :-

Every executive authority shall keep a register in which shall be entered.

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

(b) the situation of every such lodging-house;

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

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

103. Conditions of registration and of renewal of registration :-

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

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.

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

(ii) the premises are not suitable for use as a lodging-house or 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 a lodging-house is likely to occasion inconvenience or annoyance to persons residing in the neighbourhood.

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

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

(4) If, at any time, a person registered as the keeper of a lodging-house applies for the removal from the register of the name of any person entered therein as a deputy of the keeper, or for the insertion therein of the name of any other person, being a person approved by the executive authority, whom the keeper proposes to employ as a deputy, the executive authority shall alter the register accordingly and make any consequential alterations in the certificate of registration.

104. Appeal to local authority :-

A person aggrieved by the refusal of an executive authority to grant or renew registration under Section 103 ¹ [or by the suspension of registration by an executive authority under Section

106-A] may appeal to the local authority.

1. Inserted by Act No. XVI of 1949

105. Rules for the upkeep and maintenance of lodging-houses :-

The ¹ [State Government] shall have power to make rules.

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

(b) for promoting cleanliness and ventilation in lodging-houses and requiring the walls and ceilings thereof to be limewashed 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 lodging-houses.

1. Substituted for the word "Government" by Act No. 1 of 1956

106. Notice to be affixed outside the lodging house :-

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

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

106A. Suspension of registration by executive authority :-

¹ On receipt of a report from the Health Officer or the person authorised under sub-section (2) of Section 106, the executive authority, if satisfied that there are reasonable grounds to believe that a registered keeper of a lodging house has contravened the provisions of this chapter or a rule or bye-law made under this Act applicable to him, may without prejudice to any other action against the keeper of the lodging house, suspend his registration for a period not exceeding ten days and in the case of subsequent contravention suspend his registration for such period as the executive authority thinks fit or cancel his registration.]

1. Inserted by Act No. XVI of 1949

107. Cancellation of registration by Court :-

When the registered keeper of a lodging house is convicted of any offence under this Chapter or under Section 65 or a rule or bye-law applicable to him made under this Act, the Court by which he is convicted may cancel his registration as a lodging house-keeper and may order that he be disqualified for such period as a Court thinks fit for being again registered as such keeper.

107A. Power of seizure, etc., of executive authority :-

1

(1) Where.

(i) the grant or renewal of registration is refused under Section 103; or

(ii) the registration is suspended or cancelled under Section 106-A; or

(iii) the registration is cancelled under Section 107;

(2) Articles seized under sub-section (1) may be destroyed or disposed of in such manner as may be prescribed.]

1. Inserted by Act No. XVI of 1949

CHAPTER 12

Food Control

108. Prohibition of sale of unsound food :-

(1) No person shall.

(a) sell, expose or hawk about for sale, or keep store or prepare for sale, or give or distribute 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 give or distribute any food or drug intended for human consumption which is unfit for such purpose or is unwholesome.

(2) In any prosecution under sub-section (1), the Court shall, unless and until the contrary is proved, presume.

(a) that any animal found in the possession of a person who is in

the habit of keeping animals of that class for sale for human consumption, has been kept by such person for sale, and

(b) that any food or drug found in the possession of a person who is in the habit of keeping, storing, manufacturing or preparing such food or drug for sale for human consumption, has been kept, stored, manufactured or prepared by such person for sale.

109. Punishment for contravening provisions of Section 108, through others :-

(1) Any person who does any of the acts mentioned in sub-section (1) of Section 108 or ¹ [Section 7 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954)], through others employed by him, whether the latter be adults or children, shall be liable to punishment for such act as if he had himself done the same.

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

1. Substituted for the word "Government" by Act No. 1 of 1956

110. Flesh of dead animal not to be consumed :-

No person shall knowingly consume the flesh of any animal which has died on account of natural causes.

Explanation. It shall be no defence to a prosecution under this section that the flesh was consumed as a matter of custom, or as a matter of right 1. Substituted for the words, brackets and figures "in clauses (a) to (d) of sub-section (1) of Section 5 of the Mysore Prevention of Adulteration Act, 1921" by Act No. 1 of 1956 on account of services rendered in removing dead cattle, or on any other ground.

111. Importing meat into local areas :-

(1) No person shall bring into any local area, without the permission in writing of the Health Officer thereof, the flesh of any animal slaughtered outside the local area otherwise than in a slaughterhouse maintained or licensed by the ¹ [State Government] or by a local authority.

(2) Any flesh brought into the local area in contravention of sub-section (1) may be seized by the Health Officer or any officer or servant of the local authority authorised by him in that behalf, and sold or otherwise disposed of as the Health Officer may direct; and in case of sale, the sale proceeds shall be credited to the funds of the local authority.

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

(a) cured or preserved meat, or

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

(c) flesh or meat brought into the local area by any person for immediate domestic consumption and not for sale: Provided that the local authority may, by public notice, direct that the provisions of this section shall apply to cured or preserved meat of any specified description or brought from any specified place.

1. Substituted for the word "Government" by Act No. 1 of 1956

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

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

113. Powers of Health Officer to deal with carriers of disease handling food :-

(1) The Health Officer may, at any time, examine any person engaged in selling, or in manufacturing or preparing for sale, or in any manner whatsoever handling any article of food intended for sale.

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

114. Investigation of diseases caused by milk or dairy produce :-

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

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

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

(2) If such supply or any part of such supply is obtained, not directly from a dairy but through some other person, the Health Officer may make a similar requisition upon such other person.

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

115. Inspection of dairy by Health Officer :-

1) The Health Officer may inspect any dairy referred to in Section 114 and the milch-cattle and the employees therein, and if, on such inspection, the Health Officer is of opinion that any infectious disease is caused, or is likely to be caused, by the consumption of the milk or dairy produce supplied from such dairy, he may make an order prohibiting the supply of any milk or dairy produce for human consumption from such dairy.

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

(3) If an order made under sub-section (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-section (1) the Health Officer may either.

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

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

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

CHAPTER 13

Fairs and Festivals

116. Notification of fairs and festivals by State Government

:-

1

(1) The ² [State Government] may, by notification.

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

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

117. Levy of pilgrim tax :-

x x x x x¹

1. Section 117 omitted by Act No. 1 of 1956

118. Levy of tolls on vehicles :-

(1) The ¹[State Government], or the local authority with the approval of the ²[State Government], may, by notification, levy tolls on any vehicle (other than a motor vehicle) or any animal entering a notified fair or festival centre, for such period, at such rates, and subject to such exemptions, as may be specified in the

notification: ³[Provided that the rates of toll shall not exceed the rates specified in the Second Schedule to the Mysore Motor Vehicles Taxation and Tolls Act, 1951 (Mysore Act XII of 1951).]

(2) The ⁴ [State Government] shall have power to make rules regarding.

(a) the collection of tolls;

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

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

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

3. Added by Act No. 1 of 1956

4. Substituted for the word "Government" by Act No. 1 of 1956

119. Notice to be given of fair or festival :-

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

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

120. Sanitary arrangements, etc :-

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

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

121. Health Officer to supervise the arrangements :-

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

122. Power to enter and seize unwholesome food :-

(1) The Health Officer, or a Sanitary or Assistant Sanitary Inspector of the local authority or of any of the local authorities concerned, or any officer of the ¹[State ¹[State Government]] in this behalf, may.

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

(b) for the purpose of inspection, have access to any source of water-supply on such centre or within such distance therefrom as the ³ [State Government] may, by general or special order, determine; and

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

(2)

(a) Any officer seizing any food under clause (c) of sub-section (1) shall, if it is not destroyed under that clause, report the seizure to such authority or person as may be prescribed in that behalf.

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

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

1. Substituted for the word "Government" by Act No. 1 of 1956

3. Substituted for the word "Government" by Act No. 1 of 1956

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

(1) The local authority may, in cases of emergency, with the sanction of the Deputy Commissioner, depute any person to enter upon, occupy and use, without having recourse to the provisions of ¹ [the Mysore Land Acquisition Act, 1894], any land or any building not being a dwelling-house in the notified fair or festival centre which, in the opinion of the Health Officer, is required and is suitable for any purposes connected with the fair or festival, such as the construction of pilgrim sheds, water-sheds, hospitals, segregation sheds, latrines, and the like: Provided that if the land or building is occupied notice shall be given in writing to the occupant or be conspicuously affixed on such land or building, not less than twenty-four hours before it is entered upon.

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

(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.

1. Substituted for the words and figures "the Land Acquisition Act, 1894" by Act No. 1 of 1956

124. Control over private sources of water-supply :-

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

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

concerned.

1. Substituted for the word "Government" by Act No. 1 of 1956

125. Licensing of houses to accommodate visitors to fair or festival :-

(1) The owner or occupier of a house, not being a lodging house registered under Chapter XI, situated in any notified fair or festival centre shall not, for purposes of gain, accommodate in the house visitors to the fair or festival, without obtaining a licence in that behalf from the executive authority or the Health Officer of the local authorities concerned. This provision shall not apply to tenancies from month to month or for a period exceeding one month.

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

(3)

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

(b) The licence shall also specify.

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

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

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

126. Extension of provisions of chapter to certain areas :-

The ¹ [State 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.

1. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 14

Finance

127. Manner of spending proceeds of taxes and tolls levied in respect of fairs and festivals :-

If in respect of any fair or festival, any tax or toll is levied under Section 117 or Section 118 of this Act, or under any Act or Rule constituting a local body, the local authority shall have power to spend the proceeds thereof in connection with the fair or festival or for the benefit generally of the local area concerned, in such manner as the ¹ [State Government] may, by general or special order, authorize.

1. Substituted for the word "Government" by Act No. 1 of 1956

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

(1) Every municipality shall earmark not less than 30 per cent of its income from all sources other than ¹[State Government] grants, for expenditure on the advancement of public health in its local area, including expenditure on medical relief, and every local body other than a Municipal Council shall similarly earmark not less than 12 1/2 per cent of its income from such sources:

Provided that the ²[State Government] may, for financial or other reasons, vary the provisions of this sub-section to such extent as it may think fit in the case of any local bodies.

(2)

(a) The ³ [State Government] may, by notification authorize any local authority or class of local authorities to incur expenditure on any public health purpose specified in the notification, notwithstanding anything contained in the Act under which such

local authority or authorities have been constituted.

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

1. Substituted for the word "Government" by Act No. 1 of 1956
2. Substituted for the word "Government" by Act No. 1 of 1956
3. Substituted for the word "Government" by Act No. 1 of 1956

CHAPTER 15

Rules, Bye-laws, Penalties, etc.

129. Power of Estate Government] to make rules :-

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

(2) In particular and without prejudice to the generality of the power conferred by sub-section (1), the [State 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.

1. Substituted for the words, brackets and figures "to sub-sections (2) and (3) of Section 48

130. Penalty for breach of rules :-

(1) In making a rule under Section 82, the [State Government] may provide that a breach of such rule shall be punishable with imprisonment which may extend to three months, or with fine, or with both.

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

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

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

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 Mysore Gazette.

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

(2) All rules made under this Act shall be published in the Mysore Gazette and upon 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 thereunder or with any other law, for carrying out all or any of the purposes of this Act.

133. Breach of bye-laws :-

In making a bye-law the local authority may provide that a breach thereof shall be punishable.

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

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

134. Procedure for making or altering bye-laws :-

Bye-laws made by a local authority under Sections 132 and 133 shall always be subject to the previous sanction of the ¹[State Government] and shall also be subject.

(a) in case the local authority is a City Municipal Council, to subsections (2) and (3) of Section 51 and Section 52 of the Mysore City Municipalities Act, 1933; and

(b) in case the local authority is a Town Municipal Council,² [to sub-sections (3) and (4) of Section 48 and Section 49 of the Mysore Town Municipalities Act, 1951.]

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the words, brackets and figures "to sub-sections (2) and (3) of Section 48

135. Penalties to offences against Act, etc :-

(1) Whoever.

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

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

(c) fails to comply with any direction lawfully given to him, or any requisition lawfully made upon him, under or in pursuance of any of the said provisions, shall be punished with fine which may extend to the amount mentioned in that behalf in the fourth column of the said Schedule.

(2) Whoever after having been convicted of.

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

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

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

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 executive authority or Health Officer :-

Every person who prevents the executive authority or the Health Officer or any person to whom the executive authority or the Health Officer has lawfully delegated his powers of entering on or into any land or building, from exercising his lawful power of entering

thereon or thereinto, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

137. Appeal against decisions of Health Officer :-

(1) An appeal shall be to the Director of Public Health against a decision of the Health Officer given under Section 29, Section 32, Section 40, Section 41, Section 45, Section 67 or Section 95 of this Act.

(2) Any other decision of the Health Officer shall be subject to such appeal as may be prescribed.

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.

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

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

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

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

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

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 authority or the Health Officer:

Provided that nothing contained in this section shall affect the provisions of the Code of Criminal Procedure, 1904, in regard to the power of certain Magistrates to take cognizance of offences upon information received or upon their own knowledge or suspicion.

140. Power to compound offences :-

The executive authority or the Health Officer may compound any offence against this Act or the rules or bye-laws made thereunder which may, by rules made by the ¹[State Government], be declared compoundable. The power to compound any offence so declared may also be exercised by such other authority or persons as may be authorised in that behalf by rules made by the ² [State Government].

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

141. Powers of Police Officers to arrest offenders against Act, etc :-

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

142. Powers of executive officer and public health staff to arrest offenders against Act, etc :-

(1) The executive officer of a local authority or any member of the Public Health establishment of a local authority not below the rank of Sanitary or Assistant Sanitary Inspector, who sees a person committing any of the offences specified in sub-section (2) in the area over which the local authority has jurisdiction, may arrest such person, if his name and address are unknown to the executive officer or member aforesaid and such person on demand declines to give his name and address or gives a name and address which such officer or member has reason to believe to be false. Any person so arrested shall be handed over to the officer in charge of the nearest police station as expeditiously as possible.

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

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

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

(i) Sections 130, 131(1), 150(1), 150(2), 151, 152, 153, 154(1), 158(a), 158(b), 161, 162(1), 162(2), 165(1), 165(2), 167(2), 168(2), 172(1), 172(2), 172(3), 174(4), 175(5), 178(5), 180(3), 181(2) and 184 of the Mysore City Municipalities Act, 1933;

1[(i-a) Chapter VII to XIII, both inclusive of the City of Bangalore Municipal Corporation Act, 1949, read with Section 376 of that Act and Schedules VI and VII thereto;]

2[(ii) Sections 122, 123(1), 139(1), 140, 141, 142(1), 146, 147(1), 147(2), 148, 150, 151(2), 153(1), 154(1), 155(6), 157(4), 159(5), 160(3) and ' 165 of the Mysore Town Municipalities Act, 1951;]

3[(iii) x x x x x;]

(iv) Sections 56 and 57 of the Mysore Police Act, 1908; and

4 [(v) Section 7 of the Prevention of Food Adulteration Act, 1954 (Central Act 37 of 1954).]

1. Sub-clause (i-a) substituted by Act No. 1 of 1956
2. Sub-clause (ii) substituted by Act No. 1 of 1956
3. Sub-clause (iii) omitted by Act No. 1 of 1956
4. Sub-clause (v) substituted by Act No. 1 of 1956

143. Persons arrested not to be detained unnecessarily :-

1[Any person arrested under Section 141 or Section 142 shall be informed, as soon as may be, of the grounds for such arrest and no such person shall be detained in custody].

(a) after his true name and address have been ascertained, or

(b) for a longer period than under all the circumstances of the case is reasonable; and such period shall not, in the absence of the special order of **2**[a Judicial Magistrate], whether having jurisdiction to try the case or not, exceed twenty-four hours, exclusive of the time necessary for the journey of such person **3** [to the Court of the nearest Magistrate].

1. Substituted for the words "No person arrested under Section 141 or Section 142 shall be detained in custody" by Act No. 1 of 1956
2. Substituted for the words "a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

3. Substituted for the words "to the Court having jurisdiction to try the case" by Act No. 1 of 1956

144. Bar of suits and prosecutions in certain cases :-

(1) No suit, prosecution or other proceeding shall lie, against any local authority or any executive authority of a local authority, or against the ¹[State Government] or any officer or servant of a local authority or of the ²[State Government], or against any person appointed under Section 13 of this Act, for any act done or purporting to be done under this Act, without the previous sanction of the ³[State Government].

(2) No local authority or executive authority of a local authority, no officer or servant of any local authority or of the ⁴ [State Government] and no person appointed under Section 13 of this Act, shall be liable in respect of any such act in any civil or criminal proceeding if the act was done in good faith in the course of the execution of duties or the discharge of functions imposed by or under this Act.

1. Substituted for the word "Government" by Act No. 1 of 1956

2. Substituted for the word "Government" by Act No. 1 of 1956

3. Substituted for the word "Government" by Act No. 1 of 1956

4. Substituted for the word "Government" by Act No. 1 of 1956

145. Punishment for malicious abuse of powers :-

Any executive authority of a local authority or any officer or servant of a local authority or of the ¹[State Government], or any person appointed under Section 13 of this Act, who maliciously abuses any powers conferred on him by or under this Act, shall be punished with imprisonment which may extend to one year or with fine which may extend to one thousand rupees or with both.

Explanation.No prosecution shall be instituted under this section without the previous sanction of the ² [State Government].

1. Sub-clause (i-a) substituted by Act No. 1 of 1956

2. Sub-clause (ii) substituted by Act No. 1 of 1956

146. Delegation of powers by State Government :-

¹The ²[State 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 it 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 ³ [State Government] to make rules under this Act, or to their powers under Sections 2(2), 2(3)(b), (9)(2), 128(1) and 148.

1. Sub-clause (iii) omitted by Act No. 1 of 1956
2. Sub-clause (v) substituted by Act No. 1 of 1956
3. Substituted for the words "No person arrested under Section 141 or Section 142 shall be detained in custody" by Act No. 1 of 1956

147. Powers of Act to be cumulative :-

All powers and duties conferred or imposed by this Act shall be deemed to be in addition to, and not in derogation of, any other powers and duties conferred or imposed by any other enactment, rule, notification or order and, subject to any repeal effected by, or other express provision of this Act, all such powers and duties may be exercised and shall be performed in the same manner as if this Act had not been passed.

148. Power to remove difficulties :-

If any difficulty arises in giving effect to the provisions of this Act, the ¹ [State Government], as occasion may require, may, by order, do anything which appears to it necessary for the purpose of removing the difficulty.

1. Substituted for the words "a Magistrate" by Act No. 13 of 1965, w.e.f. 1-10-1965

SCHEDULE 1
SCHEDULE

SCHEDULE 2
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