



# **LEGISLATIVE ASSEMBLY OF GOA**

## **THE GOA PUBLIC HEALTH (FOURTH AMENDMENT) BILL, 1996**

**(Bill No. 12 of 1996)**

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**(To be introduced in the Legislative Assembly of Goa)**

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**GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PANAJI  
JULY, 1996**

# The Goa Public Health (Fourth Amendment) Bill, 1996

(Bill No. 12 of 1996)

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BILL

*further to amend the Goa, Daman and Diu Public Health Act, 1985.*

Be it enacted by the Legislative Assembly of Goa in the Forty-seventh Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Fourth Amendment) Act, 1996.

(2) It shall come into force at once.

2. *Amendment of section 2.*— In section 2 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter called the 'principal Act'), after clause (3), the following clause shall be inserted, namely:—

“(3A) “Competent authority” includes,—

(a) the Chief Medical Officer (National Malaria Eradication Programme);

(b) Health Officer I/c and Medical Officer I/c of Community Health Centre/Upgraded Primary Health Centre/Primary Health Centre/Urban Health Centres of the concerned jurisdiction, under supervision of Chief Medical Officer (National Malaria Eradication Programme).”

3. *Insertion of new sections.*— After section 75 of the principal Act, the following sections shall be inserted, namely:—

“75A. *Screening of migrant labourers at construction sites.*— All migrant labourers who are brought from other States shall be screened for Malaria at the nearest Health Centre or mobile squads of National Malaria Eradication Programme. The Health Officer/Medical Officer I/c of the Directorate of Health Services shall then issue a health card with photograph certifying his pre-

sent status of Malaria. No labourer shall be engaged by the contractor at the construction sites unless he has a health card. Similar screenings for Malaria shall be done everytime the labourer goes outside the State and comes back to work at the construction site after his stay outside the State. The responsibility of obtaining the health cards shall rest entirely on the contractor/builder employing him/her and shall be obtained immediately on his/her arrival in this State.

75AA. *Penalty for offence under section 75A.*— Whoever contravenes the provisions of section 75A of the Act, shall be punishable with fine of Rs. 1000/- per person each time and when the offence is a continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence.”

4. *Amendment of section 76B.*— In section 76B of the principal Act, for the words “rupees one hundred”, the words “rupees five thousand each time” shall be substituted.

5. *Insertion of new sections.*— After section 76B of the principal Act, the following sections shall be inserted, namely:—

“76C. *Nuisance.*— (1) The competent authority may, by notice in writing, require the person by whose act, default or sufferance, a nuisance arises, exists or continues or is likely to arise; or the owner, lessee and occupier of the land, building or premises on which the nuisance arises, exists or continues or is likely to arise; or any one or more of such persons, owner, lessee and occupier; to remove, discontinue or abate the nuisance by taking such measures and by executing such work in such manner and within such period of time as the competent authority may specify in such notice.

(2) The competent authority may also by any notice under sub-section (1) or by another notice, served on such person, owner, lessee and occupier, or any one or more of them, require them, to take all steps requisite or necessary to prevent a recurrence of the nuisance and may, if he thinks fit and desirable, specify any work to be executed or measures to be carried out for that purpose. If, at any time within two months from the date of

service of any such notice, the nuisance recurs through the failure of the person or persons upon whom such notice has been served to comply with the requirements contained in such notice, such person or persons shall be liable without any further notice to the penalties provided in this Act for offences under this section.

(3). Where the nuisance arises or exists or is likely to arise or recur in connection with the construction, reconstruction or demolition of any premises or any part thereof, the competent authority may, in addition to serving any notice on any one or more of the persons mentioned in sub-section (1), serve any such notice on the architect, contractor or other person employed to carry out such work of construction, reconstruction or demolition, as the case may be, and also on any sub-contractor employed by such contractor or other person or any one or more of such contractor, person and sub-contractor.

*Explanation.*— For the purpose of this section, a nuisance shall include.— (a) any pool, ditch, tank, well, pond, quarry hole, drain water-course or any collection of water or (b) any cistern or other receptacle for water or any article or thing capable of collecting rain water during the monsoon season whether within or outside a building or (c) any land on which water accumulates or is likely to accumulate or (d) any premises or part of any premises occupied, or unoccupied or under construction, reconstruction or demolition which, in the opinion of the competent authority, is or is likely to become a breeding place of mosquitoes.

76D. *Regulation of new work.*— (1) No new well, tank, pond, cistern or water fountain, swimming pool, etc. shall be dug or constructed without the prior permission in writing of the competent authority.

(2) If any such work is begun or completed without such prior permission, the competent authority may either,—

(a) by written notice, require the owner or other person who has done such work to fill up or demolish such work in such manner as the competent authority may specify; or

(b) grant written permission to retain such work, but such permission shall not exempt such owner from proceedings for contravening the provisions of sub-section (1).

**76E - Probability for certain acts likely to breed mosquitoes.**— (1) The owner or occupier of any house, building or shed or land shall not keep therein any bottle, vessel, can or any other container, broken or unbroken, in such manner that it is likely to collect and retain water which may breed mosquitoes.

(2) All burrow pits required to be dug in the course of construction and repair of roads, railways, embankments, etc., shall be so cut as to ensure that water does not remain stagnant in them and burrow pits shall be so graded and profiled that water will drain off by drainage channels/connections from one pit to the other till the nearest natural drainage/nullah is met with. No person shall create any isolated burrow pit which is likely to cause accumulation of water that may breed mosquitoes.

**76F. Penalties.**— Whoever, knowingly contravenes any provisions under sections 76C, 76D or 76E and disobeys any order or requisitions made under any of the aforesaid sections or obstructs any official of the Health Services, shall on conviction, be punished with fine which may extend to Rs. 1000/- and in case of continuing offence with further fine which may extend to rupees two hundred for every day after the first conviction during which such contravention continues.”

### Statement of Objects and Reasons

As the fee prescribed for anti-larval measures under section 76B of the Act, 1985, is meagre, it is proposed to amend the said section 76B so as to increase the fee from rupees one hundred to rupees five thousand each time. Further, it is also proposed to insert new sections in the Act, 1985, so as to provide for screening of migrant labourers as also control breeding places of mosquitoes such as construction sites, overhead tanks, etc.

This Bill seeks to achieve the above objects.

### Financial Memorandum

No financial implications are involved in this Bill.

Panaji,  
30th July, 1996.

WILFRED D'SOUZA  
Minister for Health

Assembly Hall,  
Panaji,  
30th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa

(Annexure to Bill No. 12 of 1996)

The Goa Public Health (Fourth Amendment) Bill, 1996

The Goa, Daman and Diu Public Health Act, 1985

(Act 25 of 1985)

3. Constitution of Public Health Board — (1) As soon as may be after the commencement of this Act, the Government shall cause to be constituted for the Union territory of Goa, Daman and Diu, a Public Health Board consisting of the following members, namely:—

- (a) the Minister for Public Health;
- (b) the Director of Health Services;
- (c) Director of Municipal Administration;
- (d) Collector;
- (e) Chief Town Planner;
- (f) three persons having special knowledge of matters relating to public health or public engineering.

(2) Members nominated under clause (f) of sub-section (1) shall hold office for a period of one year from the date of nomination but shall be eligible for re-nomination.

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

“76A. Builder to take anti-larval measures.—(1) Notwithstanding any law for the time being in force, it shall be the duty of every builder where construction activities are being carried on, to take adequate anti-larval measures at the construction site in consultation with the concerned Health Officer.

(2) The Health Officer shall have subject to the control of the Government, power to issue notice to the concerned builder for compliance of the provisions of sub-section (1) within the period as specified thereunder.

(3) Whenever the builder on whom notice is served under sub-section (2), fails to comply with the requirements within reasonable period as specified thereunder, the Health Officer shall take all required anti-larval measures as may be necessary at the construction site, and recover all expenses incurred thereunder at the rate prescribed under section 76B from the builder as arrears of land revenue under the law for the time being in force.

76B. Levy of fee.—The fee to be levied for anti-larval measures at construction site shall be at such rates as may be prescribed but not exceeding rupees one hundred.”

Assembly Hall,  
Panaji,  
30th July, 1996.

ASHOK B. ULMAN  
Secretary to the Legislative  
Assembly of Goa