



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Public Health  
(Amendment) Bill, 2004**

(Bill No. 12 of 2004)

<sup>A</sup>  
~~So~~ be introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
FEBRUARY, 2004

**The Goa Public Health (Amendment)  
Bill, 2004**

**( Bill No. 12 of 2004 )**

**A**

**BILL**

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

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

1. *Short title and commencement.*— (1) This Act may be called the Goa Public Health (Amendment) Act, 2004.

(2) It shall come into force at once.

10 2. *Insertion of new Chapter XA.*— In the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985), after Chapter X, the following new Chapter XA shall be inserted, namely:—

**“CHAPTER XA**

15 **Supply of potable water, electricity and other essential services**

94A. - *Power of Government to issue directions.*—  
(1) Notwithstanding anything contained in any provisions of this Act, or in any rules, regulations, notifications, orders or in any decree or judgement of any Court, or in any law for the time being in force, the Government may, in appropriate cases, by order, direct any authorities, local bodies, statutory functionaries, or any other functionaries discharging public functions,—

(a) to grant, supply, provide and ensure supply of potable water, electricity, or such other essential services, so declared by the Government under the Goa Essential Services Maintenance Act, 1988 (Act 20 of 1989) or under any other law for the time being in force, to any person, house, structure, hut, factory, area, locality;

(b) to remove forthwith or within such period as the Government may specify in the order, any filth, nuisance, offensive trade or matter, sewage, or any object causing or likely to cause any disturbance to human senses or to public health, from any land or portion thereof, house, hut, structure, locality, river front, riverine land, port area, seabed, sea, river or nullah, anywhere in the State.

(2) The Government may empower any of the following authorities, by a special or general order, to perform its functions under sub-section (1), namely:—

(a) Health Officer of the concerned area;

(b) Chief Officer of a Municipal Council or the Commissioner of a Corporation, as the case may be;

(c) Director of Health Services;

(d) Collector of the District;

(e) Secretary to the Government, dealing with Public Health Department.

(3) Upon the issuance of an order under sub-section (1) or sub-section (2) by the Government, every authority, local body, statutory functionary or other functionaries and every person thereof

referred to in sub-section (1) or sub-section (2), shall be bound to comply with the same and provide and facilitate the provision of potable water, electricity or any other essential services, as the case may be, and for this purpose, every authority, local body, statutory functionaries or other functionaries and every person thereof, referred to in sub-section (1) or sub-section (2), shall have all powers to lay necessary lines, cables, pipes, poles, pipelines, and to provide necessary infrastructure, subject to the provisions of sub-section (4) hereof:

Provided that if any order issued by an authority empowered under sub-section (2) in respect of the nuisance referred to in clause (b) of sub-section (1) has not been complied with within the stipulated period, then, the authority empowered under sub-section (2) may order any statutory person or body to comply with such order within such further time as may be specified in the order and recover the cost incurred in removing such nuisance from the person responsible for such nuisance as an arrears of land revenue under the law for the time being in force.

(4)(a) In the event of any private right being affected or dispute having arisen, or any person, owner or occupier being entitled to any compensation, either under the Electricity Act, 2003 (Central Act 36 of 2003), the Land Acquisition Act, 1894 (Central Act 1 of 1894) or any other law for the time being in force, rights of such person to determine, claim and receive such compensation shall remain unaffected

(b) In the event of any dispute as regards land, building, apportionment, encroachment, including

legality or illegality of structure or occupation of any structure by any person or any question related or incidental thereto, such dispute, lis, proceedings, right, privilege shall remain unaffected and shall not prejudice any person in any way whatsoever. 5

(c) Providing water supply connection, electricity supply connection or any other essential service, shall not in any way be taken to have regularised, validated or legalised any such structure, premises, house, hut, area or occupation of or by any such person, as, an order under subsection (1) is relatable to all matters of health only. 10

*94B.- Bar of Courts' jurisdiction to entertain suits.—* Any order passed by or on behalf of the Government under section 94A shall not be called in question in any Court of law and no Court shall have jurisdiction to entertain, try or dispose of any proceedings, suit or application challenging, questioning or prohibiting, directly or indirectly, the order under section 94A: 20

Provided however that, the right of any person, body, authority, owner or occupier of any land or structure, to receive any compensation subsequent to such supply, under any law, shall not be affected. 25

*94C.- Punishment for non-compliance with order under section 94A.—* Any person or statutory functionary or other functionaries or the principal officer of any authority or local body, responsible for complying with the order under section 94A, disobeying or not complying forthwith, or abetting violation of any orders under section 94A shall, on a trial by a Magistrate, be liable to punishment with imprisonment for a term which may extend 30

to six months or a fine which may extend to Rs. 50,000/- or both.

*94D.- Provisions of this Chapter to be in addition to and not in derogation of other provisions or laws.—* The provisions of this Chapter shall be in addition to and not in derogation of any other power under any other provisions of this Act or any other law for the time being in force." 5

### Statement of Objects and Reasons

The Goa, Daman and Diu Public Health Act, 1985 (Act 16 of 1985), as it stands today, does not provide for contingencies in relation to provision of certain services such as supply of potable water, electricity and such other essential services, so declared by the Government under the Goa Essential Services Maintenance Act, 1988, (Act 20 of 1989) or under any other law for the time being in force, to the members of the public nor does it cater to certain issues which has direct bearing on public health and sanitation, including removal of any filth, nuisance, sewage etc. 5 10

By this legislation, the said Act, 1985 is proposed to be amended so as to ensure smooth extension of these infrastructures facilities, which are critical to public health, so also empower the Government to discharge such functions which cause disturbance to human senses or to public health. 15

This Bill seeks to achieve the above objectives.

### Memorandum Regarding Delegated Legislation 20

Proposed section 94 A(1) empowers the Government to issue directions to any authorities, local bodies, statutory functionaries or any other functionaries discharging public functions, for the purposes of clauses (a) and (b) of said sub-section (1) of section 94 A. 25

Sub-section (2) of said section 94 A empowers the Government to issue a special or general order empowering the authorities as specified therein to perform its functions under sub-section (1). 30

These delegations are of normal character.

### Financial Memorandum

No financial implications are involved in this Bill.

Assembly Hall  
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Dated : 14-2-04

Dr. Suresh Amonkar  
Minister for Health

Assembly Hall  
Provorum, Goa  
Dated : 14-2-04

S. A. Narvekar  
Secretary (Legislature)