



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**THE GOA PUBLIC HEALTH  
(AMENDMENT) BILL, 2006**

( Bill No. 17 of 2006)

As

~~To~~ be introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT  
ASSEMBLY HALL, PORVORIM, GOA  
JULY, 2006.

# THE GOA PUBLIC HEALTH (AMENDMENT) BILL, 2006

(BILL No. 17 of 2006)

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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 Fifty-seventh Year of the Republic of India as follows:—

5     **1. Short title and commencement.**— (1) This Act may be called the Goa Public Health (Amendment) Act, 2006.

(2) It shall come into force at once.

10     **2. Amendment of section 3.**— In section 3 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “principal Act”), in sub-section (1), after clause (c), the following clause shall be inserted, namely:—

“(cc) Director of Panchayats;”.

15     **3. Amendment of section 29.**— In section 29 of the principal Act, in sub-section (1), for the words “No person”, the expression “No person, including Government department, semi-Government Organization, Government company and statutory or non-statutory Corporation”,  
20     shall be substituted.

**4. Amendment of section 40.**— In section 40 of the principal Act,

(i) after sub-section (4), the following sub-section shall be inserted, namely:—

5 “(4-A) Notwithstanding anything contained in sub-section (5), if any person, whether owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, and the nuisance is caused due to improper drainage or due to overflowing of septic tanks, etc, the owner or occupier of the premises shall be liable to pay a fine of rupees five hundred per day till such time the nuisance is abated or the occurrence thereof is stopped”.

10 (ii) in sub-section (5), after the first proviso, the following proviso shall be inserted, namely:-

15 “Provided further that the Health Officer, after giving due notice to the defaulter, may request the Electricity Department or the Public Works Department, as the case may be, to disconnect the electricity or water supply to the premises or place in respect of which the nuisance arose or continues and the Electricity Department or the Public Works Department to whom such request is made shall forthwith disconnect said supply and such disconnection shall continue till the nuisance is removed to the entire satisfaction of the Health Officer”.

20 **5. Amendment of section 75 AA.**— Existing provision of section 75AA of the principal Act shall be numbered as sub-section (1) thereof and after sub-section 30 (1) as so numbered, the following sub-section shall be inserted, namely:—

“(2) In the event of the contravention of the provision of section 75A of the Act continuing beyond a period of seven days from the date of

5 imposition of daily fine of Rs. 50/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or cancel the construction licence issued to the contractor till such time the contravention continues and the concerned local authority shall act accordingly”.

**6. Amendment of section 94A.**— In section 94A of the principle Act, after sub-section (2), the following sub-section shall be inserted, namely:—

10 “(2A) The authorities, as specified in sub-section (2) above, any authorities, local bodies, statutory functionaries, or any other functionaries discharging public functions shall, before the grant, supply of potable water, electricity, or other essential services to any house, structure, hut or factory, etc, verify and ensure that such house, structure, hut, or factory as the case may be, has been granted construction licence under the provisions of the relevant law for the time being in force”.

15 (i) in sub-section (3), after the existing proviso, the following proviso shall be inserted, namely:—

20 “Provided that before making order for grant or supply of potable water, electricity or other essential services, the authority making such order shall ensure that the occupier of the premises has complied with the safety and sanitary measures to the satisfaction of such authority.”

## STATEMENT OF OBJECTS AND REASONS

It is proposed to amend section 3 (1) of the Goa, Daman & Diu Public Health Act, 1985 so as to include the Director of Panchayat as a member to the Public Health Board, as all the Village Panchayats are under Directorate of Panchayat as his directions to the Village Panchayat Secretary to deal with health problems is essential.

Sub-section (1) of section 29 of the Act 1985 is proposed to be amended so as to make it clear that Government Department, Semi-Government Organization, Government Company and Statutory and non-Statutory Corporation shall also to be required to obtain prior permission of the Health Officer or the Medical Officer for the purpose of construction of any building, house, cess pool and any other structure.

Section 40 of the Act is proposed to be amended to provide a new sub-section (4-A) after sub-section (4) so as to empower the Health Officer, in addition to other powers conferred on him in terms of section 40 thereof, wherein the Health Officer can levy a fine of Rs. 500/- per day, on any person, whether owner or occupier of any premises, to whom a notice is issued by him under sub-section (1), fails to comply with the directions, given therein, within the specified period or within the extended period, as the case may be, and the nuisance is caused due to improper drainage or due to over flowing of septic tank, etc, till such time the nuisance is abated or the occurrence thereof is stopped. Section 40 of the Act is further proposed to be amended to provide the second proviso to sub-section (5) of the said section 40, so as to empower the Health Officer to request the Electricity Department or the Public Works Department to disconnect the electricity or water supply in case where the nuisance is not removed in compliance with the notice issued under sub-section (1) of section 40.

Section 75 AA of the Act 1985 is proposed to be amended so as to empower the Health Officer to request to concerned local authority to suspend or cancel the construction licence issued to the contractor till such time, the contravention continues, as provided under section 75 AA.

Section 94A of the Act is proposed to be amended by inserting a new sub-section (2A) therein so as to provide that the authority making an order for grant or supply of potable water, electricity or other essential services to any house, structure, hut or factory, etc, shall, before such grant or supply, verify and ensure that such house, structure, hut, factory, as the case may be has been granted construction licence under the provisions of the relevant law for the time being in force.

Sub-section (3) of the section 94 A is proposed to be amended by inserting the proviso to provide that the authority making an order for grant of supply of potable water, electricity or other essential services shall ensure that the safety and sanitary measures are complied with the satisfaction of such authority before making such orders. This bill seeks to achieve the above objectives.

## Financial Memorandum

Due to above amendments no additional financial implications are involved.

### Memorandum Regarding Delegated Legislation

No delegated legislation is involved in this Bill.

This delegation is of normal character.

Assembly Hall, SHRI DAYANAND NARVEKAR,  
Porvorim-Goa. Minister for Health

Dated:- 10-7-2006

Assembly Hall, SHRI T. N. DHRUVA KUMAR,  
Porvorim-Goa. Secretary (Legislature)

Dated:- 10-7-2006

(Annexure to Bill No. 17 of 2006)

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**The Goa, Daman and Diu Public Health Act, 1985**  
**(Act 25 of 1985)**  
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**Section 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.

**Section 29.-** Establishment of commercial, industry and other establishments and constructions.- (1) No person shall construct any building, house, cess pool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer charge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No commercial or industrial establishment, warehouses, storehouses, factories, workshops or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

(3) All such permissions issued shall be subject to the payment of such fees as may be notified by the Government from time to time.

**Section 40.-** Power of Health Officer to abate nuisance.- (1) If Health Officer is satisfied whether upon information received under section 39 or otherwise, of the existence of a nuisance, he shall be duty bound to issue a notice

within a period of seven days from the date of receipt of such information or date of knowledge of the existence of such nuisance, as the case may be, requiring the person who is responsible for such nuisance or by whose Act default or sufferance or thing the nuisance arises or continues, and/or if that person cannot be found, the owner or occupier of the premises in respect of which the nuisance arises or continues to abate the nuisance and to execute such works and takes such steps as may be necessary for that purpose, within a period as may be fixed in the notice, not exceeding sixty days in any case;

Provided that, the Health Officer, for reasons to be recorded in writing, and upon the application in writing by such person to whom such notice is issued, may extend the period specified in such notice, by a further period of fifteen days, in the facts and circumstances of the case.

(2) The officer-in-charge of the Police station of the area concerned shall be duty bound and responsible, when called upon by the concerned Health Officer or such other officer as authorized by the Directorate of Health Services, to provide necessary police protection for removal and/or to ensure removal of such nuisance and shall also provide all possible assistance for removal of such nuisance. The officer-in-charge of the police station, shall be answerable and responsible for non-compliance of the requisition made by the Health Officer or by such other person as specified in this sub-section.

(3) The directions as contained in the notice under sub-section (1) shall have effect, notwithstanding anything contained in any other law for the time being in force or any custom or usage or decree or order of a Court, or any agreement or contract, express or implied, as far as they are not in consistent with the provisions of this section.

(4) The issuance of the notice under sub-section (1) to a person, as an occupier of any premises, shall not create any legal right, title or interest in such person, in respect of such premises, if such person is not the owner of such premises as the notice issued is only for creating the liability of abatement of nuisance or execution of any

work or to take such steps as may be directed under sub-section (1).

(5) If any person, owner or occupier of any premises, to whom a notice is issued by the Health Officer under sub-section (1), fails to comply with the directions given therein within the specified period or within the extended period, as the case may be, the Health Officer shall himself execute any work or take such steps, which he may consider necessary, to abate, the nuisance and to prevent the recurrence thereof:

Provided that, any expenses incurred or loss suffered on account of execution of any work or steps taken by the Health Officer, for abatement of nuisance under this sub-section, shall be recovered from the person to whom the notice under sub-section (1) was issued, as arrears of land revenue.

(6) The failure to comply with the directions contained in the notice issued under sub-section (1) shall be cognizable offence punishable with simple imprisonment for a term which may extend to 30 days or with fine which may extend to Rs. 5000/-, or with both:

Provided that the said offence may be compounded by the Health Officer, if the offender agrees to pay a fine of Rs. 3,500/-.

(7) In case of any nuisance arising in respect of the premises belonging to the Government, the officer-in-charge of the said premises or Head of office, as the case may be, shall be liable personally to be issued a notice under sub-section (1) as also for the penalty specified in sub-section (6):

Provided that if the Health Officer himself is the office-in-charge of such premises or Head of office, the provisions of sub-section (1) shall not be applicable to him although he shall be duty bound and liable to abate the nuisance within a period of eight days from the date of knowledge of the existence of nuisance.

(8) If the Health Officer, after receiving the information of any nuisance, either under section 39 or upon his own

knowledge, intentionally or deliberately, fails or neglects, to take any action as provided for, in sub-section (1), (5) or (7) as the case may be, within the period specified thereto, he shall be liable for payment of fine at the rate of at least Rs. 50/- per day and which may extend to Rs. 5000/-; upon conviction by the Judicial Magistrate First Class, after a complaint at that regard is filed by any person aggrieved by a nuisance."

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 continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence."

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 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 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.

(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 legalized any such structure, premises, house, hut, area or occupation of or by any such person, as an order under sub-section (1) is relatable to all matters of health only.

ASSEMBLY HALL,  
PORVORIM-GOA.  
10TH JULY, 2006.

T. N. DHURVA KUMAR  
Secretary to the Legislative  
Assembly of Goa.