



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Public Health
(Amendment) Bill, 2008**

(Bill No. 13 of 2008)

As
~~Is~~ introduced in the Legislative Assembly of the State of Goa

GOA LEGISLATURE SECRETARIAT
ASSEMBLY HALL, PORVORIM-GOA
MARCH, 2008

The Goa Public Health (Amendment) Bill, 2008

(BILL No. 13 of 2008)

A

BILL

further to amend the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985).

5 Be it enacted by the Legislative Assembly of the State of Goa in the Fifty-ninth Year of Republic of India, as follows.—

1. *Short title and commencement.*— (1) This Act
10 may be called the Goa Public Health (Amendment) Act, 2008.

(2) It shall come into force on such date as the Government may, by Notification in the Official Gazette, appoint.

2. *Amendment of section 3.*— In section 3 of the
15 Goa, Daman and Diu Public Health Act, 1985(Act 25 of 1985)(hereinafter referred to as the “principal Act”), —

(i) in sub-section(1), for clause(a) to (f) the
20 following clauses shall be substituted, namely:-

- a) the Chief Secretary of Goa;
- b) the Secretary (Health);
- c) the Law Secretary;

- d) the Collector, North (North Goa District);
- e) the Collector, South (South Goa District);
- f) the Principal Chief Engineer, PWD;
- g) the Superintendent of Police, North (North Goa District); 5
- h) the Superintendent of Police, South (South Goa District);
- i) the Director of Municipal Administration;
- j) the Director of Panchayats; and
- k) three persons having special knowledge of matters relating to Public Health or Public engineering. 10

(ii) in sub-section (3), for the expression " the Minister for Public Health", the expression, " the Chief Secretary of Goa" shall be substituted. 15

3. *Amendment of section 29.*— In section 29 of the principal Act, in sub-section(2), after the expression "workshop", the figures and expression, "massage parlour/SPAS(excluding therapeutic massage) or any other like service" shall be inserted. 20

4. *Insertion of new section.*— After section 50 of the principal Act, the following sections shall be inserted, namely. 25

" 50-A — *Restrictions to operate Ambulance van without permit.*— (1) Notwithstanding anything contained in section 50 of this Act, no person or occupier of Nursing Home, Clinic, Dispensaries, Pathological Laboratory, Blood Bank, Private Hospital, Health Care establishment including Veterinary Institution or any social, cultural or 30

charitable organization or NGO shall provide or operate any ambulance van without obtaining any permit from the prescribed authority.

(2) Every owner or operator of an ambulance van shall make an application for grant of permit to operate an ambulance van in the State in such form and to such authority, as prescribed. 5

(3) Every application for grant of permit under sub-section(2) shall be accompanied by such fee and document as prescribed. 10

50-B - *Grant of permit for operating an ambulance van.*— (1) On receipt of an application under sub-section (2) of section 50-A , the prescribed authority shall, after satisfying the fulfillment of requirement and conditions as prescribed, either grant or refuse to grant a permit for operating the ambulance van within a period of fifteen days from the date of receipt of the application complete in all respects and prescribed fee thereof. 20

(2) If any deficiency is noticed in the application, the prescribed authority shall in writing require the applicant to rectify the same within a period of seven days thereof. If the applicant fails to rectify the deficiency with the specified period, the application shall be refused. 25

Provided that no order of refusal shall be made unless— 30

- a) the applicant has been given a reasonable opportunity of being heard; and

b) the grounds on which the permission is refused are mentioned in the order.

50-C — *Validity of permit.*— (1) A permit granted to operate ambulance van to the applicant shall be valid for a period of five years subject to renewal and fulfillment of condition as prescribed. 5

(2) Every application for renewal of permit shall be made three months before expiry of period as specified in sub-section(1), accompanied by such renewal fee as prescribed. 10

(3) The prescribed authority shall renew the permit if the applicant has fulfilled the requirements as laid down under the rules.

(4) If the prescribed authority fails to pass any order within the specified period, the permit shall be deemed to be renewed for further period subject to terms and conditions as specified under the rules. 15

50-D—*Power to detain ambulance van used without permit .*— (1) Any police officer or any other officer duly authorized by the Director of Health Services in this behalf, may, if he has reasons to believe that an ambulance van has been or is being used in contravention of the provisions of section 50-A or in contravention of the condition of such permit or other purpose for which ambulance van not to be used, seize and detain the ambulance van in the prescribed manner and for this purpose, take and cause to be taken any steps he may consider necessary for the safe custody of the ambulance van : 20 25 30

Provided that where any such person has reasons to believe that the ambulance van has been or is being used in contravention of section 50A, he may instead of attaching ambulance van, 5 seize the permit of the ambulance van and issue an acknowledgement certificate in respect thereof.

(2) Where an ambulance van or permit has been seized and detained under sub-section (1), the owner or a person in charge of ambulance van may 10 apply to the Director of Health Services, or any officer authorized in this behalf by the Government, with the relevant documents for the release of the ambulance van or permit and such authority or officer may, after verifications of such documents, 15 by order, release ambulance van or permit, as the case may be, subject to such conditions as the authority or officer may deemed fit to impose."

50-E — *Penalty for operating ambulance van without permit.*— Whoever operates or causes or allows to operate an ambulance van in contravention of the provisions of section 50-A, shall be punishable with imprisonment which may extent to three months or with fine which may extent to Rs. 5000/-, or with both.— 20

5. *Amendment of section 76-F .*— In section 76-F of the principal Act,— 25

(iii) for the words and figures "Rs.1000/-", the words and figures, "Rs. 5000/-" shall be substituted. 30

(iv) for the expression "rupees two hundred", the expression "rupees five hundred" shall be substituted.

6. Amendment of section 101.— In section 101 of the principal Act,—

- (i) in sub-section (1), for the words "two thousand rupees", the words "five thousand rupees" shall be substituted. 5
- (ii) In sub-section (2), for the words, "fifty rupees", the words "two hundred rupees" shall be substituted.

Statement of Objects and Reasons

It is proposed to amend section 3 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) so as to include the Secretary for Public Health as a member of the Public Health Board and also provide that he shall be the President of the Public Health Board. Section 29 of the said Act, 1985, is proposed to be amended so as to provide that no massage parlour (excluding therapeutic massage) or any other like service shall be established without obtaining prior permission from the Director of Health Services with a view to curb illegal mushrooming of the massage parlours in this State. New sections 50 A to 50 E are proposed to be inserted in the said Act, 1985, so as to make it mandatory for every owner or occupier of Nursing Home, Clinic, Dispensaries, Pathological Laboratory, Blood Bank, Private Hospitals, Health Care Establishment including Veterinary Institution or any social, cultural or charitable organization or NGO to apply for and obtain a permit from the prescribed authority before providing or operating any ambulance van so that such ambulance vans operate only after fulfilling the prescribed requirements and conditions and shall be penalized if operating without permit.

Section 76 F of the Act, 1985, is proposed to be amended so as to increase the fine from Rs. 1000/- to Rs. 5000/- and further fine in case of continuing offence from Rs. 200/- to Rs. 500/- for contravening the provisions of sections 76 C, 76 D or 76 E and for disobeying any order or requisitions made under any of the aforesaid sections or for obstructing any officials of the Health Services.

Section 101 of the Act, 1985, is also proposed to be amended so as to increase the fine from Rs. 2000/- to Rs. 5000/- for offences specified in sub-section (1) thereof and increasing the fine from Rs. 50/- to Rs. 200/- for continuing offence as specified in sub-section (2) thereof.

This Bill seeks to achieve the above objects.

Financial Memorandum

No financial implications are involved in this Bill.

Memorandum Regarding Delegated Legislation

Proposed new section 50 A empowers the Government to frame rules so as to specify the authority which shall grant the permit for operating any ambulance van so also to specify the form of application for such permit and the fees and documents to accompany such application.

Proposed new section 50 B empowers the Government to frame rules to specify the requirements and conditions which have to be fulfilled by the applicant for grant of permit to operate any ambulance van.

Proposed new section 50 C empowers the Government to frame rules to specify the conditions which are required to be fulfilled by the applicant for renewal of permit and also to specify the fees for renewal of such permit and the terms and conditions subject to which the permit shall be renewed.

Proposed new section 50 E empowers the Government to frame rules to specify the manner in which an ambulance van which is being used without permit shall be seized or detained.

These delegations are of normal character.

Porvorim-Goa
21st March, 2008

VISHWAJIT RANE
Minister for Health

Assembly Hall,
Porvorim-Goa
21st March, 2008

(R. KOTHANDARAMAN)
Secretary to the Legislative
Assembly of Goa.

ANNEXURE

**Extract of the section 3, 29, 50, 76-F and 101 of the
Goa, Daman and Diu Public Health Act, 1985
(Act 25 of 1985)**

Section 3

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;
- (cc) Director of Panchayats;
- (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;

Section 29

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 establishments, 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 50

50. *Provision of ambulances, etc.*— The Director shall,—

- (a) provide and maintain suitable conveyances, with sufficient attendants and other requisites, for free carriage of persons suffering from any infectious diseases; 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.

Section 76-F.

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 section 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.

Section 101

101. Penalties for offences against Act, etc.—

(1) Whoever-

- (a) contravenes any of the provisions of this Act;
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 provisions of this Act shall be punished with fine which may extend to two thousand rupees.

(2) Whoever after having convicted of-

- (a) contravening any of the provisions of this Act;
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 provision continues to contravene the said provision or the said rule or order or continues to fail to comply with the said direction or requisition, shall be punished for each day after the previous date of conviction during which he continues so to offend, with fine which may extend to fifty rupees.

Assembly Hall
Porvorim-Goa
21st March, 2008

(R. KOTHANDARAMAN)
Secretary to the Legislative
Assembly of Goa