



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

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GOVERNMENT OF KERALA Law (Legislation-H) Department NOTIFICATION

No. 354/Leg.H1/2021/Law.

Dated, Thiruvananthapuram, 24th February, 2021
12th Kumbham, 1196
5th Phalguna, 1942.

The following Ordinance promulgated by the Governor of Kerala on the 23rd day of February, 2021 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



ORDINANCE No. 44 OF 2021

THE KERALA PUBLIC HEALTH ORDINANCE, 2021

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to consolidate and to unify the existing laws relating to public health in the State of Kerala and to provide for the enhancement of administration of Public Health in the State of Kerala and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to provide for the unification of the Travancore-Cochin Public Health Act, 1955 (XVI of 1955) and the Madras Public Health Act, 1939 (Madras Act III of 1939) as it applied to the Malabar region of the State, relating to the Public Health in the State of Kerala and to make it in conformity with the Kerala Municipality Act, 1994 (20 of 1994) and the Kerala Panchayat Raj Act, 1994 (13 of 1994) enacted in line with the provisions of Part IX and Part IX A of the Constitution of India inserted by the 73rd and 74th amendment of the Constitution of India;

AND WHEREAS, it is expedient to endow the health functionaries of the State, District and Local Self Government Institutions with necessary powers and authority for the enhancement of the administration of public health in the State;

AND WHEREAS, it is expedient to entrust the health functionaries in Local Self Government Institutions with the functions of the preparation of action plans for public health and implementation of schemes for the proactive and reactive requirements of containing emerging diseases, out breaks of communicable diseases and for increasing prevalence of non-communicable diseases and matters connected therewith or incidental thereto;

AND WHEREAS the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;



NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER 1
PRELIMINARY

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala Public Health Ordinance, 2021.

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

2. *Definitions.*—In this Ordinance, unless the context otherwise requires,—

(a) “building” includes a house, out-house, stable, latrine, shed, hut, bunk and any other structure, whether of masonry, bricks, mud, metal or any other material whatsoever;

(b) “communicable disease” means a clinically manifest disease of man or animal resulting from an infection;

(c) “community gathering” means a group of people that are gathered together or assembled together closest to their geographic community for family, social, cultural, political, spiritual, racial, or festival events or for games, religious prayers, talent shows, picnic in which food is shared or provided;

(d) “drain” means a house-drain of any description for carrying off sullage, waste water, drained water, rain water, or subsoil water;

(e) “dwelling house” means a building constructed, used or adopted to be used, wholly or partly, for human habitation or in connection therewith;

(f) “educational Institution” means a place which imparts knowledge or education, including preschools, childcare institutions, schools, colleges, Technical Educational Institutions, Universities, coaching centers, tuition centers, training centers, whether public or private;



(g) “Epidemic” means the sudden and rapid increase in the number of cases of a disease or other condition of public health importance in a population;

(h) “factory” means any premises including the precincts thereof wherein any industrial, manufacturing or trade processes is carried on with the aid of steam, water, oil, gas, electricity or any other form of power which is mechanically transmitted and is not generated by human or animal agency and includes any premises as defined in the Factories Act, 1948 (Central Act 63 of 1948);

(i) “filth” includes sewage, excreta, dung, putrid and purifying substances and all other substances causing danger to public health, if not removed;

(j) “food” means any substance, whether processed, partially processed or unprocessed, which is intended for human consumption and includes primary food such as article of food, being a produce of agriculture or horticulture or animal husbandry and dairying or aquaculture in its natural form, resulting from the growing, raising, cultivation, picking, harvesting, collection or catching in the hands of a person other than a farmer or fisherman, genetically modified, or engineered or packaged drinking water, alcoholic drink, chewing gum, and any substance, including water used into the food during its manufacture, preparation or treatment but does not include any animal feed, live animals unless they are prepared or processed for placing on the market for human consumption, plants, prior to harvesting, drugs and medicinal products, cosmetics, narcotics or psychotropic substances;

(k) “Food business” means any undertaking, whether for profit or not and whether public or private, carrying out any of the activities related to any stage of manufacture, processing, packaging, storage, transportation, distribution of food, import and includes food services, catering services, sale of food or food ingredients;

(l) “Government” means the Government of Kerala;

(m) “Health care establishment” means the whole or part of a public or private institution, whether for profit or not, where inpatient or outpatient treatment, diagnostic or therapeutic interventions, nursing, rehabilitative, palliative, convalescent, preventive or other health care services or any of them are provided and includes clinical establishment such as any premises used for persons suffering from any sickness, injury or infirmity and shall include hospitals and maternity homes;



(n) “Health care provider” means an individual whose vocation or profession is related to the maintenance or restoration of the health of another individual, and it includes any physician, nurse, paramedic, psychologist, counselor, health care functionary providing outreach health care services or other individual providing medical, nursing, psychological, or other health care services of any kind;

(o) “Health care services” means consultation, diagnosis and treatment including outreach services and services for the promotion and maintenance of public health;

(p) “health hazard” means any organism, chemical, condition or circumstance that may cause injury or illness;

(q) “Health Inspector” means the Health Inspector attached to the Local Self Government Institutions;

(r) “Health Officer” means a Medical Officer in the Government or the Local Self Government Institution, designated by the State Public Health Authority/District Public Health Authority to function as the Health Officer under this Ordinance, or a Medical Officer appointed as Health Officer in a Local Self Government Institution;

(s) “Infection” means the entry and development or multiplication of an infectious agent in the body of a human being or animal;

(t) “isolation” means the physical separation and confinement of an individual or group of individuals, who are infected or suspected to be infected with a contagious or possibly contagious disease, from other individuals, with a view to prevent or limit the transmission of the disease to non-isolated individuals;

(u) “latrine” means a facility or place set apart for defecating or urinating or both and includes a closet of any type and urinal;

(v) “Local area” means the area within the jurisdiction of a Local Self Government Institution or as specified by the Local Public Health Authority from time to time;

(w) “Local Authority or Local self-Government institution” means a Panchayat, at any level, constituted under section 4 of the Kerala Panchayat Raj Act, 1994 (13 of 1994) or a Municipality constituted under section 4 of the Kerala Municipality Act, 1994 (20 of 1994);



(x) “Lodging House” means a hotel, a boarding house, a choultry, dharmasala or rest-house not maintained by the Government or Local Self Government Institution, or any place where casual visitors are received and provided with overnight accommodation, with or without food, on payment basis;

(y) “market” means any place set apart for ordinary or periodical use for the assemble of persons for the sale or purchase of grains, fruits, vegetables, meat, fish or other perishable or non perishable articles of food or for the sale or purchase of livestock or poultry or any agricultural or industrial produce or any raw or manufactured products or any other articles or commodity necessary for the convenience of life including a shopping mall but not include a single shop or a group of shops numbering less than six;

(z) “medical treatment” means systematic diagnosis and treatment for prevention or cure of any disease, or to improve the condition of health of any person through allopathic or any other recognized systems of medicine such as Ayurvedic, Unani, Homeopathy, Yoga, Naturopathy and Siddha and also includes Acupunture treatments;

(za) “migrants” means all persons who leave their places of domicile and homes either seasonally or otherwise in normal or distress situations in search of livelihood;

(zb) “migrant labourer” means a person from a State other than the State of Kerala employed in or in connection with the work of any establishment to do any skilled or semi-skilled or unskilled, manual, supervisory, technical or clerical form of work for reward, whether in terms of employment, expressed or implied by or through a contract in relation to such establishment;

(zc) “notifiable communicable diseases” mean those diseases mentioned in section 33(2) of this Ordinance;

(zd) “notification” means a notification published in the official Gazette of Kerala;

(ze) “nuisance” includes any act, omission, place or thing which causes or is likely to cause injury, danger, annoyance or disturbance to the sense of sight, smell or hearing or disturbance to the rest or sleep or which is or may be dangerous to life or injurious to the health or property of the public or the people in general who dwell or occupy property in the vicinity, or persons who may have occasions to use any public right;



(zf) “Occupier” includes,—

- (a) any person who for the time being, is paying or is liable to pay to the owner the rent or any portion of the rent of the land or building in respect of which such rent is paid or is payable;
- (b) any owner in occupation of or otherwise using his land or building;
- (c) a rent-free tenant of any land or building;
- (d) a licensee in occupation of any land or building; and
- (e) any person who is liable to pay the owner damages for the use or occupation of any land or building;

(zg) “offensive trade” means any trade in which the substance dealt with are, or are likely to become, a nuisance;

(zh) “owner” means and 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 purpose, the rent or profits of the property in connection with which the word is used;

(zi) “prescribed” means prescribed by rules or regulations made under this Ordinance;

(zj) “private healthcare establishment” means any medical clinic (inpatient and or outpatient), healthcare establishment, maternity home, hospital, old age home, day care centre, physical therapy establishment, in-vitro fertility clinic, genetic laboratory or counseling centre, medical laboratory/diagnostic centre, radiological and imaging centre, scanning centre, physiotherapy centre, dispensary (with bed) medical institution/centre of analogous establishment by whatever name called, owned by any private party, individual, trust, corporation or non-governmental organization, where investigation, diagnosis, preventive procedure, curative medical treatment facilities are provided to the public, with or without inpatient facilities, and includes Mental Health institutions. These shall include the hospitals managed by trusts or run by corporate bodies and the polyclinics;



(zk) “public building” means a building used or adopted to be used as a place of public worship or as a school or college or other place of institution (not belonging to dwelling house so used), or as a hospital or workhouse, public theatre, public cinema hall, public hall, public library or public lecture room, public concert room, public exhibition room, or as a public place or assembly for any other public purposes, or as a hotel, eating house, lodging house, refuge or shelters;

(zl) “Public Health” means assuring the conditions in which the population can be healthy. This includes population-based or individual efforts primarily aimed at the prevention of injury, disease, disability or premature mortality, or the promotion of health in the community, such as assessing the health needs and status of the community through public health surveillance and epidemiological research, developing public health policy, and responding to public health needs and emergencies;

(zm) “Public Health Authority” means the State Public Health Authority or the District Public Health Authority or the Local Public Health Authority, as the case may be, come into existence as per the provisions of this Ordinance.

(zn) “Public health emergency” means an occurrence or imminent threat of an illness or health condition that poses a high probability of any of the following, namely:

- (a) death or illness which are having a serious public health importance in the affected population;
- (b) a large number of serious or long term disabilities in the affected population, including teratogenic effects;
- (c) widespread exposure to an infectious or toxic agent that poses a significant risk or biological toxin;
- (d) substantial future harm to a large number of people in the affected population that can be caused by the appearance of a novel or previously controlled or eradicated infectious agent or biological toxin; and
- (e) any disaster, including major accidents;



Explanation:—Public health emergency can be due to communicable disease, chronic non-Infectious, non-communicable conditions affecting large population, notified diseases, conditions of public health importance or locally endemic diseases;

(zo) “public place” means a place not meant for private use;

(zp) “quarantine” means the physical separation and confinement of an individual or groups of individuals, who are or may have been exposed to a contagious or possibly contagious disease and who do not show signs or symptoms of a contagious disease, from non quarantined individuals, to prevent or limit the transmission of the disease to non-quarantined individuals;

(zq) “Registered medical practitioner” means a medical practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) or the Indian Medical Council Act, 1956 (Central Act 102 of 1956) or the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) or the Homeopathy Central Council Act, 1973 (Central Act 59 of 1973);

(zr) “Sanitary Convenience” means plumbing fixtures for defecation and urination in sufficient number in a room or rooms or building, separately for male and female, with privacy, in a state of being clean and free from infection or spread of diseases;

(zs) “Secretary” means the Secretary of the Local Self Government Institution;

(zt) “sewage” means and includes night soil and other contents of latrines, cesspools or drains and includes trade effluents and discharges from manufactories of all kind;

(zu) “shopping mall” means a form of shopping precinct or shopping centre, in which one or more buildings form a complex of shops representing merchandisers with interconnecting walkways that enable customers to walk from unit to unit;

(zv) “specimen” means a sample of blood, sputum, urine, stool or other bodily fluids, waste, tissues and cultures necessary to perform required tests;

(zw) “vaccination” means a suspension of attenuated or non-infectious micro-organism or derivative antigens administered to stimulate its antibody production or cellular



immunity against a pathogen for the purpose of preventing, ameliorating, or treating a communicable disease;

(zx) “Vector” means an organism, often an invertebrate arthropod, that transmits a pathogen from reservoir to host;

(zy) “water course” includes any river, stream, canal or lake whether natural or artificial including a water park other than a drain;

(zz) “water park” means an amusement park that features water play areas, such as water slides, splash pads, spray grounds (water playgrounds), lazy rivers, or other recreational bathing, swimming and bare footing environments and may be equipped with or without artificial surfing or body boarding environment such as a wave pool or Flow Rider;

(zza) “work place” means any premises including the precincts thereof (not being a factory or workshop) wherein any industrial, manufacturing or trade process is carried on, and where not less than five person are employed for wages or any other remuneration;

(zzb) “workshop” means any premises including the precincts thereof (not being a factory) wherein any 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.

CHAPTER II

PUBLIC HEALTH AUTHORITIES AND THEIR POWERS

3. *The State Public Health Authority, the District Public Health Authorities and Local Public Health Authorities.*—As soon as may be after the commencement of this Ordinance, the State Public Health Authority at the State level, the District Public Health Authorities at the district level and the Local Public Health Authorities at the Local Self Government Institutions level as provided under sections 4, 5 and 6 respectively, shall come to existence, to carry out the provisions of this Ordinance.

4. *The State Public Health Authority.*—(1) The Director of Health Services, Government of Kerala shall be the State Public Health Authority.



(2) The State Public Health Authority shall have the powers to constitute Adhoc Public Health Advisory Committees to render assistances, give expert opinion and also to co-ordinate with other departments during public health emergency situations.

(3) Such Adhoc Advisory Committee shall comprise of nominees of the departments concerned whose advice is sought and also such other experts as may be deemed necessary to assist the committee.

5. *The District Public Health Authority.*—The District Medical Officer (Health) shall be the District Public Health Authority.

6. *The Local Public Health Authority.*—The Medical Officer appointed as Health Officer of the Local Self Government Institution shall be the Local Public Health Authority.

7. *Duties and Functions of the Public Health Authorities.*—(1) The State Public Health Authority, the District Public Health Authority and the Local Public Health Authority shall be responsible for the implementation of the provisions of this Ordinance, at the State level, at the district level and in the local area, respectively.

(2) Government shall have the power to delegate the State Public Health Authority to issue any directions, as deemed necessary for exercising the activities under this Ordinance in consonance with the Kerala Panchayath Raj Act 1994 (13 of 1994) and the Kerala Municipality Act 1994 (20 of 1994).

(3) The State Public Health Authority and the District Public Health Authority shall have the power to issue directions on public health matters, to any department of the Government, and if the department has grounds not to comply with such directions it shall state in writing before the respective Authority concerned.

(4) In the event of a disagreement between any Local Public Health Authority or any department of Government, and the State Public Health Authority or the District Public Health Authority, as the case may be, in respect of any direction issued under sub-section (3), the same shall be referred to the Government and the decision of the Government shall be final.

(5) The State Public Health Authority, the District Public Health Authorities and the Local Public Health Authorities shall prepare for State Government/Local Self Government Insitutions concerned, an annual action plan for public health for the area under their



jurisdiction based on Annual Health Status Report of the area before the commencement of every financial year. It shall cover among other things the advance actions to be taken to prevent any epidemic that is seasonally expected in that region, steps to minimize vulnerability of the population to the epidemic and to manage the impact of any such epidemic. The guidelines on the process to be followed by the District Public Health Authorities and the Local Public Health Authorities in the preparation of such plans, and the formats there of shall be issued by the State Public Health Authority. The guidelines issued by the District Planning Committee from time to time shall also be considered while preparing the action plans.

(6) The State Public Health Authority, the District Public Health Authorities and the Local Public Health Authorities shall evaluate implementation of the public health plan at least once in three months and the Local Public Health Authority shall submit evaluation reports to the District Public Health Authority and the District Public Health Authority shall submit such report to the State Public Health Authority, and the State Public Health Authority shall submit its report to the Government.

(7) The State Public Health Authority shall lay down guidelines on preventive activities to be carried out to achieve public health objectives such as testing of vector density, disease surveillance programmes, screening people for specific diseases, clinical and mortality audits including methodology and periodicity.

(8) The State Public Health Authority shall have the power to collect data from the public and private health care establishments in the State on public health matters, in such format as may be prescribed by the Authority.

(9) The State Public Health Authority shall set up mechanisms to analyse the data collected from the District Public Health Authorities, the Local Public Health Authorities and the healthcare establishments, advise the Government on policy matters on public health based on such analysis, and render recommendations to the individuals, institutions or agencies concerned on public health matters.

(10) The State Public Health Authority shall lay down the conditions under which a public health emergency can be declared in the State or in a district, the conditions under which the staff required to deal with the public health emergency are to be appointed and the source from which the expenses in connection with the public health emergency are to be met.



(11) The State Public Health Authority and District Public Health Authority shall advise the State Government/District Executive Magistrate to declare public health emergency in the State or in the district, as the case may be, and issue instructions to any official, to deal with such emergency.

(12) The State Public Health Authority and the District Public Health Authority may lay down measures to be taken for safeguarding or improving the public health in their jurisdiction.

(13) On account of financial or other reasons, if any Local Self Government Institution is unable to carry out the measures laid down by the State Public Health Authority or the District Public Health Authority, for safeguarding or improving the public health, or if there is any difference of opinion between a Local Self Government Institution and the State Public Health Authority, the matter may be referred to the Government, whose decision shall be final.

(14) The State Public Health Authority shall publish Standard Medical Treatment Protocols that are to be followed by public and private healthcare providers and healthcare establishments in respect of the National Health Programmes and the diseases notified under this Ordinance.

(15) The State Public Health Authority shall fix public health standards for disease surveillance, prevention and control of communicable diseases, life style diseases and any other disease or health hazard as may be notified by Government from time to time.

8. *Appointment of Health officer.*—(1) Every Local Self Government Institution shall have one Health Officer designated as Local Public Health Authority:

Provided that in case no officer is available under the Local Self Government Institution concerned for being designated as the Local Public Health Authority, the District Public Health Authority may nominate an officer who holds the charge of the Medical Officer of that Local Self Government Institution under another Local Self Government Institution or Government, to function as the Local Public Health Authority concerned.

(2) There shall be Health Inspector and other staff to assist the Local Public Health Authority in the exercise of the functions vested in them under this Ordinance.



(3) The Local Public Health Authority may, by an order in writing, authorise any officer not below the rank of a Health Inspector to exercise any of the powers of a Local Public Health Authority under this Ordinance, subject to his control and supervision and subject to such restrictions, limitations and conditions as may be specified by the Authority.

9. *Appointment of temporary Health Officers in emergencies.*—In the event of the prevalence or threatened outbreak of any epidemic or notified communicable disease in any local area, or of any unusual mortality therein or other emergencies, or for any notified area of fair or festival, the Government, the State Public Health Authority or the District Public Health Authority may by order, appoint temporarily for such a period as may be specified therein, one or more Medical Officers as additional Health Officers, for preventing such communicable disease from spreading, or for investigating its cause, or for preventing such mortality or for the proper conduct of a fair or festival, as the case may be.

10. *Powers of the State Public Health Authority in public health emergencies.*—Subject to such conditions as may be prescribed, the State Public Health Authority, shall have the power,—

- (a) to assign one or more staff of any public healthcare establishment under their control for temporary duty in the area of any other public healthcare establishment;
- (b) to develop guidelines on public health standards for the conduct of fairs and festivals in the State and issue necessary orders to implement them; and
- (c) to enforce rules, regulations and guidelines relating to the abatement of nuisance and health hazards.

11. *Powers of the District Public Health Authority.*—The District Public Health Authority shall have the power,—

- (a) to provide guidelines and exercise supervision and control of public health activities within the district;
- (b) to conduct public health investigations from time to time, as may be deemed necessary for the prevention of diseases and promotion of public health;



- (c) to conduct investigation and enquiry with respect to the cases of all communicable diseases, notifiable communicable diseases and health hazards; and
- (d) to issue guidelines from time to time as may be deemed necessary, to the Local Public Health Authorities.

12. *Powers of the Local Public Health Authority.*—(1) The Local Public Health Authority shall exercise supervision and control of the members of the public healthcare establishments within its jurisdiction with respect to public health guidelines or rules.

(2) The Local Public Health Authority shall have the power to direct, in writing, any person and/or establishment to carry out or desist from any activity, or to change any condition as deemed by the Authority to be necessary for promoting public health, within such time as specified. If the person and/or establishment fails to do so within the time specified in the order, the Local Self Government Institution shall carry out the activity and recover the cost from the person or institutions concerned in the same manner as if it were a tax due to the Local Self Government Institution.

(3) The Local Public Health Authority shall perform such of the functions and discharge such of the duties in regard to public health matters under any of the provisions applicable to such Local Public Health Authority as provided in this Ordinance and shall have the power to,—

- (i) levy fines for failure to comply with any order issued under this Ordinance;
or
- (ii) compound any offence committed or violation of any provisions of this Ordinance and the rules made thereunder which can be declared compoundable, and
- (iii) issue certificate of fitness of health to any person working in any establishment where any article of food is prepared, manufactured, stored or sold as per the terms laid down by the Local Self Government Institutions concerned.

(4) The Health Officer designated as Local Public Health Authority shall discharge all the duties and exercise all the powers specifically conferred, by or under this Ordinance,



and he shall, subject to the provisions of this Ordinance and the rules made thereunder, carry into effect all activities as required being the Local Public Health Authority.

(5) The Health Officer designated as Local Public Health Authority shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code 1860 (Central Act 45 of 1860).

(6) The Health Officer designated as Local Public Health Authority or an officer authorised by him may enter and inspect,—

- (a) any place where any type of nuisance has taken or continuing to take place;
- (b) any place where any offensive trade is conducted;
- (c) any place of contamination or contagious disease, where any article of food is prepared, manufactured, stored or exposed for sale, or any source of water supply;
- (d) any place where conditions exist that facilitate the spread of any epidemic including the growth of vectors or pathogens;
- (e) any place contaminated or injurious to health within the jurisdiction of the Local Public Health Authority.

(7) The Health Officer designated as Local Public Health Authority or an officer authorized by him shall have the power to seize and carry away or order to destroy forthwith any food or beverage that he has reasonable grounds to suspect is contaminated or putrid:

Provided that where the Local Public Health Authority or the authorized officer takes any action under this sub-section, he shall call one or more witnesses at the time when such actions are taken and get his/their signature.

(8) The Health Officer designated as Local Public Health Authority or an officer authorized by him may,—

- (a) without notice inspect, at any time, without assistance, any place, factory, work shop, work place, office, cinema hall, hospital or as may appear to him necessary, and other places including dwelling places from where any



communicable disease is reported or any place suspected to be at risk of contamination;

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

(c) take samples of any article of food or water from any place or premises for analysis as may appear to him reasonable.

(9) When the Health officer designated as Local Public Health Authority or the authorized officer takes any of the actions mentioned in sub-section (8), he shall, within a reasonable time after the action is complete, but not later than twenty four hours, provide a report on the action so taken, to this superior officer and to the Local Self Government Institution in the format prescribed and inform the Local Food Safety Officer, if they have to take any action.

(10) When the Health Officer designated as Local Public Health Authority or the officer authorised by him,—

(a) takes action against the person or persons who violate any of the provisions of this Ordinance or rules made thereunder; or

(b) launches prosecution for violations of any of the provisions of this Ordinance or rules made thereunder; or

(c) takes any action as per this Ordinance or rules made there under to abate any nuisance as defined in section 2,

he shall file a report in writing to the Secretary of the Local Self Government Institution for being placed before the Local Self Government Institution concerned.

13. *Assistance to the Local Public Health Authority.*—(1) All public servants under the Government shall render all help and co-operation whenever they are approached by the Local Public Health Authority for assisting or witnessing the action or in the conduct of enquiry in public health matters. Any refusal or non-cooperation noticed on the part of such officer shall



be viewed as a breach of conduct and indiscipline, resulting in appropriate penal action by the disciplinary authority concerned.

(2) It shall be the duty of every Police Officer to assist the Local Public Health Authority, if demanded in writing, his aid for the lawful exercise of any power vested in them under this Ordinance or the rules or bye laws made thereunder.

14. *Local Self Government to provide adequate facility to the health officer.*—(1) Every Local Self Government Institution shall provide its health officer with such financial and clerical assistance, office space, furniture, stationery, forms and vehicle necessary for the proper conduct of the business of such health officer.

(2) Any expenses incurred or loss suffered on account of execution of any work or steps taken by health officer of the local area, for sanitary convenience, abatement of nuisance and the like, under this Ordinance shall be met by the Local Self Government Institution and such amount may be recovered from the person to whom the notice under this Ordinance was issued, as arrears of land revenue by the Local Self Government Institution.

15. *Health officer's power to exercise the provisions of public health laws in the State.*—Health Officer shall have powers to exercise the provisions regarding public health and environment in the existing and the enacting Acts in the State.

CHAPTER III

WATER FOR HUMAN USE AND DISPOSAL OF WASTE WATER

16. *Quality of drinking Water.*—(1) The standards for drinking water shall be the Indian Standard for Drinking water -specification, and it shall be the responsibility of all providers of water supply for human consumption to see that the water supplied is sufficient and it complies with the Food Safety Standards, 2007.

(2) Every Local Public Health Authority shall,—

- (a) periodically or whenever there is a suspicion of waterborne disease, check the quality of the drinking water, subject to the norms prescribed; and
- (b) initiate remedial action with the provider whenever the quality and quantity are found to be substandard or inadequate, as the case may be.



(3) The Local Public Health Authority may, at any time issue notice in writing requiring the owner or any person having control over any lake, stream, spring, well, tank, reservoir, pond, water in tanker lorries or other source of water supply, which is used for drinking, bathing, washing clothes, or water sports and recreation, whether the same is a private property or not, that he shall, 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, to,—

- (a) keep and maintain any such source of water supply in such manner as the Local Public Health Authority 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 Local Public Health Authority may direct; or
- (d) fill in, repair, protect or enclose, in such manner as the Local Public Health Authority may direct, any such source of water supply, if for want of sufficient repair, protection or enclosure, such source of water supply is, in their opinion, dangerous to the health or safety of the public or of any person having occasion to use or to pass the same; or
- (e) desist from using, and from permitting others to use, for drinking purposes any such source of water supply if, in the opinion of the Local Public Health Authority, 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 Local Public Health Authority considers sufficient to prevent the use thereof for drinking purposes, if in their 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 thereof, any stagnant water which the Local Public Health Authority considers to be either injurious to health or offensive to the neighborhood:

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 continuous to be used for drinking purposes notwithstanding the issue of such notice, and the Local Public Health Authority considers that such use cannot be prevented otherwise than by the issue of a notice under clause (f).

(4) If the owner or person having control as aforesaid fails or neglects to comply with any notice issued under sub-section (3) within the time specified therein, the Local Public Health Authority 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 thereof by the Local Public Health Authority shall be paid by the owner, or person having control over such source of water supply, and shall be recoverable as if it were a tax due to the Local Self Government Institution concerned:

Provided that in the case of any private source the water is used by the public or by any section of the public as of right, the expenses incurred shall be met from the funds of the Local Self Government Institutions.

(5) No person shall, save as may be generally or specifically prescribed, throw, empty, or turn or permit to be thrown, emptied or turned or to pass, into any public drain, or into any drain connecting with public drain,—

(a) any matter likely to affect 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 steam or other liquid either alone or in combination with the contents of the drain, which is dangerous, or the cause of a nuisance, or prejudicial to health; or

(c) any explosive, or inflammable substance.

(6) No person shall, save as may be generally or specifically prescribed,—

(a) 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;



- (i) any solid or liquid sewage matter, filth, excreta, or
- (ii) any poisonous, noxious, or polluting liquid proceeding from any manufactory or manufacturing process, or
- (b) 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 individually or 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 water therein, the solid refuse from any factory, manufacturing process or quarry or any rubbish or cinders or any other waste, including trade waste, or putrid solid matter, or
- (c) commit nuisance in or in the neighbourhood or any water course.

(7) If any person disobeys the direction issued under sub section (3), he shall be liable to fine of one thousand rupees and in case of continuing disobedience, with fine which may extend to five hundred rupees, for every day during which the disobedience continues.

(8) If any person contravenes the provisions in sub sections (5) or (6), he shall be liable to fine not exceeding one thousand rupees and in the case of continuing breach, with fine which may extend to five hundred rupees for every day during which the contravention continues.

17. *Powers of District Public Health Authority in regards to water supply.*—(1) The District Public Health Authority may cause enquiries to be made in any local area or part thereof, with a view to ascertaining whether the source of water supply for such local area or part is contaminated.

(2) The District Public Health Authority or any officer duly authorized may, after taking into consideration the result of such enquiries, issue order to the owner or person in possession or institution or authority concerned, directing that the source of water supply be cleaned, improved, repaired or otherwise protected from contamination within the period specified therein:

Provided that before issuing an order under this sub-section, the District Public Health Authority or the authorized officer, shall give the authorities or persons concerned a



reasonable opportunity to make any submission or objection they may wish to make, and consider the same.

(3) An appeal against the order issued by the District Public Health Authority or the authorized officer under sub-section (2) shall lie to the State Public Health Authority, and against the decision of the State Public Health Authority on such appeal, a revision shall lie to the Government whose decision shall be final.

18. *Powers of the State Public Health Authority or the District Public Health Authority to improve water quality.*—If the State Public Health Authority or the District Public Health Authority is convinced that the source of public water supply in a local area is contaminated or is subject to imminent risk of contamination, it may give necessary directions in writing, to the Local Public Health Authority to take such measures as may be specified therein.

CHAPTER IV

SANITARY CONVENIENCES

19. *Obligation of Local Self Government Institution/owner to provide and/or ensure Public sanitary Conveniences.*—(1) Every Local Self Government Institution shall provide and maintain in proper and convenient places sufficient number of sanitary conveniences for the use of the public, if needed on nominal payment basis, and cause all such places to be kept in proper hygienic condition so as not to be a nuisance or injurious to public health.

(2) If any building intended for human habitation is without any sanitary conveniences or if, in the opinion of the Local Public Health Authority, the sanitary convenience or conveniences provided therein are insufficient, having regard to the number of person occupying the building, or are insufficient, or are objectionable on sanitary grounds, he may by notice, in writing, require the owner of such building to provide such sanitary conveniences or such additional sanitary conveniences and in such positions, as may be specified in the notice.

(3) Every owner of the land on which a building stands shall provide such sanitary convenience, in such positions, and within such time as the Local Public Health Authority may, by notice, require, for the use of the inhabitants of such building.



(4) Every Educational Institution in the area of the Local Public Health Authority shall provide urinals and water closets (separately for male and female) and also wash basins, at the rates prescribed in the Building Rules made under the Kerala Panchayat Raj Act, 1994 (13 of 1994) or the Kerala Municipality Act, 1994 (20 of 1994), as the case may be, and keep them clean and in proper manner. Provision of toilets which are child, girl, differently-abled geriatric and transgender friendly toilets may be ensured in all institutions including work places, business establishments and malls.

(5) All latrines so provided shall,—

- (a) be so constructed to protect the privacy of persons using the same from the sight of persons passing by or residing in the neighbourhood;
- (b) have water type closet, leach pit having lid or septic tank or drainage facility, and polluted- air exhaust (net-tied) system and
- (c) be maintained clean and in a proper manner, and not permitting waste water to accumulate in the surroundings, repaired and altered to be in such manner.

(6) If any latrine opening on any street, whether such latrine be erected before or after the commencement of this Ordinance, is so placed or constructed as to be a nuisance or offensive to public decency, the Local Public Health Authority 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 under intimation to Local Self Government.

(7) If the owner of a building disobeys the direction given under sub-section (2) he shall be liable to fine not exceeding two hundred and fifty rupees and for continuing disobedience, with fine which may extend to rupees one hundred for every day.

(8) If the owner of land on which the building stands disobeys the direction given under subsection (3) he shall be liable to fine not exceeding two hundred and fifty rupees and for continuing disobedience, fine which may extend to rupees one hundred for every day.

(9) If any Educational Institution or other institution mentioned in sub-section (4) fails to provide required sanitary conveniences as stated in sub-section (4) shall be liable to fine not exceeding five hundred rupees and for continuing disobedience, fine which may extend to rupees one hundred for every day.



(10) Every owner of a building who contravenes the provisions in subsection (5) shall be liable to fine not exceeding rupees two hundred and fifty and for continuing disobedience, fine which may extend to rupees one hundred for every day.

(11) Every owner of a building who contravenes the provisions in subsection (6) shall be liable to fine not exceeding five hundred rupees and for continuing disobedience, with fine which may extend to one hundred rupees for every day.

20. *Norms for Sanitary Convenience in Educational Institutions and other public places.*—(1) It shall be the duty of the State Public Health Authority to prescribe sanitary convenience norms in Educational Institutions and other public places.

(2) Every Local Public Health Authority shall,—

- a. ensure that sufficient sanitary facilities are provided in all educational Institutions and other public places; and
- b. initiate remedial action whenever the facilities are inadequate.

21. *Requirement of Sanitary Fitness Certificate.*—(1) All establishments except individual dwelling houses shall obtain sanitary fitness certificate every year from the Health Inspector of the Local Self Government Institution with the approval of Local Public Health Authority of the area having jurisdiction.

(2) Any establishment which contravenes the provisions in subsection (1) shall be liable to fine not exceeding two hundred and fifty rupees and for continuing breach, with fine which may extend to rupees one hundred for every day.

22. *Prohibition of deposit of filth, rubbish and the like in streets and public places.*—(1) No person shall deposit filth, rubbish or the like in streets or public places which may cause health hazard.

(2) Notwithstanding anything contained in the Kerala Municipality Act, 1994 (20 of 1994) and sections 219 A to 219 S of the Kerala Panchayat Raj Act, 1994 (13 of 1994) and the rules made thereunder, the Local Public Health Authority shall ensure that no health hazard arises out of deposit of filth, rubbish or the like in streets and public places.



(3) Whoever contravenes the provisions in sub-section (1) shall, be liable to fine not exceeding two hundred and fifty rupees and for continuing breach, with fine which may extend to rupees two hundred for every day.

23. *Power of entry and inspection.*—Any officer of the Health Services Department of the Government or of the Local Public Health Authority, not below the rank of Health Inspector, may enter and inspect any premises for the purpose of enforcing 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 occupant thereof, unless he has received at least two 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.

CHAPTER V

ABATEMENT OF NUISANCE

24. *Certain things to be nuisance.*—Without prejudice to the generality of the definition of the expression “nuisance” given in section 2, the following shall be deemed specifically to be nuisance for the purpose of this chapter, namely:—



- (i) keeping any premises in such a state which is prejudicial to health;
- (ii) leaving any pond, pool, ditch, gutter, water course, water trough, latrine, cesspool, drain or ash pit which is so foul or in such a state as to be prejudicial to health;
- (iii) keeping any animal in such a place or in a manner as to be prejudicial to health;
- (iv) accumulating or depositing any refuse, building waste, trade waste or other matter which is prejudicial to health;
- (v) maintaining any factory, workshop or work place, shops and eateries without providing sufficient means of ventilation or those are not kept clean from noxious effluvia, or those are so crowded while work is carried on as to be prejudicial to health;
- (vi) keeping any fire place or furnace which does not, as far as practicable, consume the smoke arising from the combustible used therein;
- (vii) maintaining any chimney sending forth smoke in such quantity and at such a height as to be prejudicial to health;
- (viii) causing any noise, voice, vibration, dust, cinders, irritating smell, offensive odor or toxic substance repulsive scene which is prejudicial to health;
- (ix) maintaining any x-ray unit, clinical laboratory, scan centre or hospital without proper precautionary measures and in a state which is prejudicial to health;
- (x) running or maintaining any hotel or food handling institution, slaughter house, meat stall, chicken stall, milk stall, market, ice factory, lodges and similar institutions offering accommodation, and other commercial institutions in such a state as may be prejudicial to health;
- (xi) maintaining any burial ground, crematorium or vault in such a state to be prejudicial to health;
- (xii) leaving any tree or any type of construction which are caused or maintained in such a state as may be prejudicial to health;



- (xiii) leaving any water collection, stagnant or flowing which are the breeding sources of mosquitoes, or the breeding places of flies, cockroaches, snails which are prejudicial to health;
- (xiv) maintaining any piggery, poultry, goat farm, cattle farm, hatchery and stable kept in such a state as may be prejudicial to health;
- (xv) keeping or maintaining any godown, accumulation of garbage and the like in such a manner to harbor rat, mice, ticks and the like which are prejudicial to health; and
- (xvi) transportation of any kind of waste in a vehicle or supply of water in a vehicle, in such a manner prejudicial to health.

25. *Information regarding nuisance.*—Any person aggrieved by a nuisance in any local area or any person who comes to know about the existence of such a nuisance, may give information of the same or lodge a complaint in writing to the Local Public Health Authority, or Secretary of the Local Self Government Institution concerned.

26. *Power of the Local Public Health Authority to abate nuisance.*—(1) If the Local Public Health Authority is satisfied, whether upon information or complaint given under section 25 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 nuisance does not arise or continue by the act, default or sufferance of the owner or the occupier or the premises, the Local Public Health Authority may himself forthwith do what he considers necessary to abate the nuisance so as to prevent a recurrence thereof:



Provided further that the Local Public Health Authority for the 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, in the facts and circumstances of the case.

(2) The direction 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 any agreement or contract, express or implied, as far as they are not inconsistent with the provisions of this section.

(3) The issuance of the notice under sub-section (1) to a person as 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).

(4) If any person, owner or occupier of any premises, to whom a notice is issued by the Local Public Health Authority under sub-section (1) fails to comply with the directions given therein within the extended period, as the case may be, the Local Public Health Authority, shall himself execute any work or take such steps, which he may consider necessary to abate the nuisance and to prevent the recurrence thereof and the expenses there of shall be recovered from such person, owner or occupier, as if it were arrears of tax due to the Local Self Government Institutions concerned.

(5) The Local Public Health Authority shall report to the Local Self Government Institution of the measures ordered or taken by him.

27. Provision regarding house rendered unfit for occupation by reason of nuisances.— Where a house or other building is, in the opinion of the Local Public Health Authority, unfit for the human habitation by reason of a nuisance existing therein, he shall prohibit the use of such house or building for human habitation until it is rendered fit for human occupation.

28. Disposal of articles removed while abating nuisance.—(1) Local Public Health Authority may sell in public auction 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 provisions thereof, if such materials are not claimed and taken away by the owner



before the expiry of seven days from the date on which they were removed by the Local Public Health Authority.

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

(3) The Local Public Health Authority may sell or otherwise dispose of perishable goods, if such goods are not claimed within six hours by the owner.

(4) The provisions of this section shall not apply to any offensive matter or items removed by a Local Public Health Authority.

29. *Power of entry and inspection.*—Any Officer of the Health Services Department of the Government or of the Local Public Health Authority, not below the rank of Junior Health 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 two 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 for the purposes of entry, to the social and religious usages of the persons residing in the premises.

30. *Power of Government in case of default by Local Public Health Authority.*—If the Local Public Health Authority defaults in doing its or his duty under this Ordinance in regard



to the abatement or prevention of nuisances, the Government may authorize any of their officers to perform such duty and for that purpose to exercise any specified powers of the Local Public Health Authority or of both, in the local area concerned and the expenses incurred by such officers shall be met by the State Government, if the Local Self Government Institution have no provision for the same.

31. *Nuisance caused by act or omission outside local area.*—If a nuisance under this Ordinance, 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 Public Health Authority may take or cause to be taken against any person in respect of such act or default any proceedings in relation to nuisance authorized by this Ordinance 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:

Provided that Local Public Health Authority having jurisdiction over the area where the nuisance occurs shall be informed of the action and in the event of any dispute between Local Public Health Authorities, the matter shall be referred to the District Public Health Authority for their decision which shall be binding on all the Local Public Health Authorities and Local Self Government Institutions concerned.

CHAPTER VI

REPRODUCTIVE, MATERNAL, NEONATAL, CHILD AND ADOLESCENT HEALTH

32. *Local Public Health Authority to carry out Reproductive, Maternal, Neonatal, Child And Adolescent Health (RMNCAH).*—(1) Every Local Public Health Authority shall carry out such measures pertaining to RMNCAH, as may be directed by the Government from time to time.

(2) The State Public Health Authority and the District Public Health Authority shall provide technical support to the Local Public Health Authorities to carry out the measures referred to in sub-section (1).

(3) It shall be the duty of the Local Public Health Authority to implement all measures pertaining to prevention, promotion and management related to RMNCAH as



notified by the State Government from time to time in conjunction with other departments as may be deemed necessary.

(4) The Local Public Health Authority shall have the power to direct, in writing, any person and/or establishment to carry out or desist from any activity, or to change any condition deemed by the Authority to be necessary for promoting maternal health and child welfare, within such time as specified. If the person and/or establishment fails to do so within the time specified in the order, the Local Public Health Authority shall inform the matter to the District Public Health Authority, who in turn will inform to the State Public Health Authority and the State Government and the decision of the State Government shall be binding.

CHAPTER VII

PREVENTION, NOTIFICATION AND TREATMENT OF COMMUNICABLE DISEASES AND NOTIFIABLE COMMUNICABLE DISEASES

33. *Communicable diseases and notifiable communicable diseases.*— (1) For the purpose of this Ordinance, communicable disease means,—

- i. Anthrax,
- ii. Chickenpox,
- iii. Chikungunya,
- iv. Cholera,
- v. Conjunctivitis,
- vi. Dengue fever,
- vii. Diphtheria,
- viii. Dysentery,
- ix. Enteric fever (Typhoid)
- x. Ebola,
- xi. Epidemic Influenza including Avian Influenza,
- xii. Filariasis,
- xiii. HIV/AIDS



- xiv. Infective hepatitis,
- xv. Japanese Encephalitis, Acute Encephalitis Syndrome (JE,AES),
- xvi. Kyasanur Forest Disease (KFD),
- xvii. Leishmaniasis,
- xviii. Leprosy,
- xix. Leptospirosis,
- xx. Malaria,
- xxi. Measles,
- xxii. MERS
- xxiii. Meningococcal Meningitis,
- xiv. Mumps,
- xxv. Plague,
- xxvi. Poliomyelitis,
- xxvii. Rabies,
- xxviii. Scrub Typhus
- xix. Tetanus,
- xxx.Tuberculosis (TB)
- xxxi. Typhus fevers,
- xxxii. Whooping cough, or
- xxxiii. Any other disease which the Government may from time to time, by notification declare to be a communicable disease either generally through out the State or in such part or parts thereof as may be specified in the notification.

(2) For the purpose of this Ordinance, notifiable communicable Disease means,—

- i. Tuberculosis
- ii. Malaria
- iii. Zika



- iv. Anthrax
- v. Avian influenza
- vi. Cerebrospinal fever
- vii. Cholera
- viii. Diphtheria
- ix. Japanese Encephalitis
- x. Poliomyelitis
- xi. Tetanus
- xii. Yellow fever
- xiii. Rabies
- xiv. Nipah
- xv. COVID 19
- xvi. Any other disease which the Government may from time to time, by notification declare to be a notifiable communicable disease either generally through out the State or in such part or parts thereof, as may be specified in the notification.

(3) Government may notify any disease, communicable or otherwise, as a disease of public health importance on which data need to be collected or treatment guidelines are to be followed.

(4) Whenever an incident or outbreak of any Notifiable Communicable Diseases is noticed or known to any person or Government Hospital or Private Hospital or Clinic or Laboratory, he/it shall forthwith report the same to the Public Health Authorities. On receipt of such information, the Public Health Authorities shall forthwith intervene to control the spread of such diseases and to eliminate it.



(5) Any person or institution who/which fails to report an incident referred in sub-section (4), shall on, conviction be punished with fine which may extend to five thousand rupees.

34. *State Surveillance Officer and District Surveillance Officers:*—(1) The Government shall nominate Medical Officers of Health as the State Surveillance Officer and District Surveillance Officers.

(2) All Medical practitioners in the district shall furnish reports regarding communicable diseases and notifiable communicable disease forthwith to the Local Public Health Authority who shall report to the District Surveillance Officer and in turn to the State Surveillance Officer from time to time as specified by the State Surveillance Officer.

(3) In the event of the incidence or threatened outbreak of any communicable disease or notifiable communicable disease in any area, or of any unusual mortality therein, the Local Public Health Authority has limitations in mobilizing the resources, the District Public Health Authority or State Public Health Authority shall provide such additional staff, medicines, appliances, equipment and other things as may be necessary for the treatment of such communicable disease and to prevent it from spreading, or for investigating the cause of such mortality, and preventing it, as the case may be.

(4) If any medical practitioner fails to comply with the provisions in subsection (2), he shall be liable to fine which may extend to two thousand rupees.

35. *Maintenance of isolation hospitals and wards.*—(1) The Local Public Health Authority shall, if necessitated by the nature of the disease,—

(a) provide, or cause to be provided, hospitals, wards or other places for the reception and treatment of persons suffering from communicable diseases or notifiable communicable disease;

(b) provide and maintain suitable conveyances, with sufficient attendants and requisites for carriage of persons suffering from any communicable disease or notifiable communicable disease;



(c) make such arrangements in its local area, for the free diagnosis and medical treatment of persons suffering, or suspected to suffer, from a communicable disease or notifiable communicable disease; and

(d) provide proper places and apparatus, and establishment, for the disinfection of conveyances, clothing, bedding or other articles which have been exposed to infection, to be disinfected, either free of charges, or on payment of such fee as fixed by the Local Public Health Authority.

(2) Every health care establishment shall report to the Local Public Health Authority and District Public Health Authority,—

(a) any data as regards any communicable disease or notifiable communicable disease in the locality;

(b) the details of services available with it for the diagnosis and medical treatment of persons suffering, or suspected to suffer, from any communicable disease or notifiable communicable disease; and

(c) provide the required medical treatment to such persons and the details thereof.

36. *Medical practitioners, to give information of communicable disease or notifiable communicable disease and to follow prescribed treatment guidelines.*—(1) Every medical practitioner in any system of medicine, who in the course of his practice comes to know the existence of any communicable disease or notifiable communicable disease in any private or public dwelling, every officer in charge of any public or private health care establishment, every manager of any factory or public building, every keeper of 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 communicable disease or notifiable communicable disease, shall, if the case has not been already reported, give information of the same with the least possible delay, in any case within 24 hours, to the Local Public Health Authority and the District Surveillance Officer or any other authority so notified by the Government.



(2) Where the State Public Health Authority has notified an epidemic disease and prescribed the mode of management to be followed exclusively in the management of the disease, including collection of specimen, diagnostic and therapeutic procedures, such mode of management and procedures shall be followed by all the medical practitioners and healthcare establishments, who treat the patients with the symptoms of such disease.

(3) If any medical Practitioner fails to comply with the provisions in sub-section (1), he shall be liable to fine which may extend to five hundred rupees.

37. *Patients to be instructed in the method of prevention of spread of communicable disease and notifiable communicable disease.*—Every physician or other person treating or examining with a view to treat, a person having a communicable disease or notifiable communicable disease shall, at the first visit,—

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

(b) instruct the person with 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 required by the State Public Health Authority.

38. *Registered medical practitioners to certify a person as free from communicable disease or notifiable communicable disease.*—(1) Every registered medical practitioner of modern medicine, for the purpose of this section shall, at the instance of a person desirous of obtaining a certificate under this section, examine such person, and if he finds that such person is not suffering from a communicable disease or notifiable communicable disease, or has been cured thereof, furnish to such person a certificate to that effect with investigative evidences, if necessary, in the form prescribed.

(2) If any registered medical practitioner refuses to furnish certificate as stipulated in subsection (1), he shall be liable to fine which may extend to five hundred rupees.

39. *Prohibition of the use of water, food or drink from suspected source.*— (1) After checking the hygiene and sanitation, if it appears to the Local Public Health Authority that the water in any tank, well, tanker containers or other place, if used or intended for drinking or any other domestic or commercial purpose is likely to cause the spread of any communicable



disease or notifiable communicable disease, he may intimate the Local Self Government Institutions concerned to prohibit the use of the water from said sources.

(2) If it appears to the Local Public Health Authority that the food or drink for public consumption or any other domestic or commercial purpose is likely to cause the spread of any communicable disease or notifiable communicable disease, after checking the hygiene and sanitation, he may, intimate the Local Self Government Institutions concerned to prohibit the use of the said food or drink generally or for any specified domestic or commercial purpose.

(3) On receipt of intimation under sub section (1) or sub section (2) from the Local Public Health Authority, the authority concerned shall issue notice to the person in custody of such water, food or drink, prohibiting the use of such water, food or drink.

(4) No person shall use or keep in possession any water, food or drink in respect of which any such notice has been issued in contravention of the terms thereof.

(5) The Local Public Health Authority who issues any prohibition under this section shall intimate the same to the Local Self Government Institution at the earliest possible opportunity, in any case within twenty four hours.

(6) If any person contravenes subsection (3) shall be liable to fine which may extend to five hundred rupees and for continuing breach, with fine which may extend to hundred rupees per day.

40. *Removal of infected person to hospital.*—(1) If it appears to the Local Public Health Authority that any person is suffering from a communicable disease or notifiable communicable disease, and that such person is without proper lodging or accommodation, or lodged in a place occupied by more than one family, or without medical supervision direct to the prevention of the spread of the disease, or in a place where his presence is a danger to the people in the neighbourhood, and that he should be removed to a hospital or other place at which patients suffering from such disease are received for treatment, the Local Public Health Authority 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, the removal shall be effected in such a way as to preserve her



privacy, and 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 of such hospital or place.

(4) Whoever obstructs the removal of any person to any hospital or other place under sub-section (1) or leaves, or takes away any person from, any such hospital or place in contravention of sub-section (3), shall be punished with fine of rupees one thousand.

41. *Prohibition of the exposure of persons to infection.*—(1) No person who knows that he is suffering from a communicable disease or notifiable communicable disease specified in this Chapter shall expose 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, library, play ground, or such other place or
- (c) any hostel, hotel, restaurant, resort, boarding house, stay home, choultry, rest house, house boat or club or water theme park, or
- (d) any factory, shop, workshop or work place, or
- (e) any public conveyance, or
- (f) any public bathing place, or
- (g) any other place of public resort.

Explanation:—A person shall be deemed to know that he is suffering from communicable disease or notifiable communicable disease within the meaning of this sub-section if he has been informed by a medical practitioner or the Local Public Health Authority, that he is so suffering.

(2) No person, whom has the care of person or persons whom he knows to be suffering from a communicable disease or notifiable communicable disease, shall 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).



(3) Any person who contravenes the provisions of subsections (1) or (2) shall be liable to fine which may extend to five hundred rupees and for continuing breach, with fine which may extend to hundred rupees.

42. *Infected person not to engage in certain trade or occupation.*—(1) No person shall, while suffering from, or in circumstances in which he is likely to spread, any communicable disease or notifiable communicable disease,—

- (a) make, carry or offer for sale, or take part in any business 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 Local Public Health Authority concerned or otherwise than in accordance with the conditions specified therein.

(2) Any person who contravenes the provisions of subsection (1) shall be liable to fine which may extend to five hundred rupees and for continuing breach, with fine which may extend to hundred rupees per day.

43. *Occupation of houses to prevent the spread of infection.*—(1) The Local Public Health Authority may, in case of emergency, with the sanction of the District Collector, enter upon any building, have the occupants therein vacated and carry out such activities as are necessary to prevent the spread of infection:

Provided that, if the building or place is occupied, notice shall be given in writing to the occupants, or be conspicuously affixed on such building or place, not less than two hours before it is entered upon and the occupants shall be asked to leave the premises in any case within twelve hours from the issuance of notice.

(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 based on the request of Local Self Government shall be fixed by the District Collector and paid by the Local Self Government Institutions concerned.



(3) The Local Public Health Authority 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.

44. *Power of entry by Local Public Health Authority to take preventive measures.*—(1) The Local Public Health Authority or any person authorized by him in this behalf may,—

- (a) at all reasonable times, inspect, with or without assistants, any place in which any communicable disease or notifiable communicable disease is reported or suspected to exist, without notice in the case of factories, workshop, work-places, offices, business places, educational institutions and the like, or after giving such notice as may appear to him reasonable in other cases, including dwelling houses; and
- (b) take such measure as he may consider necessary to prevent the spread of such disease beyond such place.

45. *Closure of food handling places and lodging houses.*—(1) If the Local Public Health Authority is satisfied that it is necessary in the interest of public health that a lodging house or any place where articles of food are sold, or prepared, 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 communicable disease or notifiable communicable disease, the Local Public Health Authority may, by order direct it to be closed until the expiry of such period as may be specified on the order or until it is certified by a Medical Practitioner to be free from infection.

(2) If the Local Public Health Authority is satisfied that any source of drinking water is the cause for spread of a communicable disease or notifiable communicable disease, it shall be closed down and persons be prohibited from using or distributing water from the source with intimation to the Local Self Government Institution.

(3) Any person who disobeys the direction issued under subsection (1) shall be liable to fine which may extend to two hundred fifty rupees and for continuing breach, with fine which may extend to hundred rupees per day.

46. *Clothes used by infected persons not to be sent to laundry.*—(1) No person shall 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 cleansed, any clothing, bedding or other article which he knows to have been exposed to infection from any



communicable disease or notifiable communicable disease, unless such article has been disinfected by, or to the satisfaction of the Local Public Health Authority, 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.

(2) Any person who contravenes the provisions of subsection (1) shall be punished with fine which may extend to two hundred fifty rupees.

47. *Power of District Collector to prohibit assembly of persons.*—(1) In the event of the prevalence of any communicable disease or notifiable communicable disease in any local area, on the application of the Local Public Health Authority or otherwise, the District Collector of the district, shall have power to prohibit either generally or by special order in any individual case, assembling of persons exceeding the number so specified in such order, in any place whether public or private or in any circumstances or for any purpose, if in his opinion that such assembly in such place, in such circumstances or for such purpose, would be likely to become a means of spreading the communicable disease or notifiable communicable disease or of rendering it more virulent.

(2) Any person who disobeys the order issued under subsection (1) shall be punished to fine which may extend to two hundred fifty rupees.

48. *Power of Government to confer special powers on officers to control communicable diseases or notifiable communicable disease.*—Government shall have powers to confer special powers on officers to control communicable disease and/or notifiable communicable disease if the circumstances so warrant.

49. *Prevention of communicable disease or notifiable communicable disease transmissible from animals.*—If, in any local area, any communicable disease or notifiable communicable disease transmissible to human from animals breaks out, or in the opinion of the State Public Health Authority or the District Public Health Authority is likely to break out amongst cattle or other animals, it shall be the duty of the Local Public Health Authority, after consultation and co-ordination with officials of the Animal Husbandry Department/the Forest Department (Wild Life) as the case may be, of the Government, to adopt such measure, as they may deem necessary for suppressing or mitigating the disease or for preventing the outbreak



or threatened outbreak thereof with a report to the Local Self Government Institutions for further necessary action.

50. *Destruction of rodents, dog and other animals.*—(1) The occupier of every premises, or if the premises are unoccupied, the owner thereof shall not dump waste, allow growth of vegetation and the like which attracts rodents, dogs and other animals and take such steps as may be reasonably practicable for the destruction of rodents susceptible to plague, leptospirosis and other diseases caused by the rodents, and /or dogs and other animals infected or suspected to have been infected by rabies or such other diseases caused by animals:

Provided that the destruction of animals shall not contravene any of the provisions in the Prevention of Cruelty to Animals Act, 1960 (Central Act 59 of 1960) and the rules made thereunder.

(2) Where the Local Public Health Authority is of the opinion that the occupier or owner of any premises has failed to fulfill 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) take such steps by himself within such time as may be required.

(3) If the Local Public Health Authority takes steps under clause (b) of sub-section (2), the Local Self Government Institution shall allot him the funds required for the purpose.

(4) The Local Public Health Authority may take such steps as may be necessary for the destruction of rats, mice, etc. dogs and the other animals, which are liable to be destroyed under sub-section (1) after giving a spot notice to the occupier or owner.

(5) Any expense incurred under the sub-section (4) may be recovered by the Local Self Government Institution concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the Local Self Government Institution.

(6) Every Local Self Government Institution shall take such steps to ensure that stray dogs and other animals and rodents are not allowed to roam free in public places, and take necessary steps as may be reasonably practicable for the destruction of rodents and for the



control of stray dogs and other animals with potential for the spread zoonotic diseases in the community:

Provided that any measures taken by the Local Self Government Institution for the control of stray dogs and other animals shall be in consonance with the provisions of the Prevention of Cruelty to Animal Act, 1960 (Central Act 59 of 1960) and the rules made there under.

(7) Any person who contravenes the provisions of subsection (1) shall be liable to fine which may extend to five hundred rupees and for continuing breach with fine which may extend to one hundred rupees per day.

51. *Quarantine of infected persons.*—The Local Public Health Authority shall have the power to isolate or quarantine the persons infected by any communicable disease or notifiable communicable disease.

52. *Precautions while handling dead bodies.*—The Local Public Health Authority shall have powers to manage bodies of persons who died due to communicable disease or notifiable communicable disease, by ensuring that the protocols mandated by the State Public Health Authority are observed.

53. *Guidelines for the prevention, treatment and control of diseases.*—(1) The Government and the State Public Health Authority shall have power to issue guidelines as they deem fit for the diagnosis and treatment of persons suffering from any diseases, including communicable diseases and notifiable communicable diseases subject to the Standard Treatment Protocol, and the measures to prevent the spread of such diseases, and for vaccination and other measures, and to have them enforced and executed through the District Public Health Authority and Local Public Health Authority.

(2) Every Medical practitioner and every public or private health care establishment shall be bound to follow the medical practices as outlined in the guidelines issued under sub-section (1) in treating any disease including a communicable disease or notifiable communicable disease.

(3) Every Medical practitioner and every public or private healthcare establishment shall be bound to provide data to the District Public Health Authority or Local Public Health



Authority as regards any disease of public health importance in the locality, as required by the District Public Health Authority.

(4) Any medical practitioner or public or private health care establishment who contravenes the provisions in sub section (2) shall be liable to fine not exceeding five hundred rupees and for contravening the provisions in subsection (3) shall be liable to fine not exceeding two thousand rupees and with fine which may extend to two hundred rupees per day for continuing breach.

54. *Local Public health Authority's power to inspect students' hostels, labour camps etc.*—(1) No person shall own or manage a students' hostel, labour camp or any other building or place where people reside in large numbers, without making arrangements for proper sanitation, waste disposal, water supply and other amenities and convenience prone to cause or spread communicable disease or notifiable communicable disease.

(2) The Local Public Health Authority may inspect the students' hostels of educational institution, labour camps and other buildings or places where people reside in large number, and shall ensure that no over-crowding exists in those buildings or places and that arrangements have been made in those building or places, to the satisfaction of the Local Public Health Authority, for proper sanitation, waste disposal, water supply and other amenities and conveniences, including means of escape in case of fire and other disaster.

(3) Whoever contravenes the provisions in subsection (1) shall be punished with fine not exceeding two thousand rupees and with fine which may extend to two hundred rupees per day for continuing breach.

55. *Prevention and control of food borne diseases.*—(1) No person shall prepare, handle for his own consumption or for the consumption of others any food item which may cause or suspect to cause spread of any communicable disease or notifiable communicable disease.

(2) The Local Public Health Authority shall have the power to inspect the hygiene and sanitation of food and related cases and any food adulteration or any article of food suspected to cause spread of any communicable disease or notifiable communicable disease or likely to cause food poisoning shall be intimated to local Food Safety Officer.

(3) At the outbreak of a communicable disease or notifiable communicable disease or food poisoning, the Local Public Health Authority shall have power to take necessary steps to prevent further spread, control and containment of the same.



(4) The occupier of every premises, or if the premises are unoccupied, the owner there of such places where articles of food are sold, or prepared, or exposed for sale, or distributed, under sub-section (1) the Local Public Health Authority under intimation to the Local Self Government Institutions shall take such steps as may be reasonably practicable for cleaning and disinfecting such premises and any expense incurred may be recovered by the Local Self Government Institution concerned from the occupier or owner, as the case may be, as if it were a tax due from him to the Local Self Government Institution.

56. *Guidelines for bio-medical waste management.*—(1) The Government and the State Public Health Authority shall have the power to issue guidelines as they deem fit for the management of bio-medical waste, and the measures to prevent the spread of any infection from such waste and for the proper disposal of such waste, and to have them enforced and executed through the District Public Health Authority and the Local Public Health Authority.

(2) Every medical practitioner and every public or private health care establishment shall be bound to follow the practices as outlined in the guidelines issued under sub-section (1) in managing any bio-medical waste:

Provided that nothing in this section shall contravene any of the provisions contained in sections 6 and 25 of the Environmental (Protection) Act, 1986 (Central Act 29 of 1986).

(3) Any medical practitioner or public or private health care establishment who fails to comply with the guidelines issued under subsection (2) shall be punished with fine not exceeding five thousand rupees and with fine which may extend to five hundred rupees per day for continuing breach.

57. *Blood bank and control of communicable diseases or notifiable communicable diseases.*—(1) The Government and the State Public Health Authority shall have power to issue guidelines as they deem fit from time to time for the management of blood bank, and the measures to prevent the spread of any infection from blood transfusion, and to have them enforced and executed through the District Public Health Authority and Local Public Health Authority.

(2) Every Medical practitioner and every public and private healthcare establishment having blood bank or blood transfusion to any person shall be bound to follow the practice as outlined in the guidelines issued under sub-section (1) in managing blood bank and blood transfusion to any person.



(3) If any medical practitioner or any public or private healthcare establishment fails to comply with the guidelines issued under sub section (2), he/it shall be liable to fine not exceeding ten thousand rupees and in the case of continuing breach, with fine which may extend to one thousand rupees per day.

CHAPTER VIII

VECTOR CONTROL

58. *Duties of Local Public Health Authority for the control of insects and other vectors.*—(1) Every owner or occupier of land or premises shall take measures to prevent the breeding of insects, and when directed, carry out such measures as may be specified by the Local Public Health Authority.

Explanation:—For the purpose of this section the term “insects” include mosquitoes, flies, lice, mite, sand fly, ticks and any other insects detrimental to health.

(2) The Local Self Government Institution shall take measures for the prevention, control and removal of any cause or causes of breeding of insects.

(3) Every Local Public Health Authority shall take steps to clear the places where the insects are breeding or likely to breed and, to control or destroy insects as per sub-sections (1) and (2).

59. *Prevention of mosquito breeding in collection of water.*—(1) No person or Local Self Government Institution shall,—

(a) cause or maintain within such area any collection of still water or flowing water in which mosquitoes breed or likely to breed, or

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

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



(3) If any person or Local Self Government Institution violate the provisions contained in sub section (1) shall be liable to fine not exceeding two thousand rupees and in the case of continuing breach, with fine which may extend to fifty rupees, for every day.

60. *Treatment of mosquito breeding places.*—(1) The Local Public Health Authority, may 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, being not later than twenty four hours, use chemical or biological methods, being measures or a method approved by the State Public Health Authority, as the Local Public Health Authority may consider suitable in the circumstances, to treat mosquito breeding places to make it free from mosquito or larvae.

(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/her to the owner by the Local Self Government Institutions.

61. *The Local Public Health Authority's power in case of default.*—(1) If the person on whom a notice is served under section 60 fails or refuse to take the measures, or adopt the method of treatment specified in such notice within the time specified therein, the Local Public Health Authority may take such measures or adopt such treatment as prescribed.

(2) The funds needed for such action shall be made available by the Local Self Government Institution having jurisdiction over the area, and the Local Self Government Institution may recover the cost from the owner or occupier of the property, as the case may be, in the same manner as if it were arrears of tax due to the Local Self Government Institution.

62. *Protection of anti-mosquito works.*—Where, with the object of preventing the breeding of mosquitoes in any land or building, the Local Public Health Authority or owner or occupier at the instance of the Local Public Health 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 it being used in any manner which cause, or is likely to cause, the damage of such works, or which impairs, or is likely to impair, their efficiency.



63. *Prohibition of interference with anti-mosquito works.*—(1) No person shall interfere with, injure, destroy or render useless, any work executed or any material or thing placed in, under, or upon any land or buildings, by or under orders of the Local Public Health Authority with the object of preventing the breeding of mosquitoes therein.

(2) If the provisions of sub-section (1) is contravened by any person, the Local Public Health Authority 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 arrears of tax due to the Local Self Government Institution.

64. *Prevention and management of communicable diseases or notifiable communicable diseases consequent to a disaster.*—The Local Public Health Authority shall have powers to take all proactive steps as may be necessary for the prevention and management of any disease including communicable diseases or notifiable communicable diseases consequent to the occurrence of a natural or man made disaster:

Provided that nothing in this section shall contravene any of the provisions contained in the Disaster Management Act, 2005 (Central Act 53 of 2005).

65. *Power of Health Staff to enter and inspect premises.*—For the purpose of enforcing the provisions contained in this chapter, the Local Public Health Authority or any officer authorized by him, 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 by him for the purpose aforesaid.

CHAPTER IX

FAIRS, FESTIVALS, PUBLIC AND COMMUNITY GATHERINGS

65. *Sanitary and other arrangements at the place of fair or festival, public and community gatherings.*—(1) The Local Public Health Authority within whose jurisdiction a fair or festival is held, or if it is held within the jurisdiction of two or more Local Public Health Authorities a committee appointed jointly by such Local Public Health Authorities shall take measures as



per the provisions in the Kerala Municipality Act, 1994 (20 of 1994), and the Kerala Panchayat Raj Act, 1994 (13 of 1994), namely:—

- (i) the detection and segregation of cases of communicable diseases or notifiable communicable diseases and the prevention of the spread of such diseases;
- (ii) the employment of adequate medical staff, the provision of medical relief and first aid box, and the furnishing of hospital accommodation both for general and isolation purposes; and
- (iii) such other purposes as may be prescribed.

(2) The person or authority organizing such fair or festival or gatherings shall comply with provisions specified in sub-section (1).

(3) If any person or authority organizing such fair or festival or gatherings fail to comply with provisions specified in sub-section (1) shall be liable to fine not exceeding one thousand rupees.

66. *Power to seize contaminated food or food likely to spread any disease at a place of fair festival, private or public gathering.*—(1) The Local Public Health Authority or Public Health Officers of the Local Health Authority or Local Public Health Authorities concerned may,—

(a) enter and inspect any premises in the fair or festival centre, where he has reason to believe that food, prepared, stored or supplied, is a source or likely to be a source of spread of disease;

(b) for the purpose of inspection, have access to any source of water supply on such centre or within such distance therefrom as the Authority 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 likely to cause or spread any disease, and destroy the same forthwith if, in his opinion, such food is liable for contamination.



67. *Control over private sources of water supply.*—The Local Public Health Authority shall direct the owner or other person having control over water supplied to the fair, festival or gatherings, to stop, or disinfect such supply of water, if in the opinion of the Local Public Health Authority, it is likely to endanger or cause the spread of disease.

CHAPTER X

HEALTH CARE PROGRAMME FOR THE AGED, DESTITUTE Etc.

68. *Local Public Health Authority to carry out healthcare programmes for the aged, destitute etc.*—(1) Every Local Public Health Authority shall be bound to carry out healthcare programmes for the aged, destitute, differently abled, terminally ill, and the like, as may be directed by the Government from time to time.

(2) The State Public Health Authority and the District Public Health Authority shall advise the Local Public Health Authority to carry out the programmes referred to in sub-section (1).

CHAPTER XI

CONTROL OF NON-COMMUNICABLE DISEASES

69. *Control of Non-Communicable diseases.*—(1) For the purpose of this Chapter a “non-communicable disease” means a medical condition or disease which is non-infectious, or a disease of long duration and generally of slow progression.

(2) A chronic illness means a non-communicable disease comprising impairments or deviations from normal, and has one or more of the following conditions, namely:—

- (i) Permanent impairment;
- (ii) Residual disability;
- (iii) Disability caused by non-reversible pathological alteration;
- (iv) Requirement of special training of the patient for rehabilitation; and
- (v) Expected to have a long period of supervision, observation or cure.



(3) The following shall normally be deemed to be non-communicable diseases, namely:—

- (i) Blindness;
- (ii) Cancer;
- (iii) Chronic Lung Disease;
- (iv) Chronic Renal Disease;
- (v) Coronary Artery Disease;
- (vi) Dementia;
- (vii) Diabetes mellitus;
- (viii) Hypertension;
- (ix) Injuries caused by accidents;
- (x) Musculoskeletal-arthritis;
- (xi) Neurological disease-Alzheimer's disease;
- (xii) Obesity;
- (xiii) Psychiatric disease;
- (xiv) Rheumatic Heart disease; and
- (xv) Stroke.

(4) The Government may notify any other disease as a non-communicable disease if it satisfies the condition specified in sub-section (1) or sub-section (2).

(5) The Government shall bring out guidelines for the preventive, promotive, curative, rehabilitative and palliative activities for the control of the non-communicable diseases and ensure that those guidelines are followed by the Local Public Health Authorities and the healthcare providers. The Government shall also plan and formulate policies for the



prevention and control of the non-communicable diseases and train the healthcare providers for the implementation of such policies through the Local Public Health Authorities.

(6) The Local Public Health Authorities shall subject to the prevailing health conditions of the people in the local area, implement the policies and guidelines formulated by the Government in the prevention and control of non-communicable diseases. The Local Public Health Authorities shall also ensure that the environment is created to nurture healthy habits and to sustain physical environment for such life styles by the people of the local area.

(7) The Local Public Health Authorities shall encourage prevention and control of non-communicable diseases through primary prevention, secondary prevention and tertiary prevention as detailed in sub-section (8).

(8) Primary prevention include preventive and promotive measures, such as control of indoor and outdoor air pollution, promotion of physical activity and recreation, creation of space for routine physical activity, promotion of healthy cooking practices, promotion of local organic farming practices, on healthy food, and awareness creation of general population – community based, workplace based and educational institution based interventions to modify individual, community and group behavior through mass media. Secondary prevention includes curative measures such as early diagnosis and treatment of diagnosed cases, continuous supply of good quality drugs at affordable prices, or free of cost to the poor and unaffordable, laboratory facilities, and regular periodic check-ups to prevent complications. Tertiary prevention includes rehabilitative measures such as providing palliative care, occupation and or financial assistance.

(9) The Local Public Health Authorities shall also encourage the following namely:—

(i) High-risk screening, that is, assessing and managing cardiovascular risk in persons with risk factors who have not yet developed clinically manifest cardiovascular disease (primary prevention);

(ii) Prevention of cardiovascular disease in persons with cardiovascular risk factors, through dietary modifications, physical activities, weight control, smoking and alcohol cessation campaigns, and pharmacotherapy;



(iii) Management of persons with established peripheral vascular disease (secondary prevention);

(iv) Intensive life style advice for dietary modification, pharmacotherapy and alcohol and smoking cessation;

(v) Training of healthcare workers for easy identification of high risk subjects and early diagnosis and referral of such persons;

(vi) Strengthening of information, education and communication activities;

(vii) Diet control such as increased intake of leafy vegetables and fresh fruits, less consumption of salt, avoidance of preparations which are rich in salt like pickles, chutneys, sauces, ketchups, chips, salted biscuits, cheese, salted butter, dried salted fish etc, restriction of all forms of refined carbohydrates, preference of steamed and boiled food to fried food, intake of fresh juice, tender coconut instead of carbonated drinks, avoidance of fast/junk food and aerated drinks, usage of oils like groundnut oil, soya bean oil, mustard oil, sun flower oil, coconut oil etc. instead of harmful oils, moderate usage of ghee, butter etc. and less consumption of fried fish, fried meat and red meat;

(viii) Physical activities such as regular exercise for fitness, weight control or weight loss, and outdoor activities like cycling, gardening etc.; and

(ix) Practice of yoga.

(10) The Local Self Government Institutions shall earmark a portion of the health budget based on the prevalence and risk of non-communicable disease in the local area for planning and implementing programmes as per sub-sections (6), (7), (8) and (9).

(11) The Local Public Health Authorities shall encourage making available healthy food viz. food items with significant nutrients, low in saturated fat, added sugars and low sodium content, without added colours, flavours or added preservatives as a preference item for people with or suspected or prone to non-communicable diseases.

(12) The Local Public Health Authority may direct the owner or other person having control over the food establishment to sell food articles also as per sub-section (11).



(13) The Local Public Health Authority shall have powers to identify proper places for activities as per items (viii) and (ix) of sub-section (9) and recommend to the Local Self Government Institution to open them to the public if it is feasible.

CHAPTER XII

MISCELLANEOUS

70. *Method of serving notices and Orders.*—(1) When any notice or orders is required to be given by this Ordinance or by any rule, regulation or order made under it, such notice or orders shall be in writing and shall be given,—

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

(b) if such person is not found, by leaving such notice or orders 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, by sending the same to him by registered post; or

(d) If 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 be necessary to state the name of either owner or occupier in the notice, and in the case of joint owners and occupiers it shall be sufficient to serve it on, or sent it to, one of such owners or occupiers.

71. *Appeals.*—Appeals on the decision of the Local Public Health Authority on matters specified in this Ordinance shall lie to the Local Self Government Institution and the appeals on the decisions of the Local Self Government Institution on matters specified in this Ordinance shall lie to the District Public Health Authority.

72. *Revision.*—Any person aggrieved on the decision of the District Public Health Authority may file a revision before the State Public Health Authority.



73. *Bar of suits and prosecutions in certain cases.*—(1) No suit, prosecution or other proceeding shall lie against any Local Public Health Authority, or the Secretary of the Local Self Government Institution, or against the Government or any officer, or employee of a Local Public Health Authority, or of the Government for any act done or purporting to be done under this Ordinance, without the previous sanction of the Government.

(2) No Local Public Health Authority, or the Secretary of the Local Self Government Institution, or any officer or employee of any Local Public Health Authority or of the Government, shall be liable to be prosecuted in respect of any such act, in any civil or criminal proceedings if the act was done in good faith in the course of the execution of duties or the discharge of the functions imposed by or under this Ordinance.

74. *Punishment for malicious abuse of power.*—(1) The Local Public Health Authority or a Secretary of a Local Self Government Institution or any officer or employee of a Local Public Health Authority, or of the Government, who maliciously abuses any powers conferred on him by or under this Ordinance, shall be punished with fine which may extend to ten thousand rupees.

(2) No prosecution shall be instituted under this section without the previous sanction of the Government.

75. *Cognizance of offences against the Ordinance.*—(1) No court shall take cognizance of an offence under the provisions of this Ordinance, or of any rule, or bye-law made under it, unless complaint in writing is made, within three months of the commission of the offence, by the Local Public Health Authority, or the Secretary of the Local Self Government Institution or by a person expressly authorized in this behalf by the Local Public Authority, or the Secretary of the Local Self Government Institution, as the case may be.

(2) Offences punishable under this Ordinance shall be non-cognizable and shall be triable by a Court of Judicial Magistrate of First Class.

76. *Compounding of offences.*—(1) Offences punishable under this Ordinance may be compounded on the application of any person alleged to have committed any offence under this Ordinance or the rules or the regulations made there under, either before the institution of the prosecution or with the permission of the court concerned, after the institution of prosecution, by the Local Public Health Authority on such amount as notified by the State Public Health Authority.

(2) The Local Public Health Authority shall if there is no reason to the contrary, make an order in writing, specify therein,—

(a) the sum determined by way of composition;



(b) the date on or before which the sum shall be paid, and

(c) the date on or before which the person should report the fact to the Local Public Health Authority.

(3) The power to compound any offence so declared may also be exercised by such other authority or person, as may be authorized in that behalf by rules made by the Government.

(4) The Local Public Health Authority shall send a copy of such order to the person concerned.

(5) After compounding any offence specified in this Ordinance, and the rules, if the person repeats the same offence prosecution shall be initiated.

77. Delegation of powers by Government.—The Government may, by notification and subject to any restriction, limitations and conditions specified therein, authorize any person to exercise any one or more of the powers vested in them by this Ordinance and may in like manner withdraw such authority:

Provided that nothing contained in this section shall apply to any power of the Government to make rules under this Ordinance or to their powers under Section 78.

78. Power of Government to make rules.—(1) The Government may, by notification, make rules for carrying out the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the powers conferred by sub-section (1), the Government may make rules with reference to all matters expressly required or allowed, by this Ordinance.

(3) Every rule made under this Ordinance shall be laid, as soon as may be after it is made, before the Legislative Assembly, while it is in session for a total period of fourteen days which may be comprised in one session or in two successive session, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly makes any modification in the rule or decides that the rule should not be made, the rule shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

79. Power of State Public Health Authority to make Regulations.—(1) The State Public Health Authority may, with the previous approval of the Government, make Regulations consistent with this Ordinance or the rules made thereunder for carrying out the purposes of this Ordinance.



(2) Every regulation so made under this Ordinance, shall be laid as soon as may be after it is made, before the Kerala Legislative Assembly, while it is session for a total period of fourteen days, which may be comprised in one session or in two successive sessions.

80. *Direction on inspection.*—While conducting inspection etc., and before imposing fine, in accordance with the provisions of this Ordinance, the Local Public Health Authority may take into consideration whether any other authority empowered under any other law for the time being in force is also proceeding in the same matter, in which the Local Public Health Authority is proceeding and shall ensure that no contradictory decision is taken on the same matter.

81. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Ordinance, the Government may, by order as occasion may require, do anything not inconsistent with the provisions of this Ordinance, which appears them to be necessary for the purpose of removing the difficulty.

(2) No order under sub-section (1) shall be made after the expiry of two years from the date of commencement of this Ordinance.

(3) Every order made under sub-section (1) shall be laid before the Legislative Assembly within fourteen days after it is made if it is in session or at the commencement of the next session of the Legislative Assembly if it is not in session.

82. *Repeal and saving.*—(1) The Madras Public Health Act, 1939 (Madras Act III of 1939) existing in force in the Malabar District referred to in sub-section (2) of the States Reorganisation Act, 1956 (Central Act 37 of 1956), shall cease to operate in the said area and The Travancore–Cochin Public Health Act, 1955, (XVI of 1955) is hereby repealed.

(2) Notwithstanding such cessation of operation or repeal, any notification issued or rules made under such Acts, in so far as it is not inconsistent with the provisions of this Ordinance, shall continue to be in force unless and until it is repealed by any notification issued or rules made, as the case may be, under this Ordinance.

ARIF MOHAMMED KHAN,
GOVERNOR.

