

The Goa Public Health (Amendment) Bill, 2014

(Bill No. 16 of 2014)

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BILL

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

BE it enacted by the Legislative Assembly of Goa in the Sixty-fifth Year of the Republic of India, as follows:— 5

1. Short title and commencement.— (1) This Act may be called the Goa Public Health (Amendment) Act, 2014. 10

(2) It shall come into force at once.

2. Amendment of section 29.— In section 29 of the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “principal Act”), in sub-section (2), the expression “(excluding therapeutic massage)” shall be omitted. 15

3. Insertion of new sections 29A, 29B and 29C.— After section 29 of the principal Act, the following sections shall be inserted, namely:— 20

“29A. Inspection of Massage Parlour/Spa.—

(1) The Health Officer or any Officer not below the rank of Deputy Superintendent of Police as may be authorized by the Government, shall, from time to time, inspect the massage parlour/ spa or any establishment or premises wherein massage parlour/spa is being run and also the registers that are required to be maintained by them under this Act. The person in-charge of massage parlour/spa shall, at all time, allow 25 30

such officer to carry out such inspection. If upon inspection, the massage parlour/spa is found being run in contravention of the provisions of this Act or the rules framed thereunder, such
5 Officer shall immediately inform about such contravention to the Collector, who shall immediately take all the steps for closure of massage parlour/spa and send all the details thereof to the Director who shall after affording
10 reasonable opportunity of being heard pass such order as he may deem fit in the matter.

(2) No officer referred to in sub-section (1) shall enter any room or area of the massage parlour/spa where the massage is being carried out
15 without prior notice.

29B. Penalty for non-registration.— A massage parlour/spa running without registering shall be liable to a fine of Rs. 20,000/- (Rupees twenty thousand only) or any amount as notified by the
20 Government from time to time.

29C. Registration of masseur/therapists.—
(1) No massage parlour/spa shall employ a masseur/therapist, unless he/she holds a certificate of registration issued under sub-section
25 (2), and a medical fitness certificate issued by the Government Hospital.

(2) Every person who desires to work as a masseur/therapist in a massage parlour/spa shall apply to such officer, in such form and accompanied with such fee, as may be prescribed,
30 for grant of a certificate of registration.

(3) The officer, on receipt of an application under sub-section (2), shall, after conducting such inquiry as he deems fit, within a period of thirty

days from the date of receipt of such application, either grant or refuse to grant a certificate of registration. Every order of refusal to grant certificate of registration shall be in writing. In case of refusal to grant such certificate, the applicant may file an appeal to the Director. 5

(4) The certificate of registration to be granted under sub-section (3) shall be in the prescribed form and shall be valid for a period of two years from the date of it's issue and renewable for the same period thereafter. Before expiry of such certificate, the masseur/therapist shall get his certificate of registration renewed on payment of such fee as may be prescribed. 10

(5) Every officer referred to in sub-section (2) shall maintain a register of registered masseurs/therapists. 15

(6) If any masseur/therapist is found working in any massage parlour/spa without a valid certificate of registration, he shall be liable to a fine of Rs. 5,000/- (Rupees five thousand only) or any amount as notified by the Government from time to time, and the owner of such massage parlour/spa also shall be liable to a fine of Rs. 10,000/- (Rupees ten thousand only) or any amount as notified by the Government from time to time.”. 20 25

4. Amendment of section 54.— In section 54 of the principal Act, in sub-section (1), for clause (c), the following clause shall be substituted, namely:- “(c) any hotel, hostel, boarding house, choultry, rest-house, club, or massage parlour/spa, or”. 30

5. Substitution of section 75A.— For section 75A of the principal Act, the following section shall be substituted, namely:—

“75A. Builder and contractor to get employees screened.— (1) No builder and/or contractor shall employ any employee/labourer at the construction site unless the builder and/
5 or contractor gets such employee/labourer duly screened for malaria at the nearest Health Center or at Mobile squad of National Malaria Eradication Programme. Similar screening for malaria shall be done once in every three
10 months.

(2) The Health Officer/Medical Officer of the Health Centre/Mobile squad shall, after screening any employee/labourer for malaria and other sickness, issue a health card containing the
15 photograph of the employee/labourer and a certification as regards the health status of the employee/labourer so screened.

(3) Whenever demanded by the Health Officer, the builder/contractor or employee/labourer shall
20 produce such health card.”.

6. Amendment of section 75AA.— In section 75AA of the principal Act,—

(i) in sub-section (1), for the letters and figures “Rs. 1000/-” and “Rs. 50/-”, the letters and
25 figures “Rs. 10,000/-” and “Rs. 500/-” shall be respectively substituted;

(ii) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) In the event of the contravention of the
30 provisions of section 75A of this Act continuing beyond a period of fifteen days from the date of imposition of daily fine of Rs. 500/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or

cancel the construction licence issued to the builder/contractor till such time the contravention continues and the concerned local authority shall act accordingly and the builder/contractor shall, upon conviction, be punishable with imprisonment for a term which shall not be less than three months but which may extend to six months.”. 5

7. Insertion of new section 94D.— Section 94D of the principal Act shall be re-numbered as section 94E and before section 94E as so re-numbered, the following section shall be inserted, namely:— 10

“94D. Compliance with other laws.- Every person, establishment, undertaking and organization shall, comply with the provisions of all allied laws as in force in the State of Goa relating to collection, processing and disposal of solid waste, biodegradable and non-biodegradable garbage, and also make payment of fee, cess or any other levy, due under such laws, and even though such fees, cess including green cess and/or any other dues are levied as notified under such laws, the same shall be deemed to be levied and notified under this Act .”. 15 20 25

STATEMENT OF OBJECTS AND REASONS

This Bill seeks to insert new section 29A in the Goa, Daman and Diu Public Health Act, 1985 (Act 25 of 1985) (hereinafter referred to as the “said Act”) so as to make provision in respect of inspection of massage parlour/spa by the Health Officer or Officer authorised by the Government and closure of massage parlour/spa for contravention of the provisions of the said Act or rules framed thereunder.

The Bill further seeks to insert new section 29B in the said Act so as to penalise the persons running massage parlours/spas without registration under the said Act.

The Bill also seeks to insert new section 29C in the said Act so as to make registration of every masseur/therapist working in massage parlour/spa mandatory.

The Bill also seeks to amend section 54 of the said Act so as to prohibit a person who knows that he is suffering from an infectious disease from exposing other persons to the risk of infection by his presence or conduct in massage parlour/spa.

The Bill also seeks to substitute section 75A of the said Act so as to make the builder/contractor responsible for screening of the employees/labourers employed by them at the construction site.

The Bill also seeks to amend section 75AA of the said Act so as to enhance the quantum of penalties specified therein.

The Bill also seeks to insert new section 94D in the said Act so as to make, the compliance of

the provisions of laws, allied to the said Act, relating to collection, processing and disposal of solid waste, biodegradable and non-biodegradable garbage, and payment of fee, cess or any other levy, due under such laws, mandatory and even though such fee, cess including green cess and/or any other dues are levied as notified under such laws, the same shall be deemed to be levied and notified under the said Act.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

No financial implications are involved in this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 3 of the Bill empowers the Government to frame rules for specifying the form in which, and the officer to whom, an application for registration as masseur/therapist is to be made and also the fee to be accompanied therewith as well as for specifying the form of certificate of registration as masseur/therapist and fee for renewal of such certificate of registration.

This delegation is of normal character.

Porvorim-Goa.
August, 2014

(Laxmikant Parsekar)
Minister for Health

Assembly Hall,
Porvorim-Goa
August, 2014

(N. B. Subhedar)
Secretary to the Legislative
Assembly of Goa

ANNEXURE

Bill No. 16 of 2014

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**Extract of Section 29, 54, 75A and 75AA
clauses of the Goa, Daman and Diu Public
Health Act,1985(Act 25 of 1985)**
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¹¹**[29. Establishment of commercial, industrial and other establishments and constructions.—** (1) 12{No person, including Government Department, semi-Government Organization, Government company and statutory or non statutory Corporation} shall construct any building, house, cesspool and any other structure unless prior permission to that effect is obtained from the Health Officer or the Medical Officer incharge of the respective Health Centre, at the time of starting such construction and also at the time of actually occupying such constructed premises.

(2) No commercial or industrial establishments, warehouses, storehouses, factories, workshops, 13[massage parlour/SPAS (excluding therapeutic massage) or any other like service] or any other establishments of any kind, shall be established, without obtaining the prior permission from the Director.

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

54. Prohibition of the exposure of other persons to infections.— (1) No person who knows that he is suffering from an infectious diseases specified in this Chapter shall expose other

persons to the risk of infection by his presence or conduct in—

- (a) any market, college, playground, or such other place, or
- (b) theatre or other place of entertainment or assembly, or
- (c) any hotel, hostel, boarding house, choultry, rest-house or club, or
- (d) any factory or shop.

Explanation:— A person shall be deemed to know that he is suffering from an infectious disease within the meaning of this sub-section if he has been informed by the Health Officer or any other officer of the Public Health Department of the Government or of a local authority, not below the rank of Health or Sanitary Inspector or a Medical Practitioner that he is so suffering

(2) No person who has the care of a person whom he knows to be suffering from an infectious disease shall cause or 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).

²²[75A. Screening of migrant labourers at construction sites.— All migrant labourers who are brought from other States shall be screened for Malaria at the nearest Health Centre or mobile squads of National Malaria Eradication Programme. The Health Officer/Medical Officer I/c of the Directorate of Health Services shall then issue a health card with photograph certifying his present status of Malaria. No laborer shall be engaged by the contractor at the construction sites unless he has a health card. Similar screenings for Malaria

shall be done once in every 3 months. The responsibility of obtaining the health card shall rest entirely on the labourer.

75AA. Penalty for offence under Section 75A.—

(1) Whoever contravenes the provisions of section 75A of the Act, shall be punishable with the fine of Rs. 1000/- per person each time and when the offence is a continuing one, with a daily fine not exceeding Rs. 50/- during the period of the continuance of the offence.]

²³[(2) In the event of the contravention of the provision of section 75A of the Act continuing beyond a period of seven days from the date of imposition of daily fine of Rs. 50/- under sub-section (1), the Health Officer shall request the concerned local authority to suspend or cancel the construction licence issued to the contractor till such time the contravention continues and the concerned local authority shall act accordingly.]

Assembly Hall,
Porvorim, Goa

Dated: /08/2014

(N. B. Subhedar)

Secretary to the

Legislative Assembly of Goa



LEGISLATIVE ASSEMBLY OF THE STATE OF GOA

**The Goa Public Health
(Amendment) Bill, 2014**

(Bill No. 16 of 2014)

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

**GOA LEGISLATURE SECRETARIAT,
ASSEMBLY HALL, PORVORIM, GOA
AUGUST, 2014**

