

The Itki Tuberculosis Sanatorium (Regulation of Building) Act, 1951

BIHAR

India

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Act 23 of 1951

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The Itki Tuberculosis Sanatorium (Regulation of Building) Act, 1951(Bihar Act 23 of 1951)[Governor's assent published in the Bihar Gazette of the 18th July, 1951]An Act to provide for the control of the construction, erection, alteration and modification of buildings in the neighbourhood of the Itki Tuberculosis Sanatorium in the District of Ranchi and for the licensing of such buildings for the accommodation of tuberculosis patients.Whereas it is expedient to provide for the control of the construction, erection, re-erection, alteration and modification of buildings in the neighbourhood of the Itki Tuberculosis Sanatorium in the district of Ranchi and for the licensing of such buildings for the accommodation of tuberculosis patients.It is hereby enacted as follows :-

1. Short title, extent and commencement.

(1)This Act may be called the Itki Tuberculosis Sanatorium (Regulation of Buildings) Act, 1951.(2)It shall apply to the areas comprised within a radius of three miles from the Itki Tuberculosis Sanatorium and to such other area or areas in the vicinity of the said areas as may be notified in the Official Gazette, from time to time, by the State Government in this behalf.(3)It shall come into force at once.

2. Definitions.

- In this Act,unless there is anything repugnant in the subject or context. -(a)"Building" means any house, hut, shed or other roofed structure, for whatsoever purpose and of whatsoever material constructed, and every part thereof, and includes a tent, or other portable and merely temporary shelter;(b)"Commissioner" means the Commissioner of the Chota Nagpur Division or any other officer empowered in this behalf by the State Government to discharge the functions of the Commissioner under this Act;(c)" Prescribed" means prescribed by Rules made under this

Act;(d)"Sanatorium area" means the area comprised within a radius of three miles from the Itki Tuberculosis Sanatorium and includes such area or areas as may be notified under sub-section(2) of Section 1;(dd)["Sanatorium Fund" means the Sanatorium Fund constituted under Section 14A;]
[Inserted by Section 2 of Bihar Act 14 of 1954.](e)"Sanatorim Local Authority" means the Sanatorium Local Authority constituted under Section 3;(f)Superintendent" means the Superintendent of the Itki Tuberculosis Sanatorium; and(g)The expression "to erect or re-erect", in relation to any building include. -(i)any material alteration or enlargement of any building;(ii)the structural conversion into a place for human habitation of any building not originally constructed for human habitation;(iii)the structural conversion into more than one place for human habitation of a building originally constructed as one such place;(iv)the structural conversion of two or more places of human habitation into a greater number of such places;(v)such alteration of the internal arrangement of a building as effects an alteration in its drainage or sanitary arrangements or materially affects its stability or security;(vi)the addition of any rooms, buildings, outhouses or other structures to a building; and(vii)the reconstruction of the whole or any part of the external walls of a building.

3. Constitution of Sanatorium Local Authority.

(1)The State Government may, by notification, establish a Sanatorium Local Authority to be called the Itki Tuberculosis Sanatorium Local Authority for the purpose of controlling the construction of buildings in the Sanatorium area and for carrying out such other purposes as are hereinafter specified and may, by a like notification, alter or vary the constitution of the said Sanatorium Local Authority.(2)The notification aforesaid shall specify :-(i)the date from which it shall take effect;(ii)the persons who shall be its members; and(iii)the term of office of its members other than the ex officio members,if any.(3)The State Government shall appoint one of the members of the Sanatorium Local Authority to be its Chairman and another member to be its Secretary.

4. Prohibition or erection or re-erection of buildings without sanction of Sanatorium Local Authority.

- No person shall, except with the previous sanction of the Sanatorium Local Authority, erect or re-erect a building on any land in the Sanatorium area.

5. Application for such sanction.

(1)An application for such sanction shall be made in writing, and shall -(a)specify the purpose for which it is intended to use the building;(b)furnish such information and be accompanied by such plans as may be required by the Rules made under this Act.(2)The applicant shall also furnish to the Sanatorium Local Authority any further information or plans which it may require, within such time as may be fixed by it.

6. Refusal or grant of sanction.

(1)The Sanatorium Local Authority may refuse to sanction the erection or re-erection of a building, or may sanction such erection or re-erection either unconditionally or subject to such conditions as it thinks fit to impose in respect of all or any of the following matters, namely. -(a)the free passage or way to be left in front of the building;(b)the open space to be left about the building to secure free circulation of air and the prevention of fire and to facilitate scavenging;(c)the ventilation of the building, the minimum cubic area of the rooms and the number and height of the storeys of which the building may consist;(d)the provision and position of drains, latrines, urinals, and cesspools or other receptacles for rubbish or filth;(e)the level and width of the foundation, the level of the lowest floor and the stability of the structure;(f)the line of frontage with neighbouring buildings if the building abuts on a street;(g)the means of egress from the building in case of fire;(h)the materials to be used for, and the methods of construction of, external and partition walls, rooms floors, fire places and chimneys;(i)the height and slope of the roof above the upper-most floor on which human beings are to live or cooking is to be done;(j)any other matter affecting the ventilation and sanitation of the buildings.(2)Any conditions imposed under sub-section (1) shall be in writing and the person erecting or re-erecting the building shall comply therewith in every particular.

7. Lapse of sanction.

- Every sanction given for the erection or re-erection of a building shall be available for a period of one year from the date on which it is given, and if the sanctioned erection or re-erection is not commenced within that period, it shall not be commenced thereafter, unless the Sanatorium Local Authority, on application made in this behalf, has extended the period.

8. Punishment for illegal erection or re-erection.

- Whoever begins, continues or completes the erection or re-erection of a building :-(a)before such erection or re-erection has been sanctioned by the Sanatorium Local Authority, or(b)without complying with any condition imposed under Section 6, or(c)when sanction has been refused by the Sanatorium Local Authority, or after the sanction has ceased to be available by virtue of the provision contained in Section 7,shall be punished with fine which may extend to five hundred rupees.

9. Power to stop erection or re-erection of buildings, etc.

(1)The Sanatorium Local Authority may, at any time, by notice in writing, direct the owner, lessee or occupier of any land or building in the Sanatorium area -(a)to stop the erection or re-erection of any building, or(b)to demolish any building or part thereof within such time as may be specified in the notice, if in the opinion of such Authority, the erection, re-erection or demolition of such building or part thereof, constituted, or is likely to constitute, an offence under Section 8.(2)If any direction given under clause (b) of sub-section (1) is not complied with, within the time specified therefor in the notice, the Sanatorium Local Authority may have such direction carried into effect at its cost and

have the amount thereof recovered from the defaulter in such manner as may be prescribed by the Rules.

10. Appeals and Revision.

(1) Any person aggrieved by any order passed under this Act by the Sanatorium Local Authority may appeal to the Commissioner who shall pass such orders there on as he thinks fit. (2) The State Government, in its discretion, at any time, either of its own motion or on application, call for and examine the record of any order passed under this Act by the Sanatorium Local Authority or the Commissioner for the purpose of satisfying itself as to the legality or propriety of such order, and may pass such order in reference thereto as it thinks fit.

11. Powers of Sanatorium Local Authority to direct structural alterations in existing buildings.

- The Sanatorium Local Authority may, with the previous sanction of the State Government, by notice in writing, direct the owner, lessee or occupier of any building standing in the Sanatorium area at the commencement of this Act, to alter or modify the structural alterations of any such building in such manner and within such time as may be specified in the notice and thereupon it shall be the duty of the owner, lessee or occupier of such building to comply with such direction.

12. Prohibition of accommodation of tuberculosis patients for gain in unlicensed buildings.

(1) No owner, lessee or occupier shall accommodate any tuberculosis patients for gain in any such building not licensed. (2) The owner, lessee or occupier of any such building may apply to the Sanatorium Local Authority to license such building for accommodation of tuberculosis patients. (3) Every such application shall be in writing and shall be accompanied by the prescribed particulars and prescribed fee for inspection of the building by the Superintendent. (4) The Sanatorium Local Authority shall forward the application to the Superintendent who shall inspect the building and return the application to the Sanatorium Local Authority with a report on the result of such inspection. (5) If it appears to the Sanatorium Local Authority, after considering the report of the Superintendent, that the building satisfies the prescribed requirements, it may on payment of the prescribed license fee, license the house for the accommodation of such number of tuberculosis patients, if any, as in its opinion the building is fit to accommodate. (6) Every such license shall be in the prescribed form and subject to the prescribed conditions and shall specify the date, not exceeding one year from the date of issue, up to which it is to remain in force.

13. Penalty for non-compliance of direction under Section 11 or for contravention of provisions of Section 12.

- If any person fails to comply with any direction under Section 11 or contravenes the provisions of Section 12, he shall be punishable with fine which may extend to one thousand rupees.

14. Compensation.

- No person shall be entitled to claim compensation under this or any other Act for any injury, damage or loss caused or alleged to have been caused by an order of the Sanatorium Local Authority, the Commissioner or the State Government, as the case may be, passed under this Act :- (a) refusing permission to erect or re-erect any building; or (b) granting such permission subject to certain conditions.

14A. [Sanatorium Fund. [Inserted by Section 3 of Bihar Act 14 of 1954.]

(1) There shall be constituted for the Sanatorium Local Authority a fund to be called the Sanatorium Fund which shall be held by the Sanatorium Local Authority in trust for the purposes of this Act, subject to the provisions therein contained. (2) There shall be credited to the Sanatorium Fund. - (a) all moneys received by or on behalf of the Sanatorium Local Authority under the provisions of this Act or of any other law for the time being in force or under any contract; (b) all fees payable under this Act; (c) all moneys received by or on behalf of the Sanatorium Local Authority from the Government or private individuals by way of grant or gift or otherwise; and (d) all interests and profits arising from any investment of, or from any transaction in connection with, any money belonging to the Sanatorium Local Authority.

14B. Custody of the Sanatorium Fund.

- All moneys payable to the credit of the Sanatorium Fund shall be forthwith paid into the Government treasury to the credit of an account to be called the account of the Sanatorium Local Authority, Itki: Provided that the Sanatorium Local Authority may invest any moneys not required for immediate use either in Government securities, or in any other form of security which may be approved by the State Government.

14C. Purposes to which Sanatorium Fund is applicable.

- The Sanatorium Local Authority may apply the Sanatorium Fund to any of the following purposes within the Sanatorium area, namely :- (i) the erection and maintenance of offices and other buildings required for purposes of the Sanatorium Local Authority; (ii) the payment of the salaries and allowances of its own officers and servants; and (iii) all acts and things which are necessary for carrying out the purposes of this Act, or which are likely to promote the safety, health, welfare or convenience of the inhabitants of the Sanatorium area, or expenditure which may be declared by the State Government to be an appropriate charge on the Sanatorium Fund.]

15. Power to make Rules.

(1) The State Government may, by notification, make Rules to carry out all or any of the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, such Rules may provide for - (a) the Rules of business of the Sanatorium Local Authority; (aa) [the determination

of the strength of officers and servants to be employed by the Sanatorium Local Authority and the salaries and allowances to be paid to such officers and servants;] [Inserted by Section 4 of Bihar Act 14 of 1954.](b)the manner in which applications for sanction to erect or re-erect buildings shall be made to the Sanatorium Local Authority and the information and plans to be furnished either alongwith with such applications or subsequently;(c)the type or description of building which may or may not, and the purpose for which a building may or may not, be erected or re-erected in any specified area or areas;(d)the minimum cubic capacity of any room or rooms in a building which is to be erected or re-erected;(e)the manner in which the cost referred to in sub-section (2) of section 9, may be recovered;(f)the form in which and the time within which appeals under section 10 may be preferred;(g)the fees which may be charged in respect of any application made, appeal preferred, or proceeding taken, under this Act; and(h)the particulars to be furnished with an application for a license under sub-section (2) of Section 12 and the inspection fee which should accompany such application under sub-section (3) of the said Section.

16. Application of the Bihar and Orissa Local Self-Government Act of 1885 and certain other enactments.

- The State Government may, by notification, direct that the provisions of the Bihar and Orissa Local Self-Government Act of 1885 or of any other enactment for the time being in force relating to local authority or public health shall not apply to the Sanatorium area or shall apply thereto only to such extent and subject to such restrictions, modifications or exceptions, if any, as may be specified in the notification.