

**<sup>1</sup>THE PREVENTION OF MALARIA (SPECIAL PROVISIONS) ORDINANCE, 1978**

ORDINANCE NO. IV OF 1978

[9<sup>th</sup> February, 1978]

**An Ordinance to make provision for the prevention of malaria and for matters connected therewith.**

WHEREAS it is expedient to make provision for the prevention of malaria and for matters connected therewith;

NOW, THEREFORE, in pursuance of the Proclamations of the 20th August, 1975, and the 8th November, 1975, and in exercise of all powers enabling him in that behalf, the President is pleased to make and promulgate the following Ordinance:-

**1.** This Ordinance may be called the Prevention of Malaria (Special Provisions) Ordinance, 1978. Short title

**2.** (1) For the purpose of prevention of malaria, the Government or any person authorised by it in this behalf may,- Formulation of measures, etc.

- (a) formulate schemes and adopt co-ordinated measures for prevention of malaria;
- (b) lay down the policy in accordance with which the Directorate of Health Services shall execute any such schemes or measures;
- (c) evaluate and assess the execution of the schemes and measures; and
- (d) have overall responsibility for the success of any such schemes or measures.

(2) A scheme or measure formulated or adopted under subsection (1) may relate to-

- (a) the spraying of buildings and other premises with insecticides;

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<sup>1</sup> The Ordinance was declared void and non est by the Appellate Division of the Supreme Court of Bangladesh in Civil Petition for leave to Appeal Numbers 1044 and 1045 of 2009 and subsequently the Ordinance has been made effective as an Act of Parliament by section 4 and Schedule of ১৯৭৫ সালের ১৫ আগস্ট হইতে ১৯৭৯ সালের ৯ এপ্রিল তারিখ পর্যন্ত সময়ের মধ্যে জারীকৃত কতিপয় অধ্যাদেশ কার্যকরণ (বিশেষ বিধান) আইন, ২০১৩ (২০১৩ সনের ০৬ নং আইন)।

- (b) the survey of the country;
- (c) the medical examination of the people;
- (d) the treatment of persons suffering or suspected to be suffering from malaria;
- (e) the delimitation of malarious areas and the areas free from malaria and measures to prevent appearance or re-appearance of malaria in the latter areas; and
- (f) such other measures considered necessary for carrying out the purposes of this Ordinance.

Power to require and prohibit doing of certain things

**3. (1) The Government or any person authorised by it in this behalf may, by order,-**

- (a) require any person to undergo medical examination and treatment;
- (b) require every person having knowledge or information of any case of malaria or suspected malaria to report the case to any specified authority;
- (c) require every person coming from a malarious area and entering into a malaria-free area to report for examination at the nearest malaria detection post on arrival at the destination;
- (d) require any employer in the district of Chittagong Hill Tracts to furnish to the nearest malaria detection post particulars of his employees coming from any other district so that necessary measures for their protection against malaria may be adopted;
- (e) prohibit from washing, white-washing, plastering, painting or applying any other surface treatment with respect to any building or other premises sprayed with insecticide during a period of five months from such spraying; and
- (f) prohibit doing of anything with respect to any engineering, agricultural and industrial projects which may increase the extent and spread of malaria.

(2) Any person authorised in this behalf by the Government may apply insecticide, collect mosquitoes, check insecticide deposits, take blood films and do such other acts as are considered necessary to control or prevent malaria or to collect information relating to malaria and for any such purpose enter into any premises.

**4.** Whoever contravenes an order under sub-section (1) or obstructs or resists any person acting under sub section (2) of section 3 shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to taka five hundred, or with both.

Penalty

**5.** No suit, prosecution or other legal proceeding shall lie against any person for anything which is, in good faith, done or intended to be done under this Ordinance.

Indemnity

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