

The Vaccination Act, 1880

February 19, 2013

Preamble

ACT NO.13 OF 1880.¹

[AS ON 1957]

9th July, 1880.

An Act to give power to prohibit inoculation and to make the vaccination of children compulsory in certain Municipalities and Cantonments²

WHEREAS it is expedient to give power to prohibit inoculation and make the vaccination of children compulsory in certain municipalities and cantonments²; It is hereby enacted as follows:-

1. This Act has been amended in its application to- Ajmer by Act 6 of 1945; C.P. by C.P. Act 3 of 1915 , 6 of 1932 and 4 of 1933; C.P.and Berar by C.P. & Berar Act 44 of 1947 : U.P.by U.P.Act 2 of 1907. This Act has been repealed in Coorg Act 4 of 1950; and in Punjab by Punjab Act 49 of 1953.

2. The long title and preamble have been amended in U.P.and C.P.so as to include other local areas.



Section 1. Short title, Application

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2. The long title and preamble have been amended in U.P.and C.P.so as to include other local areas.

This Act may be called the Vaccination Act, 1880: and it shall apply only to such municipalities and cantonments situate in ¹[Uttar Pradesh, ²[Punjab as it existed immediately before the 1st November, 1956], the Central Provinces, Assam, Delhi, Ajmer] and Coorg as it may be extended to in manner hereinafter provided.

1. This provision has been amend in U.P and C.P so as to include other local areas. The original words have been successively amended by the A.O.1937, A.O.1948 and A.O.1950 to read as above.

2. Subs. by the Adaptation of Laws (No.2) Order, 1956, for "Punjab".

Section 2. Interpretation-clause

In this Act unless there is something repugnant in the subject or context,-

(1) The expression "Municipal Commissioners" means a body of Municipal Commissioners or a Municipal Committee constituted under the provisions of any enactment for the time being in force; ("Municipal Commissioners")

(2) "Parent" means the father of a legitimate child and the mother of an illegitimate child: ("Parent")

(3) "Guardian" includes any person who has accepted or assumed the care or custody of any child: ("Guardian.")

(4) "Unprotected" child means a child who has not been protected from small- pox by having had that disease either naturally or by inoculation, or y having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination: ("Unprotected child.")

(5) "Inoculation" means any operation performed with the object of producing the disease of small- pox in any person by means of variolous matter: ("Inoculation")

(6) "Vaccination-circle" means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination: ("Vaccination circle.")

(7) "Vaccinator" means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized ¹[***] in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination".("Vaccinator")

(8) "Vaccination-season" means the period from time to time fixed by the State Government for any local area under its administration by notification in the Official Gazette, during which alone vaccination may be performed under this Act. ("Vaccination season.")

1. The words" by the L.G." omitted by Act 4 of 1914, s.2.and Sch., Pt.I.

Section 3. Extension of Act to municipalities



A majority in number of the persons present at a meeting of the Municipal Commissioner specially convened in this behalf may apply to the State Government to extend this Act to the whole or any part of a municipality, and thereupon the State Government may, if it thinks fit, by notification published in the Official Gazette, declare its intention to extend this Act in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension in writing to the Secretary to the State Government and the State Government shall take such objection into consideration. When six weeks from the said publication have expired, the State Government, if no such objections have been sent as aforesaid, or (when such objection have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension¹.

1. In the U.P. a new s.3A has been inserted by U.P.Act 2 of 1907 providing for extension of the Act to other local areas. In the C.P.Ss.3A, 3B, 3C and 3D have been inserted for a similar purpose by C.P. Acts 3 of 1915, 6 of 1932 and 4 of 1933, respectively.

Section 4. Extension to cantonments

The State Government may¹ by notification in the Official Gazette, extend this Act to the whole or any part of a military cantonment.

1. The words." subject to the G.G.in C." omitted by Act 38 of 1920 , s.2 and Sch. I. The words "subject to the control" were subs. by Act 4 of 1914, s, 2 and Sch., Pt.I for" with the previous sanction."



Section 5. Power to withdraw local area from operation of Act

The State Government may by notification in the Official Gazette, withdraw any local area in a municipality¹ any local area in a cantonment from the operation of this Act.

1. This Provision has been amended in the U.P. and the C.P. so as to include other local areas.

Section 6. Prohibition of inoculation

In any local area to which the provisions of this Act apply, inoculation shall be prohibited; and

Inoculated persons not to enter, without certificate, local area subject to Act

no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, with out a certificate from a medical practitioner, of such class as the State Government may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small- pox by contact or near approach.

Section 7. Vaccination circles

Every local area to which this Act applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided in to a number of such circles;

Vaccinators one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and

Superintendent of vaccination. one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

Section 8. Private vaccinators

¹[Commissioner] may be written licence authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any` such licence.

1. Subs.by Act 4 of 1914, s.2 and Sch., Pt.I, for " L.G."

Section 9. Unprotected children to be vaccinated

When any unprotected child, having attained the age of 6 months, has resided for a period of one month during the vaccination season in any local area to which the provisions of this Act apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and if a girl, of eight years, the parent or guardian of such child shall take it, or cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.



Vaccinator to vaccinate children, or deliver certificates of postponement

Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a State unfit for vaccination, deliver to its parent or guardian, a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or party of the current vaccination season

Section 10. Inspection after vaccination

The parent or guardian of every child which has been vaccinated under section nine shall on the date of inspection stated in the memorandum take the child or cause to top be taken to vaccinator; and

Such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

Section 11. Procedure when vaccination is successful

When it is ascertained at the time of inspecting a child under section ten that the vaccination has been successful a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

Section 12. Procedure when vaccination is successful

When it is ascertained as aforesaid that the vaccination has been unsuccessful the parent or guardian shall if the vaccinator so direct cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinbefore provided.

Section 13. Procedure when child is unfit for vaccination

A certificate granted under section nine showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and on the termination of that period or if that period terminates after the vaccination-season is over, when the next vaccination season begins he parent or guardian of such child shall take the child or cause it to be taken to a vaccinator to be vaccinated or procure its vaccination at his own house by a vaccinator:

Renewal of postponement certificates

Provided that, if the child is still found to be in a State unfit for vaccination the certificate granted under section nine shall be renewed.

Section 14. Certificates of insusceptibility of successful vaccination

If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

Section 15. What lymph to be used

The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Act:

Provided that,

1st, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human lymph, it shall be so vaccinated, and

2nd, if any local area in which animal – lymph is procurable human lymph is so prescribed and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

Section 16. No fee to be charged except by private vaccinator

No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or order under the provisions of this Act:

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

Section 17. Duties of superintendent of vaccination

¹[17. Duties of superintendent of vaccination. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provision of this Act shall ascertain whether all



unprotected children, under the age of fourteen years if boys, and under his superintendence have been vaccinated; and, if he has reason to believe that the parent of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall if the fact is proved forthwith deliver to such parent or guardian or cause to be affixed to his house a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.]

1. S.17 has been amended in C.P.and Berar by Act 44 of 1947 Order by Magistrate when notice not complied with.

Section 18. Order by Magistrate when notice complied with

If such notice is not complied with the Superintendent of vaccination shall report the matter the ¹Magistrate of the District or such Magistrate as the State Government or the Magistrate of the District may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation and shall if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

Procedure when order not obeyed.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him and unless just cause or excuse is shown, shall deal with the disobedience as an offences punishable under section twenty-two.

Magistrates to be non- officials

The Magistrates appointed under this section shall, as far as is conveniently practicable, ²[not be paid servants of Government].

1. Read District Magistrate, see the Code of Criminal Procedure, 1898 (Act 5 of 1898), s.3, (2).

2. Subs.by the A.O.1950, for "be Natives of India, and not paid servants of the Crown". The last word subs. by the A.O.1937, for "Govt

Section 19. Power to make rules for municipalities

When this Act has been applied to any municipality or any part thereof the Municipal Commissioners may from time to time, make rules consistent with this Act for the proper enforcement of this Act within the limits to which it applies, Such rules shall be made in the manner in which under the law for the time being in force the ¹[Municipal] Commissioners make rules or bye- laws for the regulation of other matters within the limits of the municipality and shall when confirmed by the ²[Commissioner] and published in the Official Gazette, have the force of law:

Provided that the ²[Commissioner] may at any time rescind or modify any such rule³.



1. Ins.by Act 4 of 1914, s.2 and Sch., Pt.I

2. Subs.by s.2 and Sch., Pt.I, by Act 4 of 1914, for "L.G".

3. After this section a new s.19A has been ins. in the U.P. and two new ss.19A and 19B in the C.P. by U.P.Act 2 of 1907 and C.P. Acts 3 of 1915 and 6 of 1932, respectively.

Section 20. Power to make rules for cantonments

When this Act has been applied to any cantonment or any part thereof, the State Government may, from time to time, ¹[***] make such rules.

1. The words "subject to the control of the G.G.in C." omitted by Act 38 of 1920, s.2 and Sch.

Section 21. What rules under sections 19 and 20 may provided for

The rules to be made for any local area under section nineteen or ¹twenty may, among other matters, provide for—

- (a) The division of such local area into circles for the performance of vaccination;
 - (b) The appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;
 - (c) The qualifications to be required of public vaccinators and Superintendents of vaccination;
 - (d) The authority with which their appointment, suspension and dismissal shall rest;
 - (e) The time of attendance of public vaccinators at the vaccine stations, and their residence within the limits of the vaccination-circles;
 - (f) The distinguishing mark or badge to be worn by them;
 - (g) The amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties;
 - (h) The facilities to be afforded to people for procuring the vaccination of their children at their own houses;
 - (i) The grant and form of certificates of successful vaccination of unfitness for vaccination or of insusceptibility of vaccination;
- The nature of the lymph to be used and the supply of a sufficient quantity of such lymph;
- (k) The fee to be paid for vaccination with animal-lymph under section fifteen;
 - (l) The fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;



(m) The preparation and keeping of registers showing—

The names of children born in such local area on or after the date of the application of this Act;

The names of unprotected children born in such local area previous to the application of this Act, and who are, at the time this Act is applied, under the age of fourteen years if boys, and of eight years if girls;

The names of unprotected boys and girls respectively under those ages brought within such local area at any time after the application of this Act and who have resided there for a month;

The result of each vaccination or its postponement, and the delivery of certificates , if any;

²(n) the assistance to be given by the Municipal Commissioners and municipal servants in the preparation of these registers, and in other matters,; and

(o) The preparation of vaccination-reports and returns.

1. The word and letter "nineteen A" have been ins. at this place in the U.P. and the words and letters 'nineteen A, nineteen B". have been ins. in the C.P. by U.P.Act2 of 1907 and C.P. Acts 3 of 1915 and 6 of 1932, respectively.

2. This cl. has been amended in the C.P. by C.P. Act 6 of 1932, so as to include members of District Boards/Councils and the servants of those local bodies.



Section 22. Punishment of offences

Whoever commits any of the undermentioned offences (that is to say) :-

(a) Violates the provisions of section six,

(b) Neglects without just excuse to obey an order made under section eighteen,

(c) Breaks any of the rules made under section nineteen¹ or twenty, or

(d) Neglects without just cause to obey an order made under section eighteen after having been previously convicted of so neglecting to obey a similar order made in respect of the same child,

Shall be punished as follows (that is to say) :-

In the case of the offence mentioned in clause (a), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees or with both;

In the case of the offence mentioned in clause (b) and (c), with fine which may extend to fifty rupees; and

In the case of the offence mentioned in clause (d), with simple Imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

1. The word and letter "nineteen A" have been ins. at this place in the U.P. and the words and letters "nineteen A, nineteen B' have been ins. in the C.P. by U.P.Act 2 of 1907 and C.P. Acts 3 of 1915 and 6 of 1932, respectively.

Section 23. Municipal funds to receive fees and meet expenditure

The amount of all fees ¹[***] realized, and the amount of all expenditure incurred, under this Act in any municipality shall respectively be credited to and paid from the Municipal Fund².

1. The words " and fines" omitted by the A.O.1937.

2. This section has been amended in the U.P., the Punjab and the C.P. by U.P.Act 2 of 1907, Punjab Acts 9 of 1925 and 2 of 1929, and C.P. Act 6 of 1932, respectively so as to include other local areas and funds.

