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THE PUNJAB VACCINATION ACT, 1953

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THE PUNJAB VACCINATION ACT, 1953

PUNJAB ACT No. 49 OF 1953

[Received the assent of the Governor of Punjab on the
3rd November, 1953, and was first published in the
Punjab Government Gazette (Extraordinary)
of the 9th November, 1953.]

1	2	3	4
Year	No.	Short title	Whether repealed by legislation
1953	49	The Punjab Vaccination Act, 1953	Extended to the territories which immediately before the 1st November, 1956, were comprised in the State of Patiala and East Punjab States Union by Punjab Act 8 of 1961 ² Amended by Punjab Act 2 of 1959 ³ Amended by Punjab Act 25 of 1964 ⁴ Amended by Adaptation of Laws Order, 1968 ⁵

**An Act to give power to prohibit inoculation and to make the
primary vaccination and re-vaccination of children
compulsory through out [Haryana].**

It is hereby enacted as follows :—

- (1) This Act may be called the Punjab Vaccination Act, 1953. Short title and extent.
- (2) It shall extend to the whole of the State of [Haryana].

- For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1953, pages 1541-i ; and 1541-j; for proceedings in the Legislature, see *Punjab Legislative Assembly and Council Debates*, 1953.
- For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1960, page 2005.
- For Statement of Objects and reasons, see *Punjab Government Gazette* (Extraordinary), 1958, page 1458.
- See *Haryana Government Gazette* (Extraordinary), 29th October, 1968, pages 531-567.
- For Statement of Objects and Reasons, see *Punjab Government Gazette* (Extraordinary), 1964, pages 935-937.
- Substituted for the word, "Punjab" by the Haryana Adaptation of Laws Order, 1968.

Interpretations.

2. In this Act, unless the context otherwise requires,—

- (1) "child" means a person who has not attained the age of thirteen years ;
- (2) "Government" means the Government of the State of ¹[Haryana] ;
- (3) "guardian" means any person to whom the care, narture or custody of any child falls either by law or by natural right or recognized usage or who has accepted or assumed the care, nurture or custody of any child or to whom the care, nurture or custody of any child has been entrusted by any lawful authority ;
- (4) "inoculation" means any operation performed with the object of producing the disease of smallpox in any person by means of variolous matter ;
- (5) "local area" means an area under the control of a local authority, including a Cantonment ;
- (6) "prescribed" means prescribed by rules made under this Act ;
- (7) "primary vaccination" is the first successful vaccination after birth ;
- (8) "re-vaccination" is any subsequent vaccination after primary vaccination ;
- (9) "unprotected child" means a child who has not had smallpox and has not been vaccinated or who has not, within a period of five years, been successfully re-vaccinated ;
- (10) "vaccination" means an operation by which sufficient lymph is introduced into the skin and allowed to be absorbed without any interference or exposure to sun for at least fifteen minutes following the operation ;
- (11) "vaccination station" means a place where vaccination is performed free of charge by the direction or under

1. Substituted for the word, "Punjab" by the Haryana Adaptation of Laws Order, 1968.

the authorisation of the Medical Officer of Health concerned ;

(12) "vaccination circle" means a local area or one of the parts into which a local area has been divided under this Act for the performance of vaccination ;

(13) "vaccinator" means any person appointed under the Act to perform the operation of vaccination or any private person authorised by the Government to perform the same operation and includes a Superintendent of Vaccination [and an Inspector of Vaccination and Sanitation.]

3. Inoculation shall be prohibited throughout the State, and no person who has undergone inoculation shall enter the State before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner of such class as the Government may, from time to time, by written order authorise to grant such certificate, stating that such person is no longer likely to produce smallpox by contact or near approach.

Prohibition of inoculation and inoculated persons from entering without certificate.

4. A local area may in the prescribed manner be divided into a number of vaccination circles.

Vaccination Circles.

5. (1) One or more vaccinators shall be appointed with the prescribed qualifications for each vaccination circle, and one or more Superintendents of Vaccination shall be appointed with the prescribed qualifications for each local area.

Vaccinators and Superintendents of Vaccination.

(2) Each of the officers referred to in sub-section (1) shall be known as a "public vaccinator".

6. The Government may, by written licence, subject to conditions as prescribed, authorise private vaccinators to perform vaccination in any vaccination circle, and may suspend or cancel any such licence.

Private Vaccinators.

7. (1) The guardian of every unprotected child who has not been vaccinated shall procure its primary vaccination before the child attains the age of six months.

Unprotected child to be vaccinated or re-vaccinated.

(2) Every child before attainment of the age of thirteen years shall be re-vaccinated so that the interval between the primary vaccination and the first re-vaccination and between the two re-

vaccinations, and between the last re-vaccination and his attaining the age of thirteen years shall not, in any case, be more than five years.

(3) Whenever the residence of an unprotected child is changed the guardian of such child shall, within one month of such change of residence, notify the same to the Medical Officer of Health, or any other person authorised by him in this behalf, of the place from which the residence was changed furnishing full particulars as to the new residence of the child.

(4) If a vaccinator finds that an unprotected child is not in a fit state of health to be vaccinated or re-vaccinated he shall deliver to the guardian of such child a certificate to the effect that the child is not then in a fit state for vaccination or re-vaccination as the case may be. Such certificate shall remain in force for the period specified therein, but may be renewed from time to time by a vaccinator if such child continues to be unfit. The reason for the unfitness shall be specified in the certificate.

(5) On the termination of the period of unfitness the guardian of such child shall take the child or cause it to be taken to a vaccinator to be vaccinated or re-vaccinated, or procure its vaccination or re-vaccination at his own house by a vaccinator :

Provided that if the child is still found to be in a state unfit for vaccination or re-vaccination, the certificate granted shall be renewed.

(6) If a vaccinator finds that an unprotected child is in a state of health fit for vaccination or re-vaccination he shall vaccinate or re-vaccinate such child, and deliver to its guardian a memorandum stating the date on which the vaccination or re-vaccination was performed, specifying the date, time and place at which the child should be present, or be produced as the case may be, for inspection.

(7) The Medical Officer of Health may at any time cancel any certificate given under this section if he is satisfied that the child was not unfit, and thereupon such certificate shall cease to be valid, and notice of such cancellation shall forthwith be given by him to the guardian of such child.

8. The guardian of every child who has been vaccinated or re-vaccinated shall, on the date, time and place notified as aforesaid, take the child or cause it to be taken to a vaccinator for inspection or get it inspected at his house by a 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.

Inspection
after vac-
cination.

9. When it is ascertain at the time of inspecting a child that the vaccination or revaccination has been successful, a certificate shall be given by the vaccinator to the guardian to that effect and such child shall be deemed to be protected for a period of five years after the date of vaccination or re-vaccination, as the case may be.

Procedure when vaccination is successful.

10. When it is ascertained that the vaccination or re-vaccination has been unsuccessful, the child shall be caused by the guardian to be vaccinated again forthwith, if so desired by the vaccinator and subsequently inspected as aforesaid :

Procedure when vaccination is unsuccessful.

Provided that where the vaccination or re-vaccination has been unsuccessful on three consecutive occasions, the child shall be considered to have natural immunity from smallpox and shall be exempted from vaccination thereafter.

11. Only such vaccine lymph as has been approved by the Director of Health Services, ¹[Haryana], shall be used for vaccination or re-vaccination.

What vaccine lymph to be used.

12. (1) No fee or remuneration shall be accepted by a public vaccinator for any vaccination or re-vaccination performed or for any certificate given under this Act, at the vaccination station :

Vaccination fee.

Provided that it shall be lawful for a public vaccinator to accept the fee prescribed by Government for vaccination or re-vaccination performed at the request of the gaurdian elsewhere at the vaccination station.

(2) Private vaccinators may charge the fee prescribed by the Government for vaccination or re-vaccination.

13. The Superintendent of Vaccination, in addition to other duties imposed on him by or under the provisions of this Act, shall ascertain whether all the unprotected children within the local area have successfully undergone primary vaccination or re-vaccination as heretofore required, and if he has reason to believe that the guardian of any un-protected child has omitted to perform any duty imposed under this Act, he shall serve or cause to be served on the guardian of such child a notice requiring the child to be vaccinated or re-vaccinated or presented for inspection at the time and place to be specified in such notice.

Duties of Superintendent of Vaccination.

1. Substituted by the Haryana Adaptation of Laws Order, 1968.

Order by
Magistrate
when notice
under section
13 is not
obeyed.

4. If such notice is not complied with, the Superintendent of Vaccination shall report the matter to the District Magistrate or any other ¹[Executive Magistrate authorised by him] in this behalf, and the Magistrate receiving such report shall summon the guardian of the child and demand his explanation and shall if the explanation is not satisfactory, make an order in writing directing the guardian of the child to comply with the notice and produce a certificate of vaccination before the date specified in the order. If the order is not obeyed by such date ²[the Magistrate shall forward the case to a Judicial Magistrate for dealing with the disobedience,] as an offence punishable under section 16 of this Act.

Power to make
rules.

15. (1) The Government may make rules for giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for—

- (a) the division of a local area into circles for the performance of vaccination ;
- (b) the appointment of a place in each vaccination circle and the posting of some distinguishing mark in a conspicuous place near the station ;
- (c) the qualifications to be required for vaccinators and Superintendents of Vaccination ;
- (d) the authority competent to regulate the appointment, suspension and dismissal of public vaccinators and Superintendents of Vaccination ;
- (e) the time of attendance of public vaccinators at the vaccination station, and their residence within the limits of the vaccination circle ;
- (f) the distinguishing mark or badge to be worn by the public vaccinators and Superintendents of Vaccination ;
- (g) the conditions of licence granted to private vaccinators under section 6, and for the guidance of vaccinators generally in the performance of their duties ;

1. Substituted for the words, "Magistrate authorised by him" by Punjab Act 25 of 1964.

2. Substituted for the words, "The magistrate shall deal with the disobedience" by *ibid.*

- (h) the facilities to be afforded to persons for procuring the vaccination of their children at their own houses;
- (i) the grant and form of certificates of successful vaccination and of unfitness for vaccination ;
- (j) the nature of the vaccine lymph to be used and the supply of sufficient quantity of such lymph ;
- (k) the fee to be paid to a public vaccinator for vaccinating a person at a place other than the vaccination station or if such person is a child, at the request of his guardian or the fee to be paid to a private vaccinator under section 12 ;
- (l) the preparation and keeping of registers showing—
 - (i) the names of unprotected children,
 - (ii) the result of each vaccination or its postponement and the delivery of certificates, if any ;
- (m) the assistance to be given by the members of a local authority and its servants in the preparation of these registers and in other matters; and
- (n) the preparation of vaccination reports and returns.

16. Whoever —

Punishment of offences.

- (a) violates the provisions of section 3;
- (b) does not comply with the provisions of sub-section (?) of section 7 ;
- (c) neglects, without just excuse to obey an order made under section 14 ;
- (d) commits a breach of the rules made under section 15 ; or
- (e) neglects, without just cause, to obey an order made under section 14 after having been previously convicted of so neglecting to obey a similar order

made in respect of the same child shall be punishable as follows, namely :—

- (i) 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 ;
- (ii) in the case of the offences mentioned in clauses (b), (c) and (d) with fine which may extend to fifty rupees ; and
- (iii) in the case of the offence mentioned in clause (e), 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.

Local bodies
to receive fees
and meet
expenditure.

17. The amount of all fees realised, and the amount of all expenditure incurred, under this Act in any local area, shall respectively be credited to and paid from the funds of the local authority concerned.

Repeal of Act
XIII of 1880.

18. The Vaccination Act, 1880, in its application to the State of Punjab, is hereby repealed.