

Madhya Pradesh Chechak Tika Adhiniyam, 1968

23 of 1968

[17 October 1968]

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[17 October 1968]

An Act to consolidate and amend the law relating to vaccination and to provide for compulsory vaccination and revaccination in the State of Madhya Pradesh Be it enacted by the Madhya Pradesh Legislature in the Nineteenth Year of the Republic of India as follows : Statement of Objects and Reasons.-- The Vaccination Act, 1880 (No. 13 of 1880) which was in force in the whole State provided for primary compulsory revaccination. The Madhya Pradesh Emergency Cholera and Vaccination Regulations, 1963, which were framed under Section 2 of the Epidemic Diseases Act, 1897 (No. 3 of 1898), provided for compulsory revaccination, but this provision remained in force so long as the said Regulations were in operation in any area during emergency. The National Smallpox Eradication Programme has been launched in the State since 1962 and for the successful implementation of the said programme it was necessary to have a statutory provision of compulsory revaccination. As there was every possibility of the outbreak of smallpox in epidemic form, it became imperative to take immediate steps in the matter. As the matter was urgent and the Vidhan Sabha was not in session, the Madhya Pradeshy

Chechak Tika Adhyadesh, 1968 (No. 13 of 1968) was promulgated for the purpose, It is now proposed to replace the said Ordinance by an Act of the Legislature. 1. Received the assent of the Governor on the 17th October, 1968; assent first published in the "Madhya Pradesh Gazette", (Ext.), dated the 18th October, 1968.

CHAPTER 1
PRELIMINARY

1. Short Title And Extent :-

- (1) This Act may be called The Madhya Pradesh Chechak Tika Adhiniyam, 1968.
- (2) It extends to the whole of Madhya Pradesh.

2. Definitions :-

In this Act, unless the context otherwise requires,--

- (a) "adult person" means a person who is not a child;
- (b) "appointed day" means the 19th day of August, 1968;
- (c) "Child" means a person who has not completed eighteen years of age;
- (d) "Chief Superintendent of Vaccination" means the Chief Superintendent of Vaccination as specified in Section 3;
- (e) "guardian" means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage, or who has accepted or assumed the care, nurture or custody of any child or to whom the care or custody of any child has been entrusted by any authority lawfully authorised in that behalf;
- (f) "parent" means in the case of a legitimate child, the father or the mother, and in the case of an illegitimate child, the mother only;
- (g) "public vaccinator" means any vaccinator appointed under Section 5;
- (h) "registered medical practitioner" means a medical practitioner registered or deemed to be registered under--
 - (i) the Central Provinces and Berar Medical Registration Act, 1916 (No. 1 of 1916);
 - (ii) the Medical Practitioners Registration Act, 1935 (Bhopal State Act No. VII of 1935);
 - (iii) the Medical Council Act, 1956 (No. 102 of 1956);
 - (iv) the Madhya Bharat Indian Medicines Act, Samvat 2009 (No. 28 of 1952);

- (v) the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947 (No. IV of 1948);
- (vi) the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. XXVI of 1951);
- (i) "Registrar of Births" or "Registrar" means any officer or other person or authority whose duty it is--
 - (i) under any law for the time being in force, or
 - (ii) under any bye-law or rule having the force of law, to register births;
- (j) "register" and "registration" refer to register and registration in pursuance of any law, bye-law or rule referred to in clause (i);
- (k) "revaccination" means vaccination of a person who has been successfully vaccinated previously;
- (l) "Superintendent of Vaccination" or "Superintendent" means the officer appointed as such under Section 6 :
 Provided that if in a vaccination area no Superintendent has been appointed, reference to Superintendent in Sections 21 and 23 shall be construed as a reference to the Chief Superintendent for such vaccination area;
- (m) "unprotected child" or "unprotected adult person" means a child or an adult person, as the case may be--
 - (i) who has not had smallpox, either naturally or by inoculation; or
 - (ii) who has not been successfully vaccinated; or
 - (iii) who has not been certified or deemed to be certified under this Act or any other law for the time being in force to be insusceptible to vaccination;
- (n) "vaccination area" means the area within the jurisdiction of the Chief Superintendent of vaccination;
- (o) "vaccinator" means--
 - (i) a public vaccinator appointed under Section 5 by the Chief Superintendent of vaccination;
 - (ii) a registered medical practitioner; or
 - (iii) a medical practitioner to whom a vaccinators licence is issued under Section 8.

CHAPTER 2

ESTABLISHMENT

3. Chief Superintendent Of Vaccination :-

As from the appointed date the authority mentioned in column (1) of the Table below shall be the Chief Superintendent of Vaccination in relation to the area mentioned in the corresponding entry in

column (2) of the said Table :

Table

Authority Area

(1) (2)

(i) The Municipal Commissioner of the Corporation A Municipal Corporation established under the Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956).

(ii) The Chief Municipal Officer of the Municipality. A municipality established under the Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961).

(iii) Civil Surgeon of the districts A district excluding the areas comprised within the limits of a Municipal Corporation or Municipality in the district.

4. Division Of Vaccination Area And Establishment Of Public Vaccination Stations :-

(1) Subject to rules made in this behalf, every Chief Superintendent of Vaccination shall divide the vaccination area under his control into such number of vaccination circles, and establish in each circle such number of public vaccination stations and at such places, as he may consider necessary.

(2) The limits of each circle, and the location of each public vaccination station so established, shall, from time to time, be notified in the prescribed manner.

5. Appointment Of Public Vaccinators :-

(1) The Chief Superintendent of Vaccination shall appoint for each vaccination circle, such number of public vaccinators as he may consider necessary, and notify in the prescribed manner the days and hours fixed by him for their attendance at each station.

(2) No person shall be appointed a public vaccinator unless he possesses such qualification or certificate or satisfies such conditions, as may be prescribed.

6. Appointment Of Superintendents Of Vaccination And Assistant Superintendents Of Vaccination :-

(1) The Chief Superintendent of Vaccination, may if he considers it necessary, and shall if so required by the State Government, appoint Superintendents of Vaccination, and such number of Assistant Superintendents of Vaccination to assist the

Superintendents for the purpose of general control over and inspection of all the proceedings of the public vaccinations in such number of circles as the Chief Superintendent may deem fit to keep under the control of the Superintendents.

(2) Each Superintendent and Assistant Superintendent shall perform such duties as may be prescribed by or under this Act, or as may from time to time be required by the Chief Superintendent of Vaccination.

7. Public Vaccinator To Live Within His Circle :-

Every public vaccinator, unless especially permitted by the Chief Superintendent of Vaccination to reside elsewhere, shall reside within the vaccination circle, for which he is appointed, and shall cause his name with the addition of the words "Public Vaccinator for the Circle of....." to be posted in some conspicuous place or near the outer door of his dwelling house, and of every public vaccination station in his circle.

8. Issue Of Vaccinations Licence To Certain Medical Practitioners :-

The Chief Superintendent of Vaccination may, subject to the rules made in this behalf, and on an application issue a vaccinators licence in the prescribed form to a medical practitioner, other than a registered medical practitioner.

CHAPTER 3

VACCINATION AND REVACCINATION

9. Unprotected Adults And Children To Be Vaccinated :-

(1) Every unprotected adult person who has not been successfully vaccinated, shall get himself vaccinated by a vaccinator--

(a) if, such person is residing on the appointed day within the limits of a vaccination area within a period of six months after that day or such further period not exceeding twelve months in the aggregate as the State Government may, by notification, specify; and

(b) if he enters any such area after the appointed day within a period of three months from the date of his entry in that area or the period referred to in clause (a) whichever is later.

(2) It shall be the duty of a parent of an unprotected child who has not been successfully vaccinated, and where such child is in the care of a guardian, of the guardian of the child, and who is born

within the limits of a vaccination area, or who is brought within such limits to reside whether temporarily or permanently, to take the child or cause it to be taken to a vaccinator to be vaccinated within the relevant time limits hereinafter specified, that is to say, in the case of--

(a) a child living on the appointed day within the said limits--

(i) if on such day the child is less than three months old within six months after its birth; or

(ii) if on such day the child is three months or more than three months old within three months from such day;

(b) a child brought after the appointed day within the said limits--

(i) if the child is less than three months old within six months after its birth;

(ii) if the child is three months or more than three months old within three months of its arrival in the said limits;

(c) a child born after the appointed day within the said limits within six months after its birth.

10. Action To Be Taken By Vaccinator When An Unprotected Child Is Brought For Vaccination :-

(1) When a child is brought to a vaccinator for the purpose of vaccination or a vaccinator attends a child at its residence, he shall first ascertain whether the child has had smallpox either naturally or by inoculation and, on being satisfied that he has smallpox he shall forthwith deliver to the parent or guardian of such child a certificate in the prescribed form under his signature of temporary insusceptibility which will be valid for 5 years from the date of occurrence of smallpox and the parent or guardian of such child shall not be required to cause the child to be vaccinated during that period.

(2) If the child has not had smallpox already, the vaccinator shall examine the child, and if after such examination he is of opinion that--

(a) the child is in a fit state of health to be vaccinated he shall with all reasonable despatch but subject to the conditions prescribed by or under this Act, vaccinate the child; or

(b) the child is not in a fit state of health to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate of unfitness for vaccination in the prescribed form under this signature.

(3) The certificate of unfitness for vaccination aforesaid shall remain

in force for two months only from the date on which it is delivered but shall be renewable for successive periods of two months, if the child continues to be in an unfit state of health for vaccination. On or before the date of expiry of the period of the certificate or the renewed certificate, as the case may be, the parent or guardian shall take the child or cause the child to be taken to a vaccinator who shall then re-examine the child and if the child is still not in a fit state of health to be vaccinated, renew the certificate for a further period of two months; otherwise he shall with all reasonable despatch vaccinate the child.

11. Inspection After Vaccination And Further Action In Case Of Unsuccessful Vaccination :-

(1) When a vaccinator vaccinates a child, he shall advise its parents or guardian to bring the child to him at a reasonable hour on the same day in the week following immediately after the day on which the vaccination is performed, for the purpose of inspecting and ascertaining the result of the vaccination.

(2) If on such inspection, the vaccinator is satisfied that the vaccination has been successful, he shall deliver to the parent or guardian a certificate of successful vaccination in the prescribed form mentioning Batch No. of F.D. Vaccine used and its expiry date.

(3) If on such inspection, the vaccinator is satisfied that the vaccination is not successful such parent or guardian shall cause the child to be again vaccinated and thereafter the procedure specified in sub-section (1) shall be followed for a second time.

(4) The procedure specified in sub-section (3) shall, in the event of the vaccination being unsuccessful on the second occasion, be followed for the third and the last time, in the presence of Superintendent of Vaccination.

(5) If the vaccinator finds that the vaccination of a child is unsuccessful for the third time, and the child is insusceptible of successful vaccination, he shall report the matter to the Superintendent of Vaccination who shall deliver to the parent or guardian of such child a certificate of insusceptibility to successful vaccination in the prescribed form under his signature, and the parent or guardian of such child shall not henceforth be required to cause the child to be vaccinated.

12. Revaccination :-

Every adult shall get himself revaccinated at an interval of 3 years regularly. In the case of a child, parent or his guardian shall cause it to be revaccinated at the said regular intervals of 3 years.

13. Sections 10 And 11 Apply For Purpose Of Vaccination Of Unprotected Adults Also :-

The provisions of Sections 10 and 11 shall mutatis mutandis apply for the purpose of vaccination of an unprotected adult person, but the adult person concerned shall himself be liable to comply with those provisions and to be punished for any contravention thereof.

14. Vaccination Or Revaccination During Epidemic To Be Done Within Specified Period :-

(1) If at any time, the State Government is satisfied that any area is visited by, or is threatened with, an outbreak of smallpox epidemic, the State Government may, by notification, declare such area to be an area of compulsory protection from smallpox.

(2) While such declaration is in force, it shall be the duty of every adult person, and, in the case of every child above the age of three months, of its parent or guardian, residing in or entering such area, to get himself or such child (if unprotected) vaccinated or (if not unprotected) revaccinated, as the case may be, in accordance with the provisions of this Act, within such period as may be, specified in such notification :

Provided that, if in respect of an adult person or a child--

(a) a certificate of temporary insusceptibility is issued under sub-section (1) of Section 10 or under any other law for the time being in force; or

(b) a certificate of insusceptibility to successful vaccination is issued under sub-section (5) of Section 11 or under any other law for the time being in force; or

(c) a certificate of successful vaccination or of revaccination is issued under this Act or any other law for the time being in force, not earlier than six months immediately preceding the date of publication of such notification;

such adult person or child, as the case may be, shall not be required to be revaccinated.

(3) When an adult person or child comes to or is brought before a vaccinator, or a vaccinator attends at the residence of such person or child, for the purpose of revaccination, the provisions of Sections 10 and 11 shall mutatis mutandis apply.

(4) When a vaccinator revaccinates an adult person or a child, he shall deliver to such person, or to the parent or guardian of such child, as the case may be, a certificate of revaccination, in the prescribed manner and form.

15. Special Provisions For Convicts And Others In Jails Etc.

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Subject to such rules as the Inspector-General of Prisons may, with the sanction of the State Government, make in this behalf, and to such exceptions as the State Government may, from time to time, by general or special order authorise, every person confined in a Jail and in respect of whom--

(a) imprisonment for more than one month has been awarded as part of the substantive sentence by a Criminal Court; or

(b) Criminal Court has directed imprisonment in default of payment of fine for a term which, if the fine be not sooner paid, will exceed one month; or

(c) a Court or Magistrate has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month; or

(d) an order has been made under either Section 466 or Section 471 of the Code of Criminal Procedure, 1898 (V of 1898), for the detention of the accused in a lunatic asylum;

shall, without any consideration regarding the age or sex of such person and whether such person consents or not, be vaccinated or revaccinated.

1. See now Code of Criminal Procedure, 1973 (2 of 1974).

16. No Fee To Be Accepted For Vaccination Or Revaccination At A Vaccination Station Or For Certificates :-

No public vaccinator shall accept, or obtain or agree to accept, or attempt to obtain, for himself or for any other person, any fee or other remuneration for any certificate delivered under this Act, or the rules made thereunder, or for any vaccination or revaccination done by him in pursuance of this Act at a vaccination station :

Provided that it shall be lawful for a vaccinator to accept for vaccinating or revaccinating a child or an adult person by request, of the parent or guardian of such child, or of such adult person elsewhere than at a vaccination station, a fee not exceeding such maximum amount as may be prescribed.

17. Register To Give Notice Of Requirement Of Vaccination

:-

(1) Whenever in a vaccination area, a Registrar of Birth registers the birth of any child, he shall forthwith deliver to the person giving information of such birth, a notice in the prescribed form and shall attach thereto forms of certificates required to be issued by a vaccinator under this Act.

(2) The Registrar shall enter in the book to be kept by him in the prescribed form minutes of all notices issued by him under sub-section (1).

18. Duplicate Of All Certificates To Be Forwarded To Registrar :-

(1) Within 21 days after the delivery of any certificate under Section 10 or 11 or Section 13 read with Section 10 or 11, the vaccinator or other officer who delivered such certificate, shall forward a duplicate thereof--

(a) if the place of birth of a person in whose respect such certificate was issued can be ascertained to the Registrar of Births of such place; or

(b) in any other case, to the Registrar of the place where the person was vaccinated or was presented for vaccination.

(2) On receipt of a duplicate of any certificate referred to in sub-section (1) the Registrar shall register such duplicate in the book specified in sub-section (2) of Section 17.

19. Registrar To Keep Duplicate Register Of Births With Entries Concerning Vaccinations :-

Every Registrar shall keep a duplicate of the register of births which it is his duty to keep under the provisions of any law for the time being in force in the State, with such columns added thereto as the State Government may, from time to time, direct and record in the register the date of every duplicate certificate of successful vaccination or of insusceptibility, as the case may be, received by him under Section 18 concerning any person and make an entry in the duplicate register to the effect that the person has been vaccinated or revaccinated, or is insusceptible of vaccination, as the case may be.

20. Register Of Postponed Vaccinations To Be Kept By Registrar :-

Every Registrar shall keep a register of vaccinations postponed under Section 10 or Section 13 in the prescribed form and record therein--

- (a) the name of every person in whose respect he received duplicate of the certificate of unfitness for the purpose of vaccination;
- (b) the date of such certificates;
- (c) the date of every renewed certificate of unfitness received, if any; and
- (d) the number and year of the entry, if any, in the register of births in which the birth of such person has been registered.

21. Return To Be Forwarded To Superintendent :-

Every Registrar in a vaccination area shall forward, on the first day of every month, to the Superintendent concerned a return in the prescribed form, of all cases in which duplicate certificates have not been received by him under Section 18.

CHAPTER 5

OFFENCES, PENALTIES AND PROSECUTIONS

22. Punishment For Certain Offences :-

(1) Whoever contravenes, or fails to comply with, any provisions of, or any requisition made under--

- (a) sub-section (1) or (2) of Section 9;
- (b) sub-section (3) of Section 10;
- (c) sub-section (1), (3) or (4) of Section 11;
- (d) Section 13 read with relevant provisions of Section 10 or 11; or
- (e) sub-section (2) of Section 14 or sub-section (3) thereof read with relevant provisions of Section 10;

shall be punished with fine which may extend to one hundred rupees; and if such contravention or failure to comply is continued after conviction, with an additional fine which may extend to five rupees for each day on which such contravention or failure is continued.

(2) Any public vaccinator who contravenes any provisions of--

- (a) Section 16 shall be deemed to have committed an offence punishable under Section 161 of the Indian Penal Code, 1860 (XLV

of 1860);

(b) sub-section (1) of Section 18 shall be punished with fine which may extend to one hundred rupees.

23. Action Where A Child Is Believed To Be Unprotected :-

(1) If a Superintendent of Vaccination has reason to believe that in the vaccination area, under his control, any, child above the age of three months is an unprotected child, he shall give in the prescribed manner to the parent or guardian of such child, a notice in the prescribed form and shall within such time as may be specified in the notice, require such parent or guardian to get the child vaccinated.

(2) If within the time specified in the notice such child is not vaccinated, the superintendent shall report the matter to any Magistrate not below the rank of the First Class Magistrate having jurisdiction. The Magistrate receiving such report may--

(a) summon the parent or guardian of such child to appear with the child before him; or

(b) where he is satisfied that such parent or guardian has no fixed place of abode, issue a warrant for his arrest and production before him.

If the Magistrate finds, after such examination or enquiry, as he deems necessary, that the child is an unprotected child, he may make an order directing such child to be vaccinated within such time not exceeding two months as he may specify in the order.

(3) If at the expiration of the time specified in the order made under sub-section (2), the child is not vaccinated, or is not shown to be then unfit to be vaccinated or to be insusceptible of vaccination, the person upon whom such order is made shall, unless he can show to the Magistrate some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty rupees.

(4) If the Magistrate is of the opinion that the person is improperly brought before him, and if he refuses to make an order under sub-section (2) for the vaccination of the child, he may order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

(5) If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under sub-section (2) he shall be punished with simple imprisonment for a term which may

extend to three months, or with fine which may extend to one thousand rupees, or with both.

(6) The provisions of sub-sections (1) to (5) shall mutatis mutandis apply for the purposes of--

(a) vaccination of an unprotected adult person; or

(b) revaccination of any person;

required to be performed under the provisions of this Act.

24. Penalty For Not Delivering Certificate :-

Whenever a vaccinator is required to deliver to any parent, guardian or adult person, as the case may be, any certificate under this Act and such vaccinator neglects so to deliver the certificate, he shall be punished with fine which may extend to fifty rupees.

25. Penalty For Making Or Signing False Certificates :-

Whoever wilfully signs, or makes or procures the signing or making of a false certificate or duplicate certificate under this Act, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

26. Prohibition Of Inoculation :-

(1) No person shall produce, or attempt to produce in any person by inoculation with variolous matter or by wilful exposure to variolous matter or to anything impregnated therewith, or wilfully by any other means the disease of smallpox in any person.

(2) Whoever contravenes the provisions of sub-section (1) shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees or with both.

27. Court Competent To Try Offences Under This Act And Cognizance Of Offences :-

(1) No Court other than the Court of a Magistrate shall take cognizance of any offences under this Act.

(2) No Court shall take cognizance of any offence under this Act, unless the prosecution is instituted by order or under the authority from a Magistrate, the Chief Superintendent of Vaccination or a Superintendent of Vaccination.

28. Prosecution For Neglect :-

In any prosecution for neglect to procure the vaccination of a child it shall not be necessary in support thereof to prove that the defendant had received notice from a Registrar of Births, or any other officer, of the requirements of the law in this respect, but if the defendant produces any certificate under Section 10 or 11 or the duplicate of the relevant entry in the register of births or the register of postponed vaccinations kept by any Registrar as hereinbefore provided, in which such certificate is duly entered, the same shall be sufficient defence for him, except in regard to the certificate regarding unfitness for the purpose of vaccination, when the time specified therein for the postponement of the vaccination has expired before the time when the information had been laid.

CHAPTER 6

MISCELLANEOUS

29. Power Of Inspection :-

The Director of Health Services, Madhya Pradesh or such other officer, as may be authorised by the State Government in this behalf, may supervise and inspect the vaccination and revaccination work organised in any vaccination area and require the Chief Superintendent for that area to follow such directions as the Director of Health Services, Madhya Pradesh or such other officer, as the case may be, may, from time to time, give.

30. Issue Of Certified Copies Of Certificates Lost Etc :-

Where any of the certificates delivered under this Act to any person is lost or defaced, he shall be entitled to have on payment of the prescribed fee, a certified copy of the certificate from the vaccinator or other officer who delivered it.

31. Supply Of Copies Of Forms, Books And Registers :-

The Chief Superintendent shall, from time to time, supply on demand,--

(a) to every vaccinator copies of forms of certificates or memorandum required to be delivered under this Act and of such books or registers as the Chief Superintendent may, from time to time, require the vaccinator to keep; and

(b) to every Registrar of Births copies of forms of notice and book

required under Section 17 and of register of postponed vaccinations under Section 20.

32. Annual Return To Be Made Of The Number Of Children Vaccinated Etc :-

(1) It shall be the duty of every Registrar of Births in a vaccination area to show in any annual general abstract of births prepared by him, the number of children successfully vaccinated, the number whose vaccination has been postponed and the number certified to be insusceptible of successful vaccination, during the year.

33. Rules To Make Rules :-

(1) If at any time, the State Government is satisfied that any area is visited by, or is threatened with, an outbreak of smallpox epidemic, the State Government may, by notification, declare such area to be an area of compulsory protection from smallpox.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely--

(a) the division of a vaccination area into circles, the manner of notifying the limits of vaccination circles and the location of public vaccination stations under Section 4, and of notifying the days and hours of attendance of the public vaccinators at the public vaccination stations under Section 5;

(b) the qualification or certificate to be required of or conditions to be satisfied by a person for being appointed as a public vaccinator under Section 5.

(c) the duties of Superintendent and Assistant Superintendent under Section 6;

(d) the fee and other conditions for the issue of and the form of licence under Section 8;

(e) the forms of certificates to be delivered and the conditions subject to which a child may be vaccinated under Section 10;

(f) the form of certificate under Section 11;

(g) the manner and form in which the certificate under Section 14 shall be delivered;

(h) the form of notice and book under Section 17;

(i) the form of register under Section 20;

(j) the form of return under Section 21;

(k) the form of and the manner of giving notices under Section 23;

(l) the fee for certified copy of any certificate under Section 30;

- (m) any other matter which is to be or may be prescribed;
- (n) the furtherance of any of the objects of this Act.
- (3) All rules made under this section shall be laid on the table of the Legislative Assembly.

34. Repeal :-

The Madhya Pradesh Chechak Tika Adhyadesh, 1968(13 of 1968), is hereby repealed.