

## **Orissa Vaccination Act, 1960**

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## **Orissa Vaccination Act, 1960**

An Act to provide for compulsory vaccination for securing eradication and prevention of smallpox in the State of Orissa Be it enacted by the Legislature of the State of Orissa in the Eleventh Year of the Republic of India as follows : \* Published vide Orissa

### **1. Short Title, Extent And Commencement :-**

(1) This Act may be called the Orissa Vaccination Act, 1960.

(2) It shall extend to the whole of the State of Orissa.

(3) This Section shall come into force at once. The remaining provisions of this Act, in whole or in part, shall come into force\*\* on such date and in such local areas as the Government may, from time to time, by notification specify.

\*\* The Act came into force w.e.f. 2.9.1960, vide Notification No. 13521-H, dated 31.8.1960, published in the Orissa Gazette, Pt.III, dated 9.9.1960, P. 635. For Statement of Objects and Reasons see Orissa Gazette Ext. No.666/14.12.1959; and for Report of the Select Committee see ibid, No. 232/22.2.1960.

### **2. Repeal :-**

On and from the date this Act comes into force in the State, the enactments specified in Schedule I so far as they are in force in the State of Orissa shall be repealed to the extent mentioned in the third column of the said Schedule.

### **3. Definitions :-**

In this Act, unless the context otherwise requires,-

(a) "Form" means a Form given in Schedule II;

(b) "Government" means the Government of the State of Orissa;

(c) "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 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;

(d) "Inspector" means a person authorised by the Superintendent of Vaccination to exercise all or any of the functions of an Inspector under this Act;

(e) "parent" means the father and mother of a child and includes foster and step-parents;

(f) "public vaccinator" means a vaccinator appointed by the Government;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "registered medical practitioner" means a medical practitioner registered under the Orissa Medical Regulation, 1936 (Orissa)

Regulation 2 of 1936).

(i) "Superintendent of Vaccination" means a person appointed as such under Section 18;.

(j) "unprotected child" means a child up to the age of seventeen years, who has not been protected against smallpox, by having had that disease naturally or by having been successfully vaccinated and who has not been certified under the provisions of this Act to be insusceptible to vaccination;

(k) "unprotected person" means a person above the age of seventeen years who has not been protected against smallpox, by having had that disease naturally or by having been successfully vaccinated and who has not been certified under the provisions of this Act to be insusceptible to vaccination.

#### **4. Duty Of Parent Or Guardian For Primary Vaccination Of Every Child :-**

(1) The parent or guardian of-

(a) every child born in any area where this Act remains in operation within six months of its birth; and

(b) every other unprotected child-

(i) living in such area within six months of the date of commencement of this Act; or

(ii) brought to live in such area, either temporarily or permanently, within one month after the child is so brought or before the child attains the age of six months, whichever is later,

shall take it or cause it to be taken, to a public vaccination centre situated in the village or town, as the case may be, wherein he resides, to be vaccinated or shall within such period as aforesaid cause it to be vaccinated by a registered medical practitioner or a public vaccinator.

(2) Any public vaccinator to whom any such child is brought for vaccination at a public vaccination centre or who is requested to vaccinate such child elsewhere than at such centre shall with all reasonable dispatch, and subject to the conditions hereinafter mentioned, vaccinate such child and shall serve a notice in Form A on its parent or guardian.

(3) If any such child is not vaccinated within the period specified above the Superintendent of Vaccination shall serve a notice in Form B on the parent or guardian requiring him within fifteen days from the date of service of the notice, to take such child, or cause such child to be taken to a public vaccination centre to be

vaccinated, or to be vaccinated by a registered medical practitioner or a public vaccinator in the house of the parent or guardian within the area on payment of such fees as may be prescribed.

#### **5. Postponement Of Vaccinations :-**

If the public vaccinator or the registered medical practitioner, as the case may be, finds any child unfit for vaccination, he shall grant a certificate in form C to that effect to its parent or guardian and such certificate shall remain in force for one month. If after the said period the child is still found to be unfit for vaccination, the certificate may be renewed by the said authority for such further period, as may be recommended by the Superintendent of Vaccination.

#### **6. Inspection Of Result Of Vaccination :-**

(1) The parent or guardian of every child, who has been vaccinated as provided in Section 4, shall produce the child at a public vaccination centre or cause it to be so produced for inspection of the results of vaccination, in accordance with the notice served under Sub-section (2) of the said Section or get the child inspected at his own house by an Inspector on payment of such fees as may be prescribed.

(2) if on inspection of any vaccinated child the Inspector is satisfied that the vaccination has been successful he shall give a certificate of successful vaccination in Form D and such child shall thereafter be deemed to be protected.

(3) When, as a result of inspection under Sub-section (1) it is ascertained that the vaccination has been unsuccessful, the parent or guardian shall cause the child to be again vaccinated forthwith or within such period as may be fixed by the inspecting authority.

(4) The provisions of Sub-sections (1) and (3) shall apply to a child until it is deemed to be protected under Sub-section (2).

#### **7. Superintendent Of Vaccination May Inspect Vaccination Of Child :-**

The Superintendent of Vaccination or any person duly authorised by him may at any time inspect the vaccination of any child whether performed by a public vaccinator or a registered medical practitioner and may, subject to the provisions of Section 6, direct that such child be forthwith revaccinated.

## **8. Certificate For Insusceptibility To Vaccination :-**

(1) If the Superintendent of Vaccination is satisfied that a child-

(a) has already had smallpox; or

(b) has been three times unsuccessfully vaccinated;

he shall, in either case grant to the parent or guardian of such child a certificate in Form E.

Such certificate shall operate as an exemption from vaccination-

(i) in case of Clause (a) absolutely; and

(ii) in case of Clause (b) for a period of twelve months from the date of the last unsuccessful vaccination.

(2) If after twelve months the child is again found to be in susceptible to vaccination on three successive operations as provided in Sections 4 and 6, a certificate to that effect in Form E shall be given to the parent or guardian of the child, and the child shall not be required to be vaccinated again.

## **9. Unprotected Persons To Be Vaccinated :-**

(1) Every unprotected person shall whenever the Superintendent of Vaccination shall deem it advisable, be served with a notice by him in Form F, requiring him, within fifteen days after the service of the same, to present himself before a public vaccinator or registered medical practitioner to be vaccinated.

(2) The provisions of Sections 4 to 8 shall mutatis mutandis apply in the case of an unprotected person.

## **10. Compulsory Re-Vaccination After The Five Years And At Intervals Of Five Years :-**

Within three months of the completion of a period of five years from the date of successful primary vaccination in accordance with Sections 4 to 9 every such child or person as the case may be shall be taken to or shall present himself before a public vaccinator or registered medical practitioner at a public vaccination Centre or the purpose of revaccination in the prescribed manner.

Thereafter every such child or person shall, at an interval of every five years, be caused to be or get himself revaccinated in the same manner as specified above.

## **11. Vaccination In The Event Of Outbreak Of Smallpox :-**

Notwithstanding anything contained in Sections 4 to 10, the

Superintendent of Vaccination may, in the event of an outbreak of smallpox, direct any child or person to be vaccinated forthwith.

## **12. Inspection And Detection Of Unprotected Child Or Person :-**

Every owner or occupier of a house, premises, boat, vessel or public vehicle shall allow the Superintendent of Vaccination or a public vaccinator duly authorised by the Superintendent of Vaccination in this behalf to have access thereto for the purpose of ascertaining whether the inmates are protected or revaccinated :

Provided that whenever it is necessary to ascertain whether a woman is or is not protected or revaccinated the investigation shall be conducted in the presence of a female :

Provided further that no such inspection shall be made without giving a reasonable notice to such owner or occupier.

## **13. Prohibition Of Inoculation With Various Matter :-**

(1) Inoculation, that is to say, any operation performed with the object of producing the disease of smallpox in any person by means of various matter, either maliciously or for the purpose of immunisation, shall be prohibited.

(2) Any person, who has undergone such inoculation under circumstances beyond his control, shall remain in isolation for a period of not less than forty days from the date of the operation or until such time as has been certified by a registered medical practitioner that he is no longer likely to infect any other person with smallpox by contact or near approach.

## **14. Penalty :-**

Whoever without sufficient cause-

(a) fails to cause a child to be vaccinated or inspected in accordance with the provisions of Section 4, 6 or 7; or

(b) fails to cause himself to be vaccinated in accordance with Section 9; or

(c) fails to cause himself or a child to be vaccinated or revaccinated, as the case may be, under the provisions of Section 10 or 11; or

(d) voluntarily obstructs any authority in the discharge of the duties assigned to him under any of the provisions of this Act, shall, on conviction, be punished with fine which may extend to fifty rupees and if the offence is a continuing one with a fine of ten

rupees for every day during which the offence continues :

Provided that the aggregate amount of fine for a continuing offence shall not exceed five hundred rupees :

Provided further that no prosecution under this Section shall be instituted after the expiry of twelve months from the date on which the offence has been committed.

**15. Penalty For Making Or Signing False Certificates :-**

Whoever willfully signs or makes, or procures the signing or making of, a false certificate purporting to have been issued under any of the provisions of this Act, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

**16. Penalty For Obstructing Public Vaccinator Or Inspector In The Discharge Of His Duties :-**

Whoever voluntarily obstructs any public vaccinator or Inspector in the discharge of the duties assigned to him as such under the provisions of this Act shall be punished for each such offence with fine which may extend to fifty rupees.

**17. Prosecutions To Be Instituted By The Superintendent Of Vaccination :-**

All offences under this Act shall be cognizable by a Magistrate, subject to. the provisions of any law for the time being in force for the trial of offences, but no complaint of any such offence shall be entertained unless the prosecution be instituted by order, of, or under authority from, the Superintendent of Vaccination.

**18. Appointment Of Superintendents And Assistant Superintendents :-**

(1) The Government may appoint such number of persons as they deem fit having the prescribed qualification to act as Superintendents and Assistant Superintendents of Vaccination who shall be under the administrative control of the Director of Health Services and shall have jurisdiction over such areas as may be specified in the notification of appointment.

(2) The Assistant Superintendent shall exercise such powers and perform such functions of the Superintendent of Vaccination as may be delegated by him with the approval of the Director of Health

Services.

**19. Director Of Health Services To Make Adequate Arrangements :-**

The Director of Health Services shall have power to make adequate arrangements to the satisfaction of the Government for vaccination and revaccination of all persons within the State and shall-

- (a) establish vaccination centers in adequate number and at suitable places;
- (b) employ sufficient number of vaccinators and other staff for work in the vaccination centers and for itinerary services.

**20. Notification Of Stations And Hours Of Attendance :-**

The location of the public vaccination centers and the days and hours of the public vaccinators attendance at each station, shall be published from time to time in such manner as may be prescribed.

**21. Free Vaccination At Vaccination Centers :-**

Vaccination at vaccination centers shall be free of charge and for vaccination at any place other than a vaccination centre, fees may be levied at such rates as may be prescribed.

**22. Use Of Vaccine Lymph For Protection And Immunity Against Smallpox :-**

Vaccination shall- be performed with vaccine lymph used for development of protective immunity against smallpox in the person so vaccinated.

**23. Power To Make Rules :-**

(1) The Government may 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 powers, the Government may make rules for any of the following matters, namely:

- (a) fees to be paid under Section 4 (3) for getting a child vaccinated;
- (b) fees to be paid under Section 6 (1) for getting a child inspected;
- (c) manner of revaccination under Section 10;



- (d) qualification required for appointment as Superintendent or Assistant Superintendent of Vaccination under Section 18 (1);
  - (e) manner of publication of the particulars required to be published under Section 20;
  - (f) rates of fees to be levied for vaccination at a place other than a vaccination centre under Section 21;
  - (g) establishment and Working of vaccination centers;
  - (h) duties, qualifications and appointment of public vaccinators;
  - (i) manner and procedure for vaccination and inspection of results;
  - (j) gratuitous vaccination of such females as are by custom of the country unable to attend at the public vaccination stations and are too poor to pay fees;
  - (k) duties of the Superintendent Vaccination;
  - (l) manner of service of notices under this Act;
  - (m) manner of issue of certificates for postponement of vaccination, successful primary vaccination, insusceptibility to vaccination and for revaccination;
  - (n) maintenance of registers for different purposes including registers for unprotected children and persons;
  - (o) procedure for vaccination of unprotected children and persons removed to another locality;
  - (p) manufacture, storage, issue and sale of vaccine lymph;
  - (q) any other matter which is required to be or may be prescribed.
- (3) All rules made under this Section shall be laid before the Legislative Assembly as soon as possible after they are made for a total period of fourteen days which may be comprised in one or more sessions and shall be subject to such modifications as the Assembly may make during the said period.

## **24. Powers To Remove Difficulties :-**

If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion may require, by order, do anything which appears to them necessary for the purposes of removing the doubt or difficulty.

### **SCHEDULE 1**

#### **SCHEDULE I**

Enactments repealed

[See Section 2]

Name and Year		Short title	Extent of Repeal
1.	Bengal Act 5	The Bengal Vaccination	
	of 1880	Act. 1880	Whole

2.	Act 13 of 1880	The Vaccination Act, 1880	Whole
3.	Bengal Act	The Bengal Vaccination	
	2 of 1911	(Amendment) Act, 1911	Whole
4.	Madras Act	The Madras Local Boards	
	14 of 1920	Act, 1920	Sections 137, 139 and 200.

## **SCHEDULE 2**

### **SCHEDULE II**

#### **FORM A**

[See Section 4 (2)]

Please take notice that the male/female child of .....who has been vaccinated on is required to be produced for inspection of the result of vaccination at vaccination centre on.....between the hours 7 a.m. to 11 a.m.

Dated the .....day of.....20.....

Signature of Vaccinator

#### **FORM B**

[See Section 4 (3)]

To

.....(name of parent or guardian)

Please take notice that you are hereby required under the provisions of the Orissa Vaccination Act, 19..... to take or cause (name of the child), the child of (name of the father) to be taken to a public vaccination centre for vaccination or to cause it to be vaccinated by some registered medical practitioner within fifteen days from the date of service of this notice and that in default of doing so you will be liable to a fine of fifty rupees.

The public vaccination station nearest your house is at The days and hours for vaccination at that centre are

On the said.....(insert name of the child) being brought before the public vaccinator at the said station within the said hours on the said date or at any other public vaccination station in the town on the days and within the hours prescribed for public vaccination at such centre the said..... (name of the child) will be vaccinated free of charge.

If you wish the said (name of the child) to be vaccinated at your own house the public vaccinator will attend there upon payment of a fee of.....

Dated the.....of.....20 Signature of Vaccinator

#### **FORM C**

[See Section 5]

I, the undersigned hereby certify that the male/female child of ..... age about..... years..... months..... is not now in a fit and proper state to be vaccinated. Therefore, the vaccination is postponed for the period of days from this date.

Dated the.....of.....20 Signature of Vaccinator

#### **FORM D**

[See Section 6 (2)]

I, the undersigned hereby certify that the male/female child of age resident at has been successfully vaccinated by me.

Dated the.....of.....20 Signature of Vaccinator

FORM E [Section 9]

I, the undersigned hereby certify that male/female child of resident at has already had smallpox or I have three times vaccinated male/female child of. resident at and I am of opinion that the said child is insusceptible to vaccination for a period of twelve months.

Endorsement by Superintendent of Vaccination.

Signature of Vaccinator/.....

Registered Medical Practitioner

FORM F

[See Section 9]

To

.....

Please take notice that you are hereby required under the provisions of the Orissa Vaccination Act, 1960 to submit yourself to a public vaccinator or registered medical practitioner within fifteen days from the service of this notice for vaccination, and that in default of so doing, you will be liable to a fine which may amount to fifty rupees.

The public vaccination centre nearest your house is at

The days and hours for vaccination at the station are as follows:

(Here insert the days and when the public vaccinator is in attendances)

On your attending before a public vaccinator at the said station within the said hour on any of the said days, or at any other public vaccination centre in the town on the days and within the hours prescribed for public vaccination at such centre, you will be vaccinated free of charge.

If you wish to be vaccinated at your own house, the public vaccinator will attend thereupon payment of a fee of...

Dated the of. 20... Superintendent of Vaccinatio