ODISHA VACCINATION ACT, 1960

ORTS+, ACT 13 OF 1960 I[THE ORISSA VACCINATION ACT, 1960] [Received the assent of the Governor on the 19th June 1960, first published in an extraordinary issue of the Orissa Gazette, dated the 28th June 1960] AN ACT TO PROVIDE FOR COMPULSORY VÄCCINATION FPR SECURING ERADICATION AND PREVmrr10N OP SMALLPOX IN THE STATE OF ORISSA BE it enacted by the Le$slatute of the State of Orissa in the Eleventh Year of the Republic of India as follows . 1. (1) This Act may be called the Orissa Vacci- Short title, extent and nation Act, 1960. ment. (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 force2 on such date and in such local areas as the Government may, from time to time, by notification specify

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force in the State, the enactments specified -in Schedule I so far as they are in force in the State of Orissa shall be repealed to the extent mentioned in the third column of the said Schedule

Form Mven in Schedule 11 ; (b) 'Govern.naent' 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 .1aw, or by natural right or recog- nised usage, or who has accepted or as- sumed 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; 1. For Statement of Objects and Reasons see Orissa Gazette, Extnordinary, daed the 14th De:cember 1959 (ND. 666) and for Report ot' Select Committee see Ibid, dated the 22nd February 19«No. 232)

2. Came into forcx, w.e. f. 2-9-190—Vide Notification No. 13321-H* dated 31-8-1960 published in Orissa Gazette, dated 19-949601 Pt. 111, P. 635. (24) 198 Duty of perent or guardan for va.#ination of every THB ORISSA VACCn.1ATiON ACT, 1960 [Or. Act 13 4. (d) 'Inspector' means a person authorised by the Superintendent of Vaccination to exercise all or any of the functions of an Inspector under this AM ; (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 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 erson appointed as such- under section (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 hasnot been certified under the provisions of, this Act to be in*usceptible to vacci. nation • (8) *'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. COMPULSORY PRMARY VAcCINATION (l) 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 -TMB ORISSA VACCINAYION Aer, 1960 (Sec. 5) (b) every other unprotecte4 child-- (i) living in such area within six months ot the dåte of commencement of this Act ' or (ii) brought to live in such area, either tempo- rarily 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 reason- able despatch, and subject to the conditions' herein- after mentioned, vaccmate• such child and shall • serve a notice in Form •A on its parent or guardian. (3) If any such 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 vacci- nated by registered medical practitioner or a public in the house of the parent or guardian within the area on payment of such fees as may be prescribed. 199 5, If the public vaccinator ot the regstered ment of medical practitioner, as the case may be' finds any child unfit for vaccination, he shall grant a certificate in 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 authorityTor such further veriod, as may be rwommended by the Superintendent of Vaccination, 200 THE ORISSA VACCINATION ACT, 1960 (Secs. 6-8) [Or. Aet 13 Inspection of 6. (1) The parent or guardian of every child, result of who has been vaccinated as provided in section 43 shall produce the child at a public vaccination centre. or cause it to be so produced for inspection of the result of vaccination In accordance with the nötice served under sub-section (2) of the said section or get the child inspected at his own house by an Ins- pector on payment of such fees as may be prescribed. (2) If on ispection 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 author- ity. (4) The provisions of sub-sections (I) and (3) shall apply to •a child until it is deemed to be pro- tected under sub-section (2). Superinten- 7. The Superintendent of Vaccination or any deut of person duly authorised -by him may at any time insp«t inspect the vaccination of any child whether per- formed' by a public vaccinator or a rejstered-medical of child. practitioner and may, - subject to the provisions of section 6,' direct that such child be forthwith revacci- nated. Certfßate 8. (I) If the Superintendent of Vaccination is tibility to satisfied tbat a child— (a) has already had smallpox ; or (b) has been three tirnes unsuccessfully vacci- nated ; 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 of 1.960 | THE ORISSA VACCINATION ACT, 1960 (Secs. 9-12) (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 insusceptible to vaccination on three successive operations as provided in sections 4 and 6, a certi- ficate 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. (1) Every unprotected person shall whenever 201 the Superintendent of Vaccination shall deem it Unprotected persons to be advisable, be served with a notice by him in Form vaccinated. F, requiring him, within fifteen days after the service of the same, to present himself before a public vacci- nator or registere& medical practitioner to be vacci- nated. (2) The provisions of sections 4 to 8 shall mutatis mutandis apply in the case of an unprotected person. COMPULSORY REVACCINATION IO. Within three months of the completion of a Compulsory period of five years from the date of successful pri- revaccina- tion after mary vaccination in accordance with sections 4 to five years 9 every such child or person as the case may be and at intervals ot shall be taken to or shall present himself before a years. public vaccinator or registered medical practitioner at a public vaccination centre for 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. Notwithstanding anything contained in sections 4 to IO, the Superintendent of Vaccination the event o? outbreak may, in the event of an outbreak of smallpox, direct any child or person to be vaccinated forthwith

12. Every owner or occupier of a house, premises, boat, vessel or public vehicle shall allow the Superin- detection of tendent of Vaccination or a public vaccinator duly unprotected authorised gy the Superintendent of Vaccination in child persom this • behalf tb have access thereto for the purpose of ascertaining Whether the inmates are protected or revaccinated 202 THE ORISSA VACCINATION ACT, 1960 (Secs.13-14) or. Aot 13 Provided that whenever it is necessary to ascer- tain 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. Prohibition 13. (1) Inoculation, that is to -say; any operation of inocula- performed with the object of producing the disease with variolou• of smallpox in any person by means of variolous Utter: matter, either maliciously or for the purpose . or immunisation, shall be prohibited. (2) Any person; who has undergone such in— oculation 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. Penalty 14. Whoever without sumcient cause— (a) fails to cause a child to be vaccinated or inspected in accordance with the provi- sions 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 vacci- nated 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 exterid to fifty rupees and if the offence is a continuing one with a fine of ten rup• for ever.y• day during which the offence continues : THE ORISSA VACCINATION ACT, 1960 (secs. 15-18) Provided that the aggregate amount of fine for a continüing offence shall not exceed five hundred rupees : Provided further that no prosecution under this section shall be instituted after the exéiry of twelve months from the date on which the offence has been

committed. 203 15. Whoever wilfully signs or makes, or procures the signing or making of, a false certificate purporting to have been issued under any of the provisions 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. Whoever voluntarily obstructs any public for vaccinator or Inspector in the discharge of the duties public assigned to him as such under the provisions of this Act shall be punished for each such offence with fine iDSP#tor in the which may extend to fifty rupees.discharge or his duties

17. Alk offences under this Act shall be cogni- zable by a Magistrate, subject to the provisions of to b' any law for the time being in force for the trial offences, but no complaint of any such shall dent or he entertained unless the prosecution be instituted by order of, or under authority from, the Superin- tendent of Vaccination.MISCELLANEOUS 18. (1) The Government may appoint such Apmint- number of persons as they deem fit having the of Su*rlnten- cribed qualification to act as Superintendents and Assistant Superintendents of Vaccination who shall Assistant 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) *Ihe 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 Diæclor of Health Services. 204 Dlrxtor of Health Servies to make adequate arrange- rneat*, Notißntba of ttations and hours of attendance. Free vacci- nation at entre. vaccine lymph for protetioa and immu- nity against arnallpox. Power to make rules. ORISSA VACCINATION ACT, 1960 (Secs. 19-23) [Oro. Act 13 19. The Director of Health Services shall have power to make adequate arrangements to the satis- faction of the Government for vaccination and re- vaccination of all persons within the State and shall— (a) establish vaccination centres in adequate number and at suitable places (b) employ sumcient number of vaccinators and other staff for work in the vaccination centres and for itinerary services

20. The location of the public vaccination centres and the days and hours of the public vaccinator's attendance at each station, shall be published from time to time in such manner as may be prescribed

21. Vaccination at vaccination centres shall b' 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. yaccinations shall be performed with vaccine lymph used for development of protective, immunity agamst smallpox in the person so vaccinated. 23. (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 poWer, the Government may make rules for any of the following matters, namely . (a) fees to be paid. under section 4 (3) foe 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 Superin- tendent 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 centre under section 2! Tu ORBA VACCINATION ACT; 1960 (Sec. 24) (g) enablighment and working of vaccination centres (h) duties, qualification and appointment of public vaccinators , V) manner and procedure for vaccination and inspection of results O gratuitous of such females as are by custom of thc country unable to attend at the public vaccination stations end are too poor to pay fess (k) duties of the Superintendent of Vacci- nation , (D manner of service of notices under this Act ; (m) manner of issue of certificates for postpone- ment of successful primary vaccination, insusceptibility to vacci- qation and for revaccination (n) maintenance. of rejsters for different pur- poses including registers for unprotected children and persons ; (o) procedure for vaccination of unprotected childrén 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) Ail rules made under this section shall be laid before the Legisiative Assembly as soon as pos- Sible after they are made for a total period of fourteen days which .qqmptised riq gne or, .rmre *ssions and shall be subject to such modifications as the Aesembly may ' make during the said period

24. It any doubt or dificulty arises' in giving effect to the provisions of thiß Act, the Government may,• as occasion may require, by order, do anything which appears to them necessary for the purposes of removing the aoubt Of diffculty.205 206 1- 4. or the result of yawlnation at.. contre on...

Dated the.... ... .day ot.. THB ORISSA VACCINATION ACT, 1960 Name and Year Bengal Act .5 of 1880 2. Act 13 of 1880 3. Bengal Act 2 SCHEDULE 1 ENACTMENTS REPEALED (See section 2) Shott title The Beogal Vaccination Act. 1880 The Vaccination Act, 1880 The Bengal Vaccination (Amend- ment) 1911. Madras Act 14 of 3920 The Madras Local Boards Act, SCHBDULB 11 FORM A See section 4 (2)] Please take nod* that the mala/female child or [Or. 13 Extent or Rep:al Whole Whole Whole Sections 139 . & .who has been vaccinated between the hours 7 A. M. to 11 A. M. -is to prcduæd for Sfmafre •of Vtxüaræ To onaräian). f See ection 4 (3) (namo ot pannt or Please take Loti* that you are hereby the provisions of the Oiissa Vaccination Act, 19 to take or Rusa:. .... (name of the child), the child of.'..... (rgme of the father) to be taken to a public vaccination for- -vaccination or to •cause it to be by some registered medical* practitioner within fifteen days from the date of setviæ of this nodce and that in detault of doing 90 you will liable to a age fifty or 1960 . .age. . .rasident at, ORISA VACCINATION ACT, 1960 207 The puNic your house i' at.- .. The dayg aud hours for vaccination at that æntre are— On thß said.. ..... (insert the name of the child). being brought the public vaccinator at the said station within the said hours on the said date or at any other public vaccinatoion station in the town on the days within - the hours for public vaccination at such centre the said.. .....@me of the child) wili vagciggted free' of- charge. .. (nama of the child) to bb a' If you wish Che gafd..... oyn house Cha public wilt attend these upon payment ofa fee' of 19 Foix C (See section 5) Superinrmdent of I, tha hereby 'cen.ify• that the' abjlö OT.*.•.•.. '..... aged about.. . ...yærs ... .months is not now in' a fit and propm state to tx vaccinatai. Therefore, tho vaccination iB for tho of.... from this date. (See section 6 the hereby cenify that.. ma16)fema1e child of.. -..... ... — •c. • successfully '*day 19 -Sfgøaruu •of VacetBarør .....tbe vaccinat«i by Signature of Vacelnator 208 THE ORISSA VACCINATION ACT, 1960 (SCHEDULE) F0RM B (See section 8) I. the undersigned hereby certify tbBt.. .. .. resident at cs I have thru times vaccinated.. ..... ,resident at.... ..... ha. already that the said child is to vaccination for a dftwetve mont.Z3. by of vacanation •Signature of MedleaJ FORM F (See s.ction 9) Pleasa take notico thac you aro hereby under the 'providо:u or the Oriu Act. 1960 to submit yourself to a pubic va#inator or pmÖ donar within fifteen days from the service ofthis notice for and that in demulae of go doing, you will liable to a fine which may amount to my TIL public vaccination centre near<t your hou.se is days and •hours for vaccir:Ltsoo at -the station am rollows:—- (Here insert the days and hours wham the public vacdn.Rtor is in• On your attending a public vaccinator at the said itation within tho said hoar on any of the said days, or at-any other public in the town on the days and within tho hours for public vaccination at such xntrej you will fræ of charge. if you wish to be at your own house, the public vacdutor will attend' thetA upon payment of a fee of.. Datd the Superintendent of Vaccina"on