



## THE VACCINATION ACT, 1880



### CONTENTS

---

#### SECTIONS:

1. Short title.  
Application.
2. Interpretation-clause.
3. Extension of Act to municipalities.
4. Extension to cantonments.
5. Power to withdraw local area from operation of Act.
6. Prohibition of inoculation.  
Inoculated persons not to enter without certificate local area subject to Act.
7. Vaccination-circles.  
Vaccinators.  
Superintendent of vaccination.
8. Private vaccinators.
9. Unprotected children to be vaccinated.  
Vaccinator to vaccinate children, or deliver certificates of postponement.
10. Inspection after vaccination.
11. Procedure when vaccination is successful.
12. Procedure when vaccination is unsuccessful.
13. Procedure when child is unfit for vaccination.  
Renewal of postponement certificates.
14. Certificates of insusceptibility of successful vaccination.
15. What lymph to be used.
16. No fee to be charged except by private vaccinator.  
Proviso.
17. Duties of suprintendent of vaccination.  
Notice to parent or guardian neglecting to comply with Act.
18. Order by Magistrate when notice not complied with.  
Procedure when order not obeyed.  
Magistrates to be non-official Natives.
19. Power to make rules for municipalities.
20. Power to make rules for cantonments.
21. What rules under sections 19 and 20 may provide for.
22. Punishment of offences.
23. Municipal funds to receive fees and meet expenditure.

# THE VACCINATION ACT, 1880

<sup>1</sup>ACT No. XIII OF 1880

[9th July, 1880]

## An Act to give power to prohibit inoculation and to make the vaccination of children compulsory in certain Municipalities and Cantonments<sup>2</sup>.

**Preamble.** WHEREAS it is expedient to give power to prohibit inoculation, and make the vaccination of children compulsory in certain municipalities and cantonments<sup>2</sup> ; It is hereby enacted as follows:—

**1. Short Title. Application.** This Act may be called the Vaccination Act, 1880 : and it shall apply only to such municipalities and cantonments<sup>3</sup> situate in <sup>4</sup>[the Punjab, the North-West Frontier <sup>5</sup>\* and the district of Sylhet <sup>6</sup>\* \* \*] as it may be extended to in manner hereinafter provided.

**2. Interpretation-clause.** In this Act unless there is something repugnant in the subject or context,—

(1) **“Municipal Commissioners.”** 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:

(2) **“parent.”** “parent” means the father of a legitimate child and the mother of an illegitimate child:

---

<sup>1</sup>For Statement of Objects and Reasons, see Gazette of India, 1880, Pt. V p. 80 ; for Report of Select Committee. see *ibid.*, p. 205, and for Proceedings in Council, see *ibid.*, 1879, Supplement, p. 1225, and *ibid.*, 1880, Supplement, pp. 566, 1204.

This Act has been declared to be in force in Balochistan by the British Balochistan Laws Regulation, 1913 (2 of 1913), s. 3.

It has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications ; see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.

It has been extended to the Excluded Area of Upper Tanawal other than Phulera by N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950 and declared to be in force in that area with effect from 1st June, 1951, see N.W.F.P. Gazette, Ext., dated the 1st June, 1951.

It has been diversely amended in the Punjab, by Punjab Acts 3 of 1915 and 2 of 1929, and in N.W.F.P. by N.W.F.P. Act 11 of 1947.

It has been extended to the Leased Areas of Balochistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and also applied in the Federated Areas of Balochistan, see Gaz. of India, 1937, Pt. I, p. 1499.

This Act has been repealed in its application to the Province of West Pakistan by West Pakistan Ordinance 27 of 1958, s. 16.

<sup>2</sup>The long title and preamble have been amended in the Punjab and N.W.F.P. so as to include other local areas.

<sup>3</sup>This provision has been amended in the Punjab and the N.W.F.P. so as to include other local areas.

<sup>4</sup>The original words "the territories administered respectively by the Lieutenant-Governor of the North-Western Provinces and the Punjab, and the Chief Commissioner of Oudh, the Central Provinces, British Burma, Assam, Ajmer and Coorg" has been successively amended by A.O., 1937, A.O., 1949, Sch. and the Federal Laws (Revision and Declaration) Act, 1926 (26 of 1951), s. 8, to read as above.

<sup>5</sup>The words "Province" omitted by the Central Laws (Statute Reform) Ordinance, 1960 (21 of 1960), s. 3 and 2nd Sch. (with effect from the 14th October, 1955).

<sup>6</sup>The words "in East Bengal" omitted *ibid.*, (with effect from the 14<sup>th</sup> October, 1955).

- (3) **“guardian”.** “guardian” includes any person who has accepted or assumed the care or custody of any child:
- (4) **“unprotected child.”** “unprotected child” means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under this Act to be insusceptible to vaccination:
- (5) **“inoculation.”** “inoculation” means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter:
- (6) **“vaccination-circle.”** “vaccination-circle” means one of the parts into which a municipality or cantonment has been divided under this Act for the performance of vaccination:
- (7) **“vaccinator”.** “vaccinator” means any vaccinator appointed under this Act to perform the operation of vaccination, or any private person authorized <sup>1</sup>\* \* \* in manner hereinafter provided to perform the same operation; and includes a "Superintendent of vaccination" :
- (8) **“vaccination-season.”** “vaccination-season” means the period from time to time fixed by the <sup>2</sup>[Provincial Government] for any local area under its administration by notification in the official Gazette, during which alone vaccination may be performed under this Act.

**3. Extension of Act to municipalities.** A majority in number of the persons present at a meeting of the Municipal Commissioners specially convened in this behalf may apply to the <sup>2</sup>[Provincial Government] to extend this Act to the whole or any part of a municipality, and thereupon the <sup>2</sup>[Provincial 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 may within six weeks from the date of such publication, send his objection in writing to the Secretary to the <sup>2</sup>[Provincial Government], and the <sup>2</sup>[Provincial Government] shall take such objection into consideration. When six weeks from the said publication have expired, the <sup>2</sup>[Provincial Government], if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in its opinion they are insufficient, may by like notification effect the proposed extension<sup>3</sup>.

**4. Extension to cantonments.** The <sup>2</sup>[Provincial Government] may, <sup>4</sup>\* \* \* by notification in the <sup>5</sup>[official Gazette], extend this Act to the whole or any part of a military cantonment.

---

<sup>1</sup>The words “by the L.G.” rep. by the Decentralization Act, 1914 (4 of 1914), s. 2 and Sch., Pt. I.

<sup>2</sup>Subs. by A.O., 1937, for “L.G.”.

<sup>3</sup>In the Punjab and N.W.F.P. a new section 3A has been inserted by Punjab Act 2 of 1929, and N.W.F.P. Act. 11 of 1947 respectively, providing for extension of the Act to other local areas.

<sup>4</sup>The words “subject to the control of the G.G. in C” rep. by the Devolution Act, 1920 (38 of 1920).

<sup>5</sup>Subs. by A.O., 1937, for “local official Gazette”.

**5. Power to withdraw local area from operation of Ac.** The <sup>1</sup>[Provincial Government] may, by notification in the official Gazette, withdraw any local area in a municipality<sup>2</sup> or <sup>3</sup>\* \* \* any local area in a cantonment, from the operation of this Act.

**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, without a certificate from a medical practitioner, of such class as the <sup>1</sup>[Provincial 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.

**7. Vaccination circles.** Every local area to which this Act applies shall be a vaccination circle, or shall in manner hereinafter provided be divided into 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.

**8. Private vaccinators.** The <sup>4</sup>[Commissioner] may by written licence authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such licence.

**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 be taken, to a vaccinator to be vaccinated, or send for 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 part of the current vaccination-season.

---

<sup>1</sup>Subs. by A.O., 1937, for "L.G."

<sup>2</sup>This provision has been amended in the Punjab and N.W.F.P. so as to include other local areas.

<sup>3</sup>See foot-note 4 on preceding page.

<sup>4</sup>Subs. by the Decentralization Act, 1914 (4 of 1914), s. 2 and Sch., Pt. I, for "L.G."

In the N.W.F.P. the reference to the Commissioner should be construed as referring to the Revenue Commissioner; see the N.W.F.P. Law and Justice Regulation, 1901 (7 of 1901), s.6 (1) (f).

**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 it to be taken, to a vaccinator for inspection, or get it inspected at his own 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.

**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.

**12. Procedure when vaccination is unsuccessful.** 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.

**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, the 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.

**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.

**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 in 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.