



## The Himachal Pradesh Vaccination Act, 1968

Act 17 of 1969

**Keyword(s):**

**Child, Guardian, Inoculation, Primary Vaccination, Re-Vaccination, Unprotected Child, Vaccination, Vaccination Station, Vaccination Circle, Vaccinator**

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## THE HIMACHAL PRADESH VACCINATION ACT, 1968.

## ARRANGEMENT OF SECTIONS

## SECTIONS:

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## SCHEDULE

(Act No. 17 of 1969)<sup>1</sup>

[Received the assent of the President of India on the 21st May, 1969, and was published in R.H.P. Extra., dated the 23rd July, 1969 at p. 701—708].

Amended, repealed or otherwise affected by,—

- (i) A. O., 1973, published in R. H. P. Extra., dated the 20th January, 1973, p. 91—112.

*An Act to consolidate and amend the law relating to the prohibition of inoculation and to make the primary vaccination and re-vaccination of children compulsory throughout Himachal Pradesh.*

BE it enacted by the Legislative Assembly of Himachal Pradesh in the Nineteenth Year of the Republic of India, as follows :—

**1 Short title, extent and commencement.**—(1) This Act may be called the Himachal Pradesh Vaccination Act, 1968.

(2) It shall come into force at once.

(3) It extends to the whole of Himachal Pradesh.

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

(1) “child” means a person who has not attained the age of thirteen years ;

(2) “guardian” means any person to whom the care, nurture or custody of any child falls either 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, nurture or custody of any child has been entrusted by any lawful authority ;

(3) “inoculation” means any operation performed with the object of producing the disease of small-pox in any person by means of variculous matter ;

(4) “Local area” means an area under the control of a local authority, including a cantonment ;

(5) “notification” means notification published under proper authority in Rajpatra, Himachal Pradesh ;

(6) “prescribed” means prescribed by rules made under this Act ;

(7) “primary vaccination” is the first successful vaccination after birth ;

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<sup>1</sup>For Statement of Objects and Reasons, see R.H.P. Extra., dated the 30th November 1968, Page 1187.

- (8) "re-vaccination" is any subsequent vaccination after primary vaccination ;
- (9) "State" means the <sup>1</sup>[State of Himachal Pradesh] ;
- (10) "Government" or "State Government" means the Government of Himachal Pradesh ;
- (11) "unprotected child" means a child who has not had small-pox and has not been vaccinated or who has not, within a period of five years, been successfully re-vaccinated ;
- (12) "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 ;
- (13) "vaccination station" means a place where vaccination is performed free of charge by the direction or under the authorisation of the Medical Officer of Health concerned ;
- (14) "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 ; and
- (15) "vaccinator" means any person appointed under this 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 Inspector of Vaccination and Sanitation.

**3. Prohibition of inoculation and inoculated persons from entering without certificate.**—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 small-pox by contact or near approach.

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

**5. Vaccinators and Superintendents of Vaccination.** (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.

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<sup>1</sup>Subs. for "Union Territory of Himachal Pradesh" by A.O. 1973.

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

**6. Private vaccinators.**—The State 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.

**7. Unprotected child to be vaccinated or re-vaccinated.**—(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.

(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 the 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. Inspection after vaccination.**—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.

**9. Procedure when vaccination is successful.**—When it is ascertained at the time of inspecting a child that the vaccination or re-vaccination has been successful, a certificate shall be given by a 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.

**10. Procedure when vaccination is unsuccessful.**—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.

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 small-pox and shall be exempted from vaccination thereafter.

**11. What vaccine lymph to be used.**—Only such vaccine lymph as has been approved by the Director of Health Services, Himachal Pradesh, shall be used for vaccination or re-vaccination.

**12. Vaccination fee.**—(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 :

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

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

**13. Duties of Superintendent of Vaccination.**—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 unprotected 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.

**14. Order by magistrate when notice under section 13 is not obeyed.**— If such notice is not complied with, the Superintendent of Vaccination shall report the matter to the District Magistrate or any other 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, the magistrate shall deal with the disobedience as an offence punishable under section 16 of this Act.

**15. Power to make rules.**—(1) The State Government may, by notification, 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 as a public vaccination station 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 vaccinator generally in the performance of their duties ;

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<sup>1</sup>The Rules framed *vide* Notification No. 11-7/69-H&FP., dated the 18th August, 1937 (Appended).

- (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 ;
- (n) the preparation of vaccination report and returns ; and
- (o) any other matter relating to the implementation of this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the Legislative Assembly of Himachal Pradesh while it is in session for a total period of ten days, which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Legislative Assembly agrees in making any modification in the rule or decides that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule .

**16. Punishment of offences—Whoever—**

- (a) violates the provisions of section 3 ;
- (b) does not comply with the provisions of sub-section (3) 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.

17. **Local bodies to receive fees and meet expenditure.**—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.

18. **Repeal and savings.**—The enactments mentioned in schedule to this Act are repealed to the extent specified in the third column thereof with effect from the coming into force of this Act :

Provided that anything done or any action taken (including any notification, direction, licence or notice issued, rules made and any proceedings commenced or continued) under any of the enactments hereby repealed shall be deemed to have been done or taken under the corresponding provision of this Act.

19. **Removal of difficulty.**—If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions, or give such directions, not being inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

#### SCHEDULE

(See section 18)

Number and year 1	Short title 2	Extent of repeal 3
Act 13 of 1880	The Vaccination Act, 1880 as extended to Himachal Pradesh by the Merged State (Laws) Act, 1949 (59 of 1949) and as amended by the Vaccination (Himachal Pradesh Amendment) Act, 1955 (3 of 1956).	The whole.
Act No. 49 of 1953	The Punjab Vaccination Act, 1953 as in force in the territories transferred to Himachal Pradesh under section 5 of the Punjab Reorganisation Act, 1966 (31 of 1966).	The whole.