

# The Rajasthan Vaccination Act, 1957

RAJASTHAN

India

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### Act 17 of 1957

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The Rajasthan Vaccination Act, 1957 Act No. 17 of 1957 [Published in the Rajasthan Gazette (Raj-patra) Part IV-A, Extraordinary, dated the 6th June, 1957.] [Received the assent of the Governor on the 3rd day of June, 1957.] An Act to make the vaccination of children compulsory. Be it enacted by the Rajasthan State Legislature in the Eighth Year of the Republic of India as follows:-

#### 1. Short title, extent and commencement.

(1) This Act may be called the Rajasthan Vaccination Act, 1957. (2) It extends to the whole of the State of Rajasthan. (3) It shall come into force at once.

#### 2. Interpretation.

(1) In this Act, unless the subject or context requires otherwise, - (i) "guardian" includes any person who has accepted or assumed the care or custody of any child; (ii) "parent" means the father of a legitimate child and the mother of an illegitimate child; (iii) "unprotected child" means a child who has not been protected from small-pox by having had that disease naturally or by having been successfully vaccinated and who has not been certified under this Act to be insusceptible to vaccination; (iv) "State" or "State of Rajasthan" means the new State of Rajasthan as formed by section 10 of the States Reorganisation Act, 1956 (Central Act 37 of 1956); (v) "vaccination circle" means any area demarcated as such under section 4 for the performance of vaccination; (vi) "vaccinator" means any person appointed or authorised under this Act to perform the operation of vaccination and includes a Superintendent of vaccination; and (vii) "vaccination season" means the period from time to time fixed by the State Government during which alone vaccination may be performed. (2) The provisions of the Rajasthan Central Clauses Act, 1955 (Rajasthan Act 8 of 1955) in force in the pre-reorganisation State of Rajasthan shall, as far as may be, apply mutatis mutandis to this Act.

### **3. Power to exempt from operation of Act.**

- If in the opinion of the State Government good reasons exist for doing so, it may, by notification in the Official Gazette, exempt any area under its administration from the operation of this Act.

### **4. Vaccination Circles.**

- The Director of Public Health shall demarcate each district into as many vaccination circles as he may think necessary.

### **5. Vaccinators.**

(1) For each vaccination circle there shall be appointed one or more vaccinators for the performance of vaccination. (2) The District Health Officer or, where there is no such officer, the Medical Officer-in-charge of a district shall be the Superintendent of Vaccination.

### **6. Licensed Vaccinators.**

- The Director of Public Health may, by written license, authorise private vaccinators to perform vaccination in any vaccination circle and may suspend or cancel any such license.

### **7. Unprotected children to be vaccinated.**

(1) When any unprotected child, having attained the age of six months, has resided for a period of one month during the vaccination season in any vaccination circle 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 a child shall take it, or cause it to be taken, to a vaccinator to be vaccinated or send for a vaccinator to vaccinate it. (2) 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.

### **8. Inspection after vaccination.**

(1) The parent or guardian of every child which has been vaccinated under section 7 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. (2) 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 where vaccination is successful.**

- When it is ascertain time of inspecting a child under section 8 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.

## **10. Procedure where vaccination is unsuccessful.**

- When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs, cause the child to be forthwith again vaccinated and subsequently inspected in the manner herein before provided.

## **11. Procedure when child is unfit for vaccination.**

- A certificate granted under section 7 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 is to be taken, to a vaccinator to be vaccinated or procure its vaccination at his own house by a vaccinator: Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 7 shall be renewed.

## **12. Certificate of insusceptibility of successful vaccination.**

- If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated in 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 not thenceforth be required to cause the child to be vaccinated.

## **13. What lymph to be used.**

- The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by rules made under that Act: Provided that 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.

## **14. No fee to be charged except by licensed vaccinator.**

- No fee shall be charged by any vaccinator except a licensed vaccinator to the parent or guardian of any child for the performance of vaccination or of any other duty imposed on him except as provided by this Act or the rules made thereunder: Provided that, it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian at the latter's residence or at a time best suited to such parent or guardian or at a place outside the vaccination circle for which such vaccinator is appointed.

## **15. Duties of Superintendent of Vaccination.**

- The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Act, shall ascertain or cause to be ascertained whether all unprotected children, under the age of fourteen years, if boys, and under the age of eight years, if girls, in his district have been vaccinated; and if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection and has omitted to do so, he or any other person authorised by him in this behalf shall personally go to the house of such parent or guardian and there make inquiry and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated or, as the case may be, that it be presented for inspection, at a time and place specified in such notice.

## **16. Order by Magistrate when notice not complied with.**

(1) If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district or such other Magistrate as the State Government or the District Magistrate may from time to time appoint in this behalf; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order. (2) If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him and, unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 20.

## **17. Power to make rules.**

(1) The State Government may, by notification in the Official Gazette, make rules consistent with this Act for the proper enforcement thereof. (2) Such rules may, among other matters, provide for—(a) the demarcation of vaccination circles under section 4; (b) the appointment of a place in each vaccination circle as a public vaccination station; (c) the posting of some distinguishing mark in a conspicuous place near such station; (d) the qualifications to be required of vaccinators; (e) the authority competent to appoint, suspend and dismiss vaccinators; (f) the time of attendance of vaccinators at the vaccination stations and their residence within the limits of vaccination circles; (g) the distinguishing mark or badge to be worn by them; (h) the amount of fees chargeable under section 14 and the guidance of vaccinators generally in the performance of their duties; (i) the facilities to be afforded to people for procuring the vaccination of their children at their own houses; (j) the grant and form of certificates of successful vaccination, of unfitness for vaccination or of insusceptibility of vaccination; (k) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph; (l) the fee to be paid to a vaccinator for vaccinating a child at a place outside the vaccination circle at the request of the parent or guardian of the said child; (m) the preparation and keeping of registers showing—(i) the names of children born in each vaccination circle, (ii) the names of unprotected children in each such circle, (iii) the result of each vaccination or its postponement; (iv) the delivery of certificates, if any; (n) the preparation of vaccination reports and returns; and (o) other matters which may be, or are required to be, prescribed.

## **18. Power to transfer execution of Act to local authority.**

- The State Government may from time to time, by notification in the Official Gazette, transfer the execution of the provisions of this Act in any vaccination circle to any local authority having jurisdiction in such circle, and in every such case the amount of all fees realised and the amount of all expenditure incurred under this Act shall respectively be credited to and paid from the fund of such local authority.

## **19. Power to delegate.**

- The State Government may, by notification in the Official Gazette, delegate to any local authority or to any officer or authority subordinate to the State Government or to such local authority, all or any of the powers exercisable by the State Government under this Act except the power to make rules.

## **20. Offences.**

- Whoever commits any of the following offences, that is to say, -(a) neglects without just excuse to obey an order made under section 16, or (b) breaks any of the rules made under section 17, or (c) neglects without just cause to obey an order made under section 16 after having been previously convicted of so neglecting to obey a similar order made in respect of the same child, shall be punished - (i) in the case of the offence mentioned in clauses (a) and (b), with fine which may extend to ten rupees, and (ii) in the case of the offences mentioned in clause (c), with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees or with both.

## **21. Repeal.**

- The Vaccination Act, 1880 (Central Act XIII of 1880) as adapted to Rajasthan and all laws dealing with vaccination in force in the covenanting States or in the Abu, Ajmer and Sunel areas are hereby repealed. Notification No. J 530-44, dated 10-2-1961, Published in Rajasthan Gazette, Part 11(a), dated 4-5-1961, page 28. - In exercise of the powers conferred on me by section 16 of the Rajasthan Vaccination Act, 1957, I, G.K. Bhagat District Magistrate, Bhilwara do hereby empower all the Sub-Divisional Magistrate of District Bhilwara, City Magistrate, and the First Class Magistrate, Bhilwara/Jahazpur to take cognizance of offences under the aforesaid Act, (Rajasthan Vaccination Act, 1957) within their respective jurisdiction. Order No. Jud. /182, dated 30-1-1962, Published in Rajasthan Gazette, Part 11(a), dated 1-3-1962. - In exercise of powers conferred upon me under section 16 of Rajasthan Vaccination Act, 1957, I.R. Mookijee I.A.S. District Magistrate Jaisalmer hereby appoint the Sub-Divisional Magistrates of Jaisalmer and Pokran to receive the challans for refusal to get vaccinated against small pox in their respective jurisdictions.