

# The Vaccination Act, 1880

## ( ACT NO. V OF 1880 )

[ 26th May 1880 ]

**<sup>1</sup>♣An Act to make vaccination compulsory.**

### PRELIMINARY

<b>Preamble</b>	WHEREAS it is expedient to make vaccination compulsory in the port of Chittagong and in certain towns and selected local areas in Bangladesh to which this Act may be hereafter extended; It is hereby enacted as follows:-
<b>Short title Extent</b>	1. This Act may be called the <sup>2</sup> [* * *] Vaccination Act, 1880;
<b>Power to extend Act to towns and local areas</b>	The Government may, by notification published in the official Gazette, declare its intention to extend this Act, or any of its provisions, to any town or selected local area in Bangladesh.
<b>Objection to such extension</b>	Any inhabitant of such town or area objecting to such extension may, within six weeks from the said publication, send his objection in writing to the Secretary to the Government, and the Government shall take such objection into consideration.
<b>Procedure thereon</b>	When six weeks from the said publication have expired, the Government, if no such objections have been sent as aforesaid, or (where such objections have been so sent in) if in its opinion they are insufficient, may by like notification effect the proposed extension.

The Government shall cause the substance of any notification mentioned in this section to be proclaimed and notified within the town or area affected by the same, in the vernacular of such town or area, by such means, and in such manner, as it may direct.

**Commencement** The operation of this Act in any place may at any time be suspended by the Government by notification in the official Gazette.

**Interpretation-  
clause**

2. In this Act, unless there be something repugnant in the subject or context,-

"parent" includes the father and mother of a legitimate child, and the mother of an illegitimate child;

"guardian" means any person to whom the care, nurture or custody of any child falls by law, or by natural right or recognized usage, or who has accepted or assumed the care, nurture or custody of any child, or to whom the care or custody of any child has been entrusted by any authority lawfully authorized in that behalf;

"public vaccinator" means any vaccinator appointed under this Act, or any person duly authorized to act for such public vaccinator;

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

"medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery;

"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 the provisions of this Act to be insusceptible of vaccination;

"unprotected person" includes a child who has no parent or guardian and means a person 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 the provisions of this Act to be insusceptible of vaccination;

"section" means a section of this Act.

## VACCINATION OF CHILDREN

**Parent or guardian of children born in compulsory limits, and of unprotected children brought to reside in such limits, must procure their vaccination**

3. The parent or guardian of every child born in any place to which this Act applies, as above provided, or may hereafter be extended shall, within six months after the birth of such child, and

the parent or guardian of every unprotected child under the age of fourteen years brought to reside, whether temporarily or permanently, in such place aforesaid,

shall, within six months after such child's arrival in such place,

take it, or cause it to be taken to a public vaccine-station to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner or public vaccinator;

**Unprotected child may be required to be vaccinated within fifteen days**

and the parent or guardian of every unprotected child may, whenever the Superintendent of Vaccination, as hereinafter appointed, shall deem it expedient, be served with a notice, in the form prescribed in the first schedule of this Act, requiring the parent or guardian, within fifteen days after the service of the same, to take such child, or cause such child to be taken, to a public vaccine-station to be vaccinated, or within such period as aforesaid to cause it to be vaccinated by some medical practitioner or public vaccinator;

**Public vaccinator bound to vaccinate all children brought to him**

and every such parent or guardian shall, within the said period, comply with the requisition;

and any public vaccinator to whom such child, or to whom any child under the age of fourteen years, is brought for vaccination at such vaccine-station, or who is requested to vaccinate such child elsewhere than at a public

vaccine-station, is hereby required, with all reasonable dispatch, subject to the conditions hereinafter mentioned, to vaccinate such child.

**Inspection**

4. At an appointed hour on a day not less than seven or more than ten days after the operation shall have been performed, or on an earlier day, if required, the parent or guardian shall cause the child to be inspected by the operator (if a medical practitioner) or by an Inspector, that the result of the operation may be ascertained; and when any public vaccinator has vaccinated a child elsewhere than at a public vaccine-station, an Inspector shall visit the child at the time and for the purpose above mentioned, whether he is requested to do so or not.

**Repetition of vaccination**

In the event of the vaccination being unsuccessful, such parent or guardian shall, if the Inspector or medical practitioner so direct, cause the child to be forthwith again vaccinated and subsequently inspected as on the previous occasion.

No fee shall be charged by an Inspector for anything done by him under this section.

**If child be unfit for vaccination, certificate in Form A to be given, which shall remain in force for one month, but shall be renewable**

5. If any Inspector or medical practitioner shall be of opinion that any child is not in a fit state to be vaccinated, he shall forthwith deliver to the parent or guardian of such child a certificate under his hand according to the form of Schedule A hereto annexed, or to the like effect, that the child is then in a state unfit for vaccination.

The said certificate shall remain in force for one month only, but shall be renewable for successive periods of one month until the Inspector or medical practitioner shall deem the child to be in a fit state for vaccination, when the child shall, with all reasonable despatch, be vaccinated, and a certificate of successful vaccination given in the form of Schedule C hereto annexed according to the provisions of section 7 if warranted by the result.

**Procedure  
where child  
is found to  
have had  
small-pox or  
to be  
insusceptible  
of  
successful  
vaccination**

6. (1) If any Inspector or medical practitioner finds-

(a) that a child brought for vaccination has already had small-pox, or

(b) that a child who 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, according to the form in Schedule B hereto annexed, or to the like effect.

(2) If the Superintendent is satisfied that such child has already had small-pox or is insusceptible of successful vaccination, he shall endorse such certificate.

(3) Such endorsement shall operate as an exemption from liability to vaccination,-

(i) in case (a) in sub-section (1)- absolutely, and

(ii) in case (b) in that sub-section-for a period of twelve months.

(4) Upon the expiration of the said period, the parent or guardian of such child shall forthwith cause the child to be vaccinated again;

and if an Inspector or a medical practitioner finds after two further unsuccessful vaccinations that the child is insusceptible of successful vaccination, he shall deliver to the parent or guardian a further certificate under his hand, according to the form of Schedule B hereto annexed, or to the like effect;

and if the Superintendent of vaccination be again satisfied that the child is insusceptible of successful vaccination, he shall endorse such certificate and such endorsement shall operate as an absolute exemption from liability to further vaccination.

**Provision  
for giving  
certificates**

7. When a public vaccinator or medical practitioner has performed the operation of vaccination upon any child, and an Inspector or such practitioner

**of  
successful  
vaccination**

has ascertained that the same has been successful,  
such Inspector or practitioner, as the case may be, shall deliver to the parent or guardian of such child a certificate according to the form of Schedule C hereto annexed or to the like effect, certifying that the said child has been successfully vaccinated.

**No fee to be  
charged for  
vaccination  
at a public  
vaccine-  
station, or  
for  
certificates**

8. No fee or remuneration shall be charged by any Inspector to the parent or guardian of any child for any such certificate as aforesaid, nor by any public vaccinator for any vaccination done by him in pursuance of this Act at a public vaccine-station.

But, when a public vaccinator attends at the request of the parent or guardian elsewhere than at a public vaccine-station for the purpose of vaccinating a child, he shall be paid a fee not exceeding fifty poisha; such fee to be devoted to the purposes in the next succeeding section mentioned.

**Fees how to  
be  
appropriated**

9. All such fees shall be appropriated as the Government may from time to time direct.

**Superintendent  
of  
vaccination  
or his  
assistants  
may inspect  
vaccination  
of child**

10. The Superintendent of Vaccination, as hereinafter appointed, or any of his assistants, or any Inspector may, from time to time, inspect the vaccination of any child, whether performed by a public vaccinator or medical practitioner; and may, if he thinks fit, direct that such child be forthwith again vaccinated.

### **VACCINATION OF UNPROTECTED PERSONS**

**Unprotected  
persons to  
be  
vaccinated**

11. Every unprotected person may, whenever the said Superintendent of vaccination shall deem it advisable, be served with a notice in the form in Schedule D hereto annexed, requiring him, within fifteen days after service of the same, to submit himself to a public vaccinator or medical practitioner to be vaccinated; and every such person shall, within the said period, submit himself to a public vaccinator or medical practitioner for vaccination.

**Former sections applicable**

12. The provisions of sections 3 to 10 (both inclusive) shall apply, with the necessary alterations, to the case of unprotected persons.

**Health Officer of Port may cause vaccination of unprotected persons on their arrival**

13. The powers conferred by sections 11 and 30 upon the said Superintendent of Vaccination may, in the case of unprotected persons arriving in the port of Chittagong, be exercised by the Health Officer of the said port immediately upon their arrival.

**Health Officer may, in certain cases, require immediate vaccination of unprotected person on board**

If a vessel arrives in the said port of Chittagong having on board any person suffering from the disease of small-pox, the said Health Officer may, if he deem it expedient in order to prevent the risk of the contagion of small-pox being conveyed into the town or suburbs of Chittagong, require any unprotected person on board such vessel to submit himself forthwith to be vaccinated; and every such person shall, before leaving the vessel, submit himself to the said Health Officer, or any person duly authorized to act in this behalf, for vaccination:

Provided that nothing herein contained shall apply to any vessel belonging to, or in the service of, the Government, or to any vessel belonging to any foreign Prince or State.

### **MISCELLANEOUS**

**Occupier of house, etc., to allow access**

13A. Every person occupying any house, enclosure, vessel or other place within the limits of the town or port of Chittagong, or the suburbs of Chittagong, shall allow the Superintendent of Vaccination, or a medical practitioner, or public vaccinator or Inspector duly authorized by him in this behalf, such access thereto as he may require for the purpose of ascertaining whether the inmates are protected or not, and as, having regard to the customs of the country, may be reasonable.

Whenever it is necessary to ascertain whether a woman is protected or not, the investigation shall be conducted by a female with strict regard to the habits and customs of the country.

**Public  
vaccine-  
stations**

14. For the purposes of this Act, the Deputy Commissioner may, subject to the approval of the Government, appoint such stations for the performance of vaccination as he may, from time to time, deem fit.

Such stations shall be called "public vaccine-stations".

The Deputy Commissioner may appoint such public vaccinators and vaccination establishments for carrying out the purposes of this Act as he may, from time to time, deem fit.

**Notification  
of stations  
and hours  
of  
attendance**

The positions of the public vaccine-stations fixed under the provisions of this section, and the days and hours of the public vaccinators' attendance at each station, shall be published, from time to time, in such manner as the Deputy Commissioner may direct.

**Power of  
Deputy  
Commissioner  
to make  
rules**

15. The Deputy Commissioner may, from time to time, make such rules, consistent with this Act, as he may deem fit, for regulating the expenses of such vaccination establishments aforesaid, the payment of public vaccinators and Inspectors, and the realization and scale of fees under this Act.

**Superintendent  
of  
Vaccination**

16. The Civil Surgeon of a district, or such other officer as the Government may, from time to time, appoint in that behalf, shall, in that district, exercise the powers and perform the duties by this Act assigned to the Superintendent of Vaccination.

Such officer, subject to the orders of the Government, shall have a general control over all the proceedings of public vaccinators and Inspectors, and shall perform such duties in connection with public vaccination, in addition to those prescribed by this Act, as shall be required by the Government.



**[Omitted]**

17. [Omitted by the East Pakistan Repealing and Amending Ordinance, 1962 (Ordinance No. XIII of 1962).]

## **REGISTRATION**

**Registrar of Births to give notice of requirement of vaccination**

18. On the registration of the birth of any child under the provisions of any law for the time being in force, the Registrar shall deliver to the person giving information of such birth a printed notice in the form of Schedule E hereto annexed, or to the like effect; and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

**Duplicates of all certificates to be transmitted to the Registrar**

19. Every Inspector or medical practitioner, who gives to any parent or guardian a certificate in any of the forms of the said Schedules A, B and C, shall, within twenty-one days after giving the same, transmit a duplicate thereof to the Registrar of Births of the district where the birth of the child on whose account such certificate was given has been registered;

or, if that be not known to him, to the Registrar of the district within which the child was vaccinated or presented for vaccination.

**Registrar to keep a vaccination notice and certificate book,**

20. The Registrar of Births shall keep a book, in such form as may, from time to time, be prescribed by the rules made under section 33, in which he shall enter minutes of the notices of vaccination given by him as herein required, and shall also register the duplicates of certificates transmitted to him as herein provided.

**and also a duplicate register of births with entries concerning vaccination,**

21. He shall also prepare and keep a duplicate of the register of births required to be kept by him under the provisions of any law for the time being in force, with such additional columns as shall, from time to time, be prescribed by the rules made under section 33, in which he shall record the date of every duplicate certificate in the form of the said Schedule B or Schedule C received by him concerning any child whose birth he has

registered, and make an entry to the effect that the child has been vaccinated or is insusceptible of vaccination, as the case may be.

**and also a register of postponed vaccinations**

22. He shall also keep a register of postponed vaccinations in the form of Schedule F hereto annexed, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of the said Schedule A, together with the date of such duplicate certificate, and of each such successive duplicate certificate if he receives more than one; and shall show the number and year of the entry, if any, in the register of births in which such child's birth has been registered.

**Transmission of returns to Superintendent**

23. Every Registrar shall transmit, on or before the fifteenth of every month, to the Superintendent of Vaccination, a return, in such form as may, from time to time, be prescribed by the rules made under section 33, of all cases in which duplicate certificates have not been duly received by him, in pursuance of the provisions of this Act, during the last preceding month.

**Government may direct any person to perform duties of Registrar**

24. The Government may direct that the duties imposed on the Registrar of Births under sections 19, 20, 21, 22 and 23 shall be performed by any other person appointed by the Government.

**[Omitted]**

25. [Omitted by the East Pakistan Repealing and Amending Ordinance, 1962 (Ordinance No. XIII of 1962).]

## **PROSECUTIONS AND OFFENCES**

**Magistrate may make an order for the vaccination of any unprotected child under**

26. If the Superintendent of Vaccination shall notify in writing to a Magistrate that he has reason to believe, from the statement of an informant or otherwise, that any child under the age of fourteen years is an unprotected child, and that he has given notice to the parent or guardian of such child to procure its being vaccinated, and that the said notice has been disregarded, such Magistrate may summon such parent or guardian to appear with the

**fourteen  
years**

child before him; and if the Magistrate shall find, after such inquiry as he shall deem necessary, that the child is an unprotected child, he may, whether the child has been produced or not, make an order directing such child to be vaccinated within a certain time.

**Penalty for  
disobedience  
of such  
order**

If the child is at any time produced before him, the Magistrate may, unless the child is certified under section 5 to be in a state unfit for vaccination, order it to be vaccinated forthwith in his presence, and in that case may punish such parent or guardian, for any recusancy under this clause, with fine which shall not exceed five Taka.

If, at the expiration of the time appointed by the Magistrate, the child shall not have been vaccinated, or shall not be shown to be then unfit to be vaccinated, or to be insusceptible of vaccination, the person upon whom such order shall have been made shall, unless he can show some reasonable ground for his omission to carry the order into effect, be punished with fine which may extend to fifty Taka:

Provided that if the Magistrate shall be of opinion that the person is improperly brought before him, and shall refuse to make an order for the vaccination of the child, he may direct the said Superintendent to disclose the name of his informant, if any, and may order such informant to pay to such persons such sum of money as the Magistrate shall consider a fair compensation for expenses and loss of time in attending before him:

Provided also that nothing in this section shall be held to compel the production before a Magistrate of any female child above the age of eight years.

**Penalty for  
not  
producing a  
child**

27. If any parent or guardian intentionally omits to produce a child whom he has been summoned to produce under the last preceding section, he shall be liable to fine which may extend to one hundred Taka and to a further fine of twenty-five Taka for every day during which the offence continues:

Provided that the aggregate amount of fine for such offence shall not exceed one thousand Taka.

**Penalty for neglect to be vaccinated**

28. Whoever, in contravention of this Act,-

(a) neglects without reasonable excuse to submit himself, within fifteen days after the service on him of the notice prescribed by section 11, to a public vaccinator or medical practitioner to be vaccinated, or to the operator (if a medical practitioner) or to an Inspector after vaccination to be inspected, or

(b) neglects without reasonable excuse to take or cause a child to be taken to be vaccinated, or after vaccination to be inspected, or

(c) neglects to fill up and sign and give to any person or to the parent or guardian of any child any certificate which such person, parent or guardian is entitled to receive from him, or to transmit a duplicate of the same to the Registrar of Births, or

(d) refuses without reasonable excuse to submit himself to be vaccinated when required so to do by the Health Officer exercising the powers conferred upon him by section 13,

shall be punished for each such offence with fine which may extend to fifty Taka.

No prosecution under this section shall be instituted after the expiry of twelve months from the date on which the offence has been committed.

**Penalty for making or signing false certificate**

29. Whoever wilfully signs or makes, or procures the signing or making of, a false certificate or duplicate certificate under this Act, shall be punished with imprisonment of either description, within the meaning of the <sup>3</sup>[Penal Code], for a term which may extend to six months, or with fine which may extend to one hundred Taka, or with both.

**Penalty for obstructing public**

29A. Whoever voluntarily obstructs any public vaccinator or Inspector in the discharge of the duties assigned to him as such shall be punished for each

**vaccinator  
or Inspector  
in the  
discharge of  
his duties**

such offence with fine which may extend to fifty Taka.

**Vexatious  
entry by  
public  
vaccinator  
or Inspector**

29B. Any public vaccinator or Inspector who vexatiously and unnecessarily enters any house, enclosure, vessel, on other place, on pretence of ascertaining whether the inmates, or any of them, are protected or not, shall, for every such offence, be punished with fine which may extend to fifty Taka.

**Prosecutions  
to be  
instituted by  
Government  
or  
Superintendent  
of  
Vaccination**

30. 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 offences shall be entertained unless the prosecution be instituted by order of, or under authority from, the Government or the Superintendent of Vaccination.

**Prosecution  
for neglect**

31. In any prosecution for neglect to procure the vaccination of child it shall not be necessary in support thereof to prove that the defendant had received notice from the Registrar or any other officer of the requirements of the law in this respect;

but, if the defendant produce any such certificate as herein before described, or the duplicate of the register of births or the register of postponed vaccinations kept by the Registrar as hereinbefore provided, in which such certificate shall be duly entered, the same shall be a sufficient defense for him, except in regard to the certificate according to the form of the said Schedule A, when the time specified therein for the postponement of the vaccination shall have expired before the time when the information shall have been laid.

## **MISCELLANEOUS**

**Annual  
return to be  
made of the**

32. It shall be the duty of the Superintendent of Vaccination to show in an annual return the number of children successfully vaccinated, the number

**number of children vaccinated, etc.**

whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year; and generally to fill up any forms that may be prescribed, from time to time, by the Government.

**Government to make rules**

33. The Government may, from time to time, make rules or issue orders, consistent with this Act,-

(a) determining the qualifications to be required of public vaccinators and Inspectors;

(b) regulating the scale of fees to be paid;

(c) regulating the gratuitous vaccination of such females as are by the custom of the country unable to attend at the public vaccine-stations and are too poor to pay fees;

(d) providing for the supply of lymph;

(e) regulating the books and forms to be kept by the public vaccinators and Inspectors or by Registrars, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act; and generally

(f) for the guidance of public vaccinators and Inspectors and others in all matters connected with the working of this Act.

All such rules or orders shall be published in the official Gazette.

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<sup>1</sup> Throughout this Act, except otherwise provided, the words "Bangladesh", "Government" and "Taka" were substituted, for the words "East Pakistan", "Provincial Government" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

<sup>2</sup> The word "Bengal" was omitted by section 3 and 2nd schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

<sup>3</sup> The words "Penal Code" were substituted, for the words "Pakistan Penal Code" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision And Declaration) Act, 1973 (Act No. VIII of 1973)

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