
VACCINATION ACT, 1967

(Act No. XXI of 1967)

THE JAMMU AND KASHMIR VACCINATION ACT, 1967
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CONTENTS

SECTION	SECTION
1. Short title.	13. Penalty.
2. Definitions.	14. Penalty for making or signing false certificate.
3. Duty of parent or guardian for primary vaccination of every child.	15. Penalty for obstructing Public Vaccinator or Inspector in the discharge of his duties.
4. Postponement of vaccination.	16. Prosecution to be instituted by the Superintendents of Vaccination.
5. Inspection of result of vaccination.	17. Appointment of Superintendents and Assistant Superintendents.
6. Superintendent of vaccination may inspect vaccination of child.	18. Director Health Services to make adequate arrangements.
7. Certificate for in-susceptibility to vaccination.	19. Notification for stations and hours of attendance.
8. Unprotected persons to be vaccinated.	20. Free vaccination at Vaccination Centres.
9. Compulsory re-vaccination after five years and at intervals of five years.	21. Use of vaccine lymph for protection and immunity against smallpox.
10. Vaccination in the event of outbreak of smallpox.	22. Power to make rules.
11. Inspection and detection of unprotected child or person.	23. Power to remove difficulties.
12. Prohibition of inoculation with variolous matter.	24. Repeal and saving.

Amendments made by Act No.—

1. XX of 1968.

THE JAMMU AND KASHMIR VACCINATION ACT, 1967

(ACT No. XXI of 1967)

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An Act to provide for compulsory vaccination for securing eradication and prevention of smallpox in the State.

Be it enacted by the Jammu and Kashmir State Legislature in the Eighteenth year of the Republic of India as follows :—

1. *Short title.*—This Act may be called the Jammu and Kashmir Vaccination Act, 1967.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

- (a) 'Form' means a Form given in Schedule I appended to this Act ;
- (b) 'guardian' means any person to whom the care, nurture or custody of any child falls by law or by natural right or recognised usage or who has accepted or assumed 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 ;
- (c) 'Inspector' means a person authorised by the Superintendent of Vaccination to exercise all or any of the functions of an Inspector under this Act ;
- (d) 'Parent' means the father and mother of a child and includes foster and step-parents ;
- (e) 'Public vaccinator' means a vaccinator appointed by the Government and in the case of any Municipality one who is appointed by any authority competent under the Jammu and Kashmir Municipal Act, Samvat 2008 ;
- (f) 'Prescribed' means prescribed by rules made under this Act ;

- (g) 'registered medical practitioner' means a medical practitioner registered under the Jammu and Kashmir Medical Registration Act, Samvat 1998 ;
- (h) 'Superintendent of Vaccination' means a person appointed as such under section 17 of this Act ;
- (i) 'unprotected child' means a child up to the age of 18 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 or who has not up to the age of five years been successfully vaccinated ;
- (j) 'unprotected person' means a person above the age of 18 years who has not been protected against smallpox by having had that disease naturally or by having been successfully vaccinated and revaccinated within a period of five years and who has not been certified under the provisions of this Act to be insusceptible to vaccination ; and
- (k) 'vaccination centre' means a Government Allopathic Dispensary or a place where vaccination is performed free of charge by the direction or authorisation of the Medical Officer of Health of the area concerned.

Compulsory Primary Vaccination

3. *Duty of parent or guardian for primary vaccination of every child.*—(1) The parent or guardian of—

- (a) every child within six months of its birth ; and
- (b) every other unprotected child within six months of the date of commencement of this Act,

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 :

Provided that the public vaccinator shall tour each village within the vaccination center once in every six months and notify his arrival within that village through village Lumberdar or Chowkidar.

(2) Any public vaccinator to whom any such child is brought for vaccination at a public vaccination center or in the village as mentioned in proviso to sub-section (1) who is requested to vaccinate such child elsewhere than at such center shall, with all reasonable despatch and subject to the conditions hereinafter mentioned, vaccinate such child and shall serve a notice in Form 'A' on its parent or guardian.

(3) If any such child 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 center to be vaccinated ; or to be vaccinated by a registered medical practitioner or a public vaccinator in the house of the parent or guardian within the area.

4. *Postponement of vaccination.*—If the public vaccinator or the registered medical practitioner, as the case may be, finds any child unfit for vaccination, he shall grant a certificate in Form 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 authority for such further period, as may be recommended by the Superintendent of Vaccination.

5. *Inspection of result of vaccination.*—(1) The parent or a guardian of every child who has been vaccinated as provided in section 3, shall produce the child at the public vaccination centre or cause it to be so produced for inspection of the result of vaccination in accordance with the notice served under sub-section (2) of the said section or get the child inspected by an Inspector on his tour in the village where the person resides.

(2) If on inspection of any vaccinated child the Inspector is satisfied that the vaccination has been successful, he shall give a certificate of a 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 authority.

(4) The provisions of sub-sections (1) and (3) shall apply to a child until it deemed to be protected under sub-section (2).

6. *Superintendent of Vaccination may inspect vaccination of child.*—The Superintendent of Vaccination or any person duly authorised by him may at any time inspect the vaccination of any child whether performed by a public vaccinator or a registered medical practitioner and may, subject to the provisions of section 5, direct that the child be forthwith revaccinated.

7. *Certificate for insusceptibility to vaccination.*—(1) If the Superintendent of Vaccination is satisfied that a child :—

- (a) has already had smallpox ; or
- (b) has been three times unsuccessfully vaccinated, 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 exception for vaccination :—

- (i) in case of clause (a) absolutely ; and
- (ii) in case of clause (b) for period of twelve months from the date of 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 3 and 5, a certificate 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.

8. *Unprotected persons to be vaccinated.*—(1) Every unprotected person shall, whenever the Superintendent of Vaccination shall deem it advisable, be served with notice by him in Form F, requiring him, within fifteen days after the service of the same, to present himself before a public vaccinator or registered medical practitioner to be vaccinated.

(2) The provisions of sections 3 to 7 shall *mutatis mutandis* apply in the case of an unprotected person.

Compulsory Revaccination.

9. *Compulsory revaccination after five years and at intervals of five years.*—Within three months of the completion of a period of five years from the date of successful primary vaccination in accordance with sections 3 to 8 every such child or person, as the case may be, shall be

taken to or shall present himself before a public vaccinator or registered medical practitioner at a public vaccination centre or the village as mentioned in sub-section (1) of section 3 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 got himself revaccinated in the same manner as specified above.

10. *Vaccination in the event of outbreak of smallpox.*—Notwithstanding anything contained in sections 3 to 9, the Superintendent of Vaccination may, in the event of an outbreak of smallpox, direct any child or person to be vaccinated forthwith.

11. *Inspection and detection of unprotected child or person.*—Every owner or occupier of a house, premises, boat, vessel or public vehicle shall allow the Superintendent of Vaccination or a public vaccinator duly authorised by the Superintendent of Vaccination in this behalf to have access thereto for the purpose of ascertaining whether the inmates are protected or revaccinated :

Provided that whenever it is necessary to ascertain 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.

12. *Prohibition of inoculation with variolous matter.*—(1) Inoculation that is to say, any operation performed with the object of producing the disease of smallpox in any person by means of variolous matter and maliciously or for the purpose of immunization, shall be prohibited.

(2) Any person, who has undergone such inoculation 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.

Penalties

13. *Penalty.*—Whoever without sufficient cause,—

- (a) fails to cause a child to be vaccinated or inspected in accordance with the provisions of sections 3, 5 or 6 ; or
- (b) fails to cause himself to be vaccinated in accordance with section 8 ; or
- (c) fails to cause himself or a child to be vaccinated or revaccinated, as the case may be, under the provisions of this Act ;

shall, on conviction, be punished with fine which may extend to ten rupees and if the offence is a continuing one with a fine of one rupee for every day during which the offence continues :

Provided that the aggregate amount of fine for a continuing offence shall not exceed fifty rupees :

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

14. *Penalty for making or signing false certificate.*—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 of this Act or inoculates any person by means of various matter either maliciously or for the purpose of immunizations as laid in sub-section (1) of section 12 shall be punished with imprisonment of either description for a term which may extend to six months, or with a fine which may extend to one hundred rupees, or with both.

15. *Penalty for obstructing Public Vaccinator or Inspector in the discharge of his duties.*—Whoever voluntarily obstructs any public vaccinator or Inspector in the discharge of the duties assigned to him as such under the provisions of this Act shall be punished for each offence with fine which may extend to fifty rupees.

16. *Prosecutions to be instituted by the Superintendent of Vaccination.*—All offences under this Act shall be triable by a ¹[Judicial Magistrate], within whose jurisdiction the offence is committed, but no complaint of any such offence shall be entertained unless the prosecution is instituted by order of, or under authority from, the Superintendent of Vaccination.

1. Substituted by Act XX of 1968 for “magistrate”

Miscellaneous

17. *Appointment of Superintendents and Assistant Superintendents.*—

(1) The Government may appoint such number of persons as it deem fit having the prescribed qualification to act as Superintendents and Assistant Superintendents of Vaccination who shall be under the administrative control of the Director Health Services and shall have jurisdiction over such areas as may be specified in the notification of appointment.

(2) The Assistant Superintendent shall exercise such powers and perform such functions of the Superintendent of Vaccination, as may be assigned to him by the Director Health Services.

18. *Director Health Services to make adequate arrangements.*—The Director Health Services shall have power to make adequate arrangements to the satisfaction of the Government for Vaccination and revaccination of all persons within the State and shall—

- (a) establish vaccination centres in adequate number and at suitable places ;
- (b) employ sufficient number of vaccinators and other staff for work in the vaccination centres and for itinerary services.

19. *Notification for stations and hours of attendance.*—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.

20. *Free vaccination at vaccination centers.*—Vaccination at vaccination centers and in the villages as mentioned in proviso to subsection (1) of section 3 shall be free of charge and for vaccination at any other place ; fees may be levied at such rate as may be prescribed.

21. *Use of vaccine lymph for protection and immunity against smallpox.*—Vaccination shall be performed with vaccine lymph used for development of protective immunity against smallpox in the person so vaccinated.

22. *Power to make rules.*—(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) manner of re-vaccination under section 9 ;
- (b) qualification required for appointment as Superintendent or Assistant Superintendent of Vaccination under section 17(1) ;
- (c) manner of publication of the particulars required to be published under section 19 ;
- (d) rates of fees to be levied for vaccination at a place other than a vaccination center under section 20 ;
- (e) establishment and working of vaccination centres ;
- (f) duties, qualification and appointment of public vaccinators ;
- (g) manner and procedure for vaccination and inspection of results ;
- (h) duties of the Superintendent of Vaccination ;
- (i) manner of service of notice under this Act ;
- (j) manner of issue of certificates for postponement of vaccination, successful primary vaccination, insusceptibility to vaccination and for re-vaccination ;
- (k) maintenance of registers for different purposes including registers for unprotected children and persons ;
- (l) procedure for vaccination of unprotected children and person removed to another locality ;
- (m) manufacture, storage, issue and sale of vaccine lymph ;
- (n) any other matter which is required to be or may be prescribed.

23. *Power to remove difficulties.*—If any doubt or difficulty arises in giving effect to the provisions of this Act, the Government may pass any order which appears to it necessary for the purpose of removing the doubt or difficulty.

24. *Repeal and saving.*—The Jammu and Kashmir Vaccination (Second) Ordinance, 1967, is hereby repealed.

(2) Notwithstanding such repeal anything done, any action taken or any order made under the said Ordinance shall be deemed to have been done, taken or made under this Act as if this Act were in force on the day when such thing was done, action taken or order made.

SCHEDULE I

FORM A

[See section 3(2)]

Please take notice that the male/ female child of _____ who has been vaccinated on _____ is required to be produced for inspection of the result of vaccination at _____ vaccination centre on _____ between the hours _____

Dated the _____ day of _____ 19 _____

Signature of Vaccinator

FORM B

[See Section 3(3)]

To

_____ (name of parent or guardian) .

Please take notice that you are hereby required under the provisions of the Jammu and Kashmir Vaccination Act, 1967 _____ to take or cause to be taken _____ (name of child) the child of _____ (name of father) to a public vaccination centre for vaccination or to cause it to be vaccinated by some registered medical practitioner within fifteen days from the date of service of this notice and that in default of doing so you will be liable to a fine of ten rupees.

The public vaccination station nearest your house is at _____
 _____ The days and hours for vaccination at that
 Centre are _____ on the
 said _____ (insert the name of the child)
 being brought before the public vaccinator at the said station within the said
 hour on the said date or at any other public vaccination station in the town on
 the days and within the hours prescribed for public vaccination at such centre
 the said _____ (name of the child) will be vaccinated
 free of charge.

If you wish the said _____ (name of the child) to be vaccinated at your house the public vaccinator will attend there upon payment of a fee of _____

Dated the _____ day of _____ 19 _____

Superintendent of Vaccination.

FORM C

(See section 4)

I, the undersigned, hereby certify that the male/female child of _____ aged about _____ years _____ months is not now in a fit and proper state to be vaccinated, therefore the vaccination is postponed for the period of _____ days from this date.

Signature of Vaccinator.

FORM D

[See section 5(2)]

I, the undersigned hereby certify that _____ the male/female child of _____ age _____ resident of _____ has been successfully vaccinated by me.

Dated the _____ day of _____ 19 _____

Signature of Vaccinator.

FORM E

(See section 7)

I, the undersigned, hereby certify that _____ male/female child of _____ resident of _____ has already had smallpox or I have three times vaccinated _____

_____ male/female child of _____
 resident of _____ and I am of opinion that
 the said child is insusceptible to vaccination for a period of twelve months.

Endorsement by Superintendent of Vaccination.

Signature of Vaccinator,
 Registered Medical Practitioner.

FORM F

(See section 8)

To

Please take notice that you are hereby required under the provisions of the Jammu and Kashmir Vaccination Act, 1967 to submit yourself to a public vaccinator or registered medical practitioner within fifteen days from the service of this notice for vaccination and that in default of so doing, you will be liable to a fine which may amount to ten rupees.

The public vaccination centre nearest your house is at _____ the days and hours for vaccination at the station are as follows :—

(Here insert the days and hours when the Public Vaccinator is in attendance).

On your attending before a Public Vaccinator at the said station within the said hours on any of the said days or at any other public vaccination centre in the town on the days and within the hours prescribed for public vaccination at such centre you will be vaccinated free of charge.

If you wish to be vaccinated at your own house the public vaccinator will attend there upon payment of a fee of _____

Dated the _____ day of _____ 19 _____

Superintendent of Vaccination
