

West Bengal Act XXXVII of 1973

THE WEST BENGAL VACCINATION ACT, 1973.

[19th September, 1973.]

An Act to make vaccination and re-vaccination compulsory for the purpose of eradicating small-pox in West Bengal.

WHEREAS it is expedient to make vaccination and re-vaccination compulsory for the purpose of eradicating small-pox in West Bengal;

It is hereby enacted in the Twenty-fourth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the West Bengal Vaccination Act, 1973.

(2) It extends to the whole of West Bengal.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

2. In this Act, unless there is anything repugnant in the subject or

Definitions, context,—

- (a) "child" means a boy or girl who has not attained the age of eighteen years;
- (b) "establishment" has the same meaning as in the West Bengal Shops and Establishments Act, 1963;
- (c) "factory" has the same meaning as in the Factories Act, 1948;
- (d) "guardian" means any person to whom the care, nurture or custody of any child falls either 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, nurture or custody of any child has been entrusted by any lawful authority;
- (e) "medical practitioner" means a person registered in the medical register of the State of West Bengal meant for registration of persons practising the modern scientific system of medicine;

Short
Title,
Extent
and
Commencement

Section J.)

- (o) "notification" means a notification published in the *Official Gazette*;
- (g) "person" means a male or female who has attained the age of eighteen years;
- (h) "prescribed" means prescribed by rules made under this Act;
- (i) "Superintendent of Vaccination" means an officer of the State Government or a local authority having prescribed qualifications appointed as such by the State Government by notification for any area to be specified in the notification, and different officers may be appointed for different areas;—
- (j) "unprotected child" means a child who has not—
- (i) been successfully vaccinated or re-vaccinated within a period of three years immediately before the coming into force of this Act; or
- (ii) been certified under this Act to be insusceptible to vaccination;
- (k) "unprotected person" means a person who has not—
- (i) been successfully vaccinated or re-vaccinated within a period of three years immediately before the coming into force of this Act; or
- (ii) been certified under this Act to be insusceptible to vaccination;
- (l) "vaccinator" means any person employed or authorised by the State Government or a local authority to act as vaccinator and includes a medical practitioner;
- (m) "vaccinating centre" means a place where vaccination is performed.

Duties of
parents or
guardians
regarding
vaccination
of children.

3. (1) The guardian of an unprotected child below six months of age

shall have such child vaccinated before the child reaches that age at a

vaccination centre within the prescribed hours or by a vaccinator.

of children.

(2) The guardian of an unprotected child, who is above six months of age and is a resident in the State of West Bengal, shall, within one month after this Act comes into force, get the child vaccinated.

(3) The guardian of a child who has been brought within the State of West Bengal without a certificate of successful vaccination or re-vaccination performed within a period of three years prior to the date of entry shall, within seven days from the date of such entry, get the child vaccinated or re-vaccinated, as the case may be.

(Sections 4-8.)

4. (1) An unprotected person who is a resident in the State of West Bengal shall, within one month after this Act comes into force, get himself vaccinated.

Unprotected
person to get
himself
vaccinated.

(2) Any person who has entered the State of West Bengal without a certificate or successful vaccination or re-vaccination performed within a period of three years prior to the date of entry shall, within seven days from the date of such entry, get himself vaccinated or re-vaccinated, as the case may be.

5. A vaccinator to whom any unprotected child is brought or any unprotected person comes for vaccination shall with all reasonable despatch vaccinate child or such person.

6. After a child or person has been vaccinated in accordance with the provisions of the Act, the vaccinator shall direct the guardian of the child or the person to attend on such date, not exceeding ten days, and at such time and place as may be specified by him for the purpose of inspecting and ascertaining the result of vaccination.

Duly or
vaccinator.

7. (1) If the vaccinator finds on inspection that the vaccination has been successful, he shall give a certificate of successful vaccination in the prescribed form.

Order to be
for
ascertainment
of results of
vaccination.

(2) If the vaccinator finds that the vaccination is unsuccessful, he shall direct the guardian of the child or the person to have a re-vaccination to be performed by the vaccinator and such re-vaccination shall be inspected and after inspection shall be dealt with as in respect of the previous occasion.

Action to be
taken when
vaccination is
successful or
unsuccessful.

8. (1) If the Superintendent of Vaccination is satisfied that a child or a person within his jurisdiction has been thrice unsuccessfully vaccinated, he shall deliver to the guardian of the child or the person, as the case may be, a certificate in the prescribed form and the child or the person shall not be required to be vaccinated within twelve months of the last unsuccessful vaccination.

Certificate
of
insusceptibility to
vaccination.

(2) If after twelve months the child or the person is again found to be insusceptible to successful vaccination on three successive operations, a certificate to that effect shall be given in the prescribed form to the guardian of the child or the person and the child or the person shall not be required to be vaccinated again.

(Sections 9-1 J.)

Compulsory re
"Vaccination.

9. (1) Within three months of the completion of a period or three years from the date of successful primary vaccination every child or person shall be taken or shall submit himself, as the case may be, to a vaccinator or a vaccinating centre for the purpose of re-vaccination in the prescribed manner,

(2) Every child or person shall be taken or shall submit himself, as the case may be, to a vaccinator or a vaccinating centre to be re-vaccinated at intervals often years following re-vaccination under sub-section (1) and the provisions of sections 6 and 7 shall thereupon apply.

Re- vacci-
nation in the
event of
outbreak of
small-pox.

10. (1) Notwithstanding anything contained in sections 8 and 9, the Superintendent of Vaccination may, in the event of an outbreak or threatened outbreak or small-pox, direct any child or person within his jurisdiction to be forthwith vaccinated or re-vaccinated, as the case may be.

(2) For the purpose of vaccination and re-vaccination under subsection (1) the Superintendent of Vaccination may take the assistance of police, if necessary.

Duties and
functions of
Superintendent
of Vaccination
and other
officers.

11. (1) The Superintendent of Vaccination shall ascertain whether all children and persons within his jurisdiction have successfully undergone vaccination or re-vaccination as required under this Act and if he has reason to believe that the guardian of any child or any person has failed to perform his duty imposed under this Act, the Superintendent of Vaccination shall serve or cause to be served on the guardian of the child or the person concerned a notice requiring the child or the person to be vaccinated or re-vaccinated within a period of fifteen days from the date of service of the notice or presented for inspection at such time and place as specified in the notice:

Provided that if the Superintendent of Vaccination has reason to believe that there is within his jurisdiction an unprotected child or person residing in a *busi* or slaying in any type of shelter and having no fixed place of residence, he shall take immediate steps for vaccination or re-vaccination of such child or person with the assistance of police, if necessary.

(2) The Superintendent of Vaccination shall discharge such other duties and perform such other functions as may be prescribed.

(3) The State Government may appoint such number of Assistant Superintendents of Vaccination and Inspectors of Vaccination as the State Government may think fit.

(4) The Assistant Superintendent of Vaccination and Inspectors of Vaccination shall perform such functions as may be assigned to them by the Superintendent of Vaccination.

(Sections 12-16.)

12. (1) The Superintendent of every hospital, Medical Officer in charge of every health centre, maternity centre or any other medical institution, or the medical authority of every nursing home—

Vaccination in
hospital,
health centre,
etc.

- (a) shall cause any child born therein to be vaccinated within three days from the date of birth or before the date of discharge whichever is earlier unless the Superintendent, Medical Officer or the medical authority is of opinion that the child is not in a fit state of health to be vaccinated;
- (b) shall cause every patient admitted therein to be vaccinated or re-vaccinated unless such patient has been vaccinated or re-vaccinated as required under this Act.

(2) Any medical practitioner attending a female during confinement shall after the birth of a child inform the Superintendent of Vaccination having jurisdiction of such birth and the Superintendent of Vaccination shall take steps for the vaccination of the child within a period of seven days from the receipt of such information.

(3) The Superintendent of every hospital, Medical Officer in charge of every health centre, maternity centre or any other medical institution or the medical authority of every nursing home shall maintain such records and registers as may be prescribed.

13. No person shall, without a valid vaccination certificate, be permitted to enter the premises or any infectious diseases hospital or to enter any ward of a hospital, where persons attacked with small-pox are admitted.

Entry into
infectious
disease
hospital.

14. It shall be the duty of every owner or occupier of a house, hut, tenement or *bustee* to see that any person coming to the house, hut, tenement or as a guest or otherwise or any person employed therein as an attendant or a servant, whether on a part-time or full-time basis, has been vaccinated or re-vaccinated, as the case may be.

Duty of
owner or
occupier.

15. Every owner or occupier of a house, hut, tenement, *bustee*, boat, vessel, or public vehicle shall allow the Superintendent of Vaccination having jurisdiction or any person duly authorised by him in writing to have access to a factory or any place where such notice as may be prescribed for the purpose of ascertaining whether the inmates or passengers are vaccinated or re-vaccinated.

Inspection
and
detection of
unprotected
child or person.

16. The State Government may, if it thinks necessary so to do in order to prevent the spread of small-pox, direct, by notification, that for a period of not more than seven months no child shall be brought within the State or West Bengal without a certificate of successful vaccination or re-vaccination performed within a period of three years prior to the date of entry.

(Sections 17-23.)

Restriction on admission in educational institutions.

17. No child or person shall be admitted to any educational institution in West Bengal and no person shall be employed in any office, establishment, educational institution or factory, in West Bengal not being an office, establishment, educational institution or a Factory of or under the control of the Central Government without a certificate of successful vaccination or re-vaccination performed within a period of three years prior to the date of admission or employment.

Duty of police-officer.

18. It shall be the duty of every police-officer in charge of a police-station to inform the Superintendent of Vaccination having jurisdiction of the existence of any unprotected child or person within the jurisdiction of the police-station when information of the existence of such child or person is given to him by any person and to render all assistance to the Superintendent to perform his functions under this Act.

Vaccination fee.

19. No fee or remuneration shall be charged for any vaccination or re-vaccination performed by a vaccinator other than a medical practitioner or for any certificate given under this Act at a vaccination centre.

Penalty for not vaccinating a child within the age of six months.

20. If an unprotected child who has attained the age of six months after the commencement of this Act remains unvaccinated, the guardian of the child shall be punishable with fine which may extend to fifty rupees.

Other penalties.

21. Any guardian of an unprotected child or any unprotected person who contravenes the provisions of section 3, section 4, section 6, subsection (2) of section 9 and subsection (1) of section 11 and any vaccinator who neglects or refuses to issue any prescribed certificate under this Act shall be punishable with fine which may extend to fifty rupees.

22. Whoever wilfully signs or procures the signing or making a false certificate or duplicate certificate under this Act shall be punishable with imprisonment for a term not exceeding one month or with fine not exceeding one hundred rupees or with both.

Penalty for false certificate.

23. If any vaccinator other than a medical practitioner accepts or agrees to accept or attempts to accept any fee or remuneration, he shall be punishable with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Penalty for accepting illegal contribution.

(Sections 24-29.)

24. If the owner or occupier of a house, hut, tenement or *bustee* neglects or fails to perform the duty imposed on him under section 14, he shall be punishable with fine which may extend to fifty rupees.

Penally Tor
no l
performing
the duty
imposed
under section
14.

25. If the owner or occupier of a house, hut, tenement, *bustee*, boat, vessel or public vehicle refuses the Superintendent of Vaccination or the person duly authorised by him to have access thereto for the purpose of section 15 without reasonable cause, he shall be punishable with imprisonment which may extend to two years or with fine which may extend to one thousand rupees or with both.

Penally for
refusal to give
access.

26. Whoever contravenes the provisions of section 17 shall be punishable with Fine which may extend to fifty rupees.

Penally for
contravention
of section 17.

27. (1) All offences under this Act shall be cognizable and bailable and, subject to the provisions of any law for the time being in force for the trial of offences, such offences may be tried by a Magistrate not below the rank of the first class.

Trial of
offences.

(2) When any person or the guardian of any child has been convicted by a Magistrate for not being, or for not getting such child, vaccinated or re-vaccinated, the Magistrate shall make an order directing immediate vaccination or re-vaccination of such person or child, as the case may be.

28. In any prosecution under this Act for the negligence of a guardian Prosecution to get a child vaccinated or for the negligence of a person to get himself ^{for}

negligence.

vaccinated, it shall not be necessary in support of such prosecution to prove that the guardian or the person, as the case may be, received notice from the Superintendent of Vaccination or any other officer of the requirement of law in this respect. If the guardian or the person produces a certificate of successful vaccination the same shall be a sufficient defence for him.

29. If any certificate issued under this Act is lost, destroyed or defaced, a duplicate certificate may be issued on application in the prescribed manner from the person concerned.

Issue or
duplicate
certificate.

[West Ben. Act XXXVII or 1973.]

(Sections 30, 31.)

Power io 30, (i) The State Government may make rules to carry out the
nake rules. purposes of this Act.
i.

(2) In particular and without prejudice to the generality of the foregoing power,
such rules may provide for all or any of the following matters,
namely:—■

- (a) the form of the certificate of vaccination;
- (b) the issue or a duplicate certificate;
- (c) the duties and functions of the Superintendent of Vaccination;
- (d) any other matter that may be or is required to be prescribed.

Repeal. 32. The Bengal Vaccination Act, 1880, is hereby repealed.

Ben. Ad V
of 1880.