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PART V.

PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

The following Bill, together with the Statement of Objects and Reasons accompanying it, is published in accordance with Rule 15 of the Rules for the conduct of Business at Meetings of the Council of His Excellency the Governor of Bombay for making Laws and Regulations:—

Bill No. 5 of 1878.

A Bill to prohibit the practice of Inoculation, and to make the Vaccination of Children in the Town of Kurrachee compulsory.

WHEREAS it is expedient to prohibit the practice of inoculation, and to make the vaccination of children in the Town of Kurrachee compulsory; It is enacted as follows:—

Preliminary.

1. This Act may be cited as "The Kurrachee Vaccination Act, 1878."

It extends only to the Town of Kurrachee.

It shall come into force on such day as the Governor in Council directs by notification in the *Bombay Government Gazette*, and its operation may at any time be suspended by the Governor in Council by notification in the said Gazette.

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

(1.) "Parent" includes the father and mother of a legitimate child and the mother of an illegitimate child;

(2.) "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;

(3.) "Public Vaccinator" means any vaccinator appointed under this Act, or any deputy duly authorized to act for such Public Vaccinator;

(4.) "Medical Practitioner" means any person duly qualified by a diploma, degree, or license to practise in medicine or sur-

gery, or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act;

(5.) "Unprotected Child" means a child who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having been successfully vaccinated, and who has not been certified under the provisions of this Act to be insusceptible to vaccination.

(6.) "Animal lymph" means vaccine taken from the calf.

Establishment.

3. For the purposes of this Act the Civil Surgeon of Kurrachee, or such other officer as Government directs, shall divide the Town of Kurrachee into as many districts for the performance of vaccination as he shall from time to time deem fit. Each such district shall be called a "Vaccination District."

The Civil Surgeon, or other officer aforesaid, shall appoint a Public Vaccinator for every Vaccination District, and shall appoint such places as he shall from time to time deem fit in each district to be stations for the performance of vaccination. Such stations shall be called "Public Vaccine Stations." Every such Public Vaccinator shall be removable from office by the Civil Surgeon or other officer aforesaid.

The limits of the Vaccination Districts made, and the positions of the Public Vaccine Stations fixed under the provisions of this section, 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 shall be directed in rules to be framed under Section thirty-one of this Act.

4. Every Public Vaccinator, unless specially permitted by the Civil Surgeon or other officer aforesaid to reside elsewhere, shall reside within the district for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the District of", to be posted up in some conspicuous place

on or near the outer door of his dwelling-house and of every public vaccine station in his district.

5. No person shall be appointed a Public Vaccinator, or act as a deputy for a Public Vaccinator, who shall not possess a certificate of qualification signed by the Civil Surgeon or other officer aforesaid.

6. A Superintendent of Vaccination shall be appointed by the Superintendent of Government, who, subject to the orders of the Civil Surgeon or other officer aforesaid, shall have a general control over all the proceedings of Public Vaccinators, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

The Superintendent shall have if necessary one or more Assistants as Government may from time to time direct.

Vaccination.

7. The parent or guardian of every child born in the Town of Kurrachee 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 the Town of Kurrachee, shall, within three months after such child's arrival in the Town, or if the child be at the time of its arrival less than three months old, within six months after its birth; and

the parent or guardian of every unprotected child living in the Town of Kurrachee at the date of this Act coming into force and whose age at such date exceeds six months, but does not exceed fourteen years, shall, within six months from the said date,

take it, or cause it to be taken, to a Public Vaccinator to be vaccinated, or shall, within such period as aforesaid, cause it to be vaccinated by some medical practitioner;

and the Public Vaccinator to whom such child, or to whom any child under the age of fourteen years is brought for vaccination, is hereby required, with all reasonable despatch, subject to the conditions herein-after mentioned, to vaccinate such child.

8. At an appointed hour upon the same day in the following week after vaccination shall have been performed by a Public Vaccinator or a medical practitioner, or on an earlier day, if the Public Vaccinator or medical practitioner so desires, the parent or guardian shall again take the child, or cause it to be taken, to the Public Vaccinator or to the medical practitioner by whom the operation was performed, that he may inspect it and ascertain the result of the operation;

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

9. If any Public Vaccinator 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 two months only, but shall be renewable for successive periods of two months until a Public Vaccinator 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 eleven of this Act, if warranted by the result.

At or before the end of each successive period, the parent or guardian shall take, or cause the child to be taken, to some Public Vaccinator or medical practitioner, who shall then examine the child and give a

fresh certificate according to the said form A, so long as he deems requisite under the circumstances of the case.

10. If any Public Vaccinator or medical practitioner shall find that a child whom he has three times unsuccessfully vaccinated is insusceptible of successful vaccination, or that a child brought to him for vaccination has already had the small-pox, he shall deliver to the parent or guardian of such child a certificate under his hand, according to the form of Schedule B, hereto annexed, or to the like effect, and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

11. Every Public Vaccinator or medical practitioner who shall have performed the operation of vaccination upon any child, and shall have ascertained that the same has been successful, 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.

12. Except as is hereinafter otherwise provided, the vaccination of a child under the provisions of this Act must, if the parent or guardian of the child so require, be performed with animal lymph;

but it shall at any time be lawful for the Governor in Council, on its being shown to his satisfaction that animal lymph is not procurable, to direct, by notification in the *Bombay Government Gazette* :—

(a) that during such period as he may deem fit to appoint the vaccination of children may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being; and

(b) that the Public Vaccinator or medical practitioner to whom at any time during the said period a vaccinated child is brought under the provisions of Section eight of this Act for inspection may, if he see fit, take from such child lymph for the performance of other vaccinations.

13. No fee or remuneration shall be charged by any Public Vaccinator to the parent or guardian of any child for any

No fee to be charged for vaccination at a public vaccine station or for certificates.

Which shall remain in force for two months, but shall be renewable.

When successive postponement certificates are to be granted.

such certificate as aforesaid, nor for any vaccination done by him in pursuance of this Act at a public vaccine station.

But it shall be lawful for a Public Vaccinator to accept a fee for vaccinating a child, by request of the parent or guardian, elsewhere than at a public vaccine station.

Registration.

14. On the registration of the birth of

any child under the provisions of the bye-laws of the Kurrachee Municipality, or of any other 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 D, hereto annexed, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

15. Every Public Vaccinator or medical practitioner who

gives to any parent or guardian a certificate in any of the forms of Schedules A, B, and C, hereto annexed, 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, or if the child was born out of the Town of Kurrachee, or his birth has not been registered in the said city, to the Registrar of the district within which the child was vaccinated, or presented for vaccination.

16. The Registrar of Births shall keep

a book, in such form as may from time to time be prescribed by the Civil Surgeon or other officer under Section twenty-nine of this Act, 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.

17. He shall also prepare and keep a

duplicate of the Register of births required to be kept by him under the provisions of the Bye-laws of the Kurrachee Municipality or of any other law for the time being in force, with such addi-

tional columns as shall from time to time be prescribed by the Civil Surgeon or other officer under Section twenty-nine of this Act, in which he shall record the date of every duplicate certificate in the form of Schedule B or Schedule C, hereto annexed, 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.

18. He shall also keep a Register of

Postponed Vaccinations in the form of Schedule E, hereto annexed, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of Schedule A, hereto annexed, 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.

19. Every Registrar shall transmit

on the first of every month to the Superintendent of Vaccination a return, in such form as may from time to time be prescribed by the Civil Surgeon or other officer under Section twenty-nine of this Act, 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.

Prosecutions and Offences.

20. Whoever produces, or attempts to

produce, in any person by inoculation with variolous matter, or by wilful exposure to variolous matter, or to anything impregnated therewith, or who wilfully by any other means produces the disease of small-pox in any person;

and whoever having been inoculated with

small-pox in a place to which this Act does not extend shall afterwards enter the Town of Kurrachee before the expiration of forty days from the date of such inoculation, or without a certificate from a medical practitioner that such person is no longer likely to cause contagion;

and whoever having the charge, custody, or control of any person so inoculated, shall within such period, or without such certificate, as aforesaid, knowingly bring such person into, or permit such person to enter, the town of Kurrachee;

shall be punished with imprisonment of either description, within the meaning of the Indian Penal Code, for a term which may extend to three months, or to fine which may extend to two hundred rupees, or with both.

21. If the Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe that any child within the Town of Kurrachee, 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 child before him, and if the Magistrate shall find, after such examination as he shall deem necessary, that the child is an unprotected child, he may make an order, directing such child to be vaccinated within a certain time.

If, at the expiration of such time, 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 rupees:

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 order the informant to pay to such person such sum of money as he shall consider a fair compensation for his expenses and loss of time in attending before the Magistrate.

22. 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 punished with simple imprisonment.

v.—25

ment, within the meaning of the Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

Penalty for neglect to take child to be vaccinated, &c:

23. Whoever, in contravention of this Act,

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

(b) at any time during the period for which any notification made under Section 12 of this Act is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated; or

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

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

24. 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 Indian Penal Code, for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

25. If any public vaccinator accepts, or obtains, or agrees to accept, or attempts to obtain from any person any fee, or remuneration, contrary to the provisions of Section thirteen of this Act, he shall be deemed to have committed an offence punishable under Section 161 of the Indian Penal Code.

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

27. In any prosecution for neglect to procure the vaccination of a 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 hereinbefore 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 defence for him, except, in regard to the certificate according to the form of 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.

28. The provisions of Sections sixty-four to seventy, both inclusive, of the Indian Penal Code shall apply to all fines imposed under this Act.

Miscellaneous.

29. The Civil Surgeon of Kurrachee, or such other officer as Government directs, shall frame and provide appropriate books and forms for the use of the Public Vaccinators, and also such forms as shall be required for the signature of medical practitioners under the provisions of this Act,

and he shall also transmit to the Registrars such books and forms as are required by them under the provisions of this Act.

30. It shall be the duty of the Registrar appointed under the Bye-laws of the Kurrachee Municipality to show in any Annual General Abstract of Births and Deaths prepared by him the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible to successful vaccination during the year.

31. The Civil Surgeon of Kurrachee, or such other officer as Government directs, may, with the sanction of the Governor in Council, from time to time make rules or issue orders consistent with this Act:

- (a) providing for the appointment of deputies of Public Vaccinators, when necessary;
- (b) determining the qualifications to be required of Public Vaccinators, or their deputies, and regulating the grant of certificates of qualification under section five;
- (c) for the guidance of Public Vaccinators and others in all other matters connected with the working of this Act.

All such rules or orders shall be published in the *Bombay Government Gazette*.

SCHEDULE A.

(See Section 9.)

I, the undersigned, hereby certify that in my opinion the child of _____, resident at _____, in Kurrachee, is not now in a fit and proper state to be vaccinated, and I do hereby postpone the vaccination for the period of two months from this date.—Dated this _____ day of _____, 18 _____.

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE B.

(See Section 10.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated the child of _____, residing at _____, in Kurrachee (or that the child has already had small-pox, as the case may be,) and I am of opinion that the said child is insusceptible of successful vaccination.—Dated this _____ day of _____, 18 _____.

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE C.

(See Section 11.)

I, the undersigned, hereby certify that _____, the child of _____ age _____, resident at _____, in Kurrachee, has been successfully vaccinated by me.—Dated this _____ day of _____, 18 _____.

(Signature of Medical Practitioner or Public Vaccinator.)

SCHEDULE D.

(See Section 14.)

To

(Here insert the name of the parent, guardian, or other person who gives information of the child's birth.)

Take notice that the child of (here enter the mother's name) whose birth has this day been registered, must be vaccinated under the provisions of the Kurrachee Vaccination Act, 187 _____, within six months from the date of its birth, under a penalty of ten rupees.

The public vaccine station nearest to the house in which the child was born is at No. _____. The days and hours for vaccination at that station are as follows:—

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

On your taking, or causing the child to be taken, to the Public Vaccinator at the said station within the said hours on any of the said days, or at any other public vaccine station in the city on the days and within the hours prescribed for public vaccination at such station, it will be vaccinated free of charge.

You should be careful to have one of the annexed forms of certificates filled in by the Public Vaccinator, or if you employ a private medical practitioner to vaccinate the child, by such medical practitioner, and to keep the same in your possession. Any such certificate will be granted to you by a Public Vaccinator free of charge.

Dated the _____ of _____, 18 _____.

Registrar of Births.

SCHEDULE E.

(See Section 18.)

Register of Postponed Vaccinations for the District of

in Kurrachee.

Consecutive Number.	Name of Child.	Birth.		Date of Certificate of Postponement.	Signature of Registrar.
		Year.	No. of Entry in Register.		
1	Venayek Pandurang	1868	12	1868 May 10	H. O.

STATEMENT OF OBJECTS AND REASONS.

The town of Kurrachee has been visited within the last few years with destructive outbreaks of small-pox resulting in great mortality among the people. Experience has proved that the present system of voluntary vaccination has failed to supply a sufficient and effectual safeguard against the recurrence and spread of this dangerous malady.

Instances have also been brought to light showing that the injurious practice of inoculation is to some extent prevalent in the Province of Sind; and that it has been fruitful in introducing and spreading contagion. The existing laws do not provide any adequate means for the prevention and punishment of this highly dangerous practice.

It is therefore proposed by this Bill to prohibit, under express penalties, the practice of inoculation, and to make suitable provision for the introduction of a system of compulsory vaccination.

A similar Bill for the Town and Island of Bombay was some time ago introduced into the Legislative Council, a representation in favour of such a measure having been previously received from the Bombay Association. The principle of the Bill had also the approval of the leading Native gentlemen in Bombay, and the measure finally passed into law in the beginning of 1877. It has since been found to work efficaciously and to the general satisfaction of the public.

Compulsory Vaccination has long since been the law in England and in most other European countries, with consequences most beneficial to the human race.

(Signed) J. GIBBS.

2nd September 1878.

By order of His Excellency the Honourable the Governor in Council,

J. MONTEATH,

Acting Under-Secretary to Government.

Poona, 2nd September 1878.