



# Bombay Government Gazette.

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*Separate paging is given to this Part, in order that it may be filed as a separate compilation.*

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## PART V.

### PROCEEDINGS OF THE LEGISLATIVE DEPARTMENT, BOMBAY.

*(To be translated into Maráthi, Gujaráti, Kánarese and Sindhi, and the translations to be published in the "Bombay Government Gazette." The Sindhi translation to be published in the "Sind Official Gazette." The dates of publication to be reported.)*

The following Report of the Select Committee of the Council of His Excellency the Governor of Bombay on the Bill to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory, and the Bill as amended by the Select Committee are, in accordance with Rule 25 of the Rules for the conduct of Business at Meetings of the Council, published for general information :—

Report of the Select Committee appointed to consider the Bill (No. 3 of 1891) to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory.

We, the Members of the Select Committee appointed to consider Bill No. 3 of 1891 (to prohibit the practice of inoculation and to make the vaccination of children in certain portions of the Bombay Presidency compulsory), have the honour to present the following Report.

2. The Bill was published in English on 5th November 1891, in Gujaráti, Maráthi and Kánarese on the 19th December 1891 in the *Bombay Government Gazette*, and in Sindhi on the 3rd December 1891 in the *Sind Official Gazette*.

3. The Committee sat on three occasions to consider the Bill. Certain suggestions of amendment received from the Honourable Mr. J. R. Naylor, and others contained in a letter from a Society styling itself the Indian Progress Society were also considered by us.

4. Certain verbal alterations have been effected by us in section 2, sub-section (2), clauses (a) and (b); in section 3; in section 4, clauses (i), (j) and (k); in sections 5, 6, 7 and 8; in section 9, sub-sections (1), (2) and (3); in section 14, sub-section (2); in sections 16, 18, 19, 21 and 23, clause (2); and in sections 29, 30, 31 and 32.

5. Apart from these we have amended section 2, clause (b), by adding thereto clause (4) in the following terms:—

“(4). Except when an epidemic of small-pox exists or is apprehended, notice of the intention of Government to introduce the Act as aforesaid on a date specified shall be given in the *Bombay Government Gazette* at least one month before such notification is issued, and Government shall receive and consider such objections as may be submitted to Government by persons interested not later than a week before the date specified as aforesaid.”

We have also amended sub-section (3), clause (a), so as to read “by name, if such area is a territorial sub-division or area with a specific name and defined limits, or”.

6. From section 4 we have omitted clauses (g) and (h), as being unnecessary when the alteration in sub-section (3) of section 2 noted above is introduced.

We have further amended section 4 by the insertion of a clause below clause (j) of the original Bill defining “Sanitary Commissioner”, an amendment which renders possible the omission of explanatory sentences from subsequent sections of the Bill.

We have further added a clause below clause (k) of the same section of the original Bill, defining “register” and “registration” as referring to registration in pursuance of any law, bye-law, or rule, adverted to in clause (k).

7. Section 9, sub-section (2), clause (b), sub-clauses (i) and (ii), have been amended as shown below, in order to carry out the intention of always allowing twelve months from the date of a child's birth as the period within which its vaccination is to be effected, thus:

(i) “If the child is less than *nine* months old, within twelve months after its birth”;

(ii) “If the child is nine months, or more than nine months but less than fourteen years old, within three months of its being brought within the said limits,” and “such” in line 37 has been amended into “the said.”

8. We have made several amendments in section 14. One of us, the Honourable Mr. Javerilal Umia Shankar Yajnik, objects to the introduction of arm to arm vaccination. The other members of the Committee do not share his objections. They consider that the Bill ought to contain provisions authorizing in case of necessity arm to arm vaccination. In order, however, to allow the greatest possible freedom of action to those who are willing to conform substantially to the requirements of the Act, we have amended the proviso below clause (2) (a) of the section, in the terms following:—

“(3). The operation of any such notification shall be subject to the following provisos, *viz.*—

(a) that if the period prescribed by section 9 for the vaccination of an unprotected child will expire while such notification is in force, the parent or guardian of such child may give written notice to a public vaccinator before the expiry of the said period of his desire to arrange privately for the effectual vaccination of the child in conformity with the provisions of this Act, and thereupon the public vaccinator shall for the said purpose allow an extension of the said period for such time not exceeding one month as he deems reasonable.

“(b) Provided further, that lymph shall not be taken from any child who does not appear to be in good health and free from taint of a disease transmissible by vaccination.”

9. Clause (2) (b) of section 14 which authorizes a public vaccinator to take lymph from a child brought to him under section 10 for inspection, has been amended by the addition of the condition that he shall do so “in such manner as shall not be injurious to such child.”

10. We have amended section 17, in order to render its terms more explicit, and its application more general.

11. We have deemed it expedient to amend section 28 in a way that will permit of a prosecution under the present Bill, when it becomes law, being instituted by order of, or under authority from, “a Magistrate of a district or of a sub-division of a district, or of a Superintendent of Vaccination”, instead of only by order of, or under authority from, Government or a Superintendent of Vaccination, as in the original Bill.

12. The above, together with a slight amendment in the form of Schedule D, constitute all the amendments which we have made in the Bill as it stood at the First Reading.

(Signed)	C. B. PRITCHARD.
"	R. WEST.
"	F. L. LATHAM.
"	JAVERILAL U. YAJNIK.
"	FAZULBHOY VISRAM.

*Bombay, 7th February 1892.*

*Dissent.*

I regret I cannot endorse the view the Select Committee have taken of that part of Section 14 of the Bill which legalizes compulsion in respect of arm to arm vaccination under certain circumstances and with certain safeguards. It seems to me that if compulsory vaccination is to be made acceptable to the bulk of the people in the districts of this Presidency, legislation should proceed on the only safe lines on which the Act in the City of Bombay upon which the Bill is modelled has worked so smoothly during the last fifteen years, namely, by restricting compulsion to those cases in which the vaccine lymph is taken from the animal direct.

Such a course, I am persuaded, is not only in accordance with the best medical opinion of the day as rendering impossible even an accidental inoculation of syphilis and other diseases, but will go far to deprive compulsion of its sting in respect of the deep-seated religious and other prejudices of the people against lymph from a child of a different religion or a lower caste being used for purposes of vaccination. I reserve a fuller statement of my reasons.

(Signed) JAVERILAL U. YAJNIK.

*7th February 1892.*

## Bill No. 3 of 1891.

*A Bill to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory.*

(As amended by the Select Committee on the 4th February 1892.)

## TABLE OF CONTENTS.

	Section.	Clause.		Section.	Clause.
<b>PRELIMINARY.</b>			<b>REGISTRATION.</b>		
Short title ... ..	1	...	Registrar of Births to give notice of the requirement of vaccination ... ..	16	...
Extent and commencement ... ..	2	a (1)	Duplicates of all certificates to be transmitted to the Registrar ... ..	17	...
Commencement ... ..	ib.	(b)	Registrar to keep a vaccination notice and certificate book ... ..	18	...
Power to suspend or withdraw Act ... ..	3	...	and also a duplicate register of births, with entries concerning vaccination ... ..	19	...
Interpretation ... ..	4	...	and also a register of postponed vaccinations... ..	20	...
<b>ESTABLISHMENT.</b>			Transmissions of returns to Superintendent ... ..	21	...
Vaccination circles ... ..	5	(1)	<b>PROSECUTIONS AND OFFENCES.</b>		
Appointment of public vaccinators and vaccine stations ... ..	ib.	(2)	Penalty for inoculating ... ..	22	(a)
Public vaccinators how removable ... ..	ib.	(3)	for entering a vaccination area after inoculation ... ..	ib.	(b)
Limits of circles and hours of attendance how to be notified... ..	ib.	(4)	and for bringing person inoculated into such area ... ..	ib.	(c)
The public vaccinator to live within his circle ... ..	6	...	Magistrate may make an order for the vaccination of any unprotected child under 14 years	23	(1)
Qualifications of public vaccinator ... ..	7	...	Penalty for disobedience of such order ... ..	ib.	(2)
Superintendent of Vaccination ... ..	8	(1)	Proviso for costs to person improperly summoned ... ..	ib.	(3)
Assistant Superintendents ... ..	ib.	(2)	Penalty for not producing a child	24	...
<b>VACCINATION.</b>			Penalty for neglect to take child to be vaccinated ... ..	25	...
Duty of parent or guardian of children within limits of vaccination area ... ..	9	(1)	Penalty for making or signing false certificate ... ..	26	...
Within what period to be performed ... ..	ib.	(2)	Penalty for accepting illegal fee or remuneration ... ..	27	...
In case of child born within vaccination area ... ..	ib.	2 (a)	Cognizance of offences under this Act ... ..	28	...
In case of unprotected child brought within vaccination area	ib.	2 (b)	Prosecution for neglect ... ..	29	...
In case of child living within vaccination area when the Act comes into force therein ... ..	ib.	2 (c)	<b>SUPPLEMENTAL.</b>		
Public vaccinator is bound to vaccinate all children brought to him ... ..	ib.	3	Books and forms ... ..	30	...
Inspection ... ..	10	(1)	Annual return to be made of the number of children vaccinated, &c. ... ..	31	...
Re-vaccination ... ..	ib.	(2)	The Sanitary Commissioner to make rules ... ..	32	...
If child be unfit for vaccination, certificate in form A to be given, Which shall remain in force for two months, but shall be renewable ... ..	11	(1)	Vaccination of convicts and others in jails, &c. ... ..	33	(1)
When successive postponement of certificates are to be granted ... ..	ib.	(3)	<b>SCHEDULE A.</b>		
Provision for giving certificates of insusceptibility to successful vaccination ... ..	12	...	Do. B.		
Provision for giving certificates of successful vaccination... ..	13	...	Do. C.		
Vaccination must ordinarily be performed with animal lymph.	14	(1)	Do. D.		
No fee to be charged for vaccination at a public vaccine station or for certificates ... ..	15	(1)	Do. E.		
Proviso ... ..	ib.	(2)			

## Bill No. 3 of 1891.

*A Bill to prohibit the practice of Inoculation and to make the Vaccination of Children in certain portions of the Bombay Presidency compulsory.*

(As amended by the Select Committee on the 4th February 1892.)

WHEREAS it is expedient to prohibit the practice of inoculation and to make compulsory the vaccination of children in certain portions of the presidency of Bombay, and to remove doubts as to the legality of compulsory vaccination in the case of convicts and others confined in criminal jails, reformatories and lunatic asylums in the said presidency: It is enacted as follows:—

*Preliminary.*

1. This Act may be cited as the Bombay District Vaccination Act, 1892.  
Short title.
2. (1) Section 33 extends to the whole of the presidency of Bombay, and shall come into force at once.  
Extent and commencement.
- (2) The rest of the Act :
  - (a) extends to the whole of the presidency of Bombay, except
    - (i) the city of Bombay,
    - (ii) the town of Karāchi,
    - (iii) the scheduled districts other than the province of Sind; and
  - (b) shall come into force in each local area within its extent on such day and during such period as the Governor in Council by notification in the *Bombay Government Gazette*, declaring such area to be a vaccination-area, may direct.
- (3) Every such notification shall specify the local area to which it relates
  - (a) by name if such area is a territorial sub-division or area with a specific name and defined limits or, by name, if such area is a district, taluka or municipal district, or
  - (b) by defining its limits in any other case.
- (4) Except when an epidemic of small-pox exists or is apprehended, notice of the intention of Government to introduce the Act as aforesaid on a date specified shall be given in the *Bombay Government Gazette* at least one month

before such notification is issued, and Government shall receive and consider such objections as may be submitted to Government by persons interested, not later than a week before the date specified as aforesaid.

3. The Governor in Council may at any time by notification withdraw the Act from operation, or, for such period as he deems fit, suspend its operation, in any local area in which it may have been brought into force under section 2, sub-section (2) or in any part of such area.

Bo. Act I of 1877, s. 2.

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

- (a) "parent" means, in the case of a legitimate child, the father or the mother and, in the case of an illegitimate child, the mother only;
- (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 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 authorised in that behalf;
- (c) "public vaccinator" means any vaccinator appointed under this Act, and includes any deputy duly authorised to act for such public vaccinator;
- (d) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act;
- (e) "unprotected child" means a child who has not been protected from small-pox by having been successfully vaccinated, or who has not been certified under section 12 to have already had small-pox or to be insusceptible of vaccination;
- (f) "animal lymph" means vaccine, taken from the calf of a cow or buffalo;
- (g) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1882; Act X of 1882.
- (h) "municipal district" means a municipal district, as defined in section 4 (2) of the Bombay District Municipal Act Amendment Act, 1884; Bo. Act II of 1884.

## Bill No. 3 of 1891.

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The public vaccinator to live within his circle ... ..	6	...	Proviso for costs to person improperly summoned ... ..	ib.	(3)
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In case of child living within vaccination area when the Act comes into force therein ... ..	ib.	2 (c)	Do. B.		
Public vaccinator is bound to vaccinate all children brought to him ... ..	ib.	3	Do. C.		
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*Preliminary.*

1. This Act may be cited as the Bombay District Vaccination Act, 1892.

2. (1) Section 33 extends to the whole of the presidency of Bombay, and shall come into force at once.

(2) The rest of the Act:

(a) extends to the whole of the presidency of Bombay, except

(i) the city of Bombay,

(ii) the town of Karachi,

(iii) the scheduled districts other than the province of Sind; and

(b) shall come into force in each local area within its extent on such day and during such period as the Governor in Council by notification in the *Bombay Government Gazette*, declaring such area to be a vaccination area, may direct.

(3) Every such notification shall specify the local area to which it relates

(a) by name if such area is a territorial sub-division or area with a specific name and defined limits or, by name, if such area is a district, taluka or municipal district, or

(b) by defining its limits in any other case.

(4) Except when an epidemic of small-pox exists or is apprehended, notice of the intention of Government to introduce the Act as aforesaid on a date specified shall be given in the *Bombay Government Gazette* at least one month

before such notification is issued, and Government shall receive and consider such objections as may be submitted to Government by persons interested, not later than a week before the date specified as aforesaid.

3. The Governor in Council may at any time by notification withdraw the Act from operation, or, for such period as he deems fit, suspend its operation, in any local area in which it may have been brought into force under section 2, sub-section (2) or in any part of such area.

Bo. Act I of 1877, s. 2.

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

(a) "parent" means, in the case of a legitimate child, the father or the mother and, in the case of an illegitimate child, the mother only;

(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 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 authorised in that behalf;

(c) "public vaccinator" means any vaccinator appointed under this Act, and includes any deputy duly authorised to act for such public vaccinator;

(d) "medical practitioner" means any person duly qualified by a diploma, degree or license to practise in medicine or surgery or specially licensed by the Governor in Council to practise vaccination and grant certificates under the provisions of this Act;

(e) "unprotected child" means a child who has not been protected from small-pox by having been successfully vaccinated, or who has not been certified under section 12 to have already had small-pox or to be insusceptible of vaccination;

(f) "animal lymph" means vaccine, taken from the calf of a cow or buffalo;

(g) "district" means a territorial division constituting a district for the purposes of the Code of Criminal Procedure, 1882; Act X of 1882.

(h) "municipal district" means a municipal district, as defined in section 4 (2) of the Bombay District Municipal Act Amendment Act, 1884; Bo. Act II of 1884.

(g) "vaccination area" means a local area in which the Governor in Council has by notification declared this Act to be, and the Act is, in force;

(h) "vaccination circle" or "circle" means one of the circles into which a vaccination area is sub-divided under this Act parts into which a vaccination area has under this Act been sub-divided for the performance of vaccination;

(i) "Sanitary Commissioner" means the Sanitary Commissioner for the Presidency of Bombay or any officer whom the Governor in Council from time to time directs to exercise or perform all or any of the powers or duties of a Sanitary Commissioner under this Act.

(j) "registrar of births" means any officer or other person whose duty it is, (a) under any law for the time being in force other than the Births, Deaths and Marriages Registration Act, 1886, or

(b) under any the rules or bye-law or rule having the force of law of any municipality, to register births and deaths, but nothing in this Act respecting registrars shall be deemed to apply to any registrar appointed under the Births, Deaths and Marriages Registration Act, 1886, as such registrar.

(k) "register" and "registration" refer to registration in pursuance of any such law, bye-law or rule as aforesaid.

Establishment.

5. (1) Subject to such rules and orders as may from time to time be made by Government, every vaccination area shall, with the concurrence of the Commissioner, be divided by the Sanitary Commissioner for the presidency of Bombay, or by such other officer as Government directs, into such and so many vaccination circles for the performance of vaccination, as he shall from time to time deem fit.

(2) The Sanitary Commissioner The officer so dividing a vaccination area shall appoint a public vaccinator for each vaccination circle thereof, and shall, with the concurrence of the Commissioner, appoint such places in each such circle, as he shall from time to time deem fit, to be stations for the performance of vaccination. Such stations shall be called public vaccine stations.

(3) Every public vaccinator shall be removable from office by the Sanitary Commissioner or other officer aforesaid.

(4) The limits of the vaccination circles made, and the positions of the public vaccine stations fixed, under sub-sections (1) and (2) 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 32.

6. Every public vaccinator, unless specially permitted by the Sanitary Commissioner or other officer aforesaid to reside elsewhere, shall reside within the circle for which he is appointed, and shall cause his name, with the addition of the words "Public Vaccinator for the vaccination circle of \* \* \*", to be posted up in English and in the vernacular of the district in some conspicuous place on or near the outer door of his dwelling-house, and of every public vaccine station in his circle.

7. 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 Sanitary Commissioner or other officer aforesaid.

8. (1) In each vaccination area a Superintendent of Vaccination shall be appointed by Government, and subject to the orders of the Sanitary Commissioner or other officer aforesaid, shall have a general control over all the proceedings of the public vaccinators within that area, and shall perform such duties, in addition to those prescribed by this Act, as shall be required by Government.

(2). Each Superintendent shall have, if necessary, one or more assistants as Government may from time to time direct.

Vaccination.

9. (1). In the case of every child such as is mentioned in sub-section (2), Subject to the provision contained in clause (a) of sub-section 3 of section 14 it shall be the duty of the parent and

Act XIII of 1880, s. 2 (6).

Act VI of 1886.

Act VI of 1886.

Bo. Act I of 1877, s. 3.

Appointment of public vaccinators and vaccine stations.

Public vaccinators how removable.

Limits of circles and hours of attendance how to be notified.

The public vaccinator to live within his circle.

Qualifications of public vaccinator.

Superintendent of Vaccination.

Duty of parent and of guardian of children within limits of vaccination area.

Bo. Act I of 1877, s. 4.

Bo. Act I of 1877, s. 5.

Bo. Act I of 1877, s. 6.

Bo. Act IV of 1879, s. 6.

Bo. Act I of 1877, s. 7.



guardian thereof, of every child such as is mentioned in sub-section (2) within the period prescribed in respect thereof in the said sub-section, to take it or cause it to be taken to a public vaccinator to be vaccinated, or to cause it to be vaccinated by some medical practitioner.

(2). The duty imposed by sub-section (1) shall be performed in the undermentioned cases within the periods hereinbelow respectively specified following, that is to say—

in the case of:

(a) a child born within the limits of a vaccination area, —within twelve months after its birth ;

(b) an unprotected child brought to reside, whether temporarily or permanently, within the said limits,

(i) if the child is less than nine months old—within twelve months after its birth ;

(ii) if the child is nine months or more than nine months but less than fourteen years old—within three months of its being brought within the said limits ;

(c) an unprotected child living within such the said limits at the date when this Act comes into force therein,

(iii) (i) if the child at such date is more than six months but less than fourteen years old—within six months from the date of the Act coming into force in such area ;

(iv) (ii) if the child at such date is less than six months old—within twelve months from the date of its birth.

(3). The public vaccinator to whom any such child, or to whom any child under the age of fourteen years, is brought for vaccination, is hereby bound to vaccinate all children brought to him.

required with all reasonable despatch, subject to the conditions hereinafter mentioned, to vaccinate such the child.

10. (1). 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 any earlier or later 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.

(2). 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.

11. (1). 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, or to the like effect, that the child is then in a state unfit for vaccination.

(2). 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, according to the provisions of section 13, if warranted by the result.

(3). 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.

12. 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, or to the like effect, and the parent or guard-

\*Bo. Act I of 1877, s. 8 and Bo. Act III of 1882, s. 2.

Bo. Act I of 1877, s. 9.

Bo. Act I of 1877, s. 10.

ian shall thenceforth not be required to cause the child to be vaccinated.

Bo. Act I of  
1877, s. 11.

13. 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, or to the like effect, certifying that the said child has been successfully vaccinated.

Bo. Act I of  
1877, s. 12.

14. (1). Except as is in sub-section (2) otherwise provided, vaccination must ordinarily be performed with animal lymph. 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.

(2). 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 in any vaccination area without dangerous delay, 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 within such vaccination area may, without the assent of the parents or guardians of such children, be performed with lymph taken from a human being;

(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 10 for inspection, may, if he see fit, take from such child lymph for the performance of other vaccinations in such manner as shall not be injurious to such child:

(3). The operation of any such notification shall be subject to the following provisos, viz.:

(a) that if the period prescribed by section 9 for the vaccination of an unprotected child will expire while such notification is in force, the parent or guardian of such child may give written notice to a public vaccinator, before the expiry of the said period, of his desire to arrange privately for the effectual vaccination of the child in conformity with the provisions of this Act, and thereupon the public vaccinator shall for the said purpose allow an extension

of the said period for such time, not exceeding one month, as he deems reasonable.

(b) Provided, further, that lymph shall not be taken from any child who does not appear to be in good health and free from taint of a disease transmissible by vaccination.

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

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

Bo. Act I of  
1877, s. 13.

(2). But it shall be lawful for a public vaccinator to accept, by request of the parent or guardian, elsewhere than at a public vaccine station, a fee not exceeding such maximum as the Governor in Council may, by rule or order in this behalf, prescribe.

Proviso.

for vaccinating a child,

#### Registration.

16. On the registration in a vaccination area of the birth of any child under the provisions of the bye-laws of any municipality, or of any other law for the time being in force, the registrar of births shall deliver to the person giving information of such birth a printed notice in the form of schedule D, or to the like effect, and such notice shall have attached thereto the several forms of certificates prescribed by this Act.

17. 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 shall, if possible, ascertain whether the birth of the child to which the certificate relates has been registered in any place situate within a vaccination area, or in the city of Bombay, or in the town of Karachi. If he ascertains that it has been so registered he shall, within twenty-one days of giving the certificate, transmit a duplicate thereof to the registrar of births of the said place; in every other case he shall, within the said period, transmit a duplicate of the said certificate to the registrar of births (if any) of the place in which the child was vaccinated or presented for vaccination within twenty-one days after

Bo. Act IV of  
1879, s. 14.

Bo. Act I of  
1877, s. 15.

~~giving the same, transmit a duplicate thereof to the registrar of births of the municipal district or place 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 not born within the limits of any municipal district, or his birth has not been registered, then to the registrar of the municipal district or place within which the child was vaccinated, or presented for vaccination.~~

Bo. Act I of 1877, s. 16.

18. Every registrar of births in a vaccination area shall keep a book, in such form as may from time to time be prescribed under section 30, 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.

19. He shall also prepare and keep a duplicate of any register of births which it is his duty to keep required to be kept by him under the provisions of the by-laws of the municipality of which he is an officer, or of any other law for the time being in force, with such additional columns with such columns added thereto as shall from time to time be prescribed under section 30, in which he shall record the date of every duplicate certificate in the form of 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.

Bo. Act I of 1877, s. 18.

20. He shall also keep a register of postponed vaccinations in the form of schedule E, in which he shall record the name of every child concerning whom he receives a duplicate certificate in the form of 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.

Bo. Act I of 1877, s. 19.

21. Every registrar of births in a vaccination area 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 under sec-

Transmission of returns to Superintendent.

tion 30, 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.*

Bo. Act I of 1877, s. 20.

22. Whoever:

(a) 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; or

(b) being above the age of fourteen years and having been inoculated with small-pox in a place in which this Act is not for the time being in force, shall afterwards enter a vaccination area 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; or

(c) 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, a vaccination area;

Bo. Act IV of 1879, s. 20.

shall be punished with imprisonment for a term which may extend to three months or with fine which may extend to two hundred rupees, or with both.

23. (1) If a Superintendent of Vaccination shall give information in writing to a Magistrate that he has reason to believe

Bo. Act I of 1877, s. 21.

that any child within a vaccination area, 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.

(2) If, at the expiration of such time, the child shall not have been vaccinated, or shall not be shown

Penalty for disobedience of such order.

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 to the Magistrate some reasonable ground for his omission to carry the order into effect, be punished with fine, which may extend to fifty rupees :

(3) 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.

24. 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 for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

25. 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 14 is in force, prevents any public vaccinator from taking lymph from any child whom he has vaccinated; or

(c) neglects to fill up, 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.

26. 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 for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

27. 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 15, he shall be deemed to have committed an offence punishable under section 161 of the Indian Penal Code.

28. All offences under this Act shall be cognizable by a Magistrate of the first or second class, but no complaint of any such offence shall be entertained unless the prosecution be instituted by order of, or under authority from, Government a Magistrate of a district or of a sub-division or of a Superintendent of Vaccination.

29. 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 a registrar of births, or any other officer, of the requirements of the law in this respect ; but if the defendant produce any certificate under section 12 or 13 or the duplicate of the register of births or the register of postponed vaccinations kept by any registrar of births 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.

Supplemental.

30. The Sanitary Commissioner 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 of births such books and forms as are required by them under the provisions of this Act.

31. It shall be the duty of every registrar of births in a vaccination area to show appointed under the by-laws of any municipality to show in any annual general abstract of births and deaths prepared by him

Bo. Act I of 1877, s. 22.

Bo. Act I of 1877, s. 23.

Bo. Act I of 1877, s. 24.

Bo. Act I of 1877, s. 25.

Act XLV of 1860.

Bo. Act I of 1877, s. 26.

Bo. Act I of 1877, s. 27.

Bo. Act I of 1877, s. 29.

Bo. Act IV of 1879, s. 30.

the number of children successfully vaccinated, the number whose vaccination has been postponed, and the number certified to be insusceptible of successful vaccination during the year.

Lo. Act IV of 1879, s. 31.

32. The Sanitary Commissioner, ~~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 7;
- (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*.

33. (1). Subject to such rules as the Inspector General of Prisons with the sanction of Government may make in this behalf, and to such exemptions as Government may from time to time, by either a

Vaccination of convicts and others in jails, &c.

general or a special order, authorize, the operation of vaccination shall be performed on every person confined in any of the cases hereinafter mentioned, whatever the age or sex of such person may be, and whether such person consent to undergo such operation or not; that is to say in the case of every person in respect of whom:

- (a) imprisonment for more than one month or transportation has been awarded as part of the substantive sentence of a criminal court, or
- (b) a criminal court has directed imprisonment, in default of payment of fine, for a term which, if the fine be not sooner paid, will exceed one month, or
- (c) a court has directed imprisonment for failure to give security for good behaviour for a term which, if security be not sooner given, will exceed one month, or

(d) an order has been passed by Government under either section 466 or section 471 of the Criminal Procedure Code, 1882, for his confinement as a lunatic. Act X of 1882.

(2) Every operation heretofore performed under any rules or orders made or approved by the Governor in Council, or by the Inspector General of Prisons, on any person confined or detained in a gaol, shall be deemed to have been lawfully performed and with due warrant.

#### SCHEDULE A.

(See Section 11.)

I, the undersigned, hereby certify that, in my opinion, \* \* \*, the child of \* \* \*, resident at \* \* \*, in the vaccination area of \* \* \*, 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 12.)

(Form of Certificate where child is insusceptible of small-pox.)

I, the undersigned, hereby certify that I have three times unsuccessfully vaccinated \* \* \*, the child of \* \* \*, residing at \* \* \*, in the vaccination area of \* \* \*, 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.)

(Form of Certificate where child has already had small-pox.)

I, the undersigned, hereby certify that I have examined \* \*, the child of \* \*, residing at \* \*, in the vaccination area of \* \*, and that I am of opinion that the said child has already had small-pox.

Dated this \* \* day of \* \* 18 \* \*.

(Signature of Medical Practitioner  
or Public Vaccinator.)

SCHEDULE C.

(See Section 13.)

I, the undersigned, hereby certify that \* \*, the child of \* \*, age \* \*, resident at \* \*, in the vaccination area of \* \*, has been successfully vaccinated by me.

Dated this \* \* day of \* \* 18 \* \*.

(Signature of Medical Practitioner  
or Public Vaccinator.)

SCHEDULE D.

(See Section 16.)

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 name of the father~~) \* \* \* \* \* whose birth has this day been registered, must be vaccinated under the provisions of the Bombay District Vaccination Act, 1891, within twelve months from the date of its birth, under a penalty of fifty 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 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 vaccination area 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 20.)

Register of Postponed Vaccinations for the Vaccination Area of

Consecutive Number.	Name of Child.	BIRTH.		Date of Certificate of Postponement.	Signature of Registrar.
		Year.	Number of entry in Register.		

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

C. H. A. HILL,

Secretary to the Council of His Excellency the Governor of Bombay  
for making Laws and Regulations.

Bombay Castle, 8th February 1892.