

THE VACCINATION ACT¹

[INDIA ACT XIII. 1880, BURMA ACT VI. 1908, BURMA ACT I, 1909.]

PART I. (9th July, 1880.)¹

1. This Part shall apply only to the municipalities and cantonments to which it is extended in the manner hereinafter provided.
2. In this Part, unless there is something repugnant in the subject or context,-
 - (1) the expression "**municipal commissioners**" means a body of municipal commissioners or a municipal committee constituted under the provisions of any enactment² for the time being in force;
 - (2) "**parent**" means the father of a legitimate child and the mother of an illegitimate child ;
 - (3) "**guardian**" includes any person who has accepted or assumed the care or custody of any child ;
 - (4) "**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 this Part to be insusceptible to vaccination ;
 - (5) "**inoculation**" means any operation performed with the object of producing the disease of small-pox in any person by means of variolous matter ;
 - (6) "**vaccination-circle**" means one of the parts into which a municipality or cantonment has been divided under this Part for the performance of vaccination;
 - (7) "**vaccinator**" means any vaccinator appointed under this Part to perform the operation of vaccination, or any private person authorized in manner hereinafter provided to perform the same operation and includes a Superintendent of vaccination ;
 - (7A) "**Superintendent of vaccination**" means a person appointed as such under this Act;

¹ The Burma Laws (Adaptation) Act, 1940 (Burma Act XXVII, 1940), consolidated the law relating to vaccination contained in the following Acts, viz., the Vaccination Act, 1880 (India Act XIII, 1880), the Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908 (Burma Act VI, 1908) and the Vaccination Law Amendment Act, 1909 (Burma Act I, 1909), as Parts I, II and III of this Act. Part I came into force on the 9th July 1880.

² See the Municipal Act and the City of Rangoon Municipal Act.

- (8) "**vaccination-season**" means the period from time to time fixed by the President of the Union for any local area by notification in the Gazette, during which alone vaccination may be performed under this Part.

3. A majority in number of the persons present at a meeting of the municipal commissioners specially convened in this behalf may apply to the President of the Union to extend this Part to the whole or any part of a municipality; and thereupon the President of the Union may, if he thinks fit, by notification published in the Gazette, declare his intention to extend this Part in the manner proposed.

Any inhabitant of such municipality or part thereof who objects to such extension may, within six weeks from the date of such publication, send his objection, in writing, to such person as may be specified in the notification and the President of the Union shall take such objection into consideration-When six weeks from the said publication have expired, the President of the Union, if no such objections have been sent as aforesaid, or (when such objections have been so sent) if in his opinion they are insufficient, may, by like notification, effect the proposed extension.

4. The President of the Union may, by notification in the Gazette extend this Part to the whole or any part of a military cantonment.

5. The President of the Union may, by notification in the Gazette, withdraw any local area in a municipality or any local area in a cantonment from the operation of this Part.

6. In any local area to which the provisions of this Part apply, inoculation shall be prohibited; and no person who has undergone inoculation shall enter such area before the lapse of forty days from the date of the operation, without a certificate from a medical practitioner of such class as the President of the Union may from time to time by written order authorize to grant such certificates, stating that such person is no longer likely to produce small-pox by contact or near approach.

7. Every local area to which this Part applies shall be a vaccination-circle, or shall in manner hereinafter provided be divided into a number of such circles; one or more vaccinators shall be appointed in manner hereinafter provided for each such circle; and one or more Superintendents of vaccination shall be appointed in manner hereinafter provided for each such local area.

8. The Commissioner may by written licence authorize private vaccinators to perform vaccination in any vaccination-circle, and may suspend or cancel any such licence.

9. When any unprotected child, having attained the age of six monthsi has resided for a period of one month during the vaccination-season in any local area to

which the provisions of this Part apply, and has not at the expiration of such period attained the age, if a boy, of fourteen years, and, if a girl, of eight years, the parent or guardian of such child shall take it, cause it to be taken, to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.

¹Such vaccinator shall vaccinate the child and deliver to its parent or guardian a memorandum stating the date on which the vaccination has been performed and the date on which the child is to be inspected in order to ascertain the result of the operation, or shall, if he finds such child in a state unfit for vaccination, deliver to its parent or guardian a certificate under his hand to the effect that the child is in a state unfit for vaccination for the whole or part of the current vaccination-season.

10. The parent or guardian of every child which has been vaccinated under section 9 shall, on the date of inspection stated in the memorandum, take the child, or cause it to be taken, to a vaccinator for inspection, or get it inspected at his own house by a vaccinator; and such vaccinator shall then append to the memorandum a certificate stating that the child has been inspected and the result of such inspection.

11. When it is ascertained at the time of inspecting a child under section 10 that the vaccination has been successful, a certificate shall be delivered by the vaccinator to the parent or guardian of such child to that effect, and such child shall thereafter be deemed to be protected.

12. When it is ascertained as aforesaid that the vaccination has been unsuccessful, the parent or guardian shall, if the vaccinator so directs, cause the child to be forthwith again vaccinated and subsequently inspected in manner hereinafter provided.

13. A certificate granted under section 9 showing the unfitness of a child for vaccination shall remain in force for the period stated therein, and, on the termination of that period, or if that period terminates after the vaccination-season is over, when the next vaccination-season begins, the parent or guardian of such child shall take the child, or cause it to be taken, to a vaccinator to be vaccinated, or procure its vaccination at his own house by a vaccinator:

Provided that, if the child is still found to be in a state unfit for vaccination, the certificate granted under section 9 shall be renewed.

¹ The provisions of the second paragraph of section 9 and of sections 10 to 22 of this Part are to be applied in the case of any child whose vaccination is directed under section 4 of Part HI of this Act as if that section were a part of section 9 of this Part.

14. If the Superintendent of vaccination is of opinion that a child which has been three times unsuccessfully vaccinated is insusceptible of successful vaccination, he shall deliver to the parent or guardian of such child a certificate under his hand to that effect; and the parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

15. The vaccination of a child shall ordinarily be performed with such lymph as may be prescribed by the rules to be made under this Part:

Provided that,

first, if animal-lymph is so prescribed and the parent or guardian of any child desires that such child shall be vaccinated with human-lymph it shall be so vaccinated ; and

second, if in any local area in which animal-lymph is procurable human-lymph is so prescribed, and the parent or guardian of any child desires that such child should be vaccinated with animal-lymph, and tenders to the vaccinator the amount of such fee, not exceeding one rupee, as may be fixed by such rules in this behalf, such child shall be so vaccinated.

16. No fee shall be charged by any vaccinator except a private vaccinator to the parent or guardian of any child for any of the duties imposed on such vaccinator by or under the provisions of this Part:

Provided that it shall be lawful for a vaccinator to accept a fee for vaccinating a child by request of the parent or guardian elsewhere than in the circle for which such vaccinator is appointed.

17. The Superintendent of vaccination, in addition to the other duties imposed on him by or under the provisions of this Part, shall ascertain whether all unprotected children, under the age of fourteen years if boys, and under the age of eight years if girls, within the local area under his superintendence have been vaccinated ; and, if he has reason to believe that the parent or guardian of any such child is bound by the provisions hereinbefore contained to procure the vaccination of such child or to present it for inspection, and has omitted so to do, he shall personally go to the house of such parent or guardian, and there make enquiry, and shall, if the fact is proved, forthwith deliver to such parent or guardian, or cause to be affixed to his house, a notice requiring that the child be vaccinated, or (as the case may be) that it be presented for inspection, at a time and place to be specified in such notice.

18. If such notice is not complied with, the Superintendent of vaccination shall report the matter to the Magistrate of the district, or such Magistrate as the President

of the Union or the Magistrate of the district may from time to time appoint in this behalf ; and the Magistrate receiving such report shall summon the parent or guardian of the child and demand his explanation, and shall, if such explanation is not satisfactory, make an order in writing directing such parent or guardian to comply with the notice before a date specified in the order.

If on such date the order has not been obeyed, the Magistrate shall summon the parent or guardian before him. and. unless just cause or excuse is shown, shall deal with the disobedience as an offence punishable under section 22.

* * * *¹

19. When this Part has been applied to any municipality or any part thereof, the municipal commissioners may from time to time make rules consistent with this Part for the proper enforcement of this Part within the limits to which it applies- Such rules shall be made in the manner in which, under the law for the time being in force, the municipal commissioners make rules or bye-laws for the regulation of other matters within the limits of the municipality and shall, when confirmed by the Commissioner and published in the Gazette, have the force of law :

Provided that the Commissioner may at any time rescind or modify any such rule-

20. When this Part has been applied to any cantonment or any part thereof, the President of the Union may from time to time make such rules.

21. The rules to be made for any local area under section 19 or 20 may» among other matters, provide for -

- (a) the division of such local area into circles for the performance of vaccination ;
- (b) the appointment of a place in each vaccination-circle as a public vaccine-station, and the posting of some distinguishing mark in a conspicuous place near such station;
- (c) the qualifications to be required of public vaccinators and Superintendents of vaccination ;
- (d) the authority with which their appointment, suspension and dismissal shall rest;
- (e) the time of attendance of public vaccinators at the vaccine-stations, and their residence within the limits of the vaccination-circles ;

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948

- (f) the distinguishing mark or badge to be worn by them ;
- (g) the amount of fee chargeable by private vaccinators, and their guidance generally in the performance of their duties ;
- (h) the facilities to be afforded to people for procuring the vaccination of their children at their own houses ;
- (i) the grant and form of certificates of successful vaccination, of unfitness for vaccination, or of insusceptibility of vaccination ;
- (j) the nature of the lymph to be used and the supply of a sufficient quantity of such lymph ;
- (k) the fee to be paid for vaccination with animal-lymph under section 15;
- (l) the fee to be paid to a public vaccinator for vaccinating a child beyond the vaccination-circle at the request of the parent or guardian of the said child;
- (m) the preparation and keeping of registers showing the names of children born in such local area on or after the date of the application of this Part;
the names of unprotected children born in such local area previous to the application of this Part, and who are, at the time this Part is applied, under the age of fourteen years if boys, and of eight years if girls ; the names of unprotected boys and girls, respectively, under those ages brought within such local area at any time after the application of this Part and who have resided there for a month ; the result of each vaccination or its postponement, and the delivery of certificates, if any ;
- (n) the assistance to be given by the municipal commissioners and municipal servants in the preparation of these registers and in other matters ; and
- (o) the preparation of vaccination-reports and returns.

22. Whoever commits any of the undermentioned offences (that is to say)

- (a) violates the provisions of section 6,
- (b) neglects without just excuse to obey an order made under section 18,
- (c) breaks any of the rules made under section 19 or 20, or (d) neglects without just cause to obey an order made under section 18, after

having been previously convicted of so neglecting to obey a similar order made in respect of the same child, shall be punished as follows (that is to say):”

in the case of the offence mentioned in clause (a), with simple imprisonment for a term which may extend to three months, or with fine which may extend to two hundred rupees, or with both ; in the case of the offences mentioned in clauses (b) and (c), with fine which may extend to fifty rupees ; and in the case of the offence mentioned in clause (d), with simple imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.

23. The amount of all fees and fines realized, and the amount of all expenditure incurred, under this Part in any municipality shall respectively be credited to, and paid from, the municipal fund.

PART II¹ (1st October. 1909.)

1. * * * *
2. In this Part the terms "inoculation", "vaccinator" and " Superintendent of vaccination " have the meanings assigned to those terms in Part I of this Act.
3. (1) In any local area to which the President of the Union may, by notification, extend this section the production of small-pox by inoculation or by any other means shall be prohibited.
(2) Whoever in such local area, by inoculation or by wilful exposure to variolous matter or to any substance, article or thing impregnated with variolous matter or by any other means whatsoever, produces or attempts to produce the disease of small-pox in any person shall be liable to imprisonment for a period not exceeding three months, or to a fine not exceeding two hundred rupees, or to both-
4. (1) No person shall perform vaccination unless he -
(a) holds such medical qualifications as the President of the Union may, by notification, specify in this behalf, or
(b) has been appointed a vaccinator under Part I or Part II, or

¹ Part II is an adaptation of the Burma Prohibition of Inoculation and Licensing of Vaccinators Act, 1908 (Burma Act VI, 1908), which came into force on the 1st October 1909.

- (c) holds a licence as a vaccinator under Part I or Part II.
- (2) The Civil Surgeon of the district, the Health Officer of a municipality or port, or any officer specially authorized by the President of the Union in this behalf, may appoint any person to be a vaccinator or may, by written licence, authorize any person as a private vaccinator to practise vaccination in any local area under the charge of the officer issuing the licence, and may suspend or cancel any such licence.
- (3) Any person prohibited by sub-section (1) from performing vaccination, who performs vaccination, or who, being licensed as a private vaccinator, performs vaccination in a local area to which his licence does not extend, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both.
5. * * * *
6. (1) The President of the Union may make rules regulating the appointment and licensing, respectively, of vaccinators under section 4, sub-section (2), the suspension and cancellation of licences issued under that section, the suspension and dismissal of vaccinators appointed under that section, the procedure of vaccinators, and generally for carrying out the purposes of this Part.
- (2) Such rules shall be published in the Gazette, and shall thereupon have the same effect as if enacted in this Part

PART III¹
(24th May, 1909.)

- 1-2. * * * *
3. In this Part, unless there is anything repugnant in the subject or context, _
- (a) "inoculation" and "vaccinator" have the meanings assigned to them respectively in Part I, and " Superintendent of vaccination " means a Superintendent of vaccination appointed under that Part;
- (b) "unprotected person" means a person who has attained the age of fourteen years and who has not been protected from small-pox by having had that disease either naturally or by inoculation, or by having

¹ Part III is an adaptation of the Burma Vaccination Law Amendment Act, 1909 (Burma Act VI, 1909), which came into force on the 24th May 1909.

been successfully vaccinated, and who has not been certified, under Part I or Part III of this Act. to be insusceptible to vaccination;

- (c) "factory" has the meaning assigned to it by the Factories Act; and
 - (d) "port" means a port as defined for the purposes of the Ports Act.
4. (1) In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, the Health Officer of the municipality or any other officer specially appointed by the President of the Union in this behalf may direct the vaccination of any child under six months of age when it is or has been exposed to infection in consequence of residence in a house infected by small-pox; and the parent or guardian of such child shall permit such child to be forthwith vaccinated by any vaccinator who attends at the place where the child is, or if no vaccinator is sent for the purpose, shall take it or cause it to be taken to a vaccinator to be vaccinated, or send for a vaccinator to vaccinate it.
- (2) The provisions of the second paragraph of section 9 and of sections 10 to 22 of Part I shall apply in the case of any child whose vaccination is directed under this section, as if this section were a part of section 9 of that Part.
5. (1) In the municipality and port of Rangoon and in any other municipality or port to which the President of the Union may, by notification, extend this section, every person occupying any, or part of any, house, enclosure, vessel or other place shall allow a Superintendent of vaccination, or a vaccinator authorized by a Superintendent of vaccination in this behalf, such access thereto between sunrise and sunset as may be necessary for the purpose of ascertaining whether the inmates are protected or not; and every inmate of such house, enclosure, vessel or other place shall be bound to answer truly any inquiries touching the question whether or not he is an unprotected person and shall be bound to show on demand the marks of any previous vaccination alleged by him to have been performed.
- (2) Every person failing to answer questions or to show marks in compliance with the provisions of sub-section (1) shall be deemed to be an unprotected person.
- (3) Whenever it is necessary to ascertain whether a woman is protected or not. the investigation shall be conducted by a woman with strict regard to the customs of the class to which the person examined belongs.

6. In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of vaccination may, if he deems it advisable, by notice in writing in the form set forth in the Schedule or in some similar form, require any unprotected person to submit himself within seven days after the service of the same to a vaccinator to be vaccinated and every such person so served with a notice shall within the said period submit himself for vaccination as aforesaid.

7. In the municipality of Rangoon, and in any other municipality to which the provisions of this section may be extended in manner hereinafter provided, a Superintendent of vaccination may, if he deem it advisable, require any unprotected person being an inmate of a building or part of a building which is let in lodgings or occupied by members of more than one family, or any unprotected person employed in a factory, to submit himself forthwith to a vaccinator to be vaccinated. and every person so required shall thereupon submit himself for vaccination as aforesaid.

8. The President of the Union may, by notification,¹ extend to any municipality in which Part I is for the time being in force all or any of the provisions of this Part.

9. When a vessel arrives in the port of Rangoon, or in any other port to which the President of the Union may, by notification,¹ extend all or any of the provisions of this Part, the Health Officer of the port, or any other officer specially authorized by the President of the Union in this behalf, may, if he thinks fit, require any person who has travelled onboard the vessel for the purpose of coming to the Union of Burma to be vaccinated unless he -

- (a) shows signs of having suffered from small-pox either naturally or as a result of inoculation, or
- (b) can produce evidence which the Health Officer of the port, or other officer specially authorized by the President of the Union in this behalf, considers satisfactory that he has been successfully vaccinated or re-vaccinated within seven years preceding his arrival in the Union of Burma or that he is insusceptible to vaccination ; and every such person shall, if so required by any such officer, forthwith proceed to such place as may be specified in this behalf by such officer for the purpose of inspection and vaccination and shall remain there until he

¹ This section has been extended to all ports in Burma, see Burma Gazette, 1915, Part I, p-234

is permitted to leave, and shall, if unprotected, before leaving such place submit himself to a vaccinator for vaccination :

Provided that this section shall not apply to any vessel belonging to or in the service of * * * *¹ the Government of the Union of Burma, or to any vessel belonging to any foreign Prince or State.

10. (1) The Health Officer of a port, a Superintendent of vaccination or other officer specially authorized by the President of the Union in this behalf or, on the request of any such officer, any police-officer may arrest without a warrant any person who commits a breach of section 7 or section 9, if the name and address of such person cannot be readily ascertained then and there or if, in the opinion of the arresting officer, there is any likelihood of a failure to secure the attendance of such person before a Magistrate on the issue of a summons.

If such arrest is made by a person other than a police-officer, the person so arrested may be detained until he can be delivered into the custody of a police-officer for the purposes of sub-section (2).

- (2) Immediately after such arrest or, if other persons are at the time being required to submit to vaccination, immediately after the completion of the proceedings under section 7 or section 9 in respect of the persons found in the building, factory or vessel, as the case may be, the police-officer making the arrest or being in charge of the persons arrested shall, as soon as is reasonably possible, take or send all persons arrested under sub-section (1) before a Magistrate together with a report of the reasons for such arrest:

Provided that if any person so arrested is prepared to give bail, the provisions of section 496 of the Code of Criminal Procedure shall be complied with.

11. (1) When a person has been vaccinated under section 6 or section 7 the vaccinator shall deliver to such person a memorandum stating the date on which the vaccination has been performed and the date on which and the place in which such person is to be inspected in order to ascertain the result of the operation.
- (2) Every person vaccinated under section 6 or section 7 shall attend before a vaccinator for inspection on the date and at the place specified therefor in such memorandum.

¹ Omitted by the Union of Burma (Adaptation of Laws) Order, 1948.

If it is ascertained on such inspection that the vaccination has been successful, a certificate to that effect shall be given by the vaccinator to such person.

But if it is ascertained that the vaccination has been unsuccessful, the person shall, if so requested by such vaccinator, forthwith submit himself to a vaccinator to be again vaccinated:

Provided that if a Superintendent of vaccination is of opinion that a person who has been three times unsuccessfully vaccinated is insusceptible of a successful vaccination, he shall deliver to such person a certificate to that effect, and such person shall not thereafter be required to submit to vaccination.

12. (1) The provisions of sections 15 and 16 of Part I shall apply to every vaccination under this Part.
- (2) The provisions of sections 19 and 21 of Part I shall apply with necessary alterations for the purposes of sections 6 and 7, read with the other sections of this Part.

For the purposes of section 9, read with the other provisions of this Part, similar powers may be exercised and rules may be made by the President of the Union generally for carrying out the provisions of this Part.

12A. The Municipal Corporation of the City of Rangoon and any municipal or town committee to which all or any of the provisions of this Part have been extended may, with the previous sanction of the President of the Union, make rules for the enforcement of the re-vaccination of persons having attained the age of twelve years, and every person required by such rules to be re-vaccinated shall be deemed to be an unprotected person.

13. (1) Whoever, in contravention of any of the provisions of this Part, refuses or neglects to be vaccinated or after vaccination to be inspected, or refuses to allow access to any place, or refuses to answer any question or to show marks of alleged vaccination, or fails truly to answer any question, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.
- (2) Any person who, in contravention of the provisions of section 9, fails or neglects to proceed to a place to which he has been requested to proceed for the purpose of being inspected or vaccinated, or departs from such place without permission, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.

14. Whoever, being a vaccinator, unnecessarily and vexatiously enters any house, enclosure, vessel or other place, on pretence of ascertaining whether any

inmate thereof is unprotected, shall be punishable with imprisonment which may extend to eight days, or with fine which may extend to fifty rupees, or with both.

15. Notwithstanding anything contained in section 65 of the Penal Code, any person sentenced to fine only as a substantive sentence for any offence under this Part may be imprisoned in default of payment of such fine for any period not exceeding the maximum term of imprisonment fixed for such offence.

16. No Magistrate shall take cognizance of any complaint under section 13 or section 14 unless the prosecution is instituted by order, or with the sanction, of a Superintendent of vaccination or the President of the municipal committee.

THE SCHEDULE.

(See Section 6 of Part III.)

To

Take notice that you are hereby required, under the provisions of Part III of the Vaccination Act to submit yourself to a vaccinator within seven days from the service of this notice for vaccination, and that, in default of so doing, you will be liable to imprisonment which may extend to eight days, or fine which may amount to fifty rupees, or both.

The public vaccine-station nearest your house is at

The days and hours for vaccination at that station are as follows-

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

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

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

Dated _____ *Superintendent* _____ *of*
Vaccination.

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