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THE PUNJAB VACCINATION ORDINANCE, 1958

(XXVII of 1958)

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TEXT

[1]THE [2][PUNJAB] VACCINATION ORDINANCE, 1958

(XXVII of 1958)

[29th November, 1958]

An
Ordinance

to consolidate and amend the law relating to vaccination in the Province of [3][the Punjab].

Preamble.– **WHEREAS** it is expedient to consolidate and amend the law relating to vaccination in the Province of [4][the Punjab];

NOW, THEREFORE, in pursuance of the Presidential Proclamation of the 7th day of October, 1958, and in exercise of all powers enabling him in that behalf, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance:–

1. Short title and extent.– (1) This Ordinance may be called [5][the Punjab] Vaccination Ordinance, 1958.

[6][(2) It extends to the whole of the Province of [7][the Punjab], except the Tribal Areas.]

2. Definitions.– In this Ordinance, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say–

[8][(a) "child" means a person who has not completed the age of sixteen years;]

[9][(aa)] "Government" means the [10][Provincial Government of the Punjab];

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[1]This Ordinance was promulgated by the Governor of West Pakistan on 26th Nov., 1958; published in the West Pakistan Gazette (Extraordinary), dated 29th Nov., 1958, pages 1643-48; saved and given permanent effect by Article 225 of the Constitution of the Islamic Republic of Pakistan (1962).

[2]Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.18 (w.e.f. 14.8.1973).

[3]*Ibid*.

[4]*Ibid*.

[5]*Ibid*.

[6]Substituted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.2.

[7]Substituted for the words "West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.18 (w.e.f. 14.8.1973).

[8]Inserted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.3.

[9]Clause (*a*) re-lettered as (*aa*) *ibid.*

(b) "guardian" includes any person who has accepted or assumed the care or custody of any child;

(c) "parent" means the father or mother of a child;

[11][(d) "prescribed" means prescribed by rules made under this Ordinance;]

[12][(dd) "Smallpox Eradication Officer" means an officer appointed by Government to perform the functions and duties of the Smallpox Eradication Officer under this Ordinance;]

[13][(e) "Superintendent of Vaccination" means a person appointed to perform the duties of Superintendent of Vaccination under this Ordinance;]

[14][[15][(f)] "unprotected child" and "unprotected person" mean respectively a child or a person who has not been protected from smallpox by having had that disease, or by having not been successfully vaccinated, and who has not been certified under this Ordinance to be insusceptible to vaccination;]

[16][(g) "vaccination" means the introduction of Vaccinia Virus (Lymph) into the skin in order to confer protection against smallpox; and

(h) "vaccinator" means any person appointed to perform the operation of vaccination.]

3. Duty of every local authority to carry out the provisions of this Ordinance.– [17][(1) It shall be the duty of every local authority or Smallpox Eradication Officer to enforce the provisions of this Ordinance within their respective jurisdictions so that all unprotected children and persons are vaccinated.

(2) If the Deputy Commissioner receives information from the District Health Officer or any Smallpox Eradication Officer that a local authority has failed to execute or enforce any of the provisions of this Ordinance relating to the vaccination of unprotected children or persons, he may, after making such enquiry from the local authority as he thinks fit, by order, empower any public servant to execute or enforce the said provisions or to procure the execution or enforcement thereof, and the order may fix a reasonable remuneration to be paid to such public servant, and such remuneration together with any expenses incurred by the said public servant in

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[10]Substituted for the words "Government of West Pakistan" by the Punjab Laws (Adaptation) Order, 1974 (Pb. A.O. 1 of 1974); and published in the Punjab Gazette (Extraordinary), dated 20.11.1974, pages 1425-A to 1425-PP, see Article 2 and Schedule, Part III, at entry No.18 (w.e.f. 14.8.1973).

[11]Added by the West Pakistan Vaccination (Amendment and Extension) Ordinance, 1959 (XXXVIII of 1959); and published in the Gazette of West Pakistan (Extraordinary), dated 30.6.1959, pages 587-588, s.2.

[12]Inserted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.3.

[13]Added by the West Pakistan Vaccination (Amendment and Extension) Ordinance, 1959 (XXXVIII of 1959); and published in the Gazette of West Pakistan (Extraordinary), dated 30.6.1959, pages 587-588, s.2.

[14]Clause (*d*) renumbered as clause (*f*) *ibid*.

[15]Substituted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.3.

[16]Substituted by the West Pakistan Vaccination (Amendment and Extension) Ordinance, 1959 (XXXVIII of 1959) ; and published in the Gazette of West Pakistan (Extraordinary), dated 30.6.1959, pages 587-588, s.2.

[17]Substituted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.4.

performing the duties of the local authority under this Ordinance shall be paid by the local authority.]

(3) If the expenses and the remuneration are not so paid, the Deputy Commissioner may make an order directing any person who for the time being has custody of any moneys on behalf of the local authority, as its officer, treasurer, banker or otherwise to pay such expenses and remuneration from such moneys as he may have in his hands or may from time to time receive, and such person shall be bound to obey such order.

(4) When the Deputy Commissioner makes any order under this section, he shall forthwith forward to the Commissioner and to the local authority affected thereby a copy of the order with a statement of reasons for making it, and it shall be in the discretion of the Commissioner to rescind the order or to direct that it may continue in force with or without modifications.

(5) The Commissioner shall forthwith submit to Government a report of every case occurring under this section, and Government may confirm, revise or modify the order, or make in respect thereof any other order which the Commissioner could have made:

Provided that no order of the Deputy Commissioner or the Commissioner passed under this section shall be confirmed, revised or modified by Government without giving the local authority a reasonable opportunity of showing cause against such order.

4. Duty of the parent or guardian to get an unprotected child vaccinated.– [18]**[**(1) After an unprotected child has attained the age of six months and before the child is one year of age, the parent or guardian of such child shall take it or cause it to be taken to a vaccinator or any other person authorised by Government in this behalf, to be vaccinated, or send for a vaccinator, or other authorised person to vaccinate it.

(2) Such vaccinator or other authorised person 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, and requiring its production for re-vaccination on the expiry of the said period.]

5. Duty of the parent or guardian to get the child inspected after vaccination.– [19]**[**The parent or guardian of every child which has been vaccinated under section 4 shall on the date of inspection stated in the memorandum take the child or cause it to be taken to a vaccinator or any other person authorized in this behalf by Government for inspection or get it inspected at his own house by a vaccinator or such authorized person and such vaccinator or authorised person shall

[18]Substituted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.5.

[19]*Ibid., s.6.*

then append to the memorandum a certificate showing the result of such inspection and stating that the child has been inspected.]

6. Certificate of protection.– When it is ascertained at the time of inspecting a child under section 5 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.

7. Re-vaccination in case of unsuccessful vaccination.– 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 the manner hereinbefore provided.

8. Certificate of unfitness.– A certificate granted under section 4 showing the unfitness of a child for vaccination shall remain in force for the period stated therein and on the termination of that period, [20][* * *] 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 unfit for vaccination the certificate granted under section 4 shall be renewed.

9. Certificate of insusceptibility.– If the Superintendent of Vaccination [21][or any other officer authorized in this behalf by Government] is of the 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 parent or guardian shall thenceforth not be required to cause the child to be vaccinated.

[22]**[9-A. Vaccination of unprotected persons**.– Every un-protected person shall, within six months of the coming[23] into force of the West Pakistan Vaccination (Amendment) Ordinance, 1969, get himself vaccinated by a vaccinator or other person authorised in this behalf by Government.]

[24]**[9-B. Periodic re-vaccination**.– (1) Every child or other person who has been vaccinated and to whom a certificate of insusceptibility has not been granted under section 9, shall after three years of its or his last vaccination, and within sixty days of the expiry of the said period, get itself or himself re-vaccinated by a vaccinator or other person authorised in this behalf by Government.

(2) In case of an out-break of smallpox in the Province or any part thereof, or if in the opinion of Government mass vaccination campaign is necessary in any area, Government may issue a notification in the official Gazette, specifying, the area

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[20]The words "or, if that period terminated after the vaccination season is over, when the next vaccination season begins" deleted by the West Pakistan Vaccination (Amendment and Extension) Ordinance, 1959 (XXXVIII of 1959); and published in the Gazette of West Pakistan (Extraordinary), dated 30.6.1959, pages 587-588, s.4.

[21]Inserted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.7.

[22]Added *ibid*., 8.

[22]It came into force on 13th August, 1969

[24]Added by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.8.

or areas where smallpox has broken out or the mass vaccination campaign is being started and on the issue of such a notification, every child or other person residing in the area or areas specified in the said notification, who has been previously vaccinated and has not been declared insusceptible to vaccination, shall get itself or himself re-vaccinated by a vaccinator or other person authorised under sub-section (1) within such period as may be specified in the said notification.

(3) A certificate of re-vaccination shall be delivered by the vaccinator or other person authorised under sub-section (1) to every child or other person who is vaccinated under the provisions of this section.]

10. Lymph to be used.– [25][The vaccination under this Ordinance shall be performed with such lymph or freeze dried smallpox vaccine as may be prescribed.]

11. Fees.– No fee shall be charged by any vaccinator for vaccination:

[26][* * * * * * * * * * *]

12. Enquiry by Superintendent of Vaccination.– [27][If the Superintendent of Vaccination or any other person authorised in this behalf by Government, after an on-the-spot enquiry, has reason to believe that an unprotected person or the parent or guardian of an unprotected child has contravened the provisions of this Ordinance, he shall deliver a notice in the prescribed manner to such person, parent or guardian requiring him to comply with such provisions of the Ordinance as he may have contravened.]

13. Report to the Sub-Divisional Magistrate and punishment.– [28][(1) If the notice delivered under the last preceding section is not complied with, the Superintendent of Vaccination or other person authorised under section 12 shall report the matter to a Magistrate of the first class who shall thereupon summon the person, parent or guardian to whom the notice was issued to comply with the notice within a time to be fixed by the Magistrate.

(2) If such person, parent or guardian fails to comply with the orders of the Magistrate passed under sub-section (1), then the Magistrate may punish such person, parent or guardian with simple imprisonment for a term which may extend to three months or with fine which may extend to one hundred rupees, or with both.]

14. Punishment.– Whoever commits a breach of the provisions of this Ordinance and the rules made thereunder shall be punished with simple imprisonment which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

15. Power of Government to make rules.– (1) Government may frame rules for the purpose of carrying into effect the provisions of this Ordinance.

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[25]Substituted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.9.

[26]Proviso deleted *ibid., 10.*

[27]Substituted *ibid*., 11.

[28]Substituted *ibid*., 12.

(2) In particular and without prejudice to the generality of the foregoing powers, Government may frame rules for all or any of the following purposes, namely:–

(a) prescribing qualifications, conditions of service and uniform for vaccinators;

[29][(aa) prescribing the authorities by whom appointments under this Ordinance are to be made;]

(b) regulating the manner in which the Superintendent of Vaccination shall exercise his duties under this Ordinance;

(c) prescribing the lymph that may be used for vaccination;

(d) [30][[* * * * * * * * * *]

(e) prescribing registers to be maintained under this Ordinance; and

(f) prescribing the forms for notices and certificates.

16. Repeal.– The following enactments are hereby repealed:–

(a) the Vaccination Act, 1880[31];

(b) the Sind Vaccination Act, 1892[32];

(c) the Bombay District Vaccination Act, 1892[33], as applicable to the former State of Khairpur;

(d) the Punjab Vaccination Law Amendment Act, 1925[34];

(e) the Punjab Vaccination Law Amendment Act, 1929[35]; and

(f) the North-West Frontier Province Vaccination Law (Amendment) Act, 1947[36].

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[29]Inserted by the West Pakistan Vaccination (Amendment and Extension) Ordinance, 1959 (XXXVIII of 1959); and published in the Gazette of West Pakistan (Extraordinary), dated 30.6.1959, pages 587-588, s.5.

[30]Deleted by the West Pakistan Vaccination (Amendment) Ordinance, 1969 (XVI of 1969); and published in the Gazette of West Pakistan (Extraordinary), dated 13.8.1969, pages 1309-1313, s.13.

[31]XIII of 1880.

[31]Sind I of 1892.

[32]Bombay I of 1892.

[33]Punjab IX of 1925.

[35]Punjab II of 1929.

[36]N.W.F.P. XI of 1947.