

INDIA – LEGAL UPDATES

As on November 19, 2021

By: Adv. Dipali Ojha



BACKGROUND AND FACTS:-

- 1.** As per Government of India, Covid-19 vaccination is **NOT MANDATORY**. It is voluntary. – However, various State Governments/Administrative officials have issued directions/circulars/orders for restricting entry for only vaccinated in order to avail public goods, access shopping malls, public transport etc.
- 2.** At present there are three covid -19 vaccines in use in India (for adults) – COVISHIELD (known by name AstraZeneca in other countries), COVAXIN (indigenous vaccine) and Russia's Sputnik.
- 3.** EUA has been granted for Moderna, Johnson and Johnson and Zydus Cadila.

1. TWO PUBLIC INTEREST LITIGATIONS (PIL) FILED IN BOMBAY HIGH COURT AGAINST THE VIOLATION OF RIGHTS OF THE UNVACCINATED PEOPLE SUMMARY OF PRAYERS INCLUDED IN THE PILs:

- (i)** Strike down the SOPs and Notifications issued by Municipal Commissioner in so far as they discriminate with the people on account of their not being vaccinated, holding that the same are violative of Article 14, 19 and Article 21 of the Constitution of India

- (ii)** Amend Circulars/Directions/SOP to the extent by permitting non-vaccinated people to travel by train and they should not be treated differently than those who are vaccinated

(iii) Verify authenticity of RT-PCR tests in the light of information available and reproduced in the petition and also in the light of judgment given by the Portugal Court of Appeals in the case between **Margarida Ramos De Almedia (1783/20.7TPDL.1-3)** and then take a decision of relying on the test for taking decisions of lockdown or other restrictions.

(iv) Direct Respondents to not to check the healthy and Asymptomatic people and only check the people having symptoms.

The next date of hearing is **November 22, 2021**.

Links to access copies of Petitions:

https://indianbarassociation.in/wp-content/uploads/2021/09/yohan_tengra-Petition.pdf

<https://indianbarassociation.in/wp-content/uploads/2021/08/Criminal-Writ-Petition-Railway-.pdf>

2. PROMISING DEVELOPMENTS: MEDICAL EXEMPTION IS ALLOWED IN STATE OF MAHARASHTRA FOR THOSE WHO CANNOT TAKE THE VACCINE.

Link: <https://timesofindia.indiatimes.com/city/mumbai/all-students-below-18-will-now-be-allowed-on-mumbai-local-trains/articleshow/87033707.cms>

3. THE DEFINITION OF VACCINATED PERSON NOW INCLUDES;

1. Any person who has received both doses of vaccination and 14 days having lapsed since the administration of the second dose of the vaccine.
2. Any person having medical condition that does not allow him or her to take the vaccine and has a certificate to that extent from a recognized Doctor.
3. If person is of age less than 18 years. (in the future when vaccine becomes available for this age group than this will continue for first 60 days of such availability.)

COPY OF RAILWAY'S CIRCULAR





Divisional Office, Commercial Branch, Mumbai CST

No.BB.C.193.S.Gen.Covid-19 Precautions.2020-21

Date: 14.10.2021

All concerned Sectional CCIs,
All Concerned CBSs, SM-Commercial,
Mumbai Division.

Sub: Revised list of categories permitted to travel by Local trains over
MMR region.

Ref: 1) Government of Maharashtra's Order No. DMU/2020/CR.92
/DisM-1, Dated 8.10.2021 (ORDER).

With reference to the above, the State Disaster Management Authority hereby declare with immediate effect that the definition of a fully vaccinated personnel will include the following:

1. Any person has received both doses of vaccination and 14 days having lapsed since the administration of the second dose of the vaccine.
2. Any person having medical condition that does not allowed him or her to take the vaccine and has a certificate to that extent from a recognized Doctor.
3. If person is of age less than 18 years.
(in the future when vaccine becomes available for this age group than this will continue for first 60 days of such availability.)

Tickets for Local trains will be issued only through counters. Ticketing through JTBS, ATVMs and UTS App to be disabled until further notice.

(C D Pagare)

ACM(COG) – CSMT
For DRM (C)- CSMT

- C/- CCM/PM, Central Railway : For kind information.
C/- DRM/BB, ADRM Admin : For kind information.
C/- Sr.DSC – CSMT : For kind information and N. A.
C/- Commercial Control- CSMT & DCTI/CSMT : For information and N.A.

4. CONFLICTS OF INTERESTS OF PERSONS IN NATIONAL COVID-19 TASKFORCE REVEALED BY INDEPENDENT RESEARCHER MR. YOHAN TENGRA

Link to access the article dated 27th September, 2021:

<https://awakenindiamovement.com/indias-covid-19-task-force-experts-exposed-conflicts-of-interest-in-our-public-health-system/>

<https://davidicke.com/2021/09/28/ndias-covid-19-task-force-experts-exposed-conflicts-of-interest-in-our-public-health-system/>

<https://healthimpactnews.com/2021/awaken-india-exposes-billionaire-cartel-controlling-indias-covid-19-task-force/>

THIS ARTICLE ALSO COVERS:

- ❑ How task Force members get the science on COVID-19 totally wrong, which proves that their conflicts are influencing their recommendations.
- ❑ India's illegal HPV vaccine trials, role of Indian Council of Medical Research (ICMR).
- ❑ How Bill & Melinda Gates Foundation (BMGF) baby PHFI (Public Health Foundation of India) gets funding from vaccine manufacturers and how it holds deep influence in controlling India's Health Policies.

5. BASED ON ABOVE RESEARCH FINDINGS, INDIAN BAR ASSOCIATION HAS ISSUED A 223 PAGE LEGAL NOTICE TO HEALTH MINISTER MR. MANSUKH MANDAVIYA

Link to access the copy of Legal Notice:

<https://indianbarassociation.in/wp-content/uploads/2021/09/Legal-Notice-to-Mr.-Mansukh-Mandviya.pdf>

IBA has called upon the Hon'ble Health Minister to remove the persons/bureaucrats, members of the Task Force etc. from any decision-making process related with remedies and solutions regarding Covid-19 pandemic, who are directly or indirectly connected with any entity, NGO or Board that receives funds from Bill & Melinda Gates Foundation, Rockefeller Foundation, PATH, PHFI, where sole agenda is to reap profits for the vaccine manufacturers

- ❑ Issue immediate direction as per law laid down by the Constitution Bench of Hon'ble Supreme Court in the case of **Mineral Development Ltd. Vs State (1960) 2 SCR 609**, there by directing to all authorities not to follow, the illegal, unconstitutional, unscientific and nonsensical circulars and orders based on the recommendations and suggestions regarding vaccination, masks, RT-PCR test etc., issued by these disqualified members;
- ❑ Issue directions for forthwith removal and withdrawal of all the false, misleading and illegal advertisements, caller tunes, Questions and Answers (FAQs) published by the Ministry of Health and Family Welfare on the basis of recommendations given by members who are in the disqualified category as per law laid down by Hon'ble Supreme Court.
- ❑ Immediate direction to protect the rights of covid cured citizens who are safest person as their immunity is proved to be 13 times better than fully vaccinated people and the citizen who are covid cured or having natural immunity developed due to contract with corona are entitled for relief from covid appropriate behavior before vaccinated people.

❑ Issue directions for enquiry and then issue specific directions to all the authorities to not to allow to take part in any of the meetings or decision making process the following persons who are in the category of disqualified:

(i) Prof. K. Shrinath Reddy,

(ii) Dr. Cherry Gagandeep Kang,

(iii) Dr. Balram Bhargava,

(iv) Shri. V.K. Paul,

(v) Dr. Soumya Swaminathan ,

(vi) Dr. Randeep Guleria,

(vii) Dr. K. Vijay Raghvan,

(viii) Dr. N.K. Arora ;

and others as mentioning in para 14 of this notice.

- ❑ Direction to prohibit the members of ICMR, PATH, PHFI, Bill Gates etc., who were found prima facie guilty by the Parliamentary committee in 72nd Report and based on the evidences given in this notice from participating in any board or body dealing with the corona management.
- ❑ Direct prosecution u/s 51(b) of Disaster Management Act, 2005 against all the entities and all the persons who are directly or indirectly forcing the people to take vaccines or restricting their entries on the ground of non-vaccination.
- ❑ Directions to authorities to not to publish misleading advertisements, slogans and publish correct facts that vaccines are not completely safe but many have side effects and vaccines are not the solution or there is no guarantee that citizens will not get corona and the person taking vaccine may die due to corona.
- ❑ Directions to authorities to issue circulars to all State Governments and Central Government entities to not to conduct RTPCR/RAT Test of asymptomatic and healthy persons.

- ❑ Direction to authorities to not to draw any conclusions or not to take any policy decisions of lockdown or quarantine on the basis of RTPCR/RAT Test and only use the Gold Standard test of '**Virus Culture**' for taking any policy decisions or recommendations etc.

- ❑ Give directions to all authorities to issue circulars, advertisements et. al to make public aware that:
 - (a) Natural immunity caused due to Contract with Covid-19 is more than 13 times better than a fully vaccinated person and such people are most safest persons. They will not get corona again and they cannot spread infection.

 - (b) Wearing mask is voluntary and there is no scientific proof that masks can prevent infection. And the healthy or asymptomatic people need not to wear mask. Also publish the scientific studies regarding damage caused to the lungs and also other side effects of wearing masks.

- ❑ Give wide publicity & proper support to the following result oriented remedies and treatments which are having far more efficacy than vaccines and not having no side effects with zero deaths as compared with many side effects and deaths due to vaccines:-

- (i) Naturopathy's - Three step Fluid Diet as formulated by Dr. Biswaroop Roy Choudhary and verified by National Institute of Naturopathy, Pune.
 - (ii) Anandia's Ayurvedic 'K' medicine as verified & approved by the State Government of Andhra Pradesh and confirmed by the Hon'ble Andhra Pradesh High Court.
 - (iii) Ayurvedic & yoga treatment as suggested by Baba Ramdev.
- ❑ Directions for forthwith stopping any marketing agenda, comments, advertisements regarding vaccination of Children as there is no need for vaccinating children, but marketing division of pharma companies are is trying to mislead the people at large.

6. (A) DOCTORS FOR TRUTH (MORE THAN 100 DOCTORS) AND MORE THAN 1000 MEMBERS OF CIVIL SOCIETY HAVE WRITTEN A LETTER TO HON'BLE PRIME MINISTER OF INDIA ON OCTOBER 7, 2021 REQUESTING NOT TO PROCEED WITH CHILDREN'S VACCINATION

(B) INDIAN BAR ASSOCIATION HAD SENT ITS LETTER OF REPRESENTATION ON OCTOBER 8, 2021 ASKING FOR CBI INVESTIGATION AND PROSECUTION OF CERTAIN PERSONS FOR THEIR MISUSE AND FARUD ON POWER IN:

(i) Giving Emergency Use Authorization for Children's Vaccines, when there is no emergency as there is no serious threat to children;

(ii) Running false narratives and conspiracy theories to create fear in the mind of parents, children and teachers about Covid-19, when children are most safe and not having any serious risk from infection from SARS-CoV-2. Page 2 of 18 2.

(iii) Immediately directing investigation about corruption being done to give undeserving advantage of around Rs. 80,000 Crores to children's Vaccine manufacturers.

(iv) Immediate direction for stopping any process for including children's corona vaccines in National Immunization Programme.

Please access the IBA's Letter of Representation on link below:

<https://indianbarassociation.in/wp-content/uploads/2021/10/IBA-LETTER-TO-PM-08.10.2021-1.pdf>

POSITIVE DEVELOPMENTS AFTER THIS LETTER




7. GOVERNMENT SHOULD NOT GIVE COVID-19 VACCINES TO HEALTHY CHILDREN UNDER 15.


WIRE Watch | 'Government Should Not Give COVID-19 Vaccines To Healthy Children Under 15' SUPPORT US LOGIN

HEALTH


Watch | 'Government Should Not Give COVID-19 Vaccines To Healthy Children Under 15'

In separate interviews to Karan Thapar, professor Gagandeep Kang and vice-chairman of the Indian Medical Association's research cell Rajeev Jayadevan echoed this view.



 **Karan Thapar**

Listen to this article: 00:00 03:46



<https://thewire.in/health/watch-vaccine-healthy-children-under-15-covid-19-karan-thapar-gagandeep-kang-rajeev-jayadevan>

8. NOT SURE YET IF HEALTHY KIDS NEED A COVID VACCINE.



'Not Sure We Need to Vaccinate Healthy Children Rig...
Watch later Share Info

Vaishali Sood Gagandeep Kang

1:02 / 16:02 YouTube

'Not Sure Yet if Healthy Kids Need a COVID Vaccine!' Dr Kang on Covaxin

"Should the vulnerable children be vaccinated first? I do think we need to consider that," says Dr Gagandeep Kang.

VAISHALI SOOD **COVID-19**
Published: 13 Oct 2021, 7:15 AM IST 3 min read

 Share  Share  Share

 Share  Share  Comments

<https://www.thequint.com/coronavirus/not-sure-yet-if-healthy-kids-need-a-covid-vaccine-dr-kang-on-covaxin-recommendation-for-children>

9. USE PERSUASION NOT COERCION TO BOOST VACCINATION: RAJESH TOPE, HEALTH MINISTER, STATE OF MAHARASHTRA

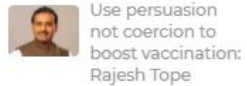
THE TIMES OF INDIA

Use persuasion not coercion to boost vaccination: Rajesh Tope

Nisha Nambiar / TNN / Updated: Nov 13, 2021, 12:38 IST



ARTICLES



Use persuasion not coercion to boost vaccination: Rajesh Tope



Pune: 10 arrested for submitting fake sureties in courts for bail



How India can combat climate change and set an example for the...



Pune: Shivneri & Shivshahi buses run by private players on roads



Maharashtra health minister Rajesh Tope

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CODE: **TIMES100**

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Cryptocurrency is an unregulated digital currency,
not a legal tender and subject to market risks.

LIVE NOW

PM's address to the nation live updates: Three new farm laws to be repealed, PM Narendra

Link: <https://timesofindia.indiatimes.com/city/pune/use-persuasion-not-coercion-to-boost-vaccination-in-mumbai-tope/articleshow/87674554.cms>

10. MUMBAI: VAX IS NOT MUST FOR GOVT SCHEMES, FACILITIES

THE
FREE PRESS
JOURNAL
SINCE 1928

Updated on: Sunday, November 14, 2021, 01:09 AM IST

Mumbai: Vax is not must for govt schemes, facilities

State health minister Rajesh Tope says govt cannot deny benefits or ban entry in malls for the unvaxxed

Sanjay Jog



Maharashtra Health Minister Rajesh Tope | ANI

Link: <https://www.freepressjournal.in/mumbai/mumbai-vax-is-not-mandatory-to-avail-facilities-tope>

11. JABS TO CHILDREN: GOVT TO BE 'CAUTIOUS', LISTEN TO EXPERTS

THE TIMES OF INDIA

Jabs to children: Govt to be 'cautious', listen to experts

TIMES NEWS NETWORK

New Delhi: The Centre will take a careful approach in initiating Covid vaccination among children and deliberate on it only after experts recommend such a plan of action, health minister Mansukh Mandaviya said during the Times Now Summit on Thursday.



"This decision (vaccine for children) needs to be taken very cautiously. We do not want to rush in administering vaccines to children. Children are the future of our country. The government will go by expert opinion," Mandaviya said, underlining that other countries



Home minister Amit Shah lauded the Times Group's glorious history in journalism and launched Times Now Navbharat in SD at the inauguration of the Times Now Summit

have also been careful in introducing the jabs for children even though emergency use authorisation has been granted.

The minister's remarks indicate that the decision on vaccination for children is

not round the corner. Government has noted that the high prevalence of antibodies detected in adults in sero surveys conducted by the Centre and the states are also reflected in children who have not been vaccinated. This has encouraged officials to deliberate more on the decision on vaccinating children.

Emphasising that India has adequate vaccines and has been forthcoming in helping other countries, Mandaviya said India will be a major supplier of affordable Covid vaccines to the world in future. "We will provide vaccines to the world in future and that will be low-cost vaccine— not for \$15-18 but for \$3-4—and people across the world will take it. We can help poor countries like that—this is Indian culture," he said.

► 38% fully vaxxed, P 14

Published in Times of India (Mumbai Edition) November 12, 2021

12. CHIEF MINISTER, MAHARASHTRA IS WORRIED ABOUT SLOW PACE OF VACCINATION

THE
FREE PRESS
JOURNAL SINCE 1928

CM worried about slow pace of vaccination

SANJAY JOG
Mumbai



Chief Minister Uddhav Thackeray expressed concern over the slow pace of Covid-19 vaccination on Sunday, saying that the issue would be discussed at a meeting with Prime Minister Narendra Modi on November 3. Thackeray said that the

Enough vaccine stock, few takers

availability of vaccines was not an issue but people were hesitant and they should now come forward.

“In Maharashtra, the state had set a record of administering 15 lakh vaccine doses daily but now the number ranges between 3.50 lakh and 5 lakh per day. In Mumbai, the BrihanMumbai Municipal Corporation has administered 100 per cent first dos-

es and 60 per cent second doses. I also appeal to the press and media to focus on this issue so that people can get themselves fully vaccinated,” said Thackeray in an informal chat with a group of senior editors at his official residence Varsha.

Thackeray admitted that the government could not force people to take the vaccine but could appeal to them

to be vaccinated at the earliest, especially in the wake of new Covid variants detected globally. He reiterated that the coronavirus pandemic still existed and against this backdrop, RT-PCR testing, masking and vaccination would continue to be around.

The state has reported a cumulative vaccination of 9,80,89,958 and has vaccinated more than three crores of the population, the highest for any state in the country.

CONTD. ON **NATION PAGE**

FREE PRESS

Mon, 01 November 2021

<https://epaper.freepressjournal.in/c/64090549>



Link: <https://epaper.freepressjournal.in/c/64090549>

13. BIG WIN OVER BIG TECH CENSORSHIP



INDIAN BAR ASSOCIATION

**YOUTUBE RESTORES THE DELETED CHANNEL
AFTER APOLOGIZING FOR ITS MISTAKE
SOON AFTER IT RECEIVES LEGAL NOTICE**

POSTED BY INDIAN BAR ASSOCIATION ON NOVEMBER 10, 2021 WITH 0 COMMENT



Read the blog here: <https://indianbarassociation.in/youtube-restores-the-deleted-channel-after-apologizingfor-itsmistake-soon-after-it-receives-legal-notice/>

EMAIL RECEIVED FROM YOUTUBE

11/6/21, 10:41 AM

Gmail - YouTube Account Notification



वीरेंद्र सिंह <virendersingh16@gmail.com>

YouTube Account Notification

1 संदेश

YouTube Community Guidelines <no-reply@youtube.com>

6 नवंबर 2021 को 3:41 am

जवाब दें: YouTube Community Guidelines <no-reply@youtube.com>

पाने वाला: Rajivpathy@gmail.com



Hi Vaccine Testimonials वैक्सीन दुष्प्रभावित लोग,

We're pleased to let you know that we've recently reviewed your YouTube account, and after taking another look, we can confirm that it is not in violation of our Terms of Service. We have lifted the suspension of your account, and it is once again active and operational.

We'd like to thank you for your patience while we reviewed this case. Our goal is to make sure content doesn't violate our Community Guidelines so that YouTube can be a safe place for all - and sometimes we make mistakes trying to get it right. We hope you understand, and we're sorry for any inconvenience or frustration this has caused.

If you have any further questions, please feel free to reach out to us [here](#).

Sincerely,
The YouTube Team

Thank You