

Forcing vaccination on Indian Citizens is illegal & Unconstitutional & a punishable offense

We have health, municipal and district administration officials telling us that Covid Vaccination is Mandatory and reports have been coming in various media that if we do not take the Vaccines, our ration, pension, electricity will be cut and we will not be allowed to enter public spaces. However, this is totally against the law, and vaccination is totally voluntary and cannot be forced on people by linking either to ration, pension, salaries etc.

- 1- The Ministry of Health, Government of India has stated very clearly in their website that taking of Covid vaccines is “Vaccination for COVID-19 is voluntary”. https://www.mohfw.gov.in/covid_vaccination/vaccination/faqs.html
- 2- The site also says that “Pregnant & Lactating women have not been part of any COVID-19 vaccine clinical trial so far. Therefore, women who are pregnant or not sure of their pregnancy; and lactating women should not receive COVID-19 vaccine at this time”. However, we are seeing that in many places doctors and health workers are giving these vaccines to pregnant women and lactating mothers. ***This is not only dangerous but it is illegal and is a punishable offense.***
- 3- Govt. of India made it clear in various RTIs that, there cannot be any discrimination on the basis of vaccination status. For example in a reply dated 09th March 2021 to the RTI application filed by Anurag Sinha of Jharkhand, the Central Ministry of Health and Family Welfare has stated very clearly that “taking the Covid Vaccines was entirely Voluntary and there is no relation whatsoever to provision of government facilities, citizenship, job etc to the vaccine”.
- 4- Also, the Central government in their written communications and affidavits filed before Hon’ble High Courts and also the Hon’ble Supreme Court made it clear that, ***there cannot be any discrimination between vaccinated and unvaccinated people. And that the vaccination was totally voluntary.***
- 5- As per Section 38(1) and 39(a) of Disaster Management Act, 2005 the State Authority or District Authority cannot take any decision ***against the guidelines and directions given by the National Authority.*** If any State or District Authority takes any decision by disobeying the guidelines of the National Authority then such person and all Government Officers of the office will be guilty of the offences under **section 51(b), 55 of Disaster Management Act, 2005.**
- 6- Thus the present situation of the state / district authorities forcing people to take the Covid vaccines against the guidelines given by the Central Govt. is a violation of Section 38(1) and 39 (a) of the Disaster Management Act and is a punishable offense.
- 7- **Article 21:** Protection of life and personal liberty. In Maneka Gandhi vs Union of India, it was held that the essence of the right to life vested in the right to have a dignified life. Article 21, Right to Life was elaborated by Hon’ble Supreme court and other High courts to include right to choose medication of choice.
- 8- Making vaccine mandatory and forcing upon an individual will be contrary to the judgment of the Hon’ble Supreme Court in **Common Cause v Union of India (2018) 5SCC1** where Hon’ble Supreme Court while discussing an individual’s right over his/her own body and the right to decide the medical treatment for themselves held asunder:

***“A competent person who has come of age has the right to refuse specific treatment or all treatment or opt for an alternative treatment, even if such decision entails a risk of death”.
& The right of such an individual to refuse medical treatment is unconditional.***

Neither the law nor the Constitution can compel an individual who is competent and able to take decisions, to disclose the reasons for refusing medical treatment nor is such a refusal subject to the supervisory control of an outside entity.

Therefore, the incidents of citizens being force vaccinated against their will and without their consent,

- i) Is a violation of Article 14,21,19 of the Indian Constitution.
- ii) Is against the directives of the National Authority which has made it very clear that taking Covid Vaccines is Voluntary. Hence, forcing the citizens to take vaccines is a violation of Section 38(1) and 39 (A) of the Disaster Management Act 2005 and harassment / atrocities by the officials, police and health workers are punishable offenses under sections 51b and 55 of the Act
- iii) Is contempt of Hon'ble Supreme Court and the High Courts
- iv) Since there is a possibility of injuries and death from these vaccines, force vaccinating citizens is putting their lives in danger causing harm and is a punishable offense under the following sections of the Indian Penal Code: IPC 304, 323, 336, 166, 188, 120 (B), 34.
- v) If any health worker / official asks about your vaccination status, you can reply that “since it is private and sensitive information it need not be divulged and is protected under Section 43A, 72A of the Information Technology Act”

Issued in Public Interest by: **Awaken India Movement
7995792102 / 9550427309 / 8790020808 / 9849040478**