



Ambar Koiri koiri &lt;ambarkoiri@gmail.com&gt;

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## The Public Health Bill 2017/2022 – Analyses, Implications And Reasons Not To Pursue Such Bills, Because They Are Ultra Vires Of The Constitution Of India

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Ambar Koiri koiri &lt;ambarkoiri@gmail.com&gt;

Mon, Jun 27, 2022 at 10:06 PM

To: mansukh.mandaviya@sansad.nic.in, secyhw@nic.in

Cc: amitshah.mp@sansad.nic.in, s.jaishankar@sansad.nic.in, ramgopal.yadav@sansad.nic.in, presidentofindia@rb.nic.in, dprpmo@gmail.com, nsitharaman@nic.in

Dear Sir,

We would like to bring to your attention that the aforementioned Bill and its content have serious implications on the rights of citizens as enshrined in the Indian Constitution. We, the undersigned, would like to place on record our objections and recommendations through this letter.

This Bill is violative of **Article 14, 19 and 21** of the Constitution of India. It is against the law of Informed Consent as has been laid down by the Government of India under **Disaster Management Act, 2005** itself. This Bill is draconian, gives sweeping powers to unknown and unaccountable individuals and institutions. This Bill also couples itself with the proposed Pandemic Treaty of the WHO. The WHO is an unelected Body and its provisions would also be Ultra Vires of the Indian Constitution.

We submit a clause-by-clause analysis of the Public Health Bill. Based on this analysis, we demand, the Bill must be withdrawn. Our demand is based on the following conclusions:

- 1. Role of State governments has been diminished. In fact, all democratic, Constitution-recognised elected bodies have been made infructuous through this Bill.**
2. Terms used in the Bill lack precise definition, giving scope for dangerous open-ended interpretations, which provide potential for significant misuse.
3. Bill does not explain nor define what problem is to be solved through its enactment.
4. Undefined and open ended clauses in the Bill can create new kinds of problems.
5. No institutionalised authority has been defined or identified to implement the provisions in this Bill.
6. This Bill does not pave a responsible path for the protection of public health, especially, in the terminology used in this Bill, as if these are management measures.

We furthermore, bring to your attention that the Public Health (Prevention, Control And Management Of Epidemics, Bio-Terrorism And Disasters) Bill, 2017 and a 2022 version of it are not in the public domain, which is also not in accordance with India's Parliamentary processes. We therefore, appeal to you as the Hon'ble Health Minister, to take due note of the grave implications of this PHB and request you to make a Public Statement guaranteeing withdrawal of this Bill in its entirety and forthwith.

In expectation of a positive response;

Thank you very much

Yours Faithfully

Ambar Koiri

Secretary, Union of Concerned Citizens

Address - B 1501, Runwal Heights,

LBS Road,

Mulund West,

Mumbai - 400080

Email - ambarkoiri@gmail.com

Ph. No. - 09920903825

**Medha Patkar**, Mumbai,  
National Convenor, National  
Alliance of People's Movements  
(NAPM)

**B. G. Kolse Patil**, Pune, Former  
Judge of the Bombay High Court

**Colin Gonsalves**, New Delhi,  
Senior Advocate, Supreme Court of  
India

**Dr. Jacob Puliyeel**, Delhi, MD,  
MRCP, MPhil, Paediatrician and  
Visiting Faculty International  
Institute of Health Management  
Research

**Tushar Gandhi**, Mumbai,  
Author, Peace & Human Rights  
Activist

**Prof (MD) Lalit Nath**, New  
Delhi, (Retd) Dir. of AIIMS; Fellow  
NAM; PHA of Indian Ass. Of  
Preventive and Social Medicine

**Dr. Sunilam**, Indore, ex-MLA,  
President, Kisan Sangharsh Samiti

**Prof. Sandeep Pandey**,  
Lucknow, Magsaysay Award

**Prof. Ram Puniyani**, Mumbai,  
Former IIT, Author

**Dr. Suresh Khairnar**, Nagpur,  
Veteran Gandhian Peace Activist,  
Writer

**Lata P. M.**, Mumbai, Writer,  
Author, Bahujan Feminist

**Dr. Babu Joseph**, Kochi, Former  
Director, National Institute of  
Naturopathy, Pune, Ministry of  
AYUSH

**Shama Zaidi**, Mumbai,  
Freelancer, Film & Documentary

**Dr. Amitav Banerjee**, Pune,  
MD, Formerly Epidemiologist,

**Dr. Arvind Kushwaha**, Nagpur,  
MBBS, MD

Screen-writer

Indian Armed Forces

**Dr K Babu Rao**, Hyderabad,  
Former Chief Scientist, I. I. C. T

**Pratibha Shinde**, Jalgaon,  
Maharashtra, President, Lok  
Sangharsh Morcha

**Feroze Mithiborwala**, Mumbai,  
Bharat Bachao Aandolan

**Yukta Mookhey**, Mumbai, Civic  
Activist, Former Miss World 1999,  
Model & Actress

**Aruna Rodrigues**, Mhow, Lead  
Petitioner: GMO PIL in  
the Supreme Court and Member  
Iridescent Blue Fish (IBF)

**Dr. Biswaroop Roy  
Chowdhury**, Faridabad, Ph.D  
(Diabetes)

**Ambar Koiri**, Mumbai, Awaken  
India Movement

**Irfan Engineer**, Mumbai, Writer,  
Author, Social Activist

**Dr. Donthi Narasimha Reddy**,  
Hyderabad, Public Policy Expert  
and Campaigner

**Advocate P. A. Pouran**,  
Manjery, General Secretary, PUCL  
Kerala State Committee

**Dr. Khadar Valli**, Mysuru, PhD  
(IISc), Millets Expert

**Dr. Banu Prakash**, Bangalore,  
A.S., Neurosurgeon, MBBS, MS,  
MCh.NS, PGIMER

**Zakia Soman**, Author,  
Ahmedabad, Writer, Social  
Activist, Reformer, Bharatiya  
Muslim Mahila Andolan

**Dr Jacob Vadakkanchery**,  
Malipuram, Naturopath, Chairman  
Janarogya Prasthanam Kerala

**Ashutosh Pathak**, Delhi, Senior  
Journalist

**Jagannath Chaterjee**,  
Bhubhaneshwar, Social Activist

**Dr Lalitkumar Anande**,  
Mumbai, MBBS, PG Diploma in  
Clinical Research

**Bhaskaran Raman**, Mumbai,  
Professor, Dept. of CSE, IIT  
Bombay

**Saraswati Kavula**, Hyderabad,  
Documentary Filmmaker &  
Freelance Journalist, Awaken India  
Movement

**Rossamma Thomas**, Pala,  
Kottayam, Kerala, Freelance  
Journalist

**Edgar Ribeiro**, Goa, Chief  
Planner (retired)/ TCPO, Govt. of  
India & Ex-Director School of  
Planning and Architecture

**Nisha Koiri**, Mumbai,  
Naturopath, Awaken India  
Movement

**Rahul Goswami**, Goa, Former  
Adviser to Programmes under the  
Ministries of Environment and  
Agriculture

**Vinay Baidur**, Bangalore,  
Independent Researcher, Urban  
Governance Law and Policy

**Dr. N K Sharma**, Delhi, ND  
(Doctor of Naturopathy), Founder  
Chairman Reiki Healing

**Dr. Susan Raj**, Chattisgrah, BSc  
Nurse, MSW(M&P), Doctorate  
Humanities, Behavior Specialist

**Dr. Veena Raghava**, Bangalore,  
MBBS, DA

## Foundation

**Dr. Vijay Raghava**, Bangalore,  
MBBS

**Dr Firuzi Mehta**, Mumbai,  
BHMS (Mum), HMD (Lon.) IACH  
DI Hom (Gr.)

**Dr. Shaji Kudiyat**, Kerala, BSc.,  
BHMS, MD (Hom)

**Prakash Pohare**, Akola, Chief  
Editor, Daily Deshonnati

**Srijit Mishra**, Ph.D., Mumbai,  
Professor

**Prof. Rakesh Rafique**,  
Moradabad, Author

**Dr. Anand Vinayak Kelkar**,  
Pune, BSc, LLB, ND

**Dr. Abhay Chedda**, Mumbai,  
BHMS, CCAH, FCAH

**Dr. SreeSudha CH**, Hyderabad,  
MBBS, MD, General Medicine  
Consultant

**CH. Ravi Kumar**, Hyderabad,  
Advocate, High Court of Telangana

**Dr. Jaya Goyal**, Mumbai,  
Independent Researcher, PhD

**Dr. Praveen Saxena**, Hyderabad,  
Radiologist & Clinical metal  
toxicologist, MBBS, DMRD  
Osmania

**Varsha Vidya Vilas**, Mumbai,  
Sadbhavna Sangh

**Darryl D'Souza**, Goa, Earth  
Keepers Connect

**Advocate Rafia Sailani**,  
Srinagar, LLB, LLM, J&K High  
Court

**Milind Sohoni**, Mumbai,  
Professor, Dept. of CSE, IIT  
Bombay

**Om Damani**, Mumbai, Professor,  
Dept. of CSE, IIT Bombay

**Gona Singh**, Delhi, Awaken India  
Movement

**Vishal Hiwale**, Mumbai, Phule-  
Ambedkar Vichar Manch, National  
President

**Dr. Pritesh Patel**, Surat, MD  
(Homeo), DI (Homeo) London

**Dr. Gautam Das**, Kolkata,  
MBBS, General Physician

**Dr. Maya Valecha**, Vadodara,  
MD, DGO

**Yohan Tengra**, Mumbai,  
Functional Medicine Expert,  
Awaken India Movement

**Dr. Kuldeep Kumar**, Haridwar,  
MBBS MS General Surgery

**Kishor Jagtap**, Kalyan,  
President, Maitrakul

**Dr. Gayatri Pandit Rao**, Pune,  
Homeopathic Physician, BHMS,  
PFDEMS

**Rushil Tamboli**, Bhavnagar,  
Awaken India Movement

**Dr Rashmi Menon**, Mumbai,  
BHMS, ChT

**Rajesh Shinde**, Karad, Holistic  
Healing Center

**Virendra Singh**, Haridwar,  
Awaken India Movement

**Khrisha Shah**, Creator of Dysco,  
MSc in Social Policy &  
Development (LSE), BA in  
Political Economy (UC Berkeley)

**Anju Venkat**, Mumbai, Health  
Counselor & Nutritionist, Co-  
facilitator

**Navina Venkat Sondergaard**,  
Goa, The Health Awareness Center  
Mumbai

**Dr. Ambari Surendra  
Raju**, DHMS, Senior Homeo  
Physician



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