

A UNION OF CONCERNED CITIZENS

It must be understood as fundamental, that the negation of bodily integrity of any human being means the loss of all human rights.

Date: 27 June 2022

Mansukh Mandaviya
Health Minister

Dear Sir,

Subject: 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

The Public Health (Prevention, Control And Management Of Epidemics, Bio-Terrorism And Disasters) Bill, 2017 and a Prospective Bill of 2022 as discussed in news articles¹, is straightforwardly violative of Fundamental Rights of the citizens of India and therefore, Ultra Vires of the Indian Constitution. It contravenes several International Treaties and Conventions including the Nuremberg Treaty of 1947 which was enacted to ensure that no country would repeat such inhuman medical atrocities on fellow human beings. Strangely, the Prospective Bill 2022, in its very intent, cancels ‘the fundamental right to bodily autonomy and integrity, through mandating medical procedures, and with coercion, forced entry of private spaces and such further grossly illegal acts. This is a breath-taking onslaught on fundamental civil liberties. **It must be understood as fundamental, that the negation of bodily integrity of any human being means the loss of all human rights.**

This Bill is violative of **Article 14, 19 and 21** of the Constitution of India and against the binding precedents of Constitution Bench in **Common Cause Vs. Union of India (2018) 5 SCC 1. Article 13** of the Constitution of India says that the Government cannot make any law which is violative of **Article 21, 14** etc. of the constitution. The proposed Health Bill is violative of **Article 7 of International Covenant on Civil and Political Rights (ICCPR)** prepared by United Nations, which is ratified by Government of India. It is also against the provisions of United Nations, **Universal Declaration on Bioethics and Human Rights, 2005 (UDBHR)**. It is against the law of Informed Consent as has been laid down by the Government of India under **Disaster Management Act, 2005** itself. In this Bill the State has effectively repealed the Epidemic Act, 1897 which means, repeal of Section 2, which has a provision for granting compensation to every citizen if any measures such as lockdown, night curfew or restrictions are taken by the State.

Public Health Bill: A Vacuum in Independent Expert Oversight of Suggested Policy: any policy suggestions, both medical and economic (that likely will have widespread economic impact on the Indian People), must be subject to rigorous, (no Conflict of Interest), INTERNAL Peer Review(s) by acknowledged body(ies) of Experts, across India (decentralised). They must include leading experts/institutions in ‘Alternative medicine’. An internal peer review does not exclude the need for external peer review, through leading independent international journals of medicine that are not conflicted. In addition, all policy suggestions must be subjected to the judicial peer review of Constitutional Experts. There can be no medical mandates.

¹The Tribune: <https://m.tribuneindia.com/news/comment/public-health-bill-aims-to-be-extensive-in-scope-381589>

Indian Express: <https://indianexpress.com/article/india/new-health-law-draft-four-tier-system-clearly-defined-powers-7828695>

Data Safety Monitoring Boards must also be set up to determine the safety of measures proposed, and they again, must have the expertise to encompass the whole breadth of medical systems, i.e., systems of natural medicine and healthcare in this country. The formulation of the Public Health Bill should only be executed under such a joint committee, with widespread representation. It must include an efficient system and a verifiable system to report adverse effects of any proposed medication.

The prospective Public Health Bill (**PHB**) also couples itself with the proposed Pandemic Treaty of the WHO. The WHO intent is to be in control of a global government on health. It is the only institution in the world empowered to declare a “pandemic” or Public Health Emergency of International Concern (PHEIC), an event determined, as provided in International Health Regulations (2005) of the WHO.

We submit a detailed analyses of the Clauses of the Public Health Bill in Tables 1, 2 & 3 and additionally, make the following comments on specific clauses in **Summary** (below), because they deserve emphasis and require to be highlighted for the attention of all, for their dire implications and illegalities. We would like to make it abundantly clear that the Bill in this form is beyond discussion or debate and the whole Public Health Bill must be withdrawn.

Summary of Clauses of the PHB: Ref. Tables 1-3: Emphasis of specific dire Clauses

Chapter II @3. *If any State Government or administration of Union Territory or any district or local authority is of the opinion that a public health emergency has arisen or is likely or is likely to arise, it may, by:*

@ f) to arise, it may, by order, conduct medical examination including laboratory examination of, and provide treatment, vaccination or other prophylaxis to any person or class of persons exposed to or suffering from or suspected to be suffering from any such disease as may be stated in the order.

@k): authorize any official or person to enter and inspect, without prior notice, any premises where public health emergency has either occurred or is likely to occur.

10. No suit, prosecution or other legal proceedings shall lie against any person for anything which is done in good faith or intended to be done in pursuance of this Act or any Rule or Order made thereunder.

11. The provisions of this Act shall have overriding effect over any provision in any other Law for the time being in force.

@Chapter I, 2, (z): public health emergency of international concern “means an extraordinary event which is determined, as provided in International Health Regulations (IHR) of World Health Organization (WHO);”

WHO: Given the coupling of the Public Health Bill with the WHO, it is important to analyse the implications of the WHO as a Global Health body which was instituted as an advisory to World Governments for the betterment of Public Health.

As stated above, the WHO intent is to be in control of a global government on health². In line with its changed definition of ‘Pandemic’, the WHO can call a pandemic at any time based on its whims and fancies. For example, the 2009 “Swine flu” outbreak should never have been called a pandemic. Yet, several countries spent billions of dollars on swine flu vaccines they did not need and did not work, to fight a “pandemic” that resulted in fewer than 20,000 deaths. Many of those responsible for this wrong advice to

² <https://off-guardian.org/2022/04/19/pandemic-treaty-will-hand-who-keys-to-global-government/>

declare the ‘pandemic’ were later shown to have financial ties to vaccine manufacturers. On this evidence alone, India must distance itself from any influence of the WHO. Unfortunately, the grave Conflict of Interest that mires the WHO means it drives the interests of pharmaceutical companies.

It is now pushing a repeated pattern of its HISTORIC FAILURES, which beggar sanity and science. For example, it plans its COVAX programme to mass-vaccinate most of humanity; and an expansion of its powers to manage infectious disease outbreaks, with the expressed intent of instituting the same failed measures used for the first time, in the response to COVID-19, but more quickly and more often. In India, the ‘pandemic’ policy was also divorced from Indian reality. Our Govt. ignored the critical role of our public health experts/epidemiologists across India, including Veds, who have long experience and knowledge of Indian diseases and levels of malnutrition that plague our country. A “Pandemic Treaty” that overrides/overrules national & local governments, would hand supranational powers to an unelected bureaucrat/expert”, formulating policy entirely at his own discretion and on completely subjective criteria. This is potential technocratic globalism and tyranny.

The WHO had intended to amend the International Health Regulations (2005) during the General Assembly in May 2022 which has failed. The amendments were for 13 IHR articles: 5, 6, 9, 10, 11, 12, 13, 15, 18, 48, 49, 53, 59. The amendments did not find support of 47 AFRO members as the African countries were concerned that there was inadequate consultation amongst member states, and the process was being rushed. Brazil, Russia, India, China, South Africa, Iran and Malaysia also had reservations over the changes and were not in support of them.³ A summary of the proposed amendments can be found in an open letter written by World Council for Health.⁴

While these amendments did not go through, they may be brought back for deliberation either as modified amendments or in the form of a *Pandemic Treaty* currently being drafted and scheduled to be ready by 2024, with a working draft to be presented during the World Health Assembly in May 2023. The above-mentioned proposed amendments are reason for grave apprehensions. As we have stated earlier, such a Treaty hands supranational powers to a foreign and unelected body which overrides India’s Constitutional safeguards. It must be rejected.

The PHB: Summary of terms and their lack of definition: the following are reasons for grave concern with the wide-ranging powers & authority it aims to capture. We also highlight the lack of precise definition of terms used, along with their dangerous open-ended interpretations, which provide potential for significant misuse.

Bio-terrorism & especially, disaster: these terms are open to serious misuse, may be used as follows:

- To amend other Acts, i.e. environmental/food shortages, etc.
- Does not define what constitutes a public health emergency, disaster, etc., and yet grants the authorities very wide powers to restrict civil rights under such ‘emergencies’.
- Against people protesting these measures or other government policies to quarantine/isolate or enforce drugs, medical devices, etc., for continuous surveillance.
- As an unofficial declaration of emergency. A public health emergency and/or disaster can mean anything like vitamin deficiency, rising cases of diabetes, cancer, environmental problems, etc.
- The Indian legal system presumes innocent until proven guilty. This Bill presumes you are unwell (guilty) unless proven well (innocent).
- It is the duty of the State to fully inform the public to enable informed choice. In the Covid-19 pandemic, the State has demonstrated serious levels of disinformation, unscientific decision-making and lack of wide-ranging consultation. Viz: therefore, when the state is biased towards one narrative

³ <https://www.onenation.org.au/who-forced-into-humiliating-backdown>

⁴ <https://worldcouncilforhealth.org/wp-content/uploads/2022/05/IHR-Open-Letter-1.pdf>

and the other narrative/opposing view is silenced, then the right of freedom of speech and expression are violated; when the government pushes one narrative, it effectively manipulates the public. The government has vast resources to accomplish such propaganda, which it has amply demonstrated during Covid -19. A prime example is their vaccine policy, which amounted to a mandate (struck down by the Supreme Court of India as illegal) and lack of informed consent.

- ‘Prevention’ may be the ploy to enforce/mandate mass testing and continuous/constant surveillance to ostensibly prevent the spread of disease or silence opposition/critics. Tests, connected to a central database can be made mandatory to completely restrict freedom of movement, as is being done currently in China.

Section 2: (Draft) Public Health Bill 2017: Definitions and Implications

Table 1:

Clause	Definitions and Implications
(a) - “bio-hazardous material” means any infectious agent or hazardous biological material that presents a risk or potential risk to the health of humans, animals, plants or environment;	(a) The risk or potential risks to health of humans, animals, plants or environment have not been defined. In this Bill, infectious agent or hazardous biological material have not been defined. Petrol and even some food items can be deemed to be biohazardous. A person infected with cold cough/fever or any disease may be deemed to be a bio-hazard or infectious agent. This section is without any boundaries of constraint of human ethics, code of international medical ethics or societal norms of behaviour. It allows government to decide matters which are properly restricted by the Indian Constitution.
(b) - “bio-terrorism” includes intentional use of biological agents to cause disease or death of human beings or any animal or plant through dissemination of micro- organisms or toxins in and by any medium or any means;	(b) A person can be designated a terrorist if he/she wishes to go out, but is deemed to be ‘asymptomatic’ with a transmissible virus/disease, without scientific justification of such a term, according to Schedule 2(E)(35, 36). If a person is designated a bio-terrorist, the UAPA can come into play. The definition given in schedule 2(E) is very wide and open to interpretation.
(e) - “decontamination” means a procedure whereby health measures are taken to eliminate an infectious or toxic agent or matter on a human or animal body surface, in or on a product prepared for consumption or on other inanimate objects, including conveyances, that may constitute a public health risk;	Timeline of decontamination and health measures are not defined. Decontamination can mean removal of abnormal tumour/skin-growth on a human or animal body surface. What if someone has an eye infection? Will the removal of eyes be considered? The lack of definition and potential for misuse are enormous. Decontamination measures can be taken on the basis of suspicion and not full proof. Infectious or toxic agent , not defined. Matter on human or animal body surface is not defined and can mean and be interpreted in any way.
(g) “disaster” means a catastrophe, mishap, calamity or grave occurrence in any area, arising from natural or man-made causes, or by accident or negligence which results in substantial loss of life or human suffering or damage to, and destruction of, property, or damage to, or degradation of, environment, and is of such a nature or magnitude as to be beyond the coping capacity of the community of the affected area;	Disaster – its ambit of word ‘disaster’ in this Bill is open-ended and expanded. If the government wants to protect citizens from pollution it can mandate nasal filter implants. Substantial loss of life can also mean reduction of age of humans because of lifestyle, environment, etc. Human suffering is very ambiguous and not defined. Who will decide human suffering and how will it be quantified? Damage to or degradation of environment takes place even because of day to day activities like driving a car, consuming electricity and internet use. This can be used to ration electricity and the Internet in the name of preventing damage and/or degradation of the environment. Different measures for different areas and/or community can be used to target specific communities/areas. The potential misuse is endless.
(h) “disinfection” means the procedure whereby health measures are taken to control	Disinfection means procedure/s by direct exposure to chemicals (not defined) or physical agents (not defined). Consent not considered. May

<p>or kill infectious agents on a human or animal body surface or in or on baggage, cargo, containers, conveyances, goods and postal parcels by direct exposure to chemical or physical agents;</p>	<p>also be used to mandate hand sanitizers, periodic disinfection routines in areas, etc.</p>
<p>Note for (e), (f), (g), (h), (i) - Health measures and procedures are not defined anywhere. Officials can use any measures like quarantine, isolation, chemicals, drugs, devices, etc.</p>	
<p>(l) “drug” includes (i) all medicines for internal or external use of human beings or animals and all substances intended to be used for or in the diagnosis, treatment, mitigation or prevention of any disease or disorder in human beings or animals, including preparations applied on human body for the purpose of repelling insects like mosquitoes; (ii) such substances (other than food) intended to affect the structure or any function of human body or intended to be used for the destruction of insects which cause disease in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; (iii) all substances intended for use as components of a drug including empty gelatin capsules; and (iv) such devices intended for internal or external use in the diagnosis, treatment, mitigation or prevention of disease or disorder in human beings or animals, as may be specified from time to time by the Central Government by notification in the Official Gazette; (v) any new drug for which permission has been granted by the Central Licensing Authority under the first proviso to clause (c) of sub-section (1) of section 18 of The Drugs And Cosmetics (Amendment) Bill, 2013</p>	<p>Drug includes (i) All medicines for internal or external use and all substances used for the diagnosis, treatment, mitigation or prevention of any DISEASE or DISORDER (not defined) in human beings or animals. (minor disorders like attention deficit disorders can be treated, etc with drugs without any consent. Disorders do not affect others. Not being able to walk and even weakness can be treated as disorder). Applying mosquito spray or sunscreen can be made mandatory for prevention/mitigation/treatment, etc. (ii) Substances intended to affect the structure or any function (may also mean behaviour) of the human body or intended to be used for the destruction of insects which cause disease in humans or animals as may be notified by the official gazette from time to time. (iii) can mean - All substances intended for use as components of a drug including empty gelatin capsules (filled with medicine, microchips, nano technology online or offline, connected or disconnected from central or any other database). (iv) Devices intended for internal or external use in the diagnosis, treatment, mitigation, or prevention of DISEASE or DISORDER in human beings. (Devices can mean pills with microchips, nano technology monitoring technology to check whether some prescribed drugs are taken or not - Pfizer CEO in health in fourth industry revolution 2018). These devices and drugs can be changed or altered as may be notified in the official gazette from time to time. These devices can be used for mass continuous surveillance in the name of prevention even inside your own home/car/office.</p> <p>Note - In this Bill the word disease/disorder/illness can mean anything and is very ambiguous. It can mean vitamin deficiency, obesity, etc.</p>
<p>(m) “epidemic” means the occurrence in a community or region, of cases of an illness, specific health related behavior, or other health related events clearly in excess of normal expectancy;</p>	<p>Epidemic and/or illness can mean anything, even environmental problems like pollution cases, etc. Symptomatic and asymptomatic is not defined, only ‘cases’ is defined which means if someone or community is ‘asymptomatic’ whatever that means, government can take action. Specific health-related behaviour or other health-related events can mean checking BMI, using psychological techniques to discover if anything is wrong with the person or not. It can also mean lockdowns for pollution control as it can come in the ambit of specific health-related behaviour or other health-related events or prevention of disaster. The mischief in this section is that behaviour can mean anything -- it is not limited to cases in humans, illness and other specific health-related issues. It can also be justified for lockdowns, testing or surveillance in the name of prevention; for symptoms of an epidemic-prone disease or disaster.</p>
<p>(n) “epidemic-prone disease” means a disease as listed in the First Schedule of this Act as may be notified by Central government from time to time;</p>	<p>The first schedule (34) defines any public health emergency of international concern. This can mean environment, pollution, food, etc. This act can be used for anything and intrude into people’s lives and micromanage them while promoting the ‘collective good’ and completely negating natural and fundamental rights. The measures</p>

	specified in this Act can be used for an epidemic or signs of an epidemic (signs before an epidemic or DISASTER) to try and prevent it from taking place. It can impose and mandate unjust rules and attract heavy penalties and punishment in the name of prevention of disasters, as this act also focuses on prevention and protection of environment, plants, etc. It will enable the officials to justify mass and continuous surveillance in the name of prevention.
(p) “isolation” means separation of ill or contaminated persons or affected baggage, containers, conveyances, goods or postal parcels from others in such a manner as to prevent the spread of infection or contamination;	Isolation means separation of ill or contaminated from others in such a manner (not specified) as to prevent infection or contamination. As this act also speaks about prevention, even a person with cold and/or fever can be isolated. It does not mention where the person will be isolated and the conditions for release from isolation/quarantine. Note - For prevention, mitigation, treatment, diagnosis there will have to be continuous testing/surveillance to get to know a disease/disorder/illness/disaster before it happens so as to prevent it by using the measures in this Act. For example - if cases of cold, flu and/or fever increase in an area, measures can be taken like isolation, drugs, quarantine, etc., to prevent diseases like SARS. This act may make even sneezing, a taboo.
(t) “outbreak” means epidemic limited to a localized increase in the incidence of a disease;	Outbreak means epidemic limited to a localised increase in the incidence of disease which can mean anything and can be used for emergency measures locally.
(y) “public health emergency” means any sudden state of danger to public health including extension or spread of any infectious or contagious disease or pests affecting humans, animals or plants, occurrence of or threat of dangerous epidemic disease, epidemic-prone disease, disaster or bio-terrorism or potential public health emergency requiring immediate action for its prevention, control and management which cannot be dealt with by any law other than this Act;	Public health emergency can mean anything, which includes, spread of infectious or contagious disease affecting humans, animals, or PLANTS, or epidemic etc, DISASTER or BIO-TERRORISM or potential public health emergency requiring immediate action for its prevention, control, and management, which cannot be dealt with any law other than this Act. Disaster can mean environmental or any other disaster, the means and methods of prevention, control and management are not defined. This section also establishes the supremacy of this Act. The government may take measures if it suspects a public health emergency has arisen or is likely to arise.
(aa) “public health emergency of national concern” means a public health emergency as declared or notified by Central government from time to time;	Public health emergency of national concern can mean anything and may be notified by the central government. Example - if there is too much pollution, government can mandate devices which may be invasive/non-invasive to protect citizens from pollution, etc., without their consent.
Note - (y, z, aa) public health emergency is not defined and the powers reach beyond the schedules mentioned in this Act; also can mean behaviour.	
(bb) “public health service” means services for the prevention and treatment of diseases and promotion of health and includes environmental sanitation, immunization and any other services provided under this act and establishment and maintenance of any institution for the purpose of any such services;	Public health service will include environmental sanitation, immunization and any other services under this Act. Immunization can mean prescribing certain drugs to everyone (whether ill or not) for the prevention and management of disease/disorder/illness and/or to boost immunity, whatever that means.
(dd) “quarantine” means the restriction of activities and/or separation from others of suspect persons who are not ill or of suspect baggage, containers, conveyances or goods in such a manner as to prevent the possible spread of infection or contamination;	Quarantine can be imposed on someone who is not ill without mention of any time frame. Citizens will be at the mercy of government officials. Activities are not defined and may mean anything which may include eating, drinking, controlling certain habits, etc. Comparison of isolation and quarantine - <u>isolation</u> is done of ill or contaminated persons to prevent the spread of infection or contamination. <u>Quarantine</u> is the restriction of activities (not defined)

	and/or separation of suspect persons <u>who are not ill</u> to prevent the spread of infection or contamination. • Note - The condition for release of a person from isolation or quarantine is not mentioned. Government can impose unethical and unjust conditions for the person to go back to public life.
(ff) “reservoir” means an animal , plant or substance in which an infectious agent normally lives and whose presence may constitute a public health risk;	Animal may also mean human in this section.
(hh) “social distancing” is a public health practice designed to limit the spread of infection by ensuring sufficient physical distance between individuals;	Social distancing - enforceability like tracking apps, microchips/nano technology which can be given in empty gelatin capsules or can be mandated with devices, internal or external. External devices may also mean surveillance systems in houses which violates right to privacy. This can also be used to prevent protests against the government by using this act locally (outbreak).
(kk) “vector” means an insect or any living carrier that transports an infectious agent from an infected individual or its wastes to a susceptible individual or its food or immediate surroundings.	Vector - this section does not specify symptomatic (or intent). It does not specifically mention humans but any living carrier which implies human beings also. For example - Susceptible individual can be anyone or everyone if the disease is transmissible.

Section 3: (Draft) Proposed Public Health Bill: Public Health Measures - Analyses and Implications

Table 2 below, outlines the Public Health Measures that the State Government or Union Territories or District or Local authority are empowered to take if a public health emergency occurs (undefined) or is **LIKELY TO ARISE** - vague. It authorises very **wide powers for prevention, control, management, etc.**

Table 2:

Clause	Analyses and Implications
a) require or empower any official of the district or local authority as the case may be, to take such measures and for such duration of time, to prevent, control and manage the public health emergency, as may be stated in such order;	Empower any official - nothing is defined as to the expertise of the authority.
c) prohibit any such activity as stated which is or is likely to be inimical to public health in any area under its jurisdiction;	Prohibit any activity: can mean – stop/alter food habits for obese persons, or anything else as it thinks fit (to change behaviour) as stated, which is or is LIKELY to be inimical to public health.
Note – (a, c) if there is a food shortage which can be classified as a public health emergency or disaster, then the government can restrict eating (activity) or any other activity and can prescribe artificial foods / vitamins / nutrition or even mandate them inside empty gelatin capsules.	
d) quarantine or restrict the movement of any person or class of persons or any object or class of objects suspected to be exposed to any such disease or exposed to any substance as may be stated in the order;	Quarantine any person or class of persons or any object or class of objects suspected to be exposed to any such disease or exposed to any substance as may be stated. (this can be used for quarantining any person or class of persons which the government does not like and any objects like laptops, phones, storage devices, which officials suspect is exposed to such substance. The duration of quarantine of person/s, object/s is not given and where this person/s or object/s will be quarantined.) Restrict the movement of people, Substance and Disease, which may not be limited to the Schedules of this Act.

<p>g) undertake deratting, disinfection, disinfection, decontamination, treatment, destruction or disposal of baggage, cargo, containers, conveyances, goods, postal parcels, human remains, animals, birds or biological substances to remove infection or contamination including vectors and reservoirs of infection;</p>	<p>The terms destruction, disposal and removal, eg., of vectors may mean humans also. Biological substances are not defined and are ambiguous.</p>
<p>h) Notwithstanding any other provisions in any other Act or Statute, ban or regulate the purchase, transport, distribution, sale, supply, storage, as appropriate, of any drug or of any other material which contains hazardous or toxic substance;</p>	<p>Government can ban or regulate any substance which it thinks is toxic/hazardous or bad for the environment, etc. Note – (a & h) can mean: food items or any other items which cause harm to environment, including electricity.</p>
<p>i) provide for the inspection and, if required, detention of any shipment, cargo or objects being transported, as also of any vehicle , vessel, ship, aircraft, train, or any other form of transport, leaving, arriving at or passing through any place including any port, airport, bus station or railway station, ground crossing as the case may be, in any area;</p>	<p>Empowers officials to inspect and detain any form of transport in any area.</p>
<p>j) order detention of any person traveling or intending to travel or carrying or intending to carry any animal or plant or bio-hazardous material by any mode of transport as may be considered necessary;</p>	<p>It gives very wide power to detain any person travelling or intending to travel or carrying or intending to carry any animal or plant. Inclusion of bio-hazardous material in this clause is inappropriate. This would mean that a person cannot carry his pet with him! Detention can be ordered on the basis of intention to travel/carry.</p>
<p>k) authorize any official or person to enter and inspect, without prior notice, any premises where public health emergency has either occurred or is likely to occur.</p>	<p>Empowers officials or any person to enter, inspect, without prior notice, any premises, including private premises, where public health emergency has occurred or is LIKELY TO OCCUR. (Unannounced raids and harassment of people the government dislikes). Gives unfettered powers – Govt. can authorise any person (allies and organisations) to enforce this act).</p>
<p>m) disseminate such information as deemed appropriate and take such other appropriate measures in such circumstances including closure of markets, educational and other institutions and social distancing.</p>	<p>The Government can disseminate such information as it deems appropriate (violation of freedom of speech and justification of censorship with bias and promoting a government agenda). Therefore, potentially any information the government does not deem appropriate, like critics or opposing views to the official narrative, may be barred. The government can close markets, education or other institutions and order social distancing. (closure of small businesses and only home-delivery from big ecommerce websites and stores).</p>

Sections 4-8: (Draft) Proposed Public Health Bill: Analyses and Implications

Table 3:

<p>Section 4: makes the Central Government supreme and it shall give directions to subordinate governments (bypassing the State list which gives autonomy to States to decide matters of public health) - and establishing supremacy of Central Govt.). Section 4 also empowers the Central Govt. to assume powers provided in Section 3.</p> <p>b) Order measures to be observed by person/s to PREVENT, CONTROL AND MANAGE PUBLIC HEALTH EMERGENCY OR THREAT (not defined).</p> <p>c) The government can empower any person (official or non-official) (bias) to take such measures as to prevent, control and manage public health emergency or threat (ambiguous). It can mean mandating drugs and or medical devices, mandatory everyday-testing or be confined/quarantined in the name of prevention and/or mitigation.</p>

Section 5: empowers the Government to collect heavy fines for each offence, which will be a cognizable offence and may be punishable up to a period of two years. Essentially, any protest, against any mandate, eg., masks, may be regarded as a cognizable offence.

Section 6: Pendency of appeal shall not be sufficient cause for non-implementation of the order issued by government. (Contravenes right to be heard and justice delayed).

Section 8: establishes the supremacy of Central Government.

Legal: Selected Examples of Clauses of this Bill which are glaring violations of Fundamental Rights:

This entire Bill is violative of Article 19, 21 because it gives the government very wide powers to restrict civil rights and eventually, completely destroying it, and it gives rise to mass continuous surveillance and medical policing. The Bill is not limited to only the Schedules mentioned: it is all-embracing yet undefined and open ended.

- **Section 3 (f)** is violative of Article 21 as it violates the right of a person to refuse medical treatment, the right to bodily autonomy and right to privacy.
- **Section 3 (g)** is also similarly as the above, violative of Article 21. It, furthermore, makes mention of destruction of vector, (undefined, could include humans).
- **Section 3 (j)** is violative of Article 21 as it gives very wide power to detain any person travelling or intending to travel or carrying or intending to carry any animal or plant. Inclusion of bio-hazardous material in this clause is inappropriate. This would mean that a person cannot carry his pet with him! Detention can be ordered on the basis of intention to travel/carry.
- **Section 3 (k)** is violative of Article 21 (right to privacy) as it gives wide powers to officials to inspect any premises where a public health emergency has occurred or is likely to occur.
- **Section 3 (m)** is violative of Article 19(1)(a)(g) and Article 21 because the government can disseminate information it deems fit during times of public health emergency, disaster, etc. It also gives the government power to censor information, which curtails Rights under Article 19(1)(a). The order for closure of markets and educational institutes is violative of Article 19(1)(g) because small shops will not be able to follow, for example, social distancing, and big businesses will be given preference, which is violative of Article 14. By disseminating information only as it thinks fit, the government is blocking the rights of citizens to make informed choices and manipulating them, which is protected under Article 21.

It is difficult to quite believe the comprehensive betrayal of the Indian Constitution and the Indian People through the intent of this PHB if it is ever contemplated. If the government can insert things into our body, force us to take a medication, and do what it likes without furthermore, allowing recourse to legal help or the police (which instead of protecting us from unlawfulness, will be co-opted into implementing the governments unlawfulness), then let's be clear; **this Public Health Bill is advocating a slavery system for the Indian people.** We are therefore, keenly aware that if we should fail to perform our duty as citizens, through this response as a forewarning, we will in effect surrender our RIGHT to defending ourselves against the limitations upon Government placed on it by our Constitution and a Universal Code of Human Ethics enshrined in it and every encroachment upon our liberty, which if once lost, may not be regained.

We therefore appeal to you as the Hon'ble Health Minister, to take due note of the grave implications of this PHB as conveyed to you in this letter and our legitimate concerns. Any such Bill will attract widespread and severe criticism and protest from Indian Citizenry. We therefore, request you to make a Public Statement guaranteeing the stoppage of any such Bill contemplated by any Government including the current Administration.

Thank you for taking the time to absorb this letter. We look forward to your action as requested.

Yours Faithfully
Citizens of India

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