

IN THE HON'BLE SUPREME COURT OF INDIA

(CIVIL ORIGINAL JURISDICTION)

PUBLIC INTEREST LITIGATION

WRIT PETITION (CIVIL) NO._____ OF 2020

(A Petition in the nature of Public Interest Litigation filed under Article 32 of the Constitution of India praying for a writ of Mandamus or any other appropriate writs seeking issuance of specific Directions to the Respondents for taking measures under Disaster Management Act to prevent the selling/production and Circulation and advertisement of counterfeit/fake Corona Vaccine and to Strengthen the Cyber Security to Stop the online fraud of corona vaccine which may take place during corona vaccination programme and to manage the equitable distribution of corona vaccine among citizens.)

IN THE MATTER OF:

1. Vishal Tiwari

... Petitioner

VERSUS

1. Union of India

Ministry of Home Affairs,

Through secretary

North Block, Central Secretariat,
New Delhi, Delhi 110001.

2. Union of India

Through Secretary,
Ministry of Health and Family welfare
Near Udyog Bhawan Metro Station,
Maulana Azad Rd, New Delhi,
Delhi 110011

.....All Contesting Respondents

**A WRIT PETITION CIVIL IN THE NATURE OF PUBLIC INTEREST
LITIGATION IS FILED UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA PRAYING FOR A WRIT OF
MANDAMUS OR ANY OTHER APPROPRIATE WRITS SEEKING
ISSUANCE OF SPECIFIC DIRECTION TO THE RESPONDENTS
FOR TAKING MEASURES UNDER DISASTER MANGEMENT ACT
TO PREVENT THE SELLING/PRODUCTION AND CIRCULATION
OF COUNTERFIET/FAKE CORONA VACCINE AND TO
STRENGHTEN THE CYBER SECURITY TO STOP THE ONLINE
FRAUD OF CORONA VACCINE WHICH MAY TAKE PLACE
DURING CORONA VACCINATION PROGRAMME AND TO
MANAGE THE EQUITABLE DISTRIBUTION OF CORONA
VACCINE AMONG CITIZENS.**

3.

To,

The Hon'ble Chief Justice of India

And His Companion Justices

Of the Supreme Court of India.

The Writ Petition of the

Petitioner above named

MOST RESPECTFULLY SHOWETH

1. The present Writ Petition civil in the nature of Public Interest Litigation is filed under Article 32 of the Constitution of India by the Petitioner to enforce the fundamental rights, particularly the Right to Health and care and Right to Safe Health product and Right to Life which is enshrined under Article 21 by protection the citizens in this pandemic from the criminal organizations which may cause threat to the public health and safety by circulation the fake and counterfeit corona vaccine. And also to ensure the equitable distribution of vaccine among citizens.

ARRAY OF PARTIES

2. The Petitioner is a citizen of India, who is a practising Advocate in Supreme court of India and a regular member of Supreme court Bar

4.

Association (SCBA). Petitioner is always vigilant about the Supreme court of India's Judgements and guidelines issued from time to time for the protection and safeguard of the Fundamental rights of the citizens. The petitioner PAN card No. is and e-mail address is

3. The Petitioner does not have any personal interest or any persona gain or private motive or any other oblique reason in filing this Writ Petition in Public Interest. The Petitioner has not been involved in any other civil or criminal or revenue litigation, which could have legal nexus with the issues involved in the present Petition. No similar petition has been filed before this court and any High court.

4. The Respondent No. 1 is the Union of India, represented by Ministry of Home, which is the appropriate ministry dealing with safeguarding the financial policies of our country.

The Respondent no. 2 Union of India represented by ministry of Health and family welfare which is the appropriate ministry dealing with the protection of people fundamental Rights.

FACTS OF THE CASE

5. Vaccine for corona will be like a Boon for Mankind but for Criminal organizations it will a Money Making liquid. Its not a Normal vaccine but a cure to End the COVID19 Pandemic. For last months the world is waiting for it. All countries entered in competition to develop it first. But the difficult task was to manufacture such vaccine which is effective without any side effects.

The United Kingdom became the first country to develop Anti Corona vaccine. The Company which made it is Pfizer. U.S.A is also giving signs to announce very Shortly.

The INTERPOL organization has issued a warning that with the invention of corona vaccine there will be a danger arise of counterfeit vaccine, which several criminal organization may carry out and mostly through online mode.

“As governments are preparing to roll out vaccines, criminal organizations are planning to infiltrate or disrupt supply chains.”

Jürgen Stock, INTERPOL Secretary General

LYON, France – INTERPOL has issued a global alert to law enforcement across its 194 member countries warning them to prepare for organized crime networks targeting COVID-19 vaccines, both physically and online.

“Once a legitimate vaccine enters the market, counterfeited versions of the specific vaccine brand are expected to circulate rapidly,” the agency’s warning said, citing a phony flu vaccine that the World Health Organization discovered in Mexico in October.

“Similar to the fake influenza vaccine encountered in Mexico, counterfeit Covid-19 vaccines may represent a significant public health threat if they are ineffective at best or toxic at worst, given their production in underground labs without hygiene standards,” Europol said. “Fake vaccines may even have a wider-reaching impact if new outbreaks emerge in communities assumed to be vaccinated.”

The warning urged heightened vigilance by the EU’s 27 member nations and other countries to “the possible involvement of criminals in the vaccine development and distribution process.”

Europol said the “expected arrival of a genuine Covid-19 vaccine has already inspired criminal activities and will likely be exacerbated once vaccines become available.”

6. The statement came after Britain gave emergency approval Wednesday to a vaccine produced by US drugmaker Pfizer and Germany-based BioNTech, making Britain the first Western country to authorize a vaccine against the coronavirus.

Europol, which is based in The Hague, said it was aware of criminals placing advertisements on dark web marketplaces “using the brands of genuine pharmaceutical Companies.

We are also in Que to develop Such Anti corona vaccine which shall be not only effective up to nearly 100% but it shall be Affordable also so that Maximum No. of People can get the vaccination. We are about to reach. But the real Threat will come after its preparation i.e to stop its fake Manufacturing and Supply. The vaccine shall not become a commodity for Black marketing, fake Drug, Supply to Influencing persons only and selling in a very High price than its price fixed by the Government.

Recently the INTERPOL has issued a warning regarding the fake manufacturing and supply of Corona vaccine through websites. Interpol has warned against the organised crime in relation to corona vaccine and it has issued orange Notice to all its 194 Member countries including India.

Criminal networks will also be targeting unsuspecting members of the public via fake websites and false cures, which could pose a significant risk to their health, even their lives.

“It is essential that law enforcement is as prepared as possible for what will be an onslaught of all types of criminal activity linked to the COVID-19 vaccine, which is why INTERPOL has issued this global warning.

Our law Enforcement Agencies of Union and States have to be prepared promptly and Effectively. A Separate law is required to deal with Such situation and to Stop and Bring any Criminal Organization under the Law.

The issue is connected with the life of the citizens and also with the public health and safety. The Right to Life under Article 21 of our Constitution, Right to Maintenance of health and Safety and Right to be treated equal without Discrimination is involved which needs to be protected.

Government is Required to make the citizens Vigilant and aware about the fake Corona vaccine Selling and Supply. Some Guidelines for the Awareness have to be framed and most Important is to Bring a law in the Shape of enactment or ordinance to deter the Criminals from Selling and manufacturing the fake Corona Vaccine.

An Equitable Distribution is also necessary for maintaining the Health of the All citizens.

7. GROUNDS

A. Because the Corona pandemic took the entire world into its captivity.

The all countries started research for its cure. And after several months of research programme conducted some countries are successful in inventing the vaccine against the infection of corona virus. The Britain gained the First position in launching the Anti corona vaccine programme for its citizens. It authorized the Pfizer Drug making company for Anti corona vaccination. The Right to Health care, Right to Safe Health and Right to life enshrined under Article 21 guarantees the protection from fake treatment during this pandemic.

B. Because the INTERPOL has issued a Orange Notice to its all member countries and has warned that now along with the corona vaccination programme several criminal organizations will be active and will circulate and sell counterfeit or fake vaccine. This criminal act will be carried out by both modes, physically and through online. Many websites will be active in committing such fraud. People can be easily attracted by them as the present pandemic has created a situation of fear and uncertainty, so the people in intention to save their lives from the deadly virus can easily fall prey in the

hands of such criminal organizations intent to sell forged vaccine and make huge profit.

C. Because India is vast country having huge population. It can be a big place of profit for criminal organizations and companies as it can be made a market for selling counterfeit and fake corona vaccine. Such organizations adopt a very smart technique of publicity which can attract several innocent citizens of our nation for buying the vaccine. Online fraud has become regular criminal act committed and our nation is also facing this challenge.

D. Because under Disaster management Act both centre and States have power to prevent the epidemic and take necessary steps for the safety of the citizens. The protection of citizens from fake and counterfeit Anti corona vaccine is also a task covered under this Act.

E. Because if the criminal organizations succeeds in committing such act than it may lead to chaos and big imbalance as it will effect negatively the Vaccination programme of government and instead of cure will bring more disastrous effects.

F. Because a strict vigil on the Drug making companies is also required to prevent the forge corona vaccine circulation.

G. Because there are several online medicine Supply apps which online accepts the order from public for a medicine and supplies that medicine to their door steps. Some of them are-

- **1 Practo.**
- **2 1mg.**
- **3 NetMeds.**
- **4 BookMeds.**
- **5 Yodawy.**
- **6 SmartMedics.**
- **7 WeChemist.**
- **8 BrownPacket.**

The Government has to take steps to ensure that there shall not be any fake website or Application which can be used to commit any fraudulent Act by selling and circulating fake Anti corona vaccine.

E. Because it is the duty of the centre and states to Run the awareness programme among citizens and make them alert against the fake and counterfeit Anti corona vaccine which may be carried out by the criminal organizations. Government shall flourish the information and issue the awareness guidelines for the public and make them educated that how such

fraudulent activities may be conducted and warn them to be beware of such fake vaccine selling and circulation.

H. Because it is also necessary that there shall be equitable distribution of the vaccine and vaccination programme shall be carried out in fair manner for this government have make a set guidelines and instructions.

I. Because corona vaccination may last long and so it is necessary to make guidelines and regulations to stop the fake circulation of it.

8. That the Petitioner has not filed any other Petition before this Hon'ble Court or before any other Court seeking the same relief.

PRAYER

In the said premises it is most respectfully prayed that this Hon'ble Court may graciously be pleased to:

i. Issue writ of mandamus/directions to the Respondents to issue strict guidelines and regulations under Disaster Management Act or under any other law by constituting a special committee to prevent the chances of fake and counterfeit Corona vaccine selling/circulating and advertising by any organization, Company, Online Apps;

ii. Direct the respondents to run the awareness program for the safety of the citizens against the danger of counterfeit vaccination of corona;

iii. Direct the Respondents to enact a strict law against the criminal act committed by selling or circulating the counterfeit corona vaccine by any organization or Individual.

Pass such other appropriate relief which this Hon'ble Court may deemed fit in the facts and circumstances of the case

FOR THIS ACT OF KINDNESS THE PETITIONER/APPLICANT HEREIN AS IN DUTY BOUND SHALL EVER PRAY.

DRAWN ON- 27.12.2020

FILED ON – 29-12-2020

DRAWN BY

FILED BY