

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

I.A. NO. _____ OF 2021
IN
WRIT PETITION (CIVIL) NO. 607 OF 2021

IN THE MATTER OF:

DR. JACOB PULIYEL

....PETITIONERS

VERSUS

UNION OF INDIA & ORS.

....RESPONDENTS

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Prashant Bhushan

(PRASHANT BHUSHAN)
COUNSEL FOR THE PETITIONER
301, NEW LAWYERS CHAMBERS
SUPREME COURT OF INDIA
NEW DELHI 110 001
CODE NO.: 515

NEW DEHI:
DATED: 01.12.2021

DOL RAJ BHANDARI, REGD. CLERK, I.C. NO. 3745, MOBILE NO. 9868255076

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PAPER BOOK
(FOR INDEX KINDLY SEE INSIDE)

WITH
I.A. NO. _____ OF 2021
(APPLICATION FOR IMPLEADMENT)

AND
I.A. NO. _____ OF 2021
(APPLICATION FOR DIRECTION)

COUNSEL FOR THE PETITIONER: **PRASHANT BHUSHAN**

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**APPLICATION FOR IMPLEADMENT OF STATE OF NCT OF DELHI,
STATE OF MADHYA PRADESH, STATE OF MAHARASHTRA,
STATE OF TAMIL NADU, AS RESPONDENTS NO. 7, 8, 9 & 10
RESPECTIVELY.**

To

The Hon'ble Chief Justice of India and His Hon'ble Companion Justices
of the Hon'ble Supreme Court of India

The humble application of the Applicant above named most respectfully
showeth:

1. That the petitioner has filed the instant writ petition under Article 32 of the Constitution of India for the enforcement of fundamental rights under Article 14 and 21 of the Constitution of India, seeking a writ directing the respondents to make public the segregated data of the clinical trials for the vaccines that are being administered to the population in India under the Emergency Use Authorization granted by the Drugs Controller General of India (DCGI). Further the petitioner has prayed that

no coercive mandates for use of these inadequately tested vaccines may be issued and that the courts reiterate that vaccine mandates are repugnant to the right to autonomy and right to self-determine what may be injected into their bodies.

2. While the union government has clearly stated in numerous RTIs and in its counter affidavit filed in the present case that Covid vaccines are voluntary and cannot be mandated at this stage, there are many instances from across the country where now various States are mandating the vaccines for opening shops, retaining employment, entering educational institutions and even stepping out on public streets and spaces. In light of these continuing mandates by various states which the petitioner had brought before the court in various affidavits, the Hon'ble Court during the hearing on the 29/11/2021 asked the petitioner to challenge specific vaccine mandates and implead the concerned states that have issued the mandates. Therefore the petitioner is filing this application for impleading the concerned states issuing such mandates.
3. Therefore it is prayed that State of NCT of Delhi, State of Madhya Pradesh, State of Maharashtra and State of Tamil Nadu be impleaded as respondents no. 7,8,9 &10 respectively.

PRAYER

In these circumstances the Petitioner prays that your Lordships may be pleased to:

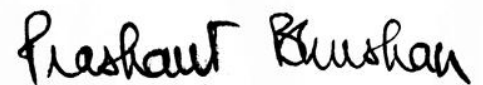
- (i) Implead the following as Respondents No 7,8,9 &10 respectively:

- (a) STATE OF NCT OF DELHI
(THROUGH ITS CHIEF SECRETARY)
NEW SECRETARIAT, IP EXTENSION
NEW DELHI
- (b) STATE OF MADHYA PRADESH
(THROUGH ITS CHIEF SECRETARY)
CHIEF SECRETARY'S OFFICE
GOVERNMENT OF MADHYA PRADESH, MP MANTRALAYA,
VALLABH BHAVAN,
BHOPAL-462004
- (c) STATE OF MAHARASHTRA
(THROUGH ITS CHIEF SECRETARY)
GOVERNMENT OF MAHARASHTRA, CS OFFICE MAIN
BUILDING, MANTRALAYA, 6TH FLOOR, MADAME CAMA
ROAD,
MUMBAI-400032
- (d) STATE OF TAMIL NADU
(THROUGH ITS CHIEF SECRETARY)
CHIEF SECRETARY'S OFFICE
GOVERNMENT OF TAMIL NADU, SECRETARIAT, CHENNAI-
600009

(ii) Pass other or further order as may be deemed fit and proper.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY
BOUND SHALL EVER PRAY.

PETITIONER THROUGH:



(PRASHANT BHUSHAN)

COUNSEL FOR THE PETITIONER

DATED: 01.12.2021

NEW DELHI

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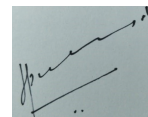
....RESPONDENTS

AFFIDAVIT

I, Dr. Jacob Puliyel, S/o Late Mr. P M Mammen, r/o 6A, 7 Raj Narayan Marg, Delhi – 110054, do hereby solemnly affirm and state on oath as under:

1. That I am the Petitioner in the aforementioned writ petition and being familiar with the facts and circumstances of the case, I am competent and authorized to swear this Affidavit.
2. That I have read and understood the contents of the application for Impleadment (**Pages 1 to 3**) and Directions (**Page 6 to 13**). I state that the facts therein are true to the best of my knowledge, belief and nothing material has been concealed therefrom.
3. The annexures are true copies of their respective originals.
4. The source of the information are government orders and Supreme Court and High court judgments and other information which is available in the public domain.
5. That this petition is only motivated by public interest. I affirm that I have no personal interest in this matter.

6. That I have done whatsoever enquiry that was possible and I state that no relevant facts in my knowledge have been withheld.

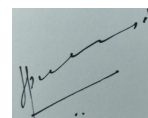


DEPONENT

VERIFICATION:

I, the above named Deponent, do hereby verify that the contents of the above Affidavit are true and correct to my knowledge; that no part of it is false and that nothing material has been concealed therefrom.

Verified at New Delhi on 1st day of December 2021.



DEPONENT

IN THE HON'BLE SUPREME COURT OF INDIA
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**APPLICATION FOR DIRECTION ON BEHALF OF THE
PETITIONER**

1. That the petitioner has filed the instant writ petition under Article 32 of the Constitution of India for the enforcement of fundamental rights under Article 14 and 21 of the Constitution of India, seeking a writ directing the respondents to make public the segregated data of the clinical trials for the vaccines that are being administered to the population in India under the Emergency Use Authorization granted by the Drugs Controller General of India (DCGI). Further the petitioner has prayed that no coercive mandates for use of these inadequately tested vaccines may be issued and that the courts reiterate that vaccine mandates are repugnant to the right to autonomy and right to self-determine what may be injected into their bodies. In so doing this Hon'ble Court would uphold the rights of individuals to give informed consent as the Delhi High Court did, in the Measles Rubella case. It is submitted that coercing citizens directly or indirectly to get vaccinated is unconstitutional and violates the right to life of citizens. This is especially significant in light of the

emerging scientific evidence that vaccines do not protect the vaccinated from getting the infection and that the vaccinated are also transmitting the infection. Besides this, the latest ICMR serological survey shows that more than two thirds of the Indian population has Covid antibodies and therefore natural immunity from COVID. This has been brought on record by the petitioner in the additional affidavits that have been filed.

2. While the union government has clearly stated in numerous RTIs and in its counter affidavit filed in the present case that Covid vaccines are voluntary and cannot be mandated at this stage, there are many instances from across the country where now various States are mandating the vaccines for opening shops, retaining employment, entering educational institutions and even stepping out on public streets and spaces. In light of these continuing mandates the petitioner is forced to file this application and an application for impleading the concerned states issuing such mandates, seeking a direction from this Hon'ble Court to strike down these vaccine mandates as unconstitutional.
3. On the 8th of October 2021, the Government of NCT of Delhi issued an order mandating Covid vaccines for all employees, failing which they will not be allowed to attend their offices and places of work and will be marked as "on leave". This amounts to illegal coercion of citizens to get vaccinated when the government has repeatedly claimed that the Covid-19 vaccination programme is voluntary. Many professors/teachers at colleges at Delhi University and schools have written to the advocate for the petitioner, aggrieved by this order that would deny them their

right to livelihood especially in light of the various vaccine adverse events that have been reported worldwide and the lack of clinical trial data for the vaccines being administered under emergency authorization in India.

4. Order dated 8.10.2021 issued by the Delhi Disaster Management Authority, Government of NCT of Delhi dated 8.10.2021, directed that all the employees/officers should get vaccinated (at least first dose) by 15.10.2021, failing which they will not be allowed to attend their respective offices/educational institutions with effect from 16.10.2021 till they have obtained the first dose of vaccination. Further the said period of leave shall be treated as "on leave" till the administration of the first dose of the vaccination. The relevant order states:

"i) All Government employees working in Departments/Autonomous Bodies/ PSUs/Local Bodies/Educational Institutions under Government of NCT of Delhi, including Frontline Workers, Healthcare Workers as well as Teachers and other staff working in Schools/ Colleges should get vaccinated (at least first dose) by 15.10.2021 as per prevailing guidelines/ protocols prescribed for vaccination by MOH&FW, Govt. of India.

ii) The aforesaid Government employees/ Frontline Workers/Healthcare Workers/ Teachers and other staff working in Schools / Colleges, who do not get vaccinated (at least first dose) by 15.10.2021 shall not be allowed to attend their respective offices/ Health care institutions/

educational institutions with effect from 16.10.2021 till they have obtained the first dose vaccination.

iii) The said period of absence from duty shall be treated as "On Leave" till the administration of the first dose of vaccination.

iv) The administration of the first dose of vaccination / complete vaccination shall be verified by the concerned HOD/office through Arogya Setu application/ certificate of vaccination produced by the concerned employee.

(A copy of the order dated 8.10.2021 No. F.02/07/2020/S-1/Pt-1/479 issued by the Disaster Management Authority, Government of NCT of Delhi is annexed as **Annexure A1 (Page 14 to 15)**).

5. On 8th November 2021, an order issued by the Food and Civil Supplies Department, Government of Madhya Pradesh mandated that subsidised or free food grains at all fair price shops will be given only to those who have been fully vaccinated against COVID-19.

"2. Under the Targeted Public Distribution System, ration material is distributed through fair price shops to 4.90 crore beneficiaries of 01 crore 15 lakh families every month. Following action should be taken to encourage/aware the beneficiaries to get vaccinated while receiving ration material:

...

4. The beneficiaries should be made aware that it will be mandatory to take both of the dose of vaccines to get the ration."

(A copy of the order dated 8.11.2021 no. 886/P.S. Food/2021 issued by The Food and Civil Supplies Department, Government of Madhya Pradesh is annexed as **Annexure A2 (Page 16 to 17)**).

6. An order dated 27th November 2021 by the Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra mandates COVID-19 vaccination for actors, shop-owners, to travel in public transport etc.:

“2. Requirement of being Fully Vaccinated:

a. All persons connected with the organization of any program, event or show, ticketed or non-ticketed, as well as all service providers and participants (like players, actors etc.), visitors, guests, customers shall be fully vaccinated as per the definition of the same given hereinafter.

b. Any shop, establishment, mall, event, gathering etc. where a member of public has a right to come and get services must be manned by fully vaccinated persons and all visitors, customers for such places shall be fully vaccinated.

c. All public transport shall be used only by fully vaccinated persons.

d. The Universal Pass created by the State Government (<https://epassmsdma.mahait.org> or telegram-MahaGovUniversal Pass Bot) shall be a valid proof for status

of full vaccination. Or else, Cowin Certificate with a valid ID proof carrying photo may be taken a valid proof for the same. For citizens below 18 years, other Government or school issued photo identity and for those who are unable to take the vaccine due to medical reasons, a certificate from a certified medical practitioner may serve as documentary evidence for entry.

e. Though offices and other establishments where there is no visit by any person of general public as well as private transport does not have this requirement of being open to fully vaccinated persons, they are strongly advised to go for full vaccination.”

(A copy of the order no. DMU/2020/CR. 92/DisM-1 dated 27.11.2021 issued by Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra is annexed herewith as **Annexure A3 (Page 18 to 22)**)

7. Through a circular issued on 18.11.2021, the Directorate of Public Health, Tamil Nadu has made vaccination against COVID-19 mandatory for people to even step out into public places in Tamil Nadu. This circular stated that:

“In this regard, I wish to inform that as per Tamil Nadu Public Health Act, 1939.

...

Under Section 71, Sub Section (1). No person who knows that he is suffering from a notified disease shall expose

other persons to the risk of infection by his presence or conduct in -

(a) Any Street or Public place, or

(b) Any Market, Theatre or Other place of entertainment or assembly, or

(c) Any School, College, Playground or such other place, or

(d) Any Hotel, Hostel, Boarding House, Choultry, Rest-House, or Club, or

(e) Any factory or Shop.

...Hence, all the Deputy Director of Health Services are here by instructed to implement the above said sections of the Tamil Nadu Public Health Act, 1939 by suitably informing the owner/ occupier of the above places and ensure that all the places notified under Section 71, Sub Section (1) are occupied by the persons "who are vaccinated against COVID19" so as to prevent the spread of infection from the infected persons to other persons."

(A copy of the circular no. R.No. 91298/Imm/S1/2019 dated 18.11.2021 issued by the Directorate of Public Health, Tamil Nadu is annexed herewith as **Annexure A4 (Page 23 to 24)**)

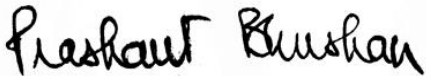
PRAYERS

In view of the above facts and circumstances, it is respectfully prayed that this Hon'ble Court may be pleased to pass the following ad-interim direction:-

7. Strike down as unconstitutional the vaccine mandates issued by the various States, specifically the mandates issued by State of NCT of Delhi vide order no. F.02/07/2020/S-1/Pt-1/479 dated 8.10.2021 by the Disaster Management Authority, Government of NCT of Delhi, State of Madhya Pradesh vide order no. 886/P.S. Food/2021 dated 8.11.2021 issued by The Food and Civil Supplies Department, Government of Madhya Pradesh, State of Maharashtra vide order no. DMU/2020/CR.92/DisM-1 dated 27.11.2021 issued by Department of Revenue and Forest, Disaster Management, Relief and Rehabilitation, Government of Maharashtra and the State of Tamil Nadu vide circular no. R.No. 91298/ImmN/S1/2019 dated 18.11.2021 issued by the Directorate of Public Health, Tamil Nadu;
8. To pass any further order or orders, as this Hon'ble Court may deem fit and proper in the interest of justice.

FOR THIS ACT OF KINDNESS THE HUMBLE APPLICANT AS IN DUTY BOUND SHALL EVER PRAY.

PETITIONER THROUGH


(PRASHANT BHUSHAN)
COUNSEL FOR THE PETITIONER

NEW DELHI
DATED: 01.12.2021

GOVERNMENT OF NCT OF DELHI
DELHI DISASTER MANAGEMENT AUTHORITY

No. F.02/07/2020/S-1/Pt-1/479

Dated: 08.10.2021

ORDER

Whereas, the Delhi Disaster Management Authority (DDMA) is satisfied that the NCT of Delhi is threatened with the spread of COVID-19 Virus, which has already been declared as a pandemic by the World Health Organization and has considered it necessary to take effective measures to prevent its spread and issued various orders/instructions from time to time to all authorities concerned to take all required measures to appropriately deal with the situation in NCT of Delhi.

2. And whereas, in a meeting of Delhi Disaster Management Authority (DDMA) held on 29.09.2021, it was decided to ensure 100% vaccination of all Government Employees, Frontline Workers, Healthcare Workers as well as Teachers and other staff working in schools/colleges, as these categories of persons have frequent interaction with the general public/vulnerable section of the society.

3. Now, therefore, in exercise of powers conferred under section 22 of the Disaster Management Act, 2005, the undersigned, in his capacity as Chairperson, State Executive Committee, DDMA, GNCTD, hereby directs as follows:-

- i) All Government employees working in Departments/Autonomous Bodies/ PSUs/Local Bodies/Educational Institutions under Government of NCT of Delhi, including Frontline Workers, Healthcare Workers as well as Teachers and other staff working in Schools / Colleges should get vaccinated (at least first dose) by 15.10.2021 as per prevailing guidelines / protocols prescribed for vaccination by MOH&FW, Govt of India.
- ii) The aforesaid Government employees/ Frontline Workers/Healthcare Workers / Teachers and other staff working in Schools / Colleges, who do not get vaccinated (at least first dose) by 15.10.2021 shall not be allowed to attend their respective offices/ Health care institutions/ educational institutions with effect from 16.10.2021 till they have obtained the first dose vaccination.
- iii) The said period of absence from duty shall be treated as "On Leave" till the administration of the first dose of vaccination.
- iv) The administration of the first dose of vaccination / complete vaccination shall be verified by the concerned HOD/office through Arogya Setu application/ certificate of vaccination produced by the concerned employee.

4. Government of India may consider issuing similar directions in respect of its employees working in Delhi.



(Vijay Dev)
Chief Secretary, Delhi

Copy for compliance to :

1. All Addl. Chief Secretaries/ Principal Secretaries/Secretaries/HODs of all Departments/ Autonomous Bodies/PSUs/Local Bodies of Govt. of NCT of Delhi.
2. Chairman, New Delhi Municipal Council.
3. Addl. Chief Secretary (Health), GNCTD.
4. Commissioner of Police, Delhi.
5. Pr. Secretary (Revenue)-cum Divisional Commissioner, GNCTD.
6. Pr. Secretary (Education), GNCTD.
7. Commissioner (South DMC/East DMC/North DMC).
8. Secretary (I&P) for wide publicity in NCT of Delhi.
9. Secretary (Higher Education), GNCTD
10. Secretary (TTE), GNCTD.

11. CEO, Delhi Cantonment Board.
12. Director (Education), GNCTD.
13. All District Magistrates of Delhi.
14. All District DCPs of Delhi
15. Director, DGHS, GNCTD.

Copy for kind information to :

1. Secretary to Hon'ble Lt. Governor, Delhi.
2. Secretary to Hon'ble Chief Minister, GNCTD.
3. Staff Officer to Cabinet Secretary, Government of India.
4. Secretary, Department of Personnel & Training, Government of India.

Preshant Kushan
(TRUE COPY)

STATE OF MADHYA PRADESH**Department of Food, Civil Supplies and Consumer Protection****MINISTRY, BHOPAL**

No. 886/P.S. Food/2021

Bhopal, Date: 08 November 2021

To,

All Supply Control/Officer,
Madhya Pradesh

Subject: - For the prevention of Covid-19, to get all the eligible persons vaccinated.

1. The state government is determined to vaccinate all adult individuals to prevent infection from Covid-19, under which it is mandatory for all persons above the age of 18 years to be given both doses of the vaccines. Free vaccination facility has been provided by the government.
2. Under the Targeted Public Distribution System, ration material is distributed through fair price shops to 4.90 crore beneficiaries of 01 crore 15 lakh families every month. Following action should be taken to encourage/aware the beneficiaries to get vaccinated while receiving ration material:

(1) Information as per attached Appendix A should be displayed at the fair price shop for vaccination.

(2) The names of all the family members are mentioned in the eligibility slip issued to the eligible beneficiaries. The information about the members of the family who have not been given the first and second doses of vaccine and come to get ration, should be obtained by the seller of the shop and they should be made aware to get the vaccine at nearby hospitals.

(3) The names, address and mobile numbers of the family members, who have not taken the dose of vaccine be maintained and a copy whereof be sent to the nearest hospital weekly.

(4) The beneficiaries should be made aware that it will be mandatory to take both of the dose of vaccines to get the ration.

Kindly take necessary action accordingly.

Enclosed: Appendix "A" as above

Sd/-
(FAIZ AHMAD KIDWAI)
Principal Secretary
Food, Civil Supplies
And Consumer Protection Department
State of Madhya Pradesh

Freshant Kushan
(TRUE COPY)

ANNEXURE: A3

GOVERNMENT OF MAHARASHTRA
Department of Revenue and Forest, Disaster Management,
Relief and Rehabilitation, Mantralaya, Mumbai- 400 032
No: DMU/2020/CR. 92/DisM-1, Dated: 27th November, 2021

ORDER

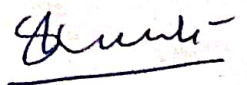
Reference:

- a. The Epidemic Diseases Act, 1897
- b. The Disaster Management Act, 2005

The State Government is currently recording fewer number of COVID 19 positive cases consistently over the past few months. Also, there has been a steady as well as consistent decline in the trend curve of COVID cases in the country and nearby states. All these successes are due to discipline in adherence by various establishments to various necessary restrictions that have been imposed on various activities as well as discipline in Covid Appropriate Behaviour shown by majority of public at large. Vaccination drive in the state and the country also has seen reasonable uptake and has contributed immensely to reduction in pressure on health infrastructure, public as well as private. In the light of the said fact the State Government is now considering to open up economic, social, entertainment and cultural activities with fewer restrictions, especially for fully vaccinated persons.

Thus in exercise of the powers conferred under the Disaster Management Act, 2005, the undersigned in the capacity of the Chairperson of the State Executive Committee of the State Disaster Management Authority, in super cession of all earlier orders by the State Government with regard to imposition of restrictions for preventing the transmission of the COVID 19 virus, decrees with immediate effect that all economic, cultural, social, sports and entertainment activities will now be allowed as per the normal timings decided by various local or other competent authorities before the advent of the COVID 19 pandemic, subject to the following conditions:

1. **Adherence to CAB (Covid Appropriate Behaviour):** Strict adherence to CAB as laid down by the State and Central Government from time to time shall be observed by all, including the service providers, owners of premises, licensees, organizers etc. as well as all visitors, service takers, customers, guests etc. Detailed guidelines for CAB (Covid Appropriate Behaviour) as well as fines in case of breach shall be as per CAB Guidelines and Fines stated hereinafter.




2. Requirement of being Fully Vaccinated:

- a. All persons connected with the organization of any program, event or show, ticketed or non-ticketed, as well as all service providers and participants (like players, actors etc.), visitors, guests, customers shall be fully vaccinated as per the definition of the same given hereinafter.
- b. Any shop, establishment, mall, event, gathering etc. where a member of public has a right to come and get services must be manned by fully vaccinated persons and all visitors, customers for such places shall be fully vaccinated.
- c. All public transport shall be used only by fully vaccinated persons.
- d. The Universal Pass created by the State Government (<https://epassmsdma.mahait.org> or telegram-MahaGovUniversalPass Bot) shall be a valid proof for status of full vaccination. Or else, Cowin Certificate with a valid ID proof carrying photo may be taken a valid proof for the same. For citizens below 18 years, other Government or school issued photo identity and for those who are unable to take the vaccine due to medical reasons, a certificate from a certified medical practitioner may serve as documentary evidence for entry.
- e. Though offices and other establishments where there is no visit by any person of general public as well as private transport does not have this requirement of being open to fully vaccinated persons, they are strongly advised to go for full vaccination.

3. Travel into Maharashtra State: All travellers into state from any international destination shall be governed by directions of Government of India in this respect. All domestic travellers into the state shall either be fully vaccinated as defined hereinafter or shall carry a RT-PCR test valid for 72 hours.

4. Restriction on attendance in any program, event etc.:

- a. In case of any program/ event/ activity happening in an enclosed/ closed space like a cinema hall, theatre, marriage hall, convention hall etc, people up to 50 percent of the capacity of the space will be allowed.
- b. In the case of open to sky spaces, for any events or gatherings, people up to 25 percent of space capacity will be allowed. Concerned DDMA shall have authority to decide the capacity in case of such locations of gatherings or events, if not already declared formally (like stadiums).



c. In the case the total number of people present for any gathering in accordance with the above rules exceeds 1 thousand, then the local disaster management authority will have to be informed of the same and the local disaster management authority may send their representative to supervise as observers any such gathering and to ensure that there is strict adherence to the above mentioned rules. The said representative of DDMA shall have authority to order closure of part or full activity if CAB is seen to be violated in large scale endangering spread of Covid 19.

5. **Other reasonable restrictions by DDMA:** Restrictions and conditions mentioned herein may be augmented, but not diluted, by any DDMA for their respective jurisdiction, if deemed fit at any moment of time, but not without giving 48 hours of information through public notice. Any restrictions that are in force on the date of this order, levied by DDMA shall cease to operate after 48 hours unless re-issued with a public notice for continuation.

6. **Definition of being Fully Vaccinated:**

A fully vaccinated person will mean-

- Any person who has received both doses of the vaccine and 14 days have lapsed since the administration of the second dose; or
- Any person having a medical condition that does not allow him or her to take the vaccine and has a certificate to that extent from a recognised doctor; or
- A person who is less than 18 years of age.

7. **CAB rules and fines:**

Definition: CAB can be defined as the everyday common behaviour needed to be followed by individuals and organisations to curb the spread of the COVID 19 virus and thereby breaking the chain of transmission of the same. Aspects of behaviour that's characterised as CAB include those mentioned below and also all such rational aspects that may hinder spread of Covid 19 virus given its methodology of spread indicated herein.

Following are some aspects of basic COVID appropriate behaviour that have to be followed by everyone at all times. All organisations are to ensure that all their employees, visitors to their campuses, customers or anyone engaged in any activity of the organisations, directly or indirectly, follow the same and shall be responsible for enforcing the same on their campus and/ or while transacting the transactions related to business or other activities related to concerned organization. Organisations are also responsible for

Shankar

availability of hand sanitisers, soap & water, thermal scanners etc. required for following CAB by all such personnel at all such locations that are under its control or where it is transacting its business or other activities.

1. Wear a mask at all times in the right way. Mask should cover nose and mouth at all times. (An handkerchief will not be considered as mask & person using would be liable for fine.)
2. Maintain social distancing (6 feet distance) at all times wherever possible.
3. Wash hands frequently and thoroughly by soaps or sanitisers.
4. Avoid touching nose/ eyes/ mouth without washing your hands with soap or without use of sanitiser.
5. Maintain proper respiratory hygiene.
6. Regularly clean and disinfect frequently cleaned surfaces.
7. When coughing or sneezing, cover the mouth and nose using tissue and throw used tissues in the trash; if one doesn't have tissue, one should cough and sneeze into bent elbow and not one's hand.
8. Do not spit in public places.
9. Avoid crowds and maintain safe distance (*6 feet distance*) in public places.
10. Greet anyone without physical contact.
11. Any other rational behaviour required for avoiding spread of Covid 19 virus.

Penalties:

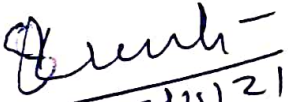
- Any individual not following CAB expected is these rules shall be fined Rs. 500/- for each instance of default.
- If the default by an individual is seen in any premises of organization or establishment that is supposed to impose CAB on their visitors, customers etc., in addition to imposing fine on the individual, these organizations or establishments shall also be fined Rs. 10,000/-. If any organization or establishment is seen to be a regular defaulter in ensuring discipline for CAB in its visitors, customers etc. such organization or establishment shall be closed till the notification of Covid 19 as a disaster remains in force.
- If an organization or establishment fails to follow CAB or SOP itself, it will be liable to be fine of Rs. 50000/- for each instance. Frequent

[Handwritten Signature]

defaults shall lead to closure of the organization or establishment till the notification of Covid 19 as a disaster remains in force.

- If a default is found inside any taxi or private transport four- wheeler or inside any bus, along with the individual defaulting CAB being fined Rs. 500/-, driver, helper or conductor who are providing service shall also be fined Rs. 500/-. Owner transport agency in cases of buses shall be fined Rs. 10000/- for each instance of default. Frequent defaults shall lead to withdrawal of license or closure of operations for the owner agency till the notification of Covid 19 as a disaster remains in force.
- The above mentioned rules regarding COVID appropriate behavior to be followed mandatorily and violation of the same will result in fines and penalties as stated above as well as any other fine or penalty may be levied on the violators by any disaster management authority in accordance with the Disaster Management Act, 2005. The rules/ polices for CAB shall be in accordance with the above and any other issue regarding CAB not specifically mentioned herein shall be in accordance with the current rules/ orders of the State Government that are in force.

BY ORDER OF AND IN THE NAME OF THE GOVERNOR OF MAHARASHTRA


27/11/21
(Sitaram Kunte)
Chief Secretary

Preshant Bhusan
(TRUE COPY)

R.No.91298/ Immn/S1/2019

Office of the Director of Public Health
and Preventive Medicine ,Chennai 6
Dated: 18.11.2021

Sub: Public Health and Preventive Medicine – Immunization – COVID-19 Vaccination – Implementation of the Tamil Nadu Public Health Act,1939 and to ensure that all the places notified under Section 71, Sub Section (1) are occupied by the persons **“who are vaccinated against COVID 19”** so as to prevent the spread of infection from the infected persons to other persons-Instructions-Reg

Ref: 1. GO(Ms) No:95, Health and Family Welfare (P1) Department, dated: 13-03-2020
2. GO(Ms) No:96, Health and Family Welfare (P1) Department, dated: 15-03-2020
3. GO(Ms) No:97, Health and Family Welfare (P1) Department, dated: 15-03-2020
4. Guidance note issued by Government of India dated: 26.02.2021.
5. Office Memorandum F.No.2079203/2021/Imm of MoHFW, New Delhi.
6. Thisoffice R.No.91298 /Immn/S1/2019Dated:24.5.2021,10.06.2021, 24.06.2021, 28.07.2021 & 31.07.2021,09.09.2021
7. Letter from Additional Secretary, GoI, MISC/06, dated: 20.08.21.
8. GoI letter D.O.No.2317579/2021/ImmDated:15-09-2021of Additional Secretary, MoH& FW, New Delhi

Tamil Nadu State declared Covid-19 as notified disease under Tamil Nadu Public Health Act, 1939 on 13.3.2020 and notified certain regulations to prevent the outbreak of COVID-19 under the Epidemic Diseases Act, 1897 on 15.3.2020. (references 1 to 3 cited)

Based on above notification, all citizens were being instructed to follow COVID Appropriate Behavior such as maintainingsocial distance, wearing face masks, hand washing and avoiding crowd etc.,

In this regard, I wish to inform that as per Tamil Nadu Public Health Act, 1939.,

- Under Chapter – II, Section -7, the Director of Public Health and Preventive Medicine may, from time to time as occasion requires, recommend for adoption, by any local authority, such measures as may be necessary for improving the Public Health administration in the local area, or for safeguarding the public health therein:
- Under Section 71, Sub Section (1), No person who knows that he is suffering from a notified disease shall expose other persons to the risk of infection by his presence or conduct in –
 - (a) Any Street or Public place, or
 - (b) Any Market, Theatre or Other place of entertainment or assembly, or
 - (c) Any School, College, Playground or such other place, or
 - (d) Any Hotel, Hostel, Boarding House, Choultry, Rest-House, or Club, or
 - (e) Any factory or Shop.

- Chapter - VII, Part- I Under Section 76, Clause (b) of Sub-Section (2) the Director of Public Health and Preventive Medicine has the power to make vaccination and preventive inoculations compulsory subject to the provisions of sub-section(3).

Hence, all the Deputy Director of Health Services are here by instructed to implement the above said sections of the Tamil Nadu Public Health Act,1939 by suitably informing the owner / occupier of the above places and ensure that all the places notified under Section 71, Sub Section (1) are occupied by the persons "**who are vaccinated against COVID 19**" so as to prevent the spread of infection from the infected persons to other persons.

Any further clarifications Joint Director (Epidemics) may be contacted.

T.S. Selvavinayagam,
Director of Public Health and
Preventive Medicine,Chennai-6.

To:

All Deputy Directors of Health Services.

The City Medical Officer, Greater Chennai Corporation, Chennai-3.

Copy to:

1.The Director of Medical and Rural Health Services, Chennai-6.

2.The Director of Medical Education, Kilpauk, Chennai-10.

Copy submitted to:

1.The Principal Secretary to Government, H&FW Department, Chennai-9.

2.The Mission Director, National Health Mission, Chennai-6.

//True Copy/ Forwarded//

For Director of Public Health and
Preventive Medicine, Chennai-6.

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18-11-21

Preshant Kushan
(TRUE COPY)