

T.N. DEFENDS VACCINE MANDATE IN SC

Relevant for: Indian Polity | Topic: Judiciary in India: its Structure, Organization & Functioning, Judges of SC & High Courts, Judgments and related Issues

A vaccination camp organised by the Chennai Corporation. File photo BIJOY GHOSH

States like Tamil Nadu and Maharashtra in the Supreme Court on Tuesday justified their hardened stand to make COVID-19 inoculation mandatory, even at the cost of denying people their rights, by saying that it was “better to err on the side of caution to prevent serious or irreversible harm” to the public when there was insufficient information about the virus.

Tamil Nadu said the vaccine mandate, issued through a circular in November last, was backed by law and designed to nudge the public into getting vaccinated to stop the spread of the disease.

Compulsory vaccination was meant to preserve not only the safety of the individual but also serve a greater purpose of ensuring the safety of others, the States argued.

They were responding to a petition that challenged vaccine mandates, including those that made vaccination a precondition for accessing any benefits or services.

However, the Centre reiterated its stand in the top court that vaccination was only voluntary and not mandatory, though 100% vaccination was desirable.

Unconstitutional: plea

The petition filed by Dr. Jacob Puliyeel, a former member of the National Technical Advisory Group on Immunisation represented by advocate Prashant Bhushan, said these mandates were violative of the rights of citizens and unconstitutional.

Tamil Nadu, represented by Additional Advocate General Amit Anand Tiwari, contended before a Bench led by Justice L. Nageswara Rao that “these are policy matters and the court should exercise restraint”.

Bharat Biotech, which manufactures Covaxin, said the petition risked the danger of causing vaccine hesitancy and public hysteria amidst a global pandemic, which has overwhelmed global health infrastructure and caused massive casualties.

‘The company, represented by senior advocate Guru Krishnakumar and advocate Vipin Nair, assured the court that there was strict adherence to protocol.

Mr. Tiwari said the State was empowered under both the National Disaster Management Act of 2005 and the Tamil Nadu Public Health Act of 1939 to impose reasonable restrictions on unvaccinated people and prevent them from accessing streets, public places, markets, etc, in general public interest.

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