

NO ONE CAN BE FORCED TO GET VACCINATED, SAYS SC

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

Dr. Puriyel, represented by advocate Prashant Bhushan, argued that certain vaccine mandates notified by States, including those that made vaccination a precondition for accessing any benefits or services, were violative of the rights of citizens and unconstitutional.

The Bench said courts had the authority to review whether the government's interventions into the personal autonomy of an individual and right to access means of livelihood met the "three-fold" requirements as expounded in the Constitution Bench judgment in K.S. Puttuswamy case (the judgment which upheld the right of privacy under Article 21).

The three-fold requirements include whether the legality of the limitations imposed by the government on individual rights presupposes the existence of a law. That is, the limitations should be backed by a clear statutory law. Second, the need for limitations should be proportionate to a legitimate state aim. Third, there should be rational nexus between the state's objectives for imposing the restrictions and the means adopted to achieve them.

Adverse events

The court directed the Centre to set up a virtual public platform at the earliest to facilitate individuals and private doctors to report adverse vaccine events without compromising privacy.

The Bench including Justice B.R. Gavai, in a judgment, held that India's paediatric vaccination policy against the COVID-19 virus was in tune with "global scientific consensus" and the opinions of expert bodies such as the World Health Organization, the United Nations International Children's Emergency Fund and the U.S. Centers for Disease Control and Prevention.

However, the court held that materials published by the government did "not warrant the impression that the emergency use authorisation for Covishield and Covaxin vaccines was given in haste without thorough review of the data".

The court reiterated that subject to the protection of the privacy of individuals, with respect to ongoing and future trials, "all relevant data to be published under the statutory regime must be made available to the public without undue delay".

The court concluded that the Union government's current vaccination policy met the requirements and "cannot be said to be unreasonable and manifestly arbitrary".

The policy reflected the "near unanimous views of experts on the benefits of vaccination in addressing severe infection, oxygen requirements, hospital and ICU admissions, mortality rate and stopping of new variants from emerging".

The court hence "suggested" that, as long as the infection rate remained low or until any new development or research justified the imposition of "reasonable proportionate restrictions on unvaccinated individuals", all authorities, including private organisations and educational institutions, review their restrictions for the time being.

[Our code of editorial values](#)

END

Downloaded from [crackIAS.com](https://crackias.com)

© **Zuccess App** by crackIAS.com

CrackIAS.com