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Legal notice under Section 60 of Disaster Management Act, 2005

To,

Subject 1:- To forthwith stop the offence under section 51 (b) of Disaster Management Act section 52, 166, 188, 120 (B) 34 etc., of Indian Penal Code, which are being committed by you issuing circulars orders sop editing vaccinations and masks against Central governments decisions and policy.

2. To forthwith stop the Contempt of the Honorable Supreme Court and Honorable High Court.

Sir,

Under the authorization and instructions of my client **Mr.** _____,

I, the undersigned, serve you the legal notice as under:

1. That, you noticee No. ___, I have issued following directions circulars/SOP.

2. That, your circulars/directions are against Central government policy decision/policy/direction;

(i)

(ii)

(iii)

3. It is also Contempt of the following judgements of Honorable Supreme Court and Honorable High Court which mandates that, State authority or any authority cannot issue any direction/circulars/order/SOP thereby restricting the movment, Livelihood etc. of citizen based on his vaccination status.

4. That as per **Article 14, 19, 21** of Constitution of India and more particularly as per law laid down in the case of **(i) Registrar General Vs. State of Meghalaya 2021 SCC OnLine Megh 130, (ii) Re Dinthar Incident Vs. State of Mizoram 2021 SCC OnLine Gau 1313** and other verious landmark judgments it is clear that, there is no difference between vaccinated and non-vaccinated people. The vaccinated people can get corona, they can spread infection and they can die due to corona. Vaccinated people can also be a super spreader.

5. That, Union of India made it clear that, there cannot be any discrimination on the basis of vaccination status. The relevant RTI dated **19.03.2021** is annexed herewith at **'Annexure- A'.** Said RTI is also taken note by Hon'ble High Court in the **Madan Mili Vs. Union of India 2021 SCC OnLine Gau 1503.**

6. That, Honorable Supreme Court made it clear that, when State authority is prevented or prohibited from doing any act then it cannot be done indirectly. **[Noida Vs Noida (2011) 6 SCC 527]**

7. Section **52 of IPC** says that;

> *52. "**Good faith"**. —Nothing is said to be done or believed in "good faith" which is done or believed without due care and attention.*

8. Therefore, your circular/SOP are unconstitutional, arbitrary and actuated with ulterior purposes.

9. That your act is an offence under section 51(B), 55 of the **Disaster Management Act,** said section reads thus:

> **51 (b)** refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act.
>
> **55. (1)** Where an offence under this Act has been committed by any Department of the Government, the head of the Department shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.
>
> **(2)** Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Department of the Government and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any officer, other than the head of the Department, such officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

10. Also an offence under section 166, 167, 188, 120 (B) & 34 of Indian Penal Code said **section read thus:**

> **166. Public servant disobeying law, with intent to cause injury to any person.—**Whoever, being a public servant, knowingly disobeys any direction of the law as to the way in which he is to conduct himself as such public servant, intending to cause, or knowing it to be likely that he will, by such disobedience, cause injury to any person, shall be punished with simple imprisonment for a term which may extend to one year, or with fine, or with both. Illustration A, being an officer directed by law to take property in execution, in order to satisfy a decree pronounced in Z's favour by a Court of Justice, knowingly disobeys that direction of law, with the knowledge that he is likely thereby to cause injury to Z. A has committed the offence defined in this section.
>
> **167. Public servant framing an incorrect document with intent to cause injury.—**Whoever, being a public servant, and being, as 1[such public servant, charged with the preparation or translation of any document or electronic record, frames, prepares or translates that document or electronic record] in a manner which he knows or believes to be incorrect, intending thereby to cause or knowing it to be likely that he may thereby cause injury to any person, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both.
>
> **188. Disobedience to order duly promulgated by public servant.—**Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management,

disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance or injury, or risk of obstruction, annoyance or injury, to any person lawfully employed, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to two hundred rupees, or with both; and if such disobedience causes or trends to cause danger to human life, health or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. Explanation.—It is not necessary that the offender should intend to produce harm, or contemplate his disobedience as likely to produce harm. It is sufficient that he knows of the order which he disobeys, and that his disobedience produces, or is likely to produce, harm. Illustration An order is promulgated by a public servant lawfully empowered to promulgate such order, directing that a religious procession shall not pass down a certain street. A knowingly disobeys the order, and thereby causes danger of riot. A has committed the offence defined in this section.

120B. Punishment of criminal conspiracy.—

(1) Whoever is a party to a criminal conspiracy to commit an offence punishable with death, 2[imprisonment for life] or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence.

(2) Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be

punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.]

34. Acts done by several persons in furtherance of common intention.— When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

11. That, **(my client)/** I/we, have decided to initiate proceedings against you in the Court of law.

12. That, as per **section 60** of the Disaster Management Act, 2005, **30 days' notice** is required to be given before initiating prosecution against you.

Said section read thus:

"60. No court shall take cognizance of an offence under this Act except on a complaint made by

(a) the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised in this behalf by that Authority or Government, as the case may be; or

(b) any person who has given notice of not less than thirty days in the manner prescribed, of the alleged offence and his intention to make a complaint to the National Authority, the State Authority, the Central Government, the State Government, the District Authority or any other authority or officer authorised as aforesaid.".

13. That, so far as prosecution on under other sections of IPC is concerned, it is to remind you that, as being Public Servant you are being given salary to act as per law and in good faith take decision for larger interest of society and not to work

for benefit of vaccine companies it is not a part to your official duty to get involved in the conspiracy with ulterior purposes of giving undue profit to vaccine companies and to violates the fundamental rights of the citizen and to pay with their life.

These offences can never be part of your duty and therefore no sanction is required to prosecute you **[See: Punjab State Warehousing Corporation Vs. Bhushan Chander (2016) 13 SCC 44]**

14. That because of your unlawful acts of commission and omission many people were compelled to take vaccine and their life is put in danger.

15. That, you are well aware that vaccine are not required prohibited for following people:

(i) Persons cured from Covid – 19 or who have developed anti – bodies due to their contract with corona virus.

(ii) Persons having allergies to the contents of the vaccines;

(iii) People which were not included in the clinical trials such as pregnant women etc.

(iv) People who are warned by the vaccine companies itself such as;

COVAXIN

The fact sheet available on the website of the Covaxin states that certain categories of persons should not be administered the vaccine. The fact sheet can be found at https://www.bharatbiotech.com/images/covaxin/covaxin-factsheet.pdf

The relevant part of the fact sheet is asunder:

“What should you mention to your vaccine provider before you get Covaxin? Tell the Vaccintor/officer supervising your vaccination about all of your medical conditions, including if you: ·

Are on regular medication for any illness,

for how long and for which condition.

It is not advisable to take the vaccine in any of these conditions - have any allergies

have fever ·

have a bleeding disorder or a blood thinner ·

are immunocompromised or

are on a medicine that affects your immune system ·

Are pregnant ;·

Are breast feeding ·

Have received another Covid-19 vaccine

WHO SHOULD NOT GET COVAXIN -

You should not get Covaxin if you :

1. Had a severe allergic reaction to any ingredients of the vaccine

2. Had a severe allergic reaction after a previous dose of the vaccine

3. Currently have an acute infection or fever

4. Further in a document released by Bharat Biotech titled "SUMMARY OF PRODUCT CHARACTERISTICS" dated 15 Jan 2021, the effect of the vaccine has been explained for certain categories of work and exercise. The relevant part of the report is as under:

> 4.1 Interaction with other medicinal products. Chloroquine and Corticosteroids as they may impair the antibody response.
>
> 4.2 Effects on ability to drive and use machines

No studies on the effect of COVAXINTM on the ability to drive and use machines have been performed. The link of the report titled "SUMMARY OF PRODUCT CHARACTERISTICS" dated 15 Jan 2021 can be found at: https://cdsco.gov.in/opencms/export/sites/CDSCO_WEB/en/COVAXIN-SMPC_-BBIL.pdf

It is submitted that Chloroquine is a medication primarily used to prevent and treat malaria in areas where malaria remains sensitive to its effects. Corticosteroids are a class of drug that lowers inflammation in the body. They also reduce immune system activity. Because corticosteroids ease swelling, itching, redness, and allergic reactions, doctors often prescribe them to help treat diseases like: asthma.

As can be seen from the above there are many diseases for which vaccine should not be taken/given.

Immunocompromised can be due to many causes, such as · chronic medical conditions, such as heart disease, lung disease, diabetes, HIV, and cancer · autoimmune diseases,

such as lupus, multiple sclerosis, and rheumatoid arthritis· medications or treatments, such as radiation therapy · transplants, such as bone marrow or solid organ This can be found at:

https://www.healthline.com/health/immunocompromised-how-toknow-if- you-have-a-weakened-immune-system

COVISHIELD:-

Similarly the fact sheet of Covishield Vaccine states the categories who should not take the vaccine. The fact sheet can be accesses at:
CCCC https://www.seruminstitute.com/pdf/covishield_fact_sheet.pdf

The relevant part of the Fact sheet is as under:

> *"What you should mention to your health care provider before you get the Covishield vaccine: Tell the healthcare provider about all of your medical conditions, including; ·*
>
> *If you have ever had a severe allergic reaction (anaphylaxis) after any drug, food, any vaccine or any ingredients of Covishield vaccine*
>
> *If you have fever ·*
>
> *If you have a bleeding disorder or on a blood thinner ·*
>
> *If you are immunocompromised or are on a medicine which affects the immune system ·*
>
> *If you are pregnant or plan to become pregnant ·*

If you are breast feeding ·

If you have received another covid-19 vaccine

You should not get the covishield if you ·

Had a severe allergic reaction after a previous dose of this vaccine Had a severe allergic reaction to any ingredients of this vaccine"

The insert sheet of Covishield Vaccine gives warnings against the use of Covid-19 vaccine for certain categories of persons. The product sheet can be found at:

https://www.seruminstitute.com/pdf/covishield_ChAdOx1_nCoV19_corona_virus_vaccine_insert.pdf

The relevant part of the product sheet is asunder:

"4.4 Special warnings & Special precautions for use - Hypersensitivity As with all injectable vaccines, appropriate medical treatment and supervision should always be readily available in case of an anaphylactic event following the administration of the vaccine. Concurrent illness As with other vaccines, administration of Covishield should be postponed in individuals suffering from an acute severe fibrile illness. However the presence of a minor infection such as cold and/or low grade fever should not delay vaccination.

Thrombocytopenia and coagulation disorders As with other intramuscular injections Covishield should be given with caution to individuals with Thrombocytopenia, any coagulation disorders or to persons on anti-coagualation

therapy, because bleeding/bruising may occur following an intramuscular administration in these individuals.

Immunocompromised Individuals It is not known whether individuals with impaired immune responsiveness, including individuals receiving immune suppressant therapy, will elicit the same response as immune competent individuals to the vaccine regimen.

Immunocompromised Individuals may have relatively weaker immune response to the vaccine regimen.

4.5 Interactions with other medicinal products and other forms of interaction. No interaction studies have been performed. Concomitant administration of Covishield with other vaccines has not been studied. 4.6 Fertility, pregnancy and lactation Fertility Preliminary animal studies do not indicate direct or indirect harmful effects with respect to fertility.

Pregnancy There is a limited experience with the use of ChAdOx1 nCoV-19 Corona Virus Vaccine (Recombinant) in pregnant women. ... Breastfeeding It is unknown whether covishield is excreted in human milk."

Thrombocytopenia is a dangerous drop in the number of platelets in the blood. This decrease can increase the risk of bleeding.

Thrombocytopenia occurs in people without cancer as well. Coagulation disorders are disruptions in the body's ability to control blood clotting. Coagulation disorders can result in either a hemorrhage (too little clotting that causes an increased risk of bleeding) or thrombosis (too much clotting that causes blood

clots to obstruct blood flow). As with other intramuscular injections,

COVISHIELD should be given with caution to individuals with thrombocytopenia, any coagulation disorder or to persons on anticoagulation therapy, because bleeding or bruising may occur following an intramuscular administration in these individuals.

Re interaction with other medicinal products, it is important to note that patients who are on regular medications for Diabetes, heart issues, other lifestyle diseases where daily medication is required, no studies have been done.

Re Breast feeding- It is unknown whether Covishield is excreted in human milk. - Since this vaccine is not a live attenuated or inactivated virus technology but an Recombinant DNA technology in which Adeno Viruses carry a spike protein DNA molecule of Sarscov 2 which enters into human cells nucleus and instructs the DNA of the human cell to produce mRNA which instructs the ribosomes to produce spike proteins, and then our immune system responds to the proteins. This is very alarming as we don’t know what reaction it will create in newborn babies when the human milk is consumed. The link to a news article explaining recombinant DNA vaccine of Covishield can be found at:

https://www.nytimes.com/interactive/2020/health/oxford-astrazeneca-covid-19-vaccine.html

Further re Duration and level of protection, it has not yet been established. Vaccinating with Covishield may not protect all vaccine recipients. As can be seen from the above there are many

diseases for which vaccine should not be taken/given. People can be immunocompromised due to many reasons- diabeties, heart issues, thyroid gland problem, arthritis, crohns disease, psoriasis, eczema IIII etc and a high percentage of people with various comobordities are using blood thinners.

Hence the Government & vaccine manufacturers should give more clarity on these issues, & if these implications are correct, then the Government must stop recommending people with comorbidities to get vaccinated.

It is further submitted that being immunocompromised can be due to many causes: · chronic medical conditions, such as heart disease, lung disease, diabetes, HIV, and cancer · autoimmune diseases, such as lupus, multiple sclerosis, and rheumatoid arthritis · medications or treatments, such as radiation therapy · transplants, such as bone marrow or solid organ · pregnancy · a combination of any of the above This explanation can be found at:

https://www.healthline.com/health/immunocompromised-how-to know-if-you-have-a-weakened-immune-system

There are some additional data of side effects of vaccines:

Link:https://drive.google.com/file/d/1uikc1a6_KDzUx7HNLrfwaI1NJRt0D_YP/view?usp=sharing

16. But you have issued the circulars by ignoring the abovesaid facts and therefore you are guilty of not acting in good faith or acting in bad faith. **[Section 52 of IPC]**

17. Forced vaccination is an offence u/s 323, 336 etc., of IPC. If the person dies then it is an offence u/s 305, 304 etc., of IPC.

18. That, for the abovesaid reason you should also be held responsible for offences of mass murders of those people who died because of vaccination against their will and without disclosing them the side effects of vaccines and also the other available remedies such as; Covid cure immunity, Naturopathy, Ayurvedic, Anandia's herbal composition which is approved by Hon'ble Andhra Pradesh High Court in **Ponnekanti Mallikarjuna Rao Vs. State of Andhra Pradesh, rep. by its Chief Secretary to Government 2021 SCC OnLine AP 2171.**

19. That, as being responsible public servant holding a post to take decision regarding vaccination of public you, your office and medical officers attached with your office were duty bound to tell public about side effects of vaccines and also about the other alternate remedies.

But you failed to do so and you misused your position and public property for giving undue profit of vaccine companies. This is an offence u/s 409 of IPC.

Section 409 read thus;

> **409. Criminal breach of trust by public servant, or by banker, merchant or agent.**—Whoever, being in any manner entrusted with property, or with any dominion over property in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney or agent, commits criminal breach of trust in respect of that property, shall be punished with 1[imprisonment for life], or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

20. But you have not performed that, duty and therefore you are having no protection from prosecution.

21. That, as being vigilant citizen of this country, it is my duty under article 51a to save the property and life of citizen office country and stop the commission of offence is being committed by you

21. Hence, I am issuing this notice is hereby calling you forthwith stop all your unlawful activities

Date: 09.10.2021

Place:

Sincerely