

ITEM NO.12 Court 4 (Video Conferencing) SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).580/2021

EVARA FOUNDATION Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(WITH IA No. 63498/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 74327/2021 - EXEMPTION FROM FILING O.T., IA No. 74326/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 25-01-2022 This petition was called on for hearing today.

CORAM : HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Pankaj Sinha, Adv.
Mr. Shashank Singh, AOR
Ms. Shivani, Adv.
Ms. Rekha Rani, Adv.
Ms. Sneha Chandna, Adv.
Mr. Anupam Chaudhary, Adv.
Mr. Adil Sharfuddin, Adv..
Mr. Mohd Asad Khan, Adv.
Mr. Mrinal Sharma, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG
Mr. Gurmeet Singh Makker, AOR
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Deepabali Dutta, Adv.
Mr. Ketan Paul, Adv.

Mr. Nilesh C. Ojha, Adv.
Mr. Prem Sunder Jha, AOR
Mr. Ishwarlal S. Agarwal, Adv.
Ms. Dipali N. Ojha, Adv.
Mr. Pratik Jain Saklecha, Adv.
Mr. Abhishek Mishra, Adv.
Mr. Shivam Mehra, Adv.
Ms. Siddi A. Dhamnaskar, Adv.
Ms. Snehal S. Surve, Adv.
Ms. Poonam P. Rajbhar, Adv.
Ms. Deepika G. Jaiswal, Adv.
Mr. Mangesh B. Dongre, Adv.
Mr. Pritam Bishwas, Adv.
Mr. Anant Misra, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

- 1 Pursuant to the order of this Court issuing notice, a preliminary affidavit was initially filed by the Union of India. This has been followed by a more comprehensive affidavit dated 13 January 2022.
- 2 During the course of the hearing, Mr Pankaj Sinha, counsel appearing on behalf of the petitioner, highlighted certain concerns: **Firstly**, it has been submitted that the affidavit of the Union of India indicates that only 23,678 disabled persons have been vaccinated which is indicative of the low rate of vaccination for the disabled. **Secondly**, it has been submitted that the persons attending to helplines, such as 1075 and 104, do not give a proper response. The persons who answer the call are either unaware of the provision for home vaccination. In some cases, the telephone number is stated to be invalid. **Thirdly**, it has been submitted that the Co-Win software should have been certified for accessibility by domain experts.
- 3 Responding to the above suggestions, Ms Aishwarya Bhati, Additional Solicitor General, submits that the figure of 23,678 persons reflected in the affidavit of the Union of India comprises of those persons who utilized their unique identity disability cards for the purpose of availing of vaccination. The Additional Solicitor General submitted that nine IDs are acceptable for the purpose of vaccination of which a disability card is one and, hence, the figure of 23,678 persons does not take into account those disabled persons who may have used an alternate form of identity. Apart from the above submission, it has been urged on behalf of the Union of India that provisions have been made for Near-to-Home Vaccination Centres; and, since November 2021, the Union of India has launched the "Har Ghar Dastak Abhiyan" to ensure 100% coverage of eligible

beneficiaries with the first dose and vaccination of due beneficiaries with the second dose of vaccines. Moreover, it has been submitted that with the provision for walk in registration in place, registration on the Co-Win portal has become of subsidiary importance. Finally, it has been submitted that the staff at the call centres and helplines were expected to be duly trained by the State Governments so as to facilitate proper responses to queries.

- 4 The issue which has been raised by the petitioner is not adversarial since it emphasises the need for augmenting the support facilities which ensure that access to vaccination for the disabled is made available on a seamless basis without inconvenience and, preferably, at their door steps.
- 5 During the course of the hearing, individual suggestions have come up before the Court at the behest of the counsel. Instead of accepting the *ad hoc* suggestions made during the course of the hearing, it would be appropriate to devise a framework with the engagement of the Ministry of Social Justice and Empowerment, particularly the Department of Empowerment of Persons with Disability. The Ministry should invite suggestions and responses from all stake holders and domain experts in the area of disability so that a comprehensive response in regard to the existing facilities and proposals for further upgradation can be formulated. The Ministry shall carry out this exercise within a period of three weeks and then place comprehensive proposals before the Ministry of Health and Family Welfare. The Secretary in the Ministry of Health and Family Welfare shall take a considered view of the proposals which are formulated by the Ministry of Social Justice and Empowerment and take a decision on whether any modification or changes are required to make the existing framework of vaccination for the disabled more effective. The setting up of this framework is not a reflection on the nature of the work which has already been carried out, but is intended to further bolster the efforts for providing seamless access to the

disabled to the facilities of vaccination.

- 6 List the Petition on 23 February 2022.

(SANJAY KUMAR-I)
AR-CUM-PS

(SAROJ KUMARI GAUR)
COURT MASTER