



INDIAN BAR ASSOCIATION

(THE ADVOCATES' ASSOCIATION OF INDIA)

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June 13, 2021

LEGAL NOTICE

To

1. Dr. Soumya Swaminathan

Chief Scientist

World Health Organisation

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Official email: swaminathan@who.int

2. Dr. Tedros Adhanom Ghebreyesus

Director General

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3. Prof. (Dr.) Sunil Kumar

Directorate General of Health Services (DGHS)

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Official email: dghs@nic.in

Subject: Contempt of Court and aggravated offences against humanity by spreading disinformation about the drug 'Ivermectin', despite having full knowledge of the Judgment passed by the Hon'ble High Court of Bombay at Goa dated May 28, 2021

**Ref: 1) IN THE HIGH COURT OF BOMBAY AT GOA
PIL WP NO. 1216 OF 2021**

MAPUSA Advocates Forum ...Petitioner

Versus

State of Goa & Ors. ...Respondents

2) Earlier legal notice dated 25th **May, 2021** served upon you.

3) Your earlier tweet of 10th **May, 2021** which you have deleted after the legal notice was served upon you.

4) Second tweet dated 7th June, 2021.

1. The present notice is being served upon you for your deliberate and continuous acts of criminal offences against humanity.

2. That, on 9th **May, 2021**, the State Government of Goa announced the use of 'Ivermectin' for treatment of Covid-19.

3. That, on the very next day i.e. on 10th **May, 2021** you Noticee 1 tweeted as under;

“Safety and efficacy are important when using any drug for a new indication. @WHO recommends against the use of Ivermectin for #COVID19 except within clinical trials [https://t.co/dSb DiW5tCW](https://t.co/dSbDiW5tCW)”

- Soumya Swaminathan (@doctorsoumya) May 10, 2021”

4. Influenced by your tweet, few Public Interest Litigations (PILs) came to be filed in the Bombay High Court Bench at Goa.

5. In the case between the parties **Mapusa Advocates Forum & Anr. Vs. State of Goa, other. The Chief Secretary and 9 Ors., PIL Writ Petition No. 1216 of 2021,** filed on **21st May, 2021**, the petitioner had relied upon the advisory of World Health Organisation (hereinafter referred to as ‘WHO’) against the use of **Ivermectin** for treatment of COVID-19 and requested for direction to State Government to stop the use of Ivermectin for Covid related treatment. The matter came up for hearing before the High Court on **May 24, 2021**. The submission of Petitioner was noted by the High Court as under;

“3....In addition, some of the petitioners have flagged the issue of the approval by the State of Goa of Ivermectin for its therapeutic or prophylactic uses. It is submitted that this particular medicine does not have the approval of either our DCGI or international regulatory authorities. It is submitted that in fact WHO has issued an advisory against the use of Ivermectin for Covid related treatment.”

6. The first Respondent i.e. State Government of Goa in their reply affidavit through **Additional Health Secretary Shri. Vikas Gaunekar** dated **27th May, 2021** pointed out to the court that the advisory of WHO against Ivermectin is not reliable and is flawed.

The said affidavit reads thus;

USE OF IVERMECTIN

“20. I say that another issue which has been raised by some of the

Petitioners relates to the use of ivermectin for patients as well as prophylactic use. I say that on the aspect of use of the said medicine for patients, I say that Clinical Guidance for management of adult COVID patients issued by AIIMS/ICMR COVID-19 National Task Force/Joint Monitoring Group, which has also been placed on record by the Central Government in the Affidavit filed by it, in fact provides for the use of this medicine.

21. I say that at present, it has been decided that the said medicine be given to all suspected and symptomatic cases and is provided to positive patients in the home isolation kits. I say that this aspect was also discussed by the State Expert Committee for COVID-19 in the meeting held on 13.5.2021 under the Chairmanship of the Hon'ble Health Minister also comprising different expert doctors from government and private institutions. I say that after deliberations, it was recommended to use the said medicine once daily for five days to the population over 18 years. However, pregnant/ lactating women as well as those persons with allergy and those having liver/kidney disease are advised to consult a Doctor before taking the said medicine.

22. I say that various studies conducted in different countries have shown that the said medicine has a positive effect on prevention and treatment/cure of patients. I say that the studies and reports are available on the website ivmmeta.com. I say that there are some reports which have found that the analysis by WHO on this medicine is flawed and that the mortality rate is actually much lower if the said medicine is used for early treatment as well as prophylaxis.

7. The relevant news is published in '**Hindustan Times**' on May 28, 2021 is available

on link below;

‘Lower mortality...’: Goa govt defends Ivermectin’s efficacy against Covid-19

The government referred to reports which said that the advice of the WHO to not experiment with Ivermectin, as its efficacy is yet to be proved, is “flawed”.

<https://www.hindustantimes.com/cities/others/lower-mortality-goa-govt-defends-ivermectin-s-efficacy-against-covid19-101622188817860.html>

8. After specific objection taken on oath by the State Government’s Health Secretary, it was binding on Noticee 1 & 2 to file your counter affidavit if you really have so called “SCIENTIFIC EVIDENCE”.

But neither you nor anyone else were able to produce any evidence to counter the serious allegations of flawed research by the state against WHO in their reply affidavit filed in the matter of said PIL.

9. Thereafter, on 27th May 2021, the Directorate General of Health Services (hereinafter referred to as ‘DGHS’) i.e. you Noticee No.3, is alleged to have issued the ‘Comprehensive Guidelines for Management of COVID-19 patients’ which dropped several drugs including ‘Ivermectin’. In fact as per DGHS’s own declaration of its jurisdiction as stated on its website <https://dghs.gov.in/>, it is only a **repository and is neither the final decision making authority nor are its protocols final**. The website prominently displays the following on its home page;

“ABOUT DIRECTORATE GENERAL OF HEALTH SERVICES

The Directorate General of Health Services (Dte.GHS) is a repository of technical knowledge concerning Public Health, Medical Education and Health Care. It is an attached organisation of the Ministry of Health & Family Welfare. The Dte.GHS is headed by Director General of Health Services (DGHS), an officer of Central Health Services, who renders

technical advice on all medical and public health matters to Ministry of Health and Family Welfare.”

10. On the next day i.e. **28th May, 2021** the matter came up for hearing before the Bombay High Court (**Coram: Shri Justice S.C. Gupte and Shri Justice M.S. Sonak**).

After hearing all the parties and Government Law officers of State Government and Union of India, the High Court accepted the affidavit of State Government wherein it is specifically mentioned that the advisory of WHO is flawed. Hon'ble High Court has upheld the Guidelines and Protocols of **Indian Council of Medical Research (ICMR)** in support of use of Ivermectin and **refused to accept the 'flawed' advisory of WHO.**

It is observed by the Hon'ble High Court in the judgment dated **28th May 2021** as under;

“13. As regards the use of Ivermectin, the issue raised by the petitioner in Writ Petition No.1216 of 2021 concerns mainly its prophylactic use. As for its therapeutic use, it is nobody's case that the medicine has not been included by ICMR for Covid-19 treatment protocol. Though the expert committee of the State, in its decision dated 13/05/2021, has recommended even prophylactic use of Ivermectin, from the affidavit filed by the State its the Additional Secretary (Health) what emerges is that the State has, for the present, decided that the medicine, i.e. Ivermectin, would be given to all suspected and symptomatic patients and provided in the kit to be supplied to positive patients in home isolation. It does not appear that as of now the State has been promoting prophylactic use of these medicines. In case however the State does so in future, it will be open for the petitioners to raise appropriate objections and the matter in that case will be dealt with by this Court in its further orders to be passed in Writ Petition No. 1216 of 2021.”

11. After pronouncement of judgement by the Hon'ble High Court, the Health Minister

of Goa expressed their gratitude to the High Court. The Facebook post of Health Minister dated **28th May, 2021** reads thus;

“We are grateful to the Hon’ble High Court for accepting Govt. of Goa’s decision to use Ivermectin for treating Covid-19. This is a crucial step taken by the Govt. of Goa on advice of our expert team of doctors with an aim to help us in reducing the infectivity rate and control surge of Covid-19 cases. Our team is working hard to ensure we are efficiently able to battle the pandemic.”

12. Hence, after this specific judgment from Hon’ble High Court of Bombay at Goa, any suggestions or guidelines by **DGHS** or any Authority which have been circulated earlier and which are contrary to the view taken by the High Court stand **‘overruled’** and **‘null and void’** and only **the Indian Council of Medical Research (ICMR)’s** Guidelines hold the field, unless these Guidelines are modified or recalled by the Hon’ble Bombay High Court or unless the said judgment is overruled by the Hon’ble Supreme Court of India.

13. Furthermore, after publishing of the said guidelines by the DGHS on 27th May, 2021, the State Government of Assam, vide their official notification dated **June 4, 2021** have **included ‘Ivermectin’ for the treatment of Covid-19.**

The said Govt. Notification **No. HLA.264/2020/16** reads thus;

*“Whereas there was a recent surge in the number of COVID-19 patients in Assam; and
Whereas there is also an increase in the number of cases in rural and Tea Garden areas and there is a likelihood of increase in number of such cases in the future.*

Therefore, a protocol for prophylactic use of Ivermectin in COVID19 is hereby notified.

Further, it is made mandatory for all concerned to refer to the protocol for use of Ivermectin in COVID-19 at Annexure-I.”

14. I draw your attention to the following article authored by Ms. Anushka Jagtiani and published in one of the leading News Paper ‘**Frees Press Journal**’ on June 6, 2021:

<https://www.freepressjournal.in/india/covid-19-are-whos-directives-being-taken-seriously-on-the-ground>

The article states;

“Data paints a different picture

A paper on the real time meta analyses of 56 studies on the efficacy of Ivermectin which was published in November last year and updated at the end of May 2021 has revealed the following findings.

97 percent of 37 studies where Ivermectin was used for early treatment of Covid-19 or as a prophylaxis, report positive effects of the drug. 95 percent of all studies (not just early treatment and prophylaxis) have reported positive effects. 81 percent and 96 percent lower mortality is observed for early treatment and prophylaxis studies.

100 percent of the 17 randomized controlled trials (also part of the 56 studies) for early treatment and prophylaxis report positive effects with an estimated improvement of 73 percent and 83 percent respectively. Statistically significant improvements are seen for mortality, ventilation, hospitalization and viral clearance the paper reveals. As is evident Ivermectin is useful at an early stage or as a prophylaxis. Why then has the WHO wilfully ignored the mountains of data that shows this? Ask some global scientists.”

15. After the above mentioned article which was published on June 6, 2021, all of sudden on very next day i.e. on June 7, 2021 there was news reporting in main stream media

regarding the revised Guidelines for COVID-19 Management which had dropped drugs like Ivermectin, Hydroxychloroquine, Doxycycline, zinc, multivitamins etc. Surprisingly these Guidelines are issued by you Noticee 3 and it seems there is no consensus between You Noticee 3 and the National Task Force for COVID-19 Management (comprising of AIIMS and ICMR). Never before have we seen Guidelines for COVID-19 Management coming from your office. You Noticee 3 are a mere Repository of technical knowledge, as stated on your website <https://dghs.gov.in/>

Also, there is wide speculation in public and they have reason to believe that the fact that the Guidelines purportedly published on May 27, 2021 were never reported until before June 7, 2021, implies that these are created back dated.

Government of India has published a detailed National Clinical Management Protocol on 24.05.2021. It is not clear that what would have actuated the need for you Noticee 3 to come up with a distinctly different Protocol immediately within three days. This is adding further fuel to the speculation that you Noticee 3 have declared the Guidelines on June 7, 2021 with publishing date as May 27, 2021.

It is worthy to note that the document uploaded on your website which is available on the following link, does not carry the logos of Government of India, ICMR and AIIMS unlike each of the previously published National Guidelines for COVID-19 Management.

16. Thereafter, as a part of subsequent conspiracy and in furtherance of above said common intention of your criminal conspiracy, you Noticee 1 have again tweeted on 7th June, 2021 and managed to capture some media houses and published and circulated the misleading news hailing the overruled Guidelines titled **‘Centre Revises COVID-19 Treatment Guidelines Cutting Down on Drugs; Earns Praise From WHO’** on 7th June, 2021.

Refer the link below;

<https://www.republicworld.com/india-news/general-news/centre-revises-covid-19-treatment-guidelines-cutting-down-on-drugs-earns-praise-from-who.html>

17. The infirmity in all the news published is that, no one has explained the reason for reporting these new impugned Guidelines after a gap of good 11 days i.e. the reason for publishing the news on **7th June , 2021** for the guidelines supposedly published on **27th May, 2021** and that too **by suppressing the factual and legal position.**

18. Only one of the leading news agency '**India Today**' in their news reported on **7th June , 2021** has mentioned about **the Indian Council of Medical Research** (hereinafter referred to as '**ICMR**') **Guidelines**. The said news reads thus;

“DGHS drops Ivermectin, Doxycycline from Covid-19 treatment; ICMR rules unchanged

The Union Health Ministry and Family Welfare's directorate general of health services (DGHS) has issued revised guidelines to stop the use of Ivermectin and Doxycycline in Covid-19 treatment. The new guidelines have dropped all medicines, except antipyretic and antitussive, for asymptomatic and mild cases.

However, there seems to be a split in opinion about the new directives as the Indian Council for Medical Research, the country's leading health agency in the fight against the Covid-19 pandemic, has not yet approved the revised guidelines.”

Link:

<https://www.indiatoday.in/coronavirus-outbreak/story/revised-health-ministry-guidelines-stop-usage-of-ivermectin-doxycycline->

19. However, in most of the news published on the basis of misinformation spread by your co-conspirators as there is suppression of the judgment of Bombay High Court dated **28th May, 2021**. There are no prizes for guesses around the reason behind this misinformation.

20. Your malafides are writ large as can be seen from your second tweet on **7th June, 2021**;

*“Evidence based guidelines from @mohfw DGHS - simple, rational and clear guidance for physicians. **Should be translated and disseminated in all Indian languages.** Can be updated as and when new evidence becomes available*

@drharshvardhan

@WHOSEARO

<https://dghs.gov.in/WriteReadData/News/202105270436027770348ComprehensiveGuidelinesforManagementofCOVID-1927May2021DteGHS.pdf>

- Soumya Swaminathan (@doctorsoumya) June 7, 2021”

22. It appears that the judgment of Hon’ble High Court sent shock waves to the Pharma Mafia and it has hatched another sinister plan through you, with a malafide intention to misguide and confuse the doctors and public at large and this criminal conspiracy of you Noticee No.1 was success to some extent as some doctors got confused. The proof is the following news published in ‘**Times of India**’

Refer the concluding lines of the article on link below;

“A senior doctor from a BMC hospital said the guidelines don’t mention patients with comorbidities. Another doctor said while ICMR puts out treatment protocols (during Covid), this has come from DGHS. “A regular doctor could be confused about which agency to follow,” he said.”

[Government's new Covid prescription drops many ‘common’ drugs | India News - Times of India \(indiatimes.com\)](#)

23. It seems that, in order to save yourself and the other accused involved in the larger conspiracy and to cause wrongful gain to the Pharma Mafia and others, you have executed this criminal conspiracy to deprive the people of India of panacea like Ivermectin and possibly some other drugs too and you three Noticees are hell bent on preventing people from returning to semblance of normalcy. The further game plan of your group is to keep the public reeling under constant fear and further push them into the poverty. The conspiracy is being executed with the full knowledge that there are massive loss of lives of common people, which is nothing but a clear case of cold blooded mass murders i.e. genocide.

24. In furtherance of the said conspiracy, you first tweeted on **10th May 2021**.

25. But the Legal notice dated **25.05.2021** served upon you was possibly like ‘out of syllabus’ questions to you and your Pharma Mafia and hence you deleted the said tweet and refused to reply to the said notice.

26. Needless, to mention that, as per the law applicable in India and also as per basic legal principles applied worldwide, it is a settled position that, **the silence amounts to implied admission of your guilt**. Exception of Article 20(3) of the Constitution of India about right to silence is not applicable to you, unless you yourself admit that you are an accused of said murder charges.

27. It is high time for you to realise that, people around the globe are already aware of your notoriety and reckless behavior which is responsible for massive loss of lives and

livelihood in the present pandemic.

Refer the article titled [‘WHO Celebrates As Indian Health Regulator Removes Ivermectin from Its Covid-19 Protocol’](#) posted on [June 8, 2021](#) by [Nick Corbishley](#).

“After India finally gets somewhat of a grip on its deadly second wave, one of its health regulators just took away one of its main lines of defense.

Other countries in the region have already taken notice. Indonesia just [approved the use of ivermectin in Kudus](#), a local contagion hotspot.

This is the last thing the World Health Organization (WHO) and the pharmaceutical companies whose interests it broadly represents want. As such, it was no surprise that WHO was delighted with the DGHS’ policy reversal. “Evidence based guidelines from @mohfw DGHS – simple, rational and clear guidance for physicians,” [tweeted](#) WHO’s chief scientist Soumya Swaminathan, of Indian descent. “Should be translated and disseminated in all Indian languages.”

As I posited in my recent article [“I Don’t Know of a Bigger Story in the World” Right Now Than Ivermectin: NY Times Best-Selling Author](#), there are three possible explanations for global health regulators’ opposition to the use of a highly promising, well-tolerated off-label medicine such as ivermectin:

- *As a generic, ivermectin is cheap and widely available, which means there would be a lot less money to be made by Big Pharma if it became the go-to early-stage treatment against covid.*

- *Other pharmaceutical companies are developing their own novel treatments for Covid-19 which would have to compete directly with ivermectin.*
- *If approved as a covid-19 treatment, ivermectin could even threaten the emergency use authorisation granted to covid-19 vaccines.*

It's worth noting that while India's DGHS has dumped most cheap off-patent treatment options against Covid, including even multivitamins, more expensive patented medicines continue to get the green light. They include Gilead's prohibitively expensive antiviral Remdesivir, which DGHS [continues to recommend](#) for "select moderate/ severe hospitalised COVID-19 patients", even though "it is only an experimental drug with potential to harm." It has also authorised the use of the anti-inflammatory medicine tocilizumab, which costs hundreds of dollars a dose."

Refer the link below:

[WHO Celebrates As Indian Health Regulator Removes Ivermectin from Its Covid-19 Protocol | naked capitalism](#)

28. That, you, through the said tweet on **7th June , 2021**, have suppressed the judgment of Bombay High Court dated **28th May, 2021** and you have again exposed your dubious behaviour. It shows that you are a habitual offender, involved in misleading the people to serve your ulterior purposes and you have no concern for the humanity and human values.

29. Legal position on punishment under Contempt for refusal to follow the judgment of High Court and attempt to create confusion so as to undermine the majesty and dignity of the judgment and authority of the Court of law:

29.1. In Makhan Lal v. State of Jammu and Kashmir, (1971) 1 SCC 749, it is laid

down that--

"6. The law so declared by this Court was binding on the respondent-State and its officers and they were bound to follow it whether a majority of the present respondents were parties or not in the previous petition.

(Emphasis supplied)

29.2. In New Delhi Municipal Council Vs. M/S Prominent Hotels Limited 2015 SCC Online Del 11910, it is ruled as under;

"22. Consequences of the Trial Court disregarding well settled law; 22.4. In Baradakanta Mishra Ex-Commissioner of Endowments v. Bhimsen Dixit, (1973) 1 SCC 446, the appellant therein, a member of Judicial Service of State of Orissa refused to follow the decision of the High Court. The High Court issued a notice of contempt to the appellant and thereafter held him guilty of contempt which was challenged before the Supreme Court. The Supreme Court held as under:-

"15. The conduct of the appellant in not following previous decisions of the High Court is calculated to create confusion in the administration of law. It will undermine respect for law laid down by the High Court and impair the constitutional authority of the High Court. His conduct is therefore comprehended by the principles underlying the law of Contempt. The analogy of the inferior court's disobedience to the specific order of a superior court also suggests that his conduct falls within the purview of the law of Contempt. Just as the disobedience to a specific order of the Court undermines the authority and dignity of the court in a particular case, similarly the deliberate and mala fide conduct of not following the law laid down in the previous decision undermines

the constitutional authority and respect of the High Court. Indeed, while the former conduct has repercussions on an individual case and on a limited number of persons, the latter conduct has a much wider and more disastrous impact. It is calculated not only to undermine the constitutional authority and respect of the High Court, generally, but is also likely to subvert the Rule of Law and engender harassing uncertainty and confusion in the administration of law”.

(Emphasis supplied)”

22.1. If the Trial Court does not follow the well settled law, it shall create confusion in the administration of justice and undermine the law laid down by the constitutional Courts. The consequence of the Trial Court not following the well settled law amounts to contempt of Court. Reference in this regard may be made to the judgments given below.

22.2. In East India Commercial Co. Ltd. v. Collector of Customs, Calcutta, AIR 1962 SC 1893, Subba Rao, J. speaking for the majority observed reads as under:

—31.....This raises the question *whether an administrative tribunal can ignore the law declared by the highest Court in the State and initiate proceedings in direct violation of the law so declared. Under Art. 215, every High Court shall be a Court of record and shall have all the powers of such a Court including the power to punish for contempt of itself. Under Art. 226, it has a plenary power to issue orders or writs for the enforcement of the fundamental rights and for any other purpose to any person or authority, including in appropriate cases any Government within its territorial jurisdiction. Under Art. 227 it has jurisdiction over all Courts and tribunals throughout the territories in relation to which it exercises jurisdiction. It would be anomalous to suggest that a*

tribunal over which the High Court has superintendence can ignore the law declared by that Court and start proceedings in direct violation of it. If a tribunal can do so, all the subordinate Courts can equally do so,.....

We, therefore, hold that the law declared by the highest Court in the State is binding on authorities, or tribunals under its superintendence, and that they cannot ignore it either in initiating a proceeding or deciding on the rights involved in such a proceeding. If that be so, the notice issued by the authority signifying the launching of proceedings, contrary to the law laid down by the High Court would be invalid and the proceedings themselves would be without jurisdiction."

29.3. In Legrand (India) Private Ltd. Vs. Union of India 2007 (6) Mh.L.J.146, it is ruled as under;

“9(c). If in spite of the earlier exposition of law by the High Court having been pointed out and attention being pointedly drawn to that legal position, in utter disregard of that position, proceedings are initiated, it must be held to be a wilful disregard of the law laid down by the High Court and would amount to civil contempt as defined in Section 2(b) of the Contempt of Courts Act, 1971.”

29.4. In E.T.Sunup Vs. C.A.N.S.S.Employee Association 2004-CCC(SC)-4-295 it is ruled as under;

“A] CONTEMPT OF COURT- Deliberate attempt on the part bureaucracy to circumvent order of court and try to take recourse to one jurisdiction or other- this shows complete lack of grace in accepting the order of the Court- this tendency of undermining the court’s order cannot be countenanced – in democracy the role of

Court cannot be subservient to the administrative fiat – the executive and legislature and executive within check- the appellants office flouted order of this court is guilty of contempt of court.

BJ PUNISHMENT TO BUREAUCRATS- *apology tendered – order of court complied- held- if the court’s are flouted like this, then people will lose faith in the court- therefore it is necessary that such violation should be dealt with strong hands and to convey to the authorities that the courts are not going to take things lightly- order of the high court convicting the officer under contempt of court’s act and imposition of fine of Rs. 5000 is affirmed.’’*

29.5. Lord Denning in **Acrow (Automation) Ltd. v. Rex Chainbelt Inc., (1971) 3 All ER 1175** held, *"The Court has jurisdiction to commit for contempt person, not a party to the action who knowing of an injunction, aids and abets the defendant in breaking it."*

The aforementioned principles were adopted by the Hon'ble Supreme Court in **Sita Ram v. Balbir alias Bali, (2017) 2 SCC 456**, while imposing liability on third persons, aiding and abetting the contemnor in flouting the orders of the Hon'ble Court. The Hon'ble Madras High Court in **Vidya Charan Shukla v. Tamil Nadu Olympic Association & Anr., AIR 1991 Mad. 323**, while carrying out an exhaustive review of the case laws on the subject, observed, *"We can see thus clearly that the Courts in India invariably accepted the law applied in England and found (1) a party to the suit if he had notice or knowledge of the order of the Court and (2) a third party or a stranger, if he had aided or abetted the violation with notice or knowledge of the order of injunction guilty of civil contempt and otherwise found a third party guilty of criminal contempt if he has been found knowingly obstructing implementation of its order or direction.."*

29.6.In **Z LTD. v. A-Z AND AA-LL, [1982] O.B. 558** ruled that;

Eveleigh LJ described the consequences of acts or omissions in breach of an injunction:

‘(1) The person against whom the order is made will be liable for contempt of court if

he acts in breach of the order after having notice of it. (2) **A third party will also be liable if he knowingly assists in the breach, that is to say if knowing the terms of the injunction he wilfully assists the person to whom it was directed to disobey it. This will be so whether or not the person enjoined has had notice of the injunction.**

An act of violation of order of the order of Court or interfering with the administration of justice by third person amounts to contempt by such third person. As Lord Justice Eveleigh observed, "*It is true that his conduct may very often be seen as possessing a dual character of contempt of court by himself and aiding and abetting the contempt by another, but the conduct will always amount to contempt of court by himself. It will be conduct which knowingly interferes with the administration of justice by causing the order of the court to be thwarted.*"

30. You Noticee 1 have not yet replied to the legal notice dated 25th May, 2021 served upon you in which amongst other grounds, you are called upon to provide rebuttal to the exceptions and flaws in the Living Guideline published by WHO on 31st March, 2021 regarding recommendation against the use of Ivermectin for treatment of COVID-19.

31. You Noticee 1, instead of replying to the said legal notice, chose to delete the controversial tweet. This proves the hollowness of your evidence, as you opted to delete the tweet against Ivermectin while you were called upon to furnish evidence against the scientific proofs given by Front Line Critical COVID-19 Care Alliance (**FLCCC**), the British Ivermectin Recommendation Development Panel (**BIRD**) and others.

32. You have displayed intellectual dishonesty of highest order which is proved from following incident;

32.1. Dr. Randeep Guleria, Director of All India Institute of Medical Science (AIIMS) had stated on May 24, 2021 that;

"If we see the data of the first and second waves, it is very similar and it shows that children are usually protected and even if they get it, they only have mild infection. And the virus hasn't changed so there is no indication that children will be more affected in the third wave," he said.

And there is this hypothesis that the virus enters through ACE receptors in the body and these receptors are relatively less in children as compared to adults.

This is a hypothesis on why the infection has been less amongst children, he said.

"Those who floated this theory said that children have so far not been affected, so perhaps they will be most affected in the third wave. But there is so far no evidence that there will be severe infection in children or there will be more cases in them in the upcoming wave,"

Refer the article titled "No Evidence" COVID-19 will impact children more in the third wave: AIIMS Chief

<https://www.ndtv.com/india-news/no-evidence-covid-19-will-impact-children-more-in-3rd-wave-aiims-chief-2448587>

32.2. Sensing that the above statement of Dr. Randeep Guleria would undo your plan of spreading fear and anxiety in our country, you were quick to issue a warning immediately on 25th May, 2021 stating that there was a possibility that in the coming months a third wave of the corona pandemic could hit children in India."

Refer to the article titled 'Nasal Vaccines could be 'Game Changers' for children in India but Roll Out in 2021 unlikely: WHO's Soumya Swaminathan' published on **25th May, 2021**

<https://swarajyamag.com/news-brief/nasal-vaccines-could-be-game-changers-for-children-in-india-but-roll-out-in-2021-unlikely-whos-soumya-swaminathan>

It states;

“World Health Organisation’s Chief Scientist Dr. Soumya Swaminathan said on 23rd May that the nasal Covid-19 vaccines which are under development could be a “game-changer” in India.

But the WHO expert noted that the nasal vaccines may not be available in the country this year, while there is a possibility that in the coming months a third wave of the corona pandemic could hit children in India.”

32.3. This is a classic case where your fallacious arguments around “Evidence” and “Science” have fallen to the ground since Dr. Randeep Guleria has already stated that there is **no evidence** to support the possibility of children being affected.

However, you were prompt in misleading the citizens by creating confusion by issuing an unreasonable warning very similar to your past act of warning people against the use of Ivermectin through your tweet, which you have deleted after legal notice was served upon you.

32.4. While this matter concerning children came up again around 8th June, 2021, Dr. Randeep Guleria has reiterated his earlier stand that there is no evidence to suggest that children would be infected.

Refer the link below for Press Release from the Ministry of Health and Family Welfare
<https://www.pib.gov.in/PressReleaseDetail.aspx?PRID=1725366>

“It is a piece of misinformation that subsequent waves of the COVID-19 pandemic are going to cause severe illness in children. There is no data - either from India or globally - to show that children will be seriously infected in subsequent waves.” This was informed by Director, All India Institute of Medical Sciences (AIIMS) Delhi, Dr. Randeep Guleria, during a media briefing on COVID-19, held at National Media Centre, PIB Delhi today.

Dr. Guleria cited that 60% to 70% of the children who got infected and got admitted in hospitals during the second wave in India, had either comorbidities or low immunity; healthy children recovered with mild illness without need for hospitalization.

33. It is obvious that, you Noticee No.1 are taking full liberty while issuing false warnings by shrewdly using words like ‘possibly’ ‘may be’ ‘might be’ etc. which ordinary people might not notice and would fall prey to your agenda of spreading fear and anxiety.

34. But let me warn you that such attempts will cost you dearly in Courts of Law where you would be required to state everything on oath and such U turn on one’s own statements would attract severe punishment for lying on oath.

35. It seems that you are desperate to target our children and you are viciously trying to leverage your educational degree of MD Pediatrics and the trappings of your position as the Chief Scientist at WHO, to fraudulently gain confidence of parents who would possibly fall in your trap and blindly believe your warnings.

36. It is amply clear that your criminal mind is working swiftly to leave no attempt to cause as much possible damage to people and to stop the use of ‘Ivermectin’ anyhow in India as it is becoming increasingly obvious that you might have taken this task upon yourself to dissuade the people of India anyhow from using Ivermectin and such circumstantial evidences are sufficient proof of conspiracy.

37. You Noticee No.2 & 3 are, by your silence and omission are giving your implied consent to Noticee 1 to perform illegal acts and offences against humanity.

Therefore, as per the Indian laws You Noticee No.2 & 3 are vicariously liable for the acts of Dr. Soumya Swaminathan because of your act of omission and commission.

38. Needless to mention that as per news published in Epoch Times on 8th **June, 2021,** it is clearly mentioned that you have refused to comment on media's request to clarify your position regarding the legal notice dated 25th May, 2021.

It reads thus;

Indian Bar Association Threatens to Sue WHO Chief Scientist for Spreading COVID-19 Misinformation

“The WHO's chief scientist didn't reply to a request for comment by press time.”

Refer the link below:

https://www.theepochtimes.com/mkt_app/who-chief-scientist-served-legal-notice-in-india-for-allegedly-suppressing-data-on-drug-to-treat-covid-19_3848865.html

39. The sum and substance of all your acts of commission and omission and also your act of deleting the tweet and not replying to the legal notice dated 25th May, 2021 is that **you don't have any scientific, logical, substantive and legally admissible proofs or even arguments to support your and WHO's stand against Ivermectin.** And therefore, you are neither replying to notice nor coming out in the open for a debate. On the other hand, you are trying to resort to hollow things, to frustrate the attempts of State & Union Governments and activists across the world and continue your deplorable acts of supplying and propagating misinformation with twisting and dishonestly concealing the material facts thereby trying to undermine the majesty and dignity of the binding

precedents of the Hon'ble Bombay High Court. Therefore you are guilty of Contempt of Court and liable to be punished as per **Article 215 of the Constitution of India and section 12 of the Contempt of Courts Act, 1971.**

40. The law regarding extent of proofs required to bring the charge of conspiracy is explained in the judgment of **Raman Lal Vs. State of Rajasthan 2000 Cri. L.J. 800**, wherein it is ruled as under;

*“**Conspiracy – I.P.C. Sec. 120 (B)** – Supreme court made it clear that an inference of conspiracy has to be drawn on the basis of circumstantial evidence only because it becomes difficult to get direct evidence on such issue – The offence can only be proved largely from the inference drawn from acts or illegal omission committed by them in furtherance of a common design – Once such a conspiracy is proved, act of one conspirator becomes the act of the others – A Co-conspirator who joins subsequently and commits overt acts in furtherance of the conspiracy must also be held liable – Proceeding against accused should be continued and cannot be dropped even if the accused is holding a very high position of a Judge of the constitutional court. In such cases no permission is required before prosecuting such accused.”*

41. As per above legal position the Noticee No. 2 & 3 Prof. (Dr.) Sunil Kumar are equally liable for same punishment as that of main conspirator for your act of commission & omission.

42. The other provisions applicable to all you Noticees are capsulized as under for your ready reference:

42.1. Section 115 of the Indian Penal Code (IPC):-

115. Abetment of offence punishable with death or imprisonment for life - if offence not committed. - Whoever abets the commission of an offence punishable with death or 1[imprisonment for life], shall, if that offence be not committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; If act causing harm be done in consequence. - and if any act for which the abettor is liable in consequence of the abetment, and which causes hurt to any person, is done, the abettor shall be liable to imprisonment of either description for a term which may extend to fourteen years, and shall also be liable to fine.

CLASSIFICATION OF OFFENCE

*Para II: Punishment - Imprisonment for 14 years and fine - According as offence abetted is cognizable or non-cognizable - **non-bailable** - Triable by court by which offence abetted is triable - **Non-compoundable**.*

42.2. Section 302 of the IPC

302. Punishment for murder. - Whoever commits murder shall be punished with death, or 1[imprisonment for life], and shall also be liable to fine.

42.3. Section 304 of the IPC

304. Punishment for culpable homicide not amounting to murder. - Whoever commits culpable homicide not amounting to murder shall

be punished with 1[imprisonment for life], or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death, or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.

42.4 Section 109 of the IPC

109. Punishment of abetment if the act abetted is committed in consequence and where no express provision is made for its punishment.—Whoever abets any offence shall, if the act abetted is committed in consequence of the abetment, and no express provision is made by this Code for the punishment of such abetment, be punished with the punishment provided for the offence. Explanation.—An act or offence is said to be committed in consequence of abetment, when it is committed in consequence of the instigation, or in pursuance of the conspiracy, or with the aid which constitutes the abetment. Illustrations

.....

(c) A and B conspire to poison Z. A in pursuance of the conspiracy, procures the poison and delivers it to B in order that he may administer it to Z. B, in pursuance of the conspiracy, administers the poison to Z in A's absence and thereby causes Z's death. Here B is guilty of murder. A is guilty of abetting that offence by conspiracy, and is liable to the punishment for murder.

42.5. Section 505 of the IPC

505. Statements conducing to public mischief.

(1)] Whoever makes, publishes or circulates any statement, rumour or report,—

(a) with intent to cause, or which is likely to cause, any officer, soldier, 3[sailor or airman] in the Army, 4[Navy or Air Force] 5[of India] to mutiny or otherwise disregard or fail in his duty as such; or

(b) with intent to cause, or which is likely to cause, fear or alarm to the public, or to any section of the public whereby any person may be induced to commit an offence against the State or against the public tranquility; or

(c) with intent to incite, or which is likely to incite, any class or community of persons to commit any offence against any other class or community, shall be punished with imprisonment which may extend to 6[three years], or with fine, or with both

42.6. Section 120 of the IPC

120. Concealing design to commit offence punishable with imprisonment.—Whoever, intending to facilitate or knowing it to be likely that he will thereby facilitate the commission of an offence punishable with imprisonment, voluntarily conceals, by any act or illegal omission, the existence of a design to commit such offence, or makes any representation which he knows to be false respecting such design, If offence be committed—if offence be not committed.—shall, if the offence be committed, be punished with imprisonment of the description provided for the offence, for a term which may extend to one-fourth, and, if the offence be not committed, to one-eighth, of the longest term of such imprisonment, or with such fine as is provided for the offence, or with both.

42.7. 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.]

42.8. Section 192 and 193 of the IPC

192. Fabricating false evidence.—Whoever causes any circumstance to exist or 1[makes any false entry in any book or record, or electronic record or makes any document or electronic record containing a false statement], intending that such circumstance, false entry or false statement may appear in evidence in a judicial proceeding, or in a proceeding taken by law before a public servant as such, or before an arbitrator, and that such circumstance, false entry or false statement, so appearing in evidence, may cause any person who in such proceeding is to form an opinion upon the evidence, to entertain an erroneous opinion touching any point material to the result of such proceeding, is said “to fabricate false evidence”.

193. Punishment for false evidence.—Whoever intentionally gives false evidence in any stage of a judicial proceeding, or fabricates false evidence for the purpose of being used in any stage of a judicial proceeding, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, and whoever intentionally gives or fabricates false evidence in any other case, shall be punished with imprisonment of either description for a term which may extend to three years, and shall also be liable to fine.

42.9. Sec. 409 of the IPC

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.

42.10. Section 52 of the IPC

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

42.11. Section 511 in The Indian Penal Code

511. Punishment for attempting to commit offences punishable with imprisonment for life or other imprisonment.—Whoever attempts to commit an offence punishable by this Code with 1[imprisonment for life] or imprisonment, or to cause such an offence to be committed, and in such attempt does any act towards the commission of the offence, shall, where no express provision is made by this Code for the punishment of such attempt, be punished with 2[imprisonment of any description provided for the offence, for a term which may extend to one-half of the imprisonment for life or, as the case may be, one-half of the longest term of imprisonment provided for that offence], or with such fine as is provided for the offence, or with both.

43. Section 10 in The Indian Evidence Act, 1872

10. Things said or done by conspirator in reference to common design.— Where there is reasonable ground to believe that two or more persons have conspired together to commit an offence or an actionable wrong, anything said, done or written by any one of such persons in reference to their common intention, after the time when such intention was first entertained by any one of them, is a relevant fact as against each of the persons believed to so conspiring, as well for the purpose of proving the existence of the conspiracy as for the purpose of showing that any such person was a party to it.

ILLUSTRATION Reasonable ground exists for believing that A has joined in a conspiracy to wage war against the I[Government of India]. The facts that B procured arms in Europe for the purpose of the conspiracy, C collected money in Calcutta for a like object, D persuaded persons to join the conspiracy in Bombay, E published writings advocating the object in view at Agra, and F transmitted from Delhi to G at Kabul the money which C had collected at Calcutta, and the contents of a letter written by H giving an account of the conspiracy, are each relevant, both to prove the existence of the conspiracy, and to prove A's complicity in it, although he may have been ignorant of all of them, and although the persons by whom they were done were strangers to him, and although they may have taken place before he joined the conspiracy or after he left it. *Comments* Existence of conspiracy If prima facie evidence of existence of a conspiracy is given and accepted, the evidence of acts and statements made by anyone of the conspirators in furtherance of the common object is admissible against all

44. As per Code of Criminal Procedure (Cr. P. C.) you are answerable to each charge separately and as per section 357(3) you are liable to pay monetary compensation to each victim separately. Section 357 of Cr.P.C. reads thus;

357. Order to pay compensation.

(1) When a Court imposes a sentence of fine or a sentence (including a sentence of death) of which fine forms a part, the Court may, when passing judgment, order the whole or any part of the fine recovered to be applied-

(a) in defraying the expenses properly incurred in the prosecution;

(b) in the payment to any person of compensation for any loss or injury caused by the offence, when compensation is, in the opinion of the Court, recoverable by such person in a Civil Court;

(c) when any person is convicted of any offence for having caused the death of another person or of having abetted the commission of such an offence, in paying compensation to the persons who are, under the Fatal Accidents Act, 1855 (13 of 1855), entitled to recover damages from the person sentenced for the loss resulting to them from such death;

(d) when any person is convicted of any offence which includes theft, criminal misappropriation, criminal breach of trust, or cheating, or of having dishonestly received or retained, or of having voluntarily assisted in disposing of, stolen property knowing or having reason to believe the same to be stolen, in compensating any bona fide purchaser of such property for the loss of the same if such property is restored to the possession of the person entitled thereto.

(2) If the fine is imposed in a case which is subject to appeal, no such payment shall be made before the period allowed for presenting the appeal has elapsed, or, if an appeal be presented, before the decision of the appeal.

(3) When a Court imposes a sentence, of which fine does not form a part, the Court may, when passing judgment, order the accused person to pay, by way of compensation, such amount as may be

specified in the order to the person who has suffered any loss or injury by reason of the act for which the accused person has been so sentenced.

(4) An order under this section may also be made by an Appellate Court or by the High Court or Court of Session when exercising its powers of revision.

(5) At the time of awarding compensation in any subsequent civil suit relating to the same matter, the Court shall take into account any sum paid or recovered as compensation under this section.

45. The relevant provisions of **International Covenant on Civil and Political Rights (ICCPR)** applicable to the violations of various citizens of the country which are party to the Covenant and members of United Nations Organization. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966 entry into force 23 March 1976, in accordance with Article 49.

The relevant Articles of aforesaid covenant are as under;

Article 6 (1)

Article 6 (1) Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

Article 6 (3)

Article 6 (3) When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.

Article 7

“Article 7 No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.”

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 14 (1)

Article 14 (1) All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgment rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

46. Please take a note that in India, the laws of damages are quite strict. Refer Mr.

Pradeep Sawant Vs. Times Global Broadcasting Co.Ltd. wherein, the petitioner had sued the Television Channel for showing his photo instead of the photo of person intended. The damages claimed for loss of his reputation which was awarded by the Court was an amount of Rs. 100 crores.

47. In the light of above judgment, you can estimate what would be the compensation claim for having caused loss of life. When Respondent had challenged the said order before the Bombay High Court, the High Court vide its order dated 5th March,2012 asked him to give Bank Guarantee of Rs. 100 crore after which the petition was to be listed for hearing. The said Law is applicable to all common citizens for redressal of their grievances.

48. In the case of **Veena Sippy Vs. Mr. Narayan Dumbre & Ors. 2012 SCC OnLine Bom 339**, same judgment of damages granting Rs. 100 crore compensation was considered while granting interim compensation to the another petitioner, for violation of her Fundamental Human Rights. It is observed as under;

*“20....We must state here that the Petitioner in person has relied upon an interim order passed by this Court in First Appeal arising out of a decree passed in a suit. The decree was passed in a suit filed by a retired Judge of the Apex Court wherein he claimed compensation on account of act of defamation. Considering the evidence on record, the Trial Court passed a decree for payment of damages of **Rs. 100/- crores**. While admitting the Appeal and while considering the prayer for grant of stay, this Court directed the Appellant-Defendant to deposit a sum of Rs. 20/- crores in the Court and to furnish Bank Guarantee for rest of the decretal amount as a condition of grant of stay. However, this Court directed investment of the amount of Rs. 20/- crores till the disposal of the Appeal. The interim order of this Court has been confirmed by the Apex Court.*

23....

i. We hold that the detention of the Petitioner by the officers of Gamdevi Police Station from 5th April, 2008 to 6th April, 2008 is illegal and there has been a gross violation of the fundamental right of the Petitioner guaranteed by Article 21 of the Constitution of India.

ii. We direct the 5th Respondent-State of Maharashtra to pay compensation of Rs. 2,50,000/- to the Petitioner together with interest thereon at the rate of 8% per annum from 5th April, 2008 till the realization or payment. We direct the State Government to pay costs quantified at Rs. 25,000/- to the Petitioner. We grant time of six weeks to the State Government to pay the said amounts to the Petitioner by an account payee cheque. It will be also open for the fifth Respondent - State Government to deposit the amounts in this Court within the stipulated time. In such event it will be open for the Petitioner to withdraw the said amount.

iii. We clarify that it is open for the State Government to take proceedings for recovery of the amount of compensation and costs from the officers responsible for the default, if so advised.

iv. Petition stands dismissed as against the Respondent No. 4.

vi. We make it clear that it will be open for the Petitioner to adopt a regular remedy for recovery of compensation/damages in addition to the amount directed to be paid under this Judgment.

49. We hope that considering the stricter laws in India, you three Noticees may easily

estimate the magnitude of compensation claims likely to be filed in the Courts against you. The aggregate amounts claimed as compensation would be highly excessive to an extent that will wipe out the unlawful profits you have made or plan to make by running such disinformation campaigns and by your negligent acts causing loss of life and livelihoods.

50. This all will be independent of punishment of imprisonment under criminal law.

51. You may note that the compensation awarded to the petitioner (Plaintiff) for his unintentional defamation that continued for an hour on the television was estimated at Rs. 100 Crores (**around USD 13.7 million**).

Then comparatively for the gravest offences of taking life of various citizen with a pre planned conspiracy by white collar criminals would certainly be much higher than the compensation claims for loss of reputation. Moreover, the compensation for loss of lives due to deprivation of the effective drugs during early treatment and subsequent deterioration of health resulting in death, and loss of livelihood would be payable on same scale for each person who died so, and who incurred economic losses including loss of their business prospects. The law of equal protection to all citizen will be attracted in view of Article 14 of the Constitution of India and Article 14 (1) of International Covenant on Civil & Political Rights, which mandate for equality before law and equal protection of law.

52. That, while the earlier legal notice dated 25th May, 2021 is not replied by you **Noticee 1** as yet, **You Noticee 1,2 & 3 Are Now Called Upon To:**

(1) Immediately issue a statement regarding your stand on the Revised Guidelines published by Directorate General of Health Services on 27th May, 2021 and stop causing further contempt of court.

(2) Provide the reasoning along with **SCIENTIFIC EVIDENCE** for the warning around 25th May, 2021 issued by you Noticee 1 to Indians that the third wave would impact our children adversely

(3) **You Noticee 1**, to provide “**EVIDENCE BASED**” reasoning for a complete U turn on 8th June, 2021 over the warning issued earlier by you around 25th May, 2021 as stated in para 2 supra.

(4) Furnish the details of methodology/research/ applications relied upon by you Noticee 1, for predicting the timing of the upcoming waves of COVID-19. Share the links to the website of WHO or any other sites which explain the **SCIENCE** around prediction of waves.

(5) Forthwith relinquish your agenda of spreading fear, panic, confusion, hopelessness amongst all people and pushing them into further misery, by abusing the position of power that you occupy at present.

53. The maximum time Limit for you to respond to this Legal Notice:

53.1. Each time and particularly from following specific instances, it is sufficiently proved that You Noticee 1 & 2 do not possess any authentic and scientific evidences;

i) When the earlier Notice was served on Noticee 1 on 25.05.2021, she has neither replied to the notice nor has she approached any court of law against us. On the contrary, she chose to delete the controversial tweet advising against the use of Ivermectin for COVID-19;

ii) When the Health Secretary of the State Government of Goa relying on affidavit of Under Secretary of Union of India made their submission on oath before Hon'ble High Court, with specific allegations against WHO that there are reports

which have *observed that the analysis by WHO on this medicine (IVERMECTIN) is flawed and that the mortality rate is actually much lower if the said medicine is used for early treatment as well as prophylaxis,* neither you Noticee 1 or 2 chose to produce any proof to counter the said report. As a result, Hon'ble High Court has refused to accept the advisory of WHO.

iii) When All India Institute of Medical Science (AIIMS) had published a statement on 24.05.2021 that there is no evidence to predict the third wave and its effect on children, you Noticee 1 did not give any **"Evidence"** in support of your statement dated 25.05.2021 which was contrary to the said statement of AIIMS. After you Noticee 1 were served with legal notice on 25.05.2021, you feared for being exposed and being summoned in Court of Law and therefore you Noticee 1 took a U turn and stated that there is no sufficient evidence to suggest that children would be affected in the third wave.

The agenda of misinformation is also exposed in the statement published in Press Bureau of India on June 8, 2021

"It is a piece of misinformation that subsequent waves of the COVID-19 pandemic are going to cause severe illness in children. There is no data - either from India or globally - to show that children will be seriously infected in subsequent waves."

Revisit para 30 for details.

53.2. So it is crystal clear that You Noticee 1 & 2 do not have scientific evidence except jugglery of words and you are thoroughly intellectually dishonest people who are playing with the lives and livelihood of the common people across the world.

However, in order to expose your intellectual dishonesty to the entire world, this notice is being served, calling for an explanation within 7 days of the receipt of this notice.

54. ADDITIONAL WARNING:

That you are forewarned to refrain from making ill informed, unilateral, unscientific statements regarding vaccines and you are reminded not to shy away from consulting experts who have come up with findings based on solid observations and evidences in matters concerning life and death of people.

As stated in the Hippocratic Oath:

“I will not be ashamed to say "I know not," nor will I fail to call in my colleagues when the skills of another are needed for a patient's recovery.”

You are called upon to update yourself on the latest news regarding Indian experts’ report regarding insufficient evidence to prove that vaccine is beneficial after natural infection. Refer the link below for article published on June 11, 2021 that states;

<https://www.hindustantimes.com/india-news/covid19-vaccine-no-need-to-vaccinate-people-once-infected-by-covid-why-experts-suggest-this-101623389249657.html>

“According to the Indian experts' report, there is not enough evidence that vaccine is beneficial after natural infection.” There is no need to vaccinate people who had documented Covid-19 infection. These people may be vaccinated after generating evidence that vaccine is beneficial after natural infection," the report said.

Please keep the SCIENTIFIC EVIDENCES ready, backing all the Guidance and Advisories published till date like the mask mandate, use of hand santizer, RTPCR Tests et al., which you would be called upon to furnish sooner.

55. Notwithstanding your responses to all points in **para 52**, we reserve all rights to initiate legal action against you, which will be at your peril.

56. This notice is issued by reserving our rights to initiate prosecution under the provisions of the Indian Penal Code, Disaster Management Act, 2005 and all such provisions of law attracted by your acts of commission and omission.

Date: 13.06.2021

Place: Mumbai



Adv. Dipali N. Ojha

Head – Legal Cell

Indian Bar Association

www.indianbarassociation.in

