



W.P.(C) No.1729/26

1

2026:KER:64071

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE BECHU KURIAN THOMAS

TUESDAY, THE 18TH DAY OF AUGUST 2026 / 27TH SRAVANA, 1948

WP(C) NO. 1729 OF 2026

PETITIONER:

AHAMED JUNAID P S
AGED 36 YEARS, S/O SHOUKATHALI P,
POTTARATH HOUSE,
SOUTH BAZAR, KUTTIPPURAM,
MALAPPURAM DIST., PIN - 679571

BY ADV AHAMED JUNAID P.S. (PARTY-IN-PERSON)

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY ITS SECRETARY,
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,
NEW DELHI, PIN - 110001
- 2 STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT,
THIRUVANANTHAPURAM, PIN - 695001

BY ADV.ALKA WARRIER, CGC
SRI.ANIRUDH KADAVIL, GOVT. PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 10.08.2026, THE COURT ON 18.08.2026 DELIVERED THE
FOLLOWING:



W.P.(C) No.1729/26

2

2026:KER:64071

“C.R.”

BECHU KURIAN THOMAS, J.**W.P.(C) No.1729 of 2026**Dated this the 18th day of August, 2026**JUDGMENT**

Petitioner seeks for a direction to sanction and release the benefit due to his wife as per the scheme called Pradhan Mantri Matru Vandana Yojana (for short, 'PMMVY'). Petitioner further seeks for a declaration that the administrative circulars/instructions compelling vaccination as a condition, for sanction of benefits due under the aforesaid scheme, is unconstitutional, arbitrary and ultra vires Articles 14 and 21 of the Constitution of India.

2. Petitioner's wife had given birth to their second child on 03.09.2024. As per the scheme of PMMVY, an amount of Rs.6,000/- will be provided to a lactating mother for the second girl child, on condition that the child is vaccinated. Petitioner was informed that the benefit will be provided only on production of a vaccination certificate



of the child. Since the insistence on such a medical procedure is an intrusion into his personal liberty, petitioner issued a legal notice and has thereafter approached this Court, seeking the reliefs mentioned earlier.

3. A statement has been filed on behalf of the first respondent stating that the PMMVY scheme was launched with the object of implementing the maternity benefit provisions contained in section 4 of the National Food Security Act, 2013 (for short 'NFSA, 2013'). The scheme is a conditional benefit programme applicable across the country, conferring a cash incentive of Rs.6,000/- to a lactating mother. The provision makes it clear that the entitlement to maternity benefit is not absolute or unqualified, but is expressly made subject to the scheme to be framed by the Central Government, which prescribes certain conditions, modalities and eligibility criteria. According to the first respondent, the writ petition itself is not maintainable since the petitioner is neither the intended beneficiary under the scheme nor a person upon whom any statutory right is conferred thus lacking in any enforceable legal right. It is further stated that the mandate of the Government through a pan-India implementation of PMMVY's, to



provide partial compensation for wage loss, in the form of cash incentive, so as to enable a woman to take adequate rest before and after the delivery of her first child. It is also stated to be intended to promote positive behavioural change towards the girl child by providing additional cash incentive if the second child is a girl. Promotion of health-seeking behaviour is one of the core objectives of the PMMVY scheme. Respondent has pleaded that vaccination of infants is an essential public health measure, aimed at conferring early immunity, preventing serious infections and reducing vulnerability during the neonatal and infant stages. It was further stated that immunization has a direct and substantial bearing on reduction of infant mortality rate and hence the vaccination of the child has been incorporated as a mandatory condition for availing benefits under PMMVY scheme. The respondent further stated that the vaccination is a purely voluntary act to be undertaken as per the wishes of the parents or guardian and though there is no compulsion to vaccinate, non-fulfillment of the prescribed condition renders the beneficiary ineligible to claim the conditional cash transfer.

4. A statement has been filed on behalf of the second



respondent stating that the PMMVY scheme is a centrally sponsored scheme of the Government of India intended for the nutritional support of pregnant and lactating mothers and for ensuring the well being of the new born child. It is also stated that as per the present guidelines, the funds cannot be granted to those beneficiaries who have not fulfilled the conditions laid down in the scheme.

5. A reply affidavit has been filed by the petitioner stating that schemes must be framed in consonance with the Constitution and it cannot override the constitutional mandates. Referring to the judgment in **Jacob Puliye v. Union of India and Others** [(2022) SCC Online SC 533], it is stated that the attempt of the respondents is to indirectly coerce the petitioner to vaccinate his child, which is illegal and beyond the constitutional rights.

6. I have heard Sri.Ahamed Junaid P.S., party in person, Adv.Alka Warriar, learned Central Government Counsel and Sri. Anirudh Kadavil, learned Government Pleader.

7. The PMMVY scheme is a conditional scheme, conferring the benefit to a lactating mother. The mother of the child is not before this Court. The scheme contemplates the incentive to be directly



transferred to the mothers bank account. The writ petitioner has no legally enforceable right to claim any benefit under the PMMVY scheme, merely because he claims that he is the father of the child. Hence, as rightly argued by the respondents the writ petition itself is not maintainable.

8. Notwithstanding the non maintainability of the writ petition, the contentions raised by the petitioner are considered on merits. The PMMVY scheme was launched with effect from 01.01.2017 with the object of implementing provisions relating to maternity benefit as per the provisions of NFSA 2013. A reading of the scheme reveals that it is a conditional maternity benefit programme applicable all over the country, providing benefit of a certain sum of money in installments to every pregnant woman and lactating mother. Section 4 of the NFSA reads as below:

“4. Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local anganwadi, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand,



in such instalments as may be prescribed by the Central Government::

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b)."

9. In exercise of the power under section 39 of NFSA 2013, the Central Government had earlier enacted the Indira Gandhi Matritwa Sahyog Rules, 2016. Subsequently, on 22.12.2022, in supersession of those rules, the Pradhan Mantri Matru Vandana Yojana Rules, 2022, (for short 'the PMMVY Rules') were enacted regulating the maternity benefits provided under section 4(b) of the said Act. A reading of the PMMVY Rules reveal that the benefits due under the scheme are subject to guidelines to be framed, and are not absolute, but conditional. Only certain categories of persons alone will be entitled for the benefit. This is evident from the definition of the term 'Pradhan Manthri Mathru Vandana Yojana' as defined in rule 2(f) of the PMMVY Rules, which reads as follows:

"2(f) "Pradhan Mantri Matru Vandana Yojana" means the Scheme of the Central Government made under clause (b) of section 4 of the Act under which maternity benefits for



partial wage compensation, health seeking behaviour and to promote positive behavioural change towards girl child as per Mission Shakti Guidelines issued by the Government of India, Ministry of Women and Child Development on 14th July, 2022.”

10. Rule 3 of the PMMVY Rules is also significant as it identifies the beneficiaries who are entitled to the maternity benefits, and reads as follows:

“3. Beneficiaries entitled to maternity benefit. – (1) The women belonging to socially and economically disadvantaged sections of society are entitled to get the benefit and the criteria for determining socially and economically disadvantaged sections of society shall be as per the Mission Shakti Guidelines.

(2) The maternity benefit as provided in clauses (a) and (b) of rule 7 for the first living Child and second living Child shall be as per the provisions of the Pradhan Mantri Matru Vandana Yojana:

Provided that the second Child shall be a girl.”

11. It is evident on a reading of the above provisions that the beneficiaries entitled to maternity benefit are as per the provisions of Rule 7 of the PMMVY Rules. Hence the said rules are also extracted as below:

“7. Number of instalments under Pradhan Mantri Matru Vandana Yojana: – (1) The maternity benefit of five thousand rupees or such amount as provided under the Guidelines for first living child which shall be provided in two



instalments upon fulfilment of following conditions as provided under the Table given below.-

TABLE

Instalment	Conditions	Amount (in Rupees)
First Instalment	* On registration of pregnancy and at least one Antenatal check-up within six months from Last Menstrual Period date at the Anganwadi Centre or approved Health facilities may be identified by the respective administering State or Union Territory	As provided in Guidelines of Pradhan Mantri Matru Vandana Yojana under Mission Shakti
Second Installment	* Childbirth is registered * The child has received all due vaccines till the age of fourteen weeks as admissible under the Universal Immunization Programme of Ministry of Health and Family Welfare	As provided in Guidelines of Pradhan Mantri Matru Vandana Yojana under Mission Shakti

(2) For the second living child, the amount of benefit of six thousand rupees or such amount as prescribed under the Scheme Guidelines shall be given in one instalment after the birth:

Provided the second child shall be a girl child on fulfilment of the following conditions, namely:-

- (i) the girl child birth shall be registered under this Scheme;
- (ii) the girl child has received all due vaccines till the child attains age of fourteen weeks from the date of birth as admissible under the Universal Immunization Programme of Ministry of Health and Family Welfare."

12. On a perusal of rule 7(2)(ii) of the PMVVY Rules, it is evident that the benefit of Rs.6,000/- shall be granted to a girl child, provided the child has received all due vaccinations till the child



attained the age of fourteen weeks from the date of birth as admissible under the Universal Immunization Programme of Ministry of Health and Family Welfare. The PMMVY scheme nowhere states that it is an absolute right conferred upon every lactating mother to be given the benefit under the scheme. The PMMVY scheme itself is formulated in such a manner that it is conditional and unless the conditions specified therein are fulfilled, no one can claim the benefit. The choice is upon each individual to claim the benefit due under the PMMVY scheme.

13. Petitioner's second girl child, has admittedly not received the vaccination required to be administered under the Universal Immunization Programme of Ministry of Health and Family Welfare, within fourteen weeks from the date of birth. Non administering of the vaccine was the choice of the petitioner or that of the child's mother. None compels or forces the petitioner to provide vaccination to his child. However, unless such vaccination is taken, the petitioner's wife cannot become entitled for the benefit under the PMMVY scheme. A beneficiary who claims entitlement for distribution of the benefit must satisfy, strictly, the conditions for the grant of the benefit. There is no fundamental right for any person to receive the benefit due under the



PMMVY scheme and therefore, prescribing eligibility conditions cannot be regarded as constitutionally invalid.

14. In this context, it is useful to refer to the observations of the Supreme Court, while dealing with a scheme called Kar Vivadh Samadhan Scheme (KVSS), in the decision in **Union of India v. Charak Pharmaceuticals (India) Ltd.** [(2003) 11 SCC 689], wherein it was held that *“If benefit is sought under a Scheme, like the KVSS, the party must fully comply with the provisions of the Scheme. If all the requirements of the Scheme are not met then on principles of equity, Courts cannot extend the benefit of that Scheme.”* The said principle applies in the instant case as well.

15. Though the petitioner referred to Article 47 of the Constitution of India and tried to emphasize that State shall endeavour to prohibit drugs which are injurious to health, there are no materials before this Court to come to a conclusion that the vaccines prescribed under the Universal Immunization Programme of Ministry of Health and Family Welfare, to be given to a child within fourteen weeks from the date of birth is injurious in any manner to the health of the child. On the contrary, Article 47 of the Constitution prescribes that the State



shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties and, in particular, the State shall endeavour to bring about prohibition of the consumption, except for medicinal purposes of intoxicating drinks and of drugs which are injurious to health. The contention of the petitioner that vaccines are injurious to health, is not a proven fact for this Court to enter into a finding in that regard. On the other hand, the benefits of vaccines administered to a child under fourteen weeks of age far exceed the alleged harm.

16. The extensive reliance by the petitioner on the decision in **Jacob Puliyeel's case** (supra) is, according to this Court, misplaced. The said decision arose in regard to the prescription of vaccination for COVID 19 pandemic, where the vaccines created in an emergency, to overcome the pandemic alone, were referred to. The said judgment cannot be used as a broad precedent to apply to all routine vaccinations. Apart from the above, though the Court held that, under Article 21 of the Constitution, an individual has a right to bodily integrity and personal autonomy, which includes a right to refuse medical treatment and no person can be physically forced to receive a vaccine,



the said individual autonomy is not absolute. In cases where an unvaccinated individual spreads diseases, causing viral mutations or severely burdens the health care infrastructure, it was observed that the Government has a constitutional power to mandate vaccinations and impose reasonable restrictions. The said principle laid down in the judgment relating to COVID-19 vaccination, cannot be imported into the case of vaccinating a child within fourteen weeks from the date of birth.

17. In paragraph 67 of the judgment in **Jacob Puliye's** case (supra) it is specifically mentioned as follows:

“67. The upshot of the above discussion leads to the following conclusions:

67.1. Bodily integrity is protected under Article 21 of the Constitution of India and no individual can be forced to be vaccinated.

67.2. Personal autonomy of an individual involves the right of an individual to determine how they should live their own life, which consequently encompasses the right to refuse to undergo any medical treatment in the sphere of individual health.

67.3. Persons who are keen to not be vaccinated on account of personal beliefs or preferences, can avoid vaccination, without anyone physically compelling them to be vaccinated. However, if there is a likelihood of such individuals spreading



the infection to other people or contributing to mutation of the virus or burdening of the public health infrastructure, thereby affecting communitarian health at large, protection of which is undoubtedly a legitimate State aim of paramount significance in this collective battle against the pandemic, the Government can regulate such public health concerns by imposing certain limitations on individual rights that are reasonable and proportionate to the object sought to be fulfilled.”

18. Further, the court had, even in respect of COVID-19 vaccines observed as follows:

“...Given the considerable material filed before this Court reflecting the near unanimous views of experts on the benefits of vaccination in dealing with severe disease, reduction in oxygen requirement, hospital and ICU admissions and mortality and stopping new variants from emerging, this Court is satisfied that the current vaccination policy of the Union of India, formulated in the interest of public health, is informed by relevant considerations and cannot be said to be unreasonable.....”

19. Apart from the above, in respect of paediatric vaccinations, the Supreme Court recognized such vaccinations and noted in the concluding paragraph of the above mentioned judgement, that “the decision taken by the Union of India to vaccinate children in this country is in tune with global scientific consensus and expert bodies like the WHO, the UNICEF and the CDC and it is beyond the scope of review for this Court to second - guess expert opinion, on the basis of which the Government has drawn up its policy.” Thus the efficiency



and benefit of such paediatric vaccinations are not open for judicial scrutiny.

20. The provisions of the Constitution prescribes that the Government must enhance the nutritional level and public health of individuals. Encouragement of vaccination is a policy formulated by the Government. There is nothing unreasonable or arbitrary in such measures of encouragement, provided or imposed by the Government. The PMMVY scheme is a measure of encouraging the public to vaccinate their child, which has been identified as beneficial.

21. The Universal Immunization Programme of the Ministry of Health and Family Welfare is a part of the National Reproductive and Child Health Programme under the National Health Mission and is regarded as one of the largest public health programmes in the world, under which vaccination is being provided free of cost to all pregnant women and children. The programme provides for vaccination against twelve vaccine preventable diseases like diphtheria, tetanus, pertussis, polio, measles, rubella, severe form of childhood tuberculosis, pneumococcal pneumonia, rotavirus diarrhoea, hepatitis B, meningitis and pneumonia caused by Hemophilus Influenza Type B , apart from



Japanese encephalitis. Even if it is assumed, as contended by the petitioner, that the immunization has side effects, as noted earlier, the health benefits of immunisation far outweigh the side effects and therefore the measures initiated by the Government to promote and encourage such vaccination cannot be said to be unconstitutional or arbitrary or ultra vires Article 14 and 21 of the Constitution of India.

22. Further, the petitioner cannot approbate and reprobate at the same time. The petitioner “cannot have the cake and eat it too”. If the petitioner wants to avail the benefit under the PMMVY scheme, necessarily, he has to satisfy the conditions of eligibility. Hence the relief sought for in the writ petition cannot be granted

Accordingly this writ petition is dismissed.

Sd/-

**BECHU KURIAN THOMAS
JUDGE**

vps



W.P.(C) No.1729/26

17

2026:KER:64071

APPENDIX OF WP(C) NO. 1729 OF 2026

PETITIONER'S/S' EXHIBITS

Exhibit P1 TRUE COPY OF BIRTH CERTIFICATE OF THE
CHILD ISSUED ON 27/09/2024 WITH
REGISTRATION NUMBER 177/2024.

Exhibit P2 TRUE COPY OF LEGAL NOTICE DATED
23.10.2025.

Exhibit P3 TRUE COPY OF COMMUNICATION/CIRCULAR
REQUIRING VACCINATION, CIRCULAR NO:
NO.DWCD/66/2023-PMMVY2, DATED 24-03-2023.

RESPONDENT'S/S' ANNEXURES

Annexure R1(a) TRUE COPY OF THE PRADHAN MANTRI MATRU
VANDANA YOJANA RULES, NOTIFIED ON
22.12.2022