



**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
JODHPUR**

D.B. Civil Writ Petition No. 10075/2017

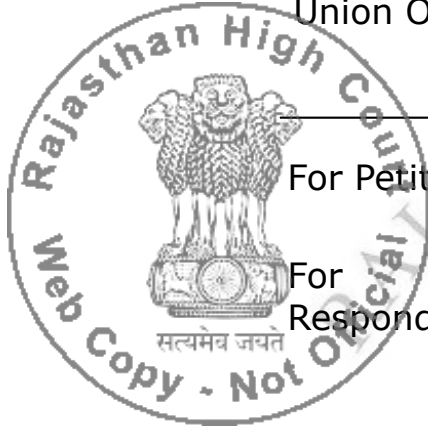
Suo Moto

-----Petitioner

Versus

Union Of India And Anr.

-----Respondent



For Petitioner(s) : Mr. Sajjan Singh Rathore  
(through VC)  
For Respondent(s) : Mr. K.S. Rajpurohit, AAG  
(through VC)  
Mr. Mukesh Rajpurohit, ASG  
(through VC)  
Mr. Vipul Singhvi, ASG  
(through VC)

**HON'BLE MR. JUSTICE VIJAY BISHNOI  
HON'BLE MR. JUSTICE RAMESHWAR VYAS**

**Order**

**27/05/2021**

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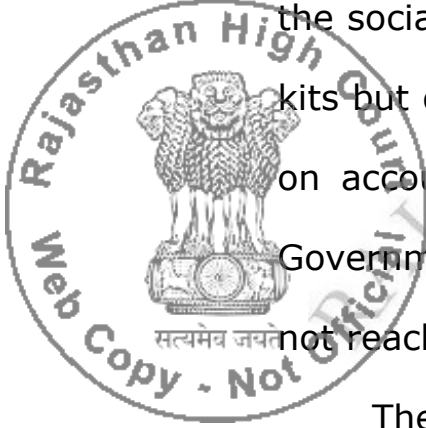
The matter comes upon for consideration of additional submissions preferred on behalf of Pakistan Minority Migrants staying in Jodhpur Rajasthan, wherein it is stated that these Pakistani Minority Migrants are staying in India either on short term visa or on long term visa. It is also stated that though some of the eligible persons have been granted citizenship but matters regarding others is pending consideration.

In these submissions, the grievances raised on behalf of the Pakistani Minority Migrants is that in the second wave of COVID-19, the State Government has



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imposed strict lockdown and on account of that the Pakistani Minority Migrants staying in various camps in Jodhpur have no arrangement to fulfill their basic needs like food, water and primary medical health facility. It is specifically mentioned that though during the first lockdown imposed due to COVID-19 Pandemic, some of the social organizations and NGOs had distributed ration kits but during this second wave of COVID-19 Pandemic, on account of strict restrictions imposed by the State Government, the ration and other essential items have not reached up to the Pakistani Minority Migrants.



The second submission on behalf of the Pakistani Minority Migrants is this that in the absence of Aadhar Card and other documents, the eligible Pakistani Minority Migrants are deprived from COVID-19 vaccination, which is very essential for every human being. It is averred in the submissions that though representations have been filed on behalf of these Pakistani Minority Migrants through an NGO requesting to vaccinate all the eligible Pakistani Minority Migrants but the same has not been taken into consideration.

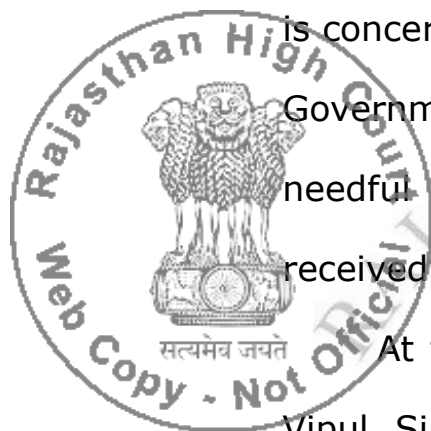
Mr. Mukesh Rajpurohit, ASG, Mr. Vipul Singhvi, ASG are appearing for the Central Government. Mr. K.S. Rajpurohit, AAG is appearing on behalf of the State Government.

It is submitted on behalf of the State Government that during the lockdown imposed due to first wave of COVID-19, these Pakistani Minority Migrants were provided ration kits by the State Government as well as



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by some NGOs and social organizations. It is further submitted that so far as the present time is concerned, he needs some time to apprise this Court about the availability of ration to these Pakistani Minority Migrants. It is also submitted by the learned AAG that so far as the vaccination of the eligible Pakistani Minority Migrants is concerned, they have already requested to the Central Government to frame a policy in this respect and the needful will be done as soon as instructions will be received from the Central Government.



At this stage, Mr. Mukesh Rajpurohit, ASG and Mr. Vipul Singhvi, ASG have submitted that the Central Government has already issued an SOP on COVID Vaccination of persons without having prescribed identity cards through CoWIN on 06.05.2021 wherein, detailed procedure regarding vaccination of those persons, who are not having prescribed identity cards, have been given. A copy of the said SOP is placed on record, which reads as under:

**"SOPs on**

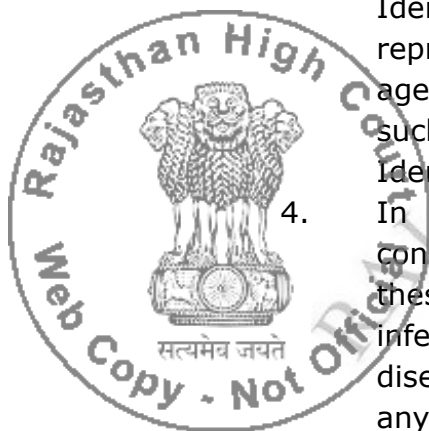
**COVID-19 Vaccination of Persons without prescribed Identity Cards through CoWIN**

1. India's National Covid-19 Vaccination Strategy is based on scientific and epidemiological evidence and focuses on systematic end-to-end planning. Phase-I of the National Covid-19 Vaccination Strategy was launched on 16th January 2021 and focussed on protecting Health Care Workers (HCWs) and Front Line Workers (FLWs). Phase-II was initiated from 1st March 2021 and 1st April 2021 and focussed on protecting the most vulnerable i.e. population more than 45 years of age. Liberalised Pricing and Accelerated National Covid-19 Vaccination Strategy came in effect from 1st May 2021 under which COVID-19 Vaccination was opened for persons 18-44 years of age groups.
2. In all these phases, it has been prescribed that the beneficiary must either self-register or be registered in Co-WIN portal and that the identity and eligibility of the beneficiary be verified by vaccinator through one of the



following seven prescribed individual Photo ID Proof prior to vaccination, namely –

- i. Aadhar Card
  - ii. Electoral Photo Identity Card (EPIC) - Voter ID
  - iii. Passport
  - iv. Driving License
  - v. PAN Card
  - vi. NPR Smart Card
  - vii. Pension Document with photograph.
3. Ministry is cognizant of the need for facilitating COVID-19 vaccination for all people, and especially the vulnerable groups who may not possess any of the seven prescribed Identity Cards. The Ministry has also received several representations from various state governments and agencies/organizations regarding COVID-19 Vaccination of such people who do not have any of the seven prescribed Identity Cards, required for verification before vaccination.
4. In this context, there is need to provide special consideration to vulnerable population of the country, as these beneficiaries are also at risk of exposure to COVID-19 infection and the consequent sequelae and outcomes of the disease, during the pandemic. Further they may not have any official Photo ID card like other citizens, but COVID-19 Vaccination services may not be denied in absence of Identity Proofs.
5. In view of the above, following procedure, developed in consultation with the technical experts, is hereby prescribed for providing vaccination coverage to people who do not possess any of the seven Identity Cards prescribed for availing COVID vaccination services–
- i. Such groups of people include nomads (including sadhu/saints from various religions), prison inmates, inmates in Mental Health Institutions, citizens in Old Age Homes, road side beggars, people residing in rehabilitation centres/camps and any other identified eligible persons, aged 18 years or more, and not having any of the seven prescribed individual Photo ID Cards.
  - ii. District Task Force may identify such groups of persons in respective districts not having any of the prescribed individual Photo ID Cards with assistance from concerned government department/organisation like department of minority affairs, social justice, social welfare etc.
  - iii. The information regarding the identified groups and the number of beneficiaries to be covered, must be collated at the state level and the state government must issue clear instructions for implementation of these SOPs along with the district-wise estimated maximum number of doses to be administered using this special dispensation. A copy of such instructions must be displayed in public domain and should also be endorsed to the Ministry.
  - iv. A Key Facilitator may also be identified for each such group. The Key Facilitator must have a valid and active mobile phone and must also have at least one





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of the seven mandated ID cards. These could be officials of the institutions (both public or private) which normally provide care and services to people in the identified groups, e.g. Prison officials for prison inmates, Executive Officer/Superintendent of and Old Age Home etc.

- v. A district nodal officer may be designated by the DTF, for identification of Key Facilitators, preparation of vaccination plan, identification of CVCs where vaccination sessions are to be organised, preparation of vaccination schedule, communication of vaccination schedule to the identified groups/beneficiaries and mobilization of beneficiaries as per vaccination plan.
- vi. District Immunization Officer (DIO) will be responsible for organization of vaccination sessions at identified CVCs for providing coverage to the identified groups.
- vii. The CoWIN system will provide the facility for creation of special vaccination sessions for this purpose. The session will have following features –
  - i. Registration of as many beneficiaries as are to be covered (subject to the limit of session capacity), without mandatory capturing of Mobile Number and Photo ID Card, through facilitated cohort registration.
  - ii. All vaccination slots in such special sessions will be reserved for vaccination of such facilitated cohorts.
  - iii. This facility will only be available at government CVCs.
  - iv. Information such as name, year of birth (as provided by the beneficiary) and gender will be entered in the CoWIN system for the beneficiaries.
  - v. The Key Facilitator shall verify the identity of the beneficiaries.
  - vi. Digital vaccination certificates are to be provided to the beneficiaries, preferably at the Vaccination Center itself.
- viii. The District Nodal Officer will be personally responsible to ensure that the special dispensation provided through these instructions, is extended only to cover such persons who do not have any of the seven mandated Photo ID Cards.
- ix. Vaccine doses made available through the Government of India channel may be used for vaccination of beneficiaries aged 45 years or more and the vaccine doses procured by the State/UT Government may be used for those aged 18 years to 44 years.
- x. All technical protocols as prescribed in the Guidelines of the Ministry regarding vaccination centres and AEFI management etc., must be followed.”



Having gone through the submissions filed on behalf of the Pakistani Minority Migrants and having



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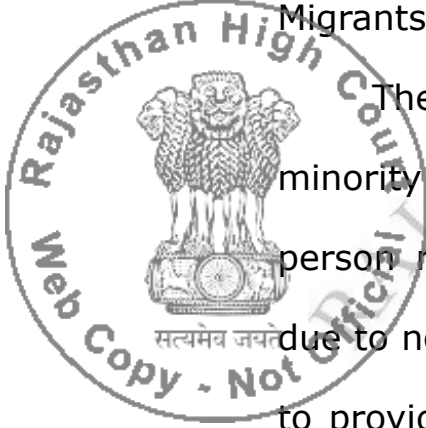
heard the learned counsel for the parties, we are of the view that so far as the process of COVID-19 vaccination of the persons, who are not having prescribed identity cards, is already detailed out by the Central Government and now, it is for the State and District Administration to chalk out a plan for vaccinating the Pakistani Minority Migrants.

The issue regarding non-availability of ration to the minority migrants is serious one and we feel that no person residing in the State can be allowed to starve due to non-availability of food. It is the duty of the State to provide ration to every person residing in the State. So far as availability of ration to the Pakistani Minority Migrants residing in Jodhpur is concerned, no details are available on record.

In such circumstances, we direct the State Government to furnish a report regarding the availability of ration to the Pakistani Minority Migrants residing in Jodhpur by tomorrow. The District Collector, Jodhpur should personally monitor the situation and make sure that ration be made available to them immediately.

Learned AAG Mr. K.S. Rajpurohit should also apprise this Court that what steps the State and District Administration have taken in pursuance of the SOP dated 06.05.2021 issued by the Central Government regarding vaccination of those persons who are not having the prescribed identity cards.

The Central Government is also directed to furnish a factual report regarding the availability of vaccines to





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the State Government for persons who are not having prescribed identity cards by tomorrow.

List tomorrow i.e 28.05.2021 at 9.00 A.M.

**(RAMESHWAR VYAS),J**

**(VIJAY BISHNOI),J**

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RAJASTHAN HIGH COURT



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