

NDOH: 10.05.2021

IN THE SUPREME COURT OF INDIA
(CIVIL APPELLATE JURISDICTION)

I. A. No. _____ OF 2021

IN

SOU MOTO WRIT PETITION (CIVIL) NO. 3 of 2021

IN THE MATTER OF:-

IN RE:- DISTRIBUTION OF ESSENTIAL SUPPLIES AND
SERVICES DURING PANDEMIC.

AND IN THE MATTER OF:-

STUDENTS' FEDERATION OF INDIA ...APPLICANT/INTERVENOR

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		TOTAL	200

FILED ON: 08.05.2021
NAME OF CLERK SANJU KUMAR
BHATT
I.C NO. 5310
PH -9821177891

FILED BY:



ANINDITA MITRA
ADVOCATE ON RECORD
FOR THE PETITIONER(S)/
CODE NO.2634

E-121, G.K.1, NEW DELHI - 110048
PHONE NO.: M -7838533122



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WITH

**I. A.NO. _____ OF 2021
APPLICATION FOR DIRECTIONS**

WITH

I. A.NO. _____ OF 2021

**APPLICATION FOR EXEMPTION FROM FILLING THE
ATTESTED SUPPORTING AFFIDAVIT IN SUPPORT OF THE
ACCOMPANYING APPLICATIONS**

PAPER- BOOK

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ADVOCATE FOR THE APPLICANT: ANINDITA MITRA

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IN RE:- DISTRIBUTION OF ESSENTIAL SUPPLIES AND
SERVICES DURING PANDEMIC.

AND IN THE MATTER OF:-

STUDENT'S FEDERATION OF INDIA

Through its General Secretary

Mr. Mayukh Biswas

Office at: 36 Canning Lane, Mandi House, New Delhi – 110001

...APPLICANT/INTERVENOR

APPLICATION SEEKING DIRECTIONS

To

The Hon'ble Chief Justice of India,

and His Companion Judges of the

Hon'ble Supreme Court of India.

The humble petition of the

Petitioner above-named.

MOST RESPECTFULLY SHEWETH:

1. That this is an Application seeking directions to provide universal free vaccination to all citizens of India and to waive off the goods and service tax that has been levied on the import of the oxygen

concentrators used for personal use which will help in making the same accessible to the citizens of India at affordable costs during the crises enhanced by the ensuing pandemic. This Hon'ble Court was pleased to sou moto hear the matter regarding the supply and distribution of essential supplies in regard to the supply of oxygen and provide vaccine to the citizens of India . Therefore, in this application the Applicant is seeking direction to provide the same to the Central Government and it's agencies to provide compulsory licenses as per the Patents Act, 1970 , Covid related free vaccination and simultaneously exempt the goods and service tax on the import of Oxygen concentrators imported for personal use.

BRIEF FACTS

2. The Applicant is a student organization formed in the year 1970. More than 4 million students from across the length and breadth of the country are members of the Applicant organization. The Applicant regularly participates in Student Union elections in educational institutions across the country and has led Student Unions in the States of Himachal Pradesh, Delhi, Rajasthan, West Bengal, Tripura, Assam, Orissa, Maharashtra, Telangana, Andhra Pradesh, Tamil Nadu and Kerala.

3. The Applicant - Students' Federation of India - stands for the establishment of a progressive, democratic and egalitarian education system which will ensure social justice and intellectual self-reliance. It strives to achieve this by uniting the entire Indian student community towards the cause of a universal and free public education system ensuring education for all. It further stands for the advancement of India towards a socialistic pattern of society, ensuring social and economic equality and a life of dignity and prosperity to all. Hence it raises the slogan, 'Independence, Democracy, Socialism'.

4. The Applicant comprises of public spirited students bearing deep allegiance to the Constitution of India. Members of the Applicant have participated in a series of activities in catering to the needs of citizens at the time of pandemic. It is to be stated that the members of this applicant organization have been tirelessly working to provide essential services and making efforts to provide amenities to the citizens who have been suffering due to this pandemic. Students who are members of the Applicant concern, further, sincerely believe that it is their fundamental duty under Article 51A of the Constitution to file the present Petition thereby contributing,

in their own small way, to safeguarding and strengthening the ethos and spirit of the Constitution.

5. That the Central Government have imposed the Goods and Service Tax on the import of Oxygen concentrators for personal use at a rate of twelve percent. The true copy of the notification No.30/2021 dated 1st May, 2021 issued by the Ministry of Finance is annexed hereto and marked as Annexure “P-1” (At Pages.10 to 10).
6. It is to be submitted that considering the prevailing pandemic there has been a dearth of oxygen supplies around the country. The Central Government agencies had failed to provide basic health care facilities to the citizens of the nation. That to meet the demand of the oxygen, the said has been imported from various countries.
7. That it is to be submitted with the waiver of the Goods and Service tax on the import of oxygen concentrators for personal use, the same would be available to the citizens at a reduced cost and with the affordability the citizens will have more accessibility which will save their lives.
8. That the Central Government had announced that all adults would be provided vaccination from May 1st 2021. It is to be stated that only two pharmaceutical companies, namely Serum Institute of India and Bharat Biotech, have been provided the license to produce vaccines in India under the brand name of Covaxin and Covishield respectively.

9. It is to be stated that the applicant is urging the Central Government to carry out policy for universal vaccination to each and every citizen of India at free of cost which will safeguard the productive work force of this nation.
10. That it is to be stated that the Central Government by providing free vaccination ,a large population including the poorer sections of the society would be vaccinated , which would help in improving the herd immunity amongst the citizens.
11. That the spread of this pandemic could be arrested as per the medical science by vaccinating seventy percent of the total population which could only be possible by universal free vaccination.
12. That it is to be stated that with if the provisions of section 92(3) of the Patent Act 1970 which enables the Controller to grant compulsory patent is provided to several pharmaceutical companies , larger population of the country would be vaccinated at a faster pace which would help in controlling the spread of the pandemic.
13. That the contents of the application filed for permission to Intervene are reiterated and reaffirmed and the same are not being repeated herein for the sake of brevity.
14. That the Applicants states that no other Application seeking similar directions has been filed by the Applicant.

15. It is humbly submitted that if the present application seeking directions is not permitted by this Hon'ble Court, serious prejudice will be caused to the citizens herein and irreparable injury will be caused to the same.
16. That the present Application is being filed *bona fide* and in the interest of justice.

PRAYER

It is therefore most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (i) Direct the Union Of India and its to lay down an universal mass vaccination policy and provide the same to the citizens at free of cost ;
AND
- (ii) Direct the central government to provide compulsory licenses under the relevant provisions of the Patent Act,1970, which will benefit vaccinating the citizens ;
AND
- (iii) Direct the Union of India and its agencies to exempt the import of oxygen concentrators for personal use from Goods and Service tax ;
AND

- (iv) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the premises of this case.

AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.

FILED BY:

DRAWN BY:
SUPRATIK SARKAR
Advocate



ANINDITA MITRA
Advocate for the Applicant

DRAWN ON: 08.05.2021

FILED ON: 08.05.2021

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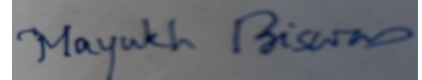
STUDENT'S FEDERATION OF INDIA ...APPLICANT/INTERVEN

AFFIDAVIT

I, Mayukh Biswas, S/o Shri Amalendu Biswas, aged about 34 years,
C/o- Students' Federation of India , having its Office at: 36 Canning
Lane, Mandi House, New Delhi – 110001 at New Delhi do hereby
solemnly affirm and state as under:

1. That I am the Authorized Signatory of the Applicant Organization and as such I am well conversant with the facts and circumstances of the case and competent to swear the present Affidavit.
2. That I have read and understood the contents of the accompanying Interlocutory Applications and I state that the contents thereof are true and correct to my knowledge.

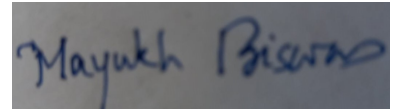
3. That the annexures annexed to the present Interlocutory Applications are true and correct copies of their respective originals.



DEPONENT

VERIFICATION

Verified at New Delhi on this 08 day of May 2021 that the contents of the above Affidavit are correct and true to the best of my knowledge and belief and no part of it is false and nothing material has been concealed therefrom.



DEPONENT

[TO BE PUBLISHED IN THE GAZETTE OF INDIA, EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (i)]

GOVERNMENT OF INDIA

MINISTRY OF FINANCE

(DEPARTMENT OF REVENUE)

Notification No. 30/2021-Customs

New Delhi, the 1st May, 2021

G.S.R. (E)...- In exercise of the powers conferred by sub-section (1) of section 25 of the Customs Act, 1962 (52 of 1962), the Central Government, on being satisfied that it is necessary in the public interest so to do, hereby exempts the goods of the description specified in column (3) of the Table below, falling within the Chapter, heading, sub-heading or tariff item of the First Schedule to the Customs Tariff Act, 1975 (51 of 1975) specified in column (2) of the said Table, when imported into India, from so much of the integrated tax leviable thereon under sub-section (7) of section 3 of the said Customs Tariff Act, read with section 5 of the Integrated Goods and Services Tax Act, 2017 (13 of 2017), as is in excess of the amount calculated at the rate specified in the corresponding entry in column (4) of the said Table, namely-

Table

S.No.	Chapter, heading, sub-heading or tariff item	Description	IGST rate
(1)	(2)	(3)	(4)
1.	9804	Oxygen concentrator, imported for personal use	12%

2. This notification shall remain in force upto and inclusive of the 30th June, 2021

[F.No. CBIC-190354/1/2021-TO(TRU-I)-CBEC]

(Gaurav Singh)

Deputy Secretary to the Government of India



///TRUE COPY///

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Through its General Secretary

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Office at: 36 Canning Lane, Mandi House, New Delhi – 110001

**APPLICATION FOR EXEMPTION FROM FILLING THE ATTESTED
SUPPORTING AFFIDAVIT IN SUPPORT OF THE ACCOMPANYING
APPLICATIONS.**

To

HON'BLE THE CHIEF JUSTICE OF INDIA AND HIS
LORDSHIPS COMPANION PUISNE JUSTICES OF
SUPREME COURT OF INDIA

The humble application of the Petitioner above named;

MOST RESPECTFULLY SHOWETH:-

1. That the Petitioner has filed the captioned Intervention Application in Sou Moto Writ Petition(Civil) No. 03/ 2021 and its connected batch of matters.
2. That the Petitioner has filed the accompanying application for intervention, directions and alongwith a supporting affidavit of

Mayukh Biswas is filed, though the same could not be attested due to the urgency and considering Covid-19 conditions.

Since the aforesaid facts and the condition of Pandemic Outbreak the same could not be filed but the Petitioner undertake to file the attested affidavit as and when the conditions normalises and hence prays for exemption from filing the attested supporting affidavit alongwith the accompanying Affidavit.

PRAYER:

In these circumstances, it is most respectfully prayed that this Hon'ble Court may please to:

- a) Grant exemption to the petitioner from filing attested supporting affidavit alongwith the accompanying application for seeking permission to file additional documents;
- b) Pass any such order (s) in favour of the petitioner, as this Hon'ble Court may deem fit proper in the interest of the justice.

DRAWN BY:
SUPRATIK SARKAR
Advocate

DRAWN ON: 08.05.2021
FILED ON: 08.05.2021

FILED BY:



ANINDITA MITRA
Advocate for the Applicant