

**Sahil Society for the Welfare of Aged Poor and Homeless, etc.**  
Appellants

**Vs.**

**Union of India and another**  
Respondent

IN THE HIGH COURT OF ALLAHABAD

C.M.W.P. No. 30086 of 1998

Decided on: 16 November 1998

Citations: AIR1999All87, 1998 AWC306, 1998 4 AWC306

**Hon'ble Judges:**

M. Katju and D.K. Seth, JJ.

**Counsels:**

For Appellant/Petitioner/Plaintiff: Rajendra Bhubhal, Adv.

For Respondents/Defendant: S.C., Ashok Mehta, L.C.S.C., S.N. Srivastava and Bal Mukund, Advs.

**JUDGMENT**

M. Katju, and D.K. Seth, JJ.

1. Heard Sri A. D. Gtri. learned Senior Advocate and Sri Rajendra Dobhal for the petitioner. Sri Bal Mukund for the Central Government and Sri Haidar Hussain for the State Government.

2. This petition has been filed as a public interest litigation for directing the respondent No. 1, Union of India, to strictly follow its own guidelines as well as the guidelines of World Health Organisation for manufacture and procurement of Oral Polio Vaccine (O.P.V.).

3. On 24.9-1998, this Court granted three weeks' time to the learned counsel for the respondent to file counter-affidavit but no counter-affidavit has been filed. Hence we are treating the allegations in the writ petition to be correct. The petitioner is a society registered under the Societies Registration Act. Annexure-1 is the certificate of registration. It has been stated in paragraph 2 of the petition that world over, the O.P.V. used in Polio eradication is manufactured from bulk concentrate produced as per World Health Organisation Rules. This is done to ensure that the bulk concentrate itself is of a quality that does not lessen or completely reduce the potency of the O.P.V. manufactured from it. If this policy is not followed, the O.P.V. manufactured from the bulk concentrate would be of suspect potency such that the children to whom it is administered would not be free from the threat of being afflicted by polio. It is also alleged in paragraph 2 of the petition that 600 lacs of doses of O.P.V. manufactured by Haffkine Institute and lying in its old stock and about to be lifted by the Union of India has not been manufactured from bulk concentrate produced as per World Health Organisation Rules. Consequently, if the same is administered to children for

Immunization or re-immunization against polio, grave damage is likely to be caused to the life and health of the children. It is alleged in paragraph 3 of the petition that world over the O.P.V. administered for polio eradication is equipped with V. V. Ms. to ensure that the health workers administering the vaccine can determine whether the O.P.V. is patent or not, but the 600 lacs doses of O.P.V. manufactured by Haffkine Institute and lying in its old stock, and about to be lifted by respondent No. 1 does not have V.V.M. on it. In paragraph 4. It is alleged that the shelf life has also been ignored.

4. In *Consumer Education and Research Centre v. Union of India*: 1995 (3) SCC 42 and *State of Punjab v. M. S. Chawla*: 1997 (2) SCC 83. It has been held by the Supreme Court that the right to health is a part of the right to life guaranteed by Article 21 of the Constitution.

5. After hearing learned counsel for the parties, we dispose of this petition with the direction to the respondent No, 1 to strictly follow its own as well as the World Health Organisation guidelines for manufacture and procurement of O.P.V. and to adhere to the internationally accepted standards and norms for polio eradication.