

ITEM NO.26 Court 4 (Video Conferencing) SECTION PIL-W

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).656/2021

SIDDHARTHSHANKAR SHARMA Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(WITH IA No. 68526/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 68527/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 07-02-2022 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD  
HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Mayank Kshirsagar,  
AOR Ms. Pankhuri, Adv.

For Respondent(s) Ms. Aishwarya Bhati, ASG  
Mr. K.M. Nataraj, ASG  
Mr. Aman Sharma, Adv.  
Mr. Kanu Agrawal, Adv.  
Mr. Rajat Nair, Adv.  
Mr. Ketan Paul, Adv.  
Mr. Gurmeet Singh Makker, AOR  
  
Mr. Zoheb Hossain, AOR

UPON hearing the counsel the Court made the following  
ORDER

1 The jurisdiction of this Court under Article 32 of the Constitution has been invoked for  
seeking the following reliefs:

- A. Issue a writ in the nature of mandamus or any other appropriate writ, order, direction directing the Respondent No.1 to eliminate the mandatory pre-condition of submitting Aadhaar details in the CO -WIN portal for the Vaccination Center/Vaccinator while verifying an individual for administration of vaccine, across the territory of India immediately;

- B. Issue a writ in the nature of mandamus or any other appropriate writ, order, direction directing the Respondent No.2 to henceforth make the necessary changes to the CO-WIN portal in consonance with the relief sought in Prayer (A) above;
- C. Issue a writ in the nature of mandamus or any other appropriate writ, order, direction directing the Respondent No.1 and Respondent No.2 to update the CO-WIN portal with appropriate software/technical know- how rendering the same user-friendly, easy to use and access for all the citizens of India;”

2 Pursuant to the order of this Court dated 1 October 2021 issuing notice, a counter affidavit has been filed on behalf of the Union Ministry of Health and Family Welfare. The counter affidavit specifically records that the submission of an Aadhar card is not a mandatory pre-condition for registration on the Co-win portal and, as a matter of fact, any of nine identity documents can be produced. For convenience of reference, paragraph 8 of the counter affidavit is extracted below:

- 8. It is humbly submitted that Aadhar card is not mandatory for the registration of beneficiary on the Co-WIN portal. The Beneficiaries can register on the Co-WIN portal using any of the following prescribed photo ID proofs namely:
  - i. Aadhar Card
  - ii Driving License
  - iii PAN card
  - iv Passport
  - v. Pension Passbook
  - vi NPR Smart Card
  - vii Voter ID(EPIC)
  - viii Ration Card

ix Unique Disability ID (UDID) or Disability Certificate with picture

The aforesaid information is also available on the Co-WIN portal and can be accessed at following link <https://www.cowin.gov.in/faq>"

- 3 Apart from the above averment, it has also been stated in the counter affidavit that a provision has been made to conduct vaccination sessions for other categories of persons who may not have any identity cards in their possession at all, including persons without a fixed place of abode, prison inmates, inmates in mental health institutions, persons in old age homes and road side beggars.
- 4 Mr Aman Sharma, counsel appearing on behalf of the Union of India, states on instructions, that 87 lakh people who did not possess any identity card have also been vaccinated in the ongoing process.
- 5 The grievance of the petitioner that he was denied the facility of a vaccination for failure to produce an Aadhar card has also been dealt with in the counter affidavit. It has been stated that the Union Ministry of Health and Family Welfare addressed a communication dated 2 November 2021 to the Principal Secretary of the Health and Family Welfare Department of the State of Maharashtra to take action against the concerned private CVC for denying vaccination to the petitioner despite the production of a valid passport ID.
- 6 In view of the clarifications which have been made in the counter affidavit to the effect that production of an Aadhar card is not a mandatory pre-condition for availing of vaccination facilities, the grievance of the petitioner is duly met. All concerned authorities shall act in pursuance of the stated policy which has been extracted in paragraph 8 of the counter affidavit.

- 7 The petition is accordingly disposed of.
- 8 Pending application, if any, stands disposed of.

(SANJAY KUMAR-I)  
AR-CUM-PS

(SAROJ KUMARI GAUR)  
COURT MASTER