

# State-level High Court to Indian National Disaster Response Agency: Set Up COVID-19 Vaccine Injury Framework ASAP

By [TrialSite](#)

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*An Indian national authority was instructed by a state-level high court to “expeditiously” establish a policy framework for COVID-19 vaccine-injured compensation, including dependents of the injured or deceased. Specifically the [Kerala High Court](#), the highest legal forum in Kerala state, a small coastal southwest state with approximately 35 million people, instructed the [National Disaster Management Authority \(NDMA\)](#) to set up the framework, which includes policies for compensation due to injuries associated with the COVID-19 vaccines. The situation appears to worsen to the point that, at least, one state has declared it a disaster or meriting action from the national agency in charge of disaster response.*

The language of the High Court was cautious, as reported by local media. Vaccine injuries associated with COVID-19 vaccines are deemed “rare,” but this can become relative, given the mass vaccination effort around the world. With so many vaccinated, the numbers of injured can accumulate substantially.

## Lots of Reported Problems & Benefits

[TrialSite recently reported](#) that the Indian Supreme Court put the national government on notice about vaccine injuries. This media reported that while the Indian government offered no vaccine injury fund during emergencies such as COVID-19, their national government, what’s known as “the Center,” does allow for compensation under the Fatal Accidents Act of 1855. Yet this antiquated law needs modernization in light of the COVID-19 unfolding events, from mass COVID-19 vaccine mandates in the world’s second most populated nation to mounting reports, albeit rare” of vaccine injury reports. [TrialSite reported](#) that during COVID-19 vaccine clinical trials, the Serum Institute of India (SII), the world’s largest vaccine producer by volume, [lobbied the national government](#) to provide vaccine injury immunity to them and other vendors in the vaccine value chain, much like is the case under the PREP Act in America.

Also, [TrialSite reported](#) on a severe neurological injury involving the AstraZeneca vaccine, which SII licensed and produced for use throughout India. The injured man volunteered for a clinical trial and had debilitating issues as a result. [After taking action](#), SII countersued, threatening to economically destroy the man. The case went silent.

With about 1.4 billion people, approximately 945 million persons in India are classified as fully vaccinated, mostly with the AstraZeneca/Oxford vaccine developed and distributed in India by SII, again the world's biggest vaccine producer by volume, or [Covaxin](#) produced by Bharat Biotech, the first indigenous COVID-19 vaccine developed in India. Other vaccines used, although less frequently, include Sputnik V (the Russian vaccine produced by Dr. Reddy's Laboratories in India with production support by SII), ZyCoV-D produced by Zydus Cadila, as well as other vaccines via clinical trials.

Even if a tenth-of-one percent of 945 million Indian citizens of residents fully vaccinated experienced some form of injury, the number would total 945,000 which isn't minimal. The AstraZeneca vaccine, used extensively in India, was shut down in the U.S. due to clinical trial injuries. Earlier during the pandemic, *The New York Times* covered issues, including safety associated with AstraZeneca's COVID-19 vaccine—[see the link](#).

## Selective Reporting

According to a piece in [The Lancet](#) earlier in the summer, an additional 4.2 million deaths were prevented via vaccination from the period December 8, 2020, to December 8, 2021. This modeling exercise, however, made [many assumptions](#). *TrialSite* followed very carefully the Uttar Pradesh public health outreach campaign in 2021, which included pairs of public health workers scouring villages and towns, educating, testing, and handing out home medicine kits that included ivermectin. See a [detailed piece](#) from contributor Juan Chamie. While World Health Organization (WHO) touted the effort, it censured the use of ivermectin, as did most media, except this one, of course. An enormous turnaround occurred during the Delta variant-based surge.

## High Court Position

This particular case came to the Kerala High Court via a widow's plea for help. Her husband died, apparently, because of the COVID-19 vaccination scheme. Yet the central government here has done little to formulate rigorous policy to care for the rare cases where injury and/or death does occur.

"Given the ubiquitous COVID-19 vaccine mandates promulgated all over the world, it's only right, fair, and just that a reasonable vaccine compensation policy fair is put in place," shared *TrialSite's* founder Daniel O'Connor.

According to the Kerala High Court:

"Even if numbers are very few, there are instances where people are suspected to have succumbed to the after-effects of immunization."

Led by [V. G. Arun](#), one of the Kerala High Court justices, the legal body ordered the national governments, the National Disaster Management Authority, to move on this matter, doing the "needful within three months," reported India media such as *HealthWorld* and New Delhi Television Ltd. (NDTV).

Justice Arun, as it turns out, knows personally of three vaccine injury cases, declaring:

“Therefore, even if the numbers are very few, there are instances where people are suspected to have succumbed to the after-effects of immunization. In such circumstances, respondents 2 (NDMA) and 8 (Ministry of Health) are bound to formulate a policy for identifying such cases and compensating the dependents of the victim.”

In India, the respondents mentioned include the National Disaster Management Authority and the Ministry of Health, both with mandates to support the Indian people at the national level. Yet that doesn't appear to be happening, as national/federal entities appear under the sway of a different set of policy directives.

Like in the U.S., where Attorney Generals at the state level now look into censorship collusion by the federal government in partnership with media and tech companies, the policy imperatives at the federal government level in the United States have been far less focused on patient rights and more on mandates and other directives, seemingly as part of a series of countermeasures against a pandemic.

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