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CFBP TIMES

FEBRUARY - MARCH, 2020

CFBP - JAMNALAL BAJAJ AWARDS FOR FAIR BUSINESS PRACTICES

The Awards are conferred every year on business and associations, which display an outstanding commitment to Fair Business Practices. It comprises the prestigious CFBP Trophy and a laudatory Citation.

The Awards are open to all Public/Private Sector, Co-operative Ventures, Service Industries, Partnership and Proprietary business, Federations/ Chambers of Commerce, Trade Association and Charitable organizations from all over India.

The Council for Fair Business Practices (CFBP) is a unique, self regulatory body of business and industry dedicated to upholding the voluntary Code of Fair Business Practices. Formed in 1966, CFBP instituted these Awards in 1988 in memory of the Shri Jamnalal Bajaj to honour those who adhere to Fair Business Practices in the interest of the consumer and the community at large.



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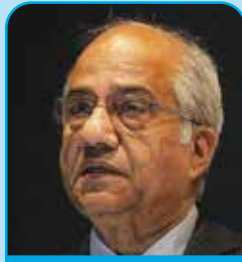
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SAM BALSARA

HEARTFELT FROM THE PRESIDENT

Swapnil S. Kothari
President



The past two months have been eventful for both – CFBP and the world at large. At CFBP, we were preparing for the Jamnalal Bajaj Awards and had got some prestigious entries vying with each other for the Trophy. The presentation by each of the finalists was splendid and an eye-opener for us as to how much major companies, individuals or even organisations for that matter are doing for the greater good! Our March 27, 2020 scheduled date has gotten postponed due to the Coronavirus Lockdown, and we shall revert with a new date as soon as normalcy returns to our vibrant Mumbai. The world is currently reeling under the malevolence of the Coronavirus and so is our country! We, Indians, having seen it all, are tenacious, and will surely, recover faster than any other nation on the planet.

On 1st February, 2020, SNDT Women's University in association with us and Cyber Bullying Awareness, Action and Prevention hosted a seminar on "Trending Cyber Crimes, Prevention and Their Psychological Impact" where our EC Member Ritesh Bhatia and Invitee Member Nirali Bhatia were the speakers giving their respective views on the subject. As President of CFBP, I talked a bit about CFBP, its myriad activities and our future role in building India. It was well-attended, and hopefully, we shall co-host similar seminars on different topics.

We started our first Student Chapter through SNDT Women's University, and hopefully, it will encourage more youth to join hands in spreading the awareness amongst the masses about what CFBP is and does.

Consumerism, as understood by us, tends to have a slightly pejorative tone to it and we are pleased to have one of our esteemed Advisory Board members throw some positive light on it. We are also pleased to print the entire complaint from a Senior Advocate Dr. Adish C. Aggarwala, (who happens to be the President, International Council of Jurists and Chairman, All India Bar Association) against China for being liable in relation to spreading Coronavirus across the globe. It will be a tremendous read for us all.

I am ensuring that both my team and the staff are well-motivated with their spirits up during these trying times so that the activities of CFBP continue unhampered. Currently, work-from-home will also give each of us the breadth and width to spend quality time with our family.

I end with a quote from one of the greatest German philosophers,

"In family life, love is the oil that eases friction, the cement that binds closer together, and the music that brings harmony."

- Friedrich Nietzsche

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NIRALI BHATIA
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Organised by:

- University Departments of Extension Education, Computer Science and Human Development
- Council For Fair Business Practices (CFBP)
- Cyber Bullying Awareness, Action and Prevention (Cyber B.A.A.P.)

SEMINAR - FEBRUARY 1, 2020 "SNDT JUHU CAMPUS, MUMBAI"

Trending Cyber Crimes, Prevention & their Psychological Impact

Report of Seminar on "Trending Cyber Crimes: Prevention and their Psychological Impact" held on February 1, 2020 from 10am to 2pm at J H Mini Auditorium, SNDTWU Juhu Campus, Mumbai.

Half a day Seminar on "Trending Cyber Crimes: Prevention and their Psychological Impact" was jointly organized by University Departments of Extension Education, Computer Science and Human Development in collaboration with Council for Fair Business Practices (CFBP) and Cyber B.A.A.P. (Cyber Bulling Awareness, Action, Prevention) on 1st February, 2020 in Mini Auditorium, Juhu Campus from 10.00 am to 2.00 pm.

The objective of this programme was to make people aware about trending cybercrimes, awareness about their prevention and psychological impact of online behaviour. The experts for the two technical sessions were Mr. Ritesh Bhatia and Ms. Nirali Bhatia.

The program was started with University Song, Dr. Mira K Desai, Professor & Head, Dept. Of Extension Education welcomed and gave introduction of Mr. Ritesh Bhatia, Cyber-crime investigator, a cyber-security and data privacy consultant and has been felicitated by Dr. Chandrashekar Gawali, Head, Dept. Of Human Development.



the audiences and some of them shared their own experiences of being cheated. People also asked remedies of some of their own problems in an online environment.

Mr. Swapnil Kothari, President- CFBP joined briefly after the first session. Dr. Chandrashekar Gawali welcomed and gave introduction of Mr. Swapnil Kothari, President CFBP and Managing Partner at S. Kothari & Co. (Advocates and Solicitors) and was felicitated by Dr. Anita Chaware, Head of Dept. of Computer Science. Mr. Swapnil Kothari spoke about Women Empowerment.



Mr. Ritesh Bhatia spoke about trending cybercrimes under ten broad category of Citizen specific cybercrimes- card frauds, digitl wallet frauds, customer care frauds, OLX sell and purchase cheatings, phishing-Vishing-SMishing, romance scams, matrimonial frauds, job frauds, sextortions, mobile spying and juice jacking. He while discussing the crimes using case studies also gave prevention tips. Many questions were asked by people in

For the second session, Dr. Anita Chaware welcomed and introduced Ms. Nirali Bhatia, Counseling Psychologist and a Director of V4WEB Technologies Pvt Ltd. She was felicitated by Dr. Mira Desai. Ms. Nirali Bhatia focused on social media impacts. She started by saying that cyber space unlike physical space is perceptive and addresses only our sense of seeing. People do not have concept of time in virtual space and it gives them sense of disinhibiting because you are using it within four walls but reaching out to whole world. She also citing real life incidences shared how people are getting impacted and mental health challenges of loneliness, social disinterest, body image obsession, depression, induced anxiety, delusional thinking is taking place. She emphasized the need to be conscious about one's social media consumption.

The programme ended with the vote of thanks by Professor Mira K Desai. The Seminar ended with the National Anthem followed by Lunch. The sessions were very captivating, encouraging and motivating.

SEMINAR - FEBRUARY 1, 2020 "SNDT JUHU CAMPUS, MUMBAI"





Nayantara Jain

Working President,
Friends of Tribal Society

The word “consumerism” is often used, and perhaps more often, misunderstood. Even people who understand its dictionary meaning, interpret it in myriad different ways.

To the activist, it means the protection or promotion of interests of consumers. To these folks, consumerism involves buyers knowing their rights, and seeking protection from being unfairly treated or being taken advantage of by businesses.

To the socialist, it means the excessive preoccupation of society with the acquisition of consumer goods. Leftists define it as the human desire to own and obtain products and goods in disproportionate to one's basic needs.

To the environmentalist, consumerism is irresponsible consumption, robbing Mother Earth of its scarce natural resources, and generating wastes that pollute this pristine planet.

To the capitalist, consumerism is the fuel that keeps the engine of the economy chugging. In this sense, it drives all economic activity and outcomes. When citizens want to buy more and more goods and services, they consume more, they spend more, and this creates demand, which leads to greater production. The result is a spurt in the goods and services sector, as also in manufacturing, logistics and retail industries. This in turn leads to greater employment, and higher wages all around. And more people being employed at higher wages creates still more consumption and demand, spiralling a virtuous cycle of economic growth.

As wealth and standard of living improves, this drives innovation, to invent product and service solutions for

fulfilling our increasing desires for comfort and convenience. Indeed, free market economy has placed the consumer in the driving seat of market forces. Businesses that can foresee and fulfil consumer demand and expectations flourish, and those that do not, risk rejection and even annihilation.

However, there is a flip side to all this as well.

Unabashed increase in consumerism could damage the environment and the planet significantly. Several industries use excessive amounts of water, energy, chemicals and raw materials, and generate pollutants wantonly, all of which place a heavy ask on Earth's finite natural resources, exacerbated by its ever-increasing population. A compulsive obsession to consume the most and the best could also lead to people working longer hours, and incurring unsustainable levels of debt, to keep up with the Joneses, who in turn are already trying to keep up with the Johnsons. This leads to spending less time with family and friends, and an overall compromise on quality of life. Carried to its extreme, consumerism could also erode the morals of society, and stifle the values of spirituality and integrity.

Clearly, a line needs to be drawn between these two extremes - what is necessary consumerism, required to drive economic pursuits, and what is excessive consumerism, which leads to the pitfalls described above.

The answer is, what I would call *responsible consumerism*, something that balances, on the one hand, the ever-increasing desire of increased comforts and convenience, and on the other hand, the realization that this should not be at the cost of human relationships and long term well-being. Clearly, there is no one size that fits all – each one of us needs to discover our own sweet spot, of how far we are willing to go, to make our immediate lives better, such that we do not make it worse in the long run. Today's comforts are what we borrow from tomorrow's necessity. Hence, how wisely we, as a human race, make this choice, will decide our future. As Bill Bryson once said in relation to consumerism, never buy anything the burden of which you will not want to see your children carry.

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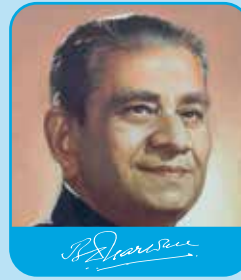
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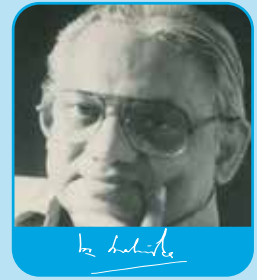
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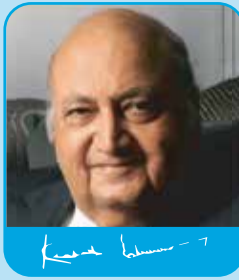
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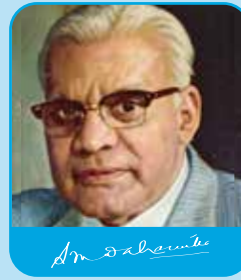
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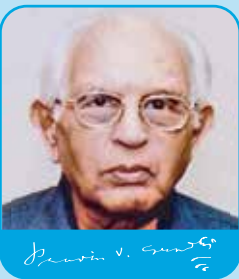
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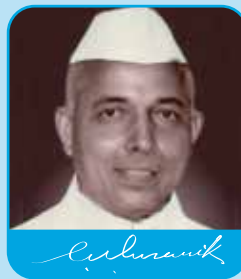
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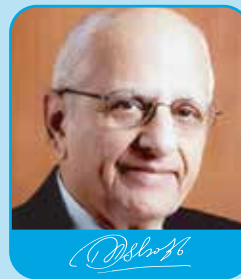
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COMPLAINT BY
DR. ADISH C AGGARWALA, SENIOR ADVOCATE
PRESIDENT, INTERNATIONAL COUNCIL OF JURISTS
AND
CHAIRMAN, ALL INDIA BAR ASSOCIATION
TO THE UNITED NATIONS HUMAN RIGHTS COUNCIL, GENEVA

TO,

**The Hon'ble President and Members,
United Nations Human Rights Council,**

Complaint Procedure Unit,

Human Rights Council Branch,

Office of the United Nations High Commissioner

for Human Rights United Nations Office at Geneva

CH-1211 Geneva 10, Switzerland

Fax: (41 22) 917 90 11

E-mail: CP@ohchr.org

Website: <http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx>

**I. Information concerning the author (s) of the communication or
the alleged victim (s) if other than the author**

International Organization

Last name: Aggarwala

First name(s): (Dr) Adish C.

Nationality: Indian

Address for correspondence on this complaint: Dr. Adish C Aggarwala, Senior Advocate, President, International Council of Jurists (London) and Chairman, All India Bar Association, DS-423/424, New Rajinder Nagar, New Delhi- 110060 (India)

Tel and fax: (please indicate country and area code):

+(91) (11) 28743285, +(91) (11) 49056329, +(91) 9958177904

E-mail: international.jurists6@gmail.com, adishaggarwala@yahoo.com

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Submitting the complaint:

On the author's own behalf and on behalf of other entities namely The International Council of Jurists and the All India Bar Association

II. Information on the State and Agencies concerned

- (1) People's Republic of China, Beijing
- (2) People's Liberation Army (the official Military of China), through Chief of the Joint Staff Department General Li Zuocheng, Beijing
- (3) The Wuhan Institute of Virology, through its Director General Yanyi WANG, Xiao Hong Shan No. 44, Wuhan, People's Republic of China-430071; E-mail: wiv@wh.iov.cn

III. Facts of the complaint and nature of the alleged violation(s)

It has been decided to file the present complaint as China has committed grave offences against the humanity throughout the world.

That the first Complainant is Dr. Adish C Aggarwala who is a designated Senior Advocate in India. He is the President of International Council of Jurists having headquarters in London (U.K.). He is also Chairman of All India Bar Association. He has also been Vice Chairman of Bar Council of India, Vice President of Supreme Court Bar Association, Chairman and Vice Chairman of Bar Council of Delhi. He also has been Special Counsel for Government of India, Senior Additional Advocate General of Government of Haryana, Additional Advocate General of Government of Uttar Pradesh, Additional Advocate General of Government of Punjab and Additional Advocate General of Government of Tamil Nadu.

The International Council of Jurists is involved in research and has been holding conferences and seminars on a wide range of subjects having international and domestic significance, in matters of human rights, constitutional duties and others.

Events of the International Council of Jurists have been attended by Mr. Pranab Kumar Mukherjee, the then President of India; Mrs. Pratibha Devisingh Patil, the then President of India; Mr. M. Hamid Ansari, the then Vice President of India; Dr. Manmohan Singh, the then Prime Minister of India; Mr. Dominic Grieve, MP, the then Attorney General of the United Kingdom; Lord Phillips, the then President of the Supreme Court of

the United Kingdom; Mr. Peter Tomka, the then President, International Court of Justice; Ms. Justice R.M. Lodha, the then Chief Justice of India; Dr. Justice K.G. Balakrishnan, the then Chief Justice of India; Ms. Justice Beverley Mc Lachlin, the then Chief Justice of Canada; Mr. Justice Awn S Al-Khasawneh, the then Vice President of International Court of Justice; Mr. Justice Iftikhar Muhammad Chaudhry, the then Chief Justice of Pakistan; Mr. Justice Surendra Kumar Sinha, the then Chief Justice of Bangladesh; Mr. David Lammy, MP of UK and the then Minister of State for Innovation & Universities of the United Kingdom; Mr. Justice Chan Sek Keong, the then Chief Justice of Singapore; The Rt. Hon. Lord Judge, Chief Justice of England & Wales; Mr. Justice Md. Muzammel Hossain, the then Chief Justice of Bangladesh; Mr. Justice Lyonpo Sonam Tobgye, the then Chief Justice of Bhutan; Mr. Justice Sundaresh Menon, Chief Justice of Singapore; The Rt. Lord Brian Gill, Lord President & Lord Justice General of Scotland; Ms. Justice Susan Gageby Denham, Chief Justice of Ireland; Mr. Justice G.J.M. Corstens, the then President, Supreme Court of The Netherlands; Mr. Michael Hwang SC, Chief Justice of Dubai International Financial Centre Courts; Mr. Justice Augustino Ramadhani, the then Chief Justice of Tanzania; Mr. Sushilkumar Shinde, former Minister for Home Affairs of India; Dr. Hadeef Jawa'an Al Dhaheri,

the then Minister of Justice, United Arab Emirates; Mr. Hassan Lahdan Al Mohannadi, Minister of Justice of Qatar; Mr Justice Gonzalo Moliner Tamborero, the then Chief Justice of Spain; Mr. Justice Y.K.J. Yeung Sik Yeun, the then Chief Justice, Supreme Court of Mauritius; Mr. Ram Jethamalani, former Law Minister of India; Dr. Tun Shin, Attorney General of Myanmar; Mr. Antonio Maria Costa, Director General, United Nations Office on Drugs & Crime; Mr. Justice Hassan B. Jallow, Chief Prosecutor, UNICTR; Mr. Wm. T. (Bill) Robinson III, the then President, American Bar Association; Ms. Paulette Brown, the then President, American Bar Association; Mr. Stephen L. Dreyfuss, the then President, International Association of Lawyers; Prof. Alexander J. Belohlavek, President, World Jurist Association; Mr. Mark Stephens, CBE, the then President, Commonwealth Lawyers Association; Prof. Peter Mutharika of Malawi, now President of Malawi; Sir Gavin Lightman, retired Judge, High Court of England; Ms. Fatou Bensouda, Head of Prosecution Division, International Criminal Court; Sir James R. Mancham, Founding President of Republic of Seychelles; Mr. Justice Dalveer Bhandari, Judge, International Court of Justice; Mr. Akira Kawamura, President, International Bar Association; Mr. Fernando Pombo, the then President, International Bar Association; Ms. Christiane Feral-Schuhl, the then President, Paris Bar Association; Ms. Marie-Aimel Peyron, President, Paris Bar Association.

The Respondent No. 1 is People's Republic of China and is member of UNO. The Respondent No. 2 is People's Liberation Army (the official Military of China). The People's Liberation Army (PLA) is the armed forces of the People's Republic of China and of its founding and ruling political party, the Communist Party of China. The PLA consists of five professional service branches: the Ground Force, Navy, Air Force, Rocket Force, and the Strategic Support Force. The Respondent No. 3 is the Wuhan Institute of Virology. The Wuhan Institute of Virology is a research institute on virology administered by the Chinese Academy of Sciences. Located in Jiangxia District, Wuhan, Hubei, it opened mainland China's first biosafety level 4 laboratory in 2015.

The World Health Organization (WHO) has declared a pandemic over a Novel Coronavirus which causes an

illness known as COVID-19 that has spread to at least 170 countries and territories. This pandemic declared by the WHO is primarily due to the :

- a) conspiracy of Chinese government aimed at catapulting itself to the position of a superpower of the World and undermining other countries through biological warfare;
- b) gross negligence and incompetence of Chinese government and their authorities. The Chinese government's response in dealing with COVID-19 pandemic have violated various Charters and Guidelines issued by the Hon'ble United Nations and have endangered the lives of millions and has life and business across the globe to complete standstill.

Below are the events leading to the pandemic COVID-19 :

1. On December 1, 2019, the first patient was identified with symptoms of "pneumonia like illness" who allegedly had exposure to Wuhan market in China. Five days after the illness, his 53-year-old wife who had no known history of exposure to the market also presented with "pneumonia like illness" and was hospitalized in the isolation ward.
2. Gradually, hospitals in the Wuhan witnessed an exponential increase in the number of these cases complaining of symptoms of "pneumonia like illness".
3. On December 25, 2019, Chinese medical staff in two hospitals in Wuhan were suspected of similar disease and were quarantined.
4. Doctor Li Wenliang, who worked at the Hospital in Wuhan, warned a group of other doctors about a possible outbreak of an illness that resembled "Severe Acute Respiratory Syndrome (SARS)". He urged them to take protective measures against infection.
5. However, on December 31, 2019, the Wuhan Municipal Health Commission declared that their investigation has not found any obvious human-to-human transmission and no medical staff infection has been found in their investigation.

6. Subsequently, in the beginning of January 2020, summons was issued to Doctor Li Wenliang by the Wuhan Public Security Bureau, accusing the doctor of "spreading rumours about a deadly virus" and as per reports on January 3, 2020, Doctor Li Wenliang had signed a statement at a police station acknowledging his "misdemeanour" and promising not to commit further "unlawful acts." The doctor, however, succumbed to the deadly COVID-19 and recently the Chinese government has apologized to the family of the doctor.
7. The Wuhan Municipal Health Commission reiterated their stand and ruling out the possibility that this was a recurrence of the Severe Acute Respiratory Syndrome (SARS) virus - an illness that originated in China and killed more than 770 people worldwide in 2002-2003.
8. On January 7, 2020, going against their earlier findings, the officials announced that they had identified a new virus, as per the reports of WHO. The Novel Coronavirus was named 2019-nCoV and was identified as belonging to the Coronavirus family, which includes SARS and the common cold.
9. By then, as many 59 people in the central city of Wuhan were found critical with symptoms of identified Novel Coronavirus, as per a report by The New York Times dated January 6, 2020, and the Chinese Centre for Disease Control and Prevention issued a Level-1 travel watch. It advised travellers to Wuhan to avoid contact with 'living or dead animals, animal markets, and sick people'.
10. On January 8, 2020, Chinese medical authorities claimed to have identified the virus, reiterating that it still found "no clear evidence of human-to-human transfer".
11. On January 11, 2020, the Wuhan City Health Commission released Q&A sheet emphasizing that most of the unexplained viral pneumonia cases in Wuhan have a history of exposure to the South China seafood market and "no clear evidence of human-to-human transmission has been found."
12. On January 13, 2020, the first case of Novel Coronavirus was reported outside China involving a 61-year-old Chinese woman in Thailand, who had visited Wuhan earlier. However, Thailand's Ministry of Public Health, said the woman had not visited the Wuhan seafood market and had come down with a fever on January 5, 2020.
13. On January 14, 2020, the World Health Organization, in its report stated: "Preliminary investigations conducted by the Chinese authorities have found no clear evidence of human-to-human transmission of the Novel Coronavirus (2019-nCoV) identified in Wuhan, China."
14. Later, The Wuhan Municipal Health Commission, in a statement said that the possibility of "limited human-to-human transmission" cannot be ruled out. Even though the Chinese authorities knew that the virus is contagious, they allowed around 50,000 families to gather and share home-cooked food in a Lunar New Year banquet, as per an article in National Review.
15. On January 19, 2020, the Chinese National Health Commission declared the virus "still preventable and controllable". A day later, the head of China's National Health Commission team investigating the outbreak, confirmed that two cases of infection in China's Guangdong province, had been caused by "human-to-human transmission and medical staff had been infected".
16. On January 22, 2020, a WHO delegation conducted a field visit to Wuhan and delegation in coordination with Chinese authorities, concluded that "deployment of the new test kit by Chinese authorities nationally suggests that human-to-human transmission is taking place in Wuhan." The delegation also informed that they discussed China's plan to expand the definition of the Novel Coronavirus case so that international community can be prepared and it understands the severity of the Novel Coronavirus.
17. The WHO, later, on January 23, 2020, stated that the outbreak did not yet constitute a public emergency of international concern and there was no evidence of the virus spreading between humans outside of China, based on investigation

conducted and concluded by the Chinese authorities.

18. On January 23, 2020, nearly two months after the first case of the virus was reported, Chinese authorities announced their 'first steps for a quarantine of Wuhan.' By this time, a significant number of Chinese citizens have travelled abroad as "asymptomatic, oblivious carriers".
19. As on April 1, 2020, the disease has killed more than 43,569 people and infected nearly 877,584 persons across the globe, according to data compiled by Johns Hopkins University.
20. In addition to the above, the disease has caused extensive damage in terms of life, livelihood, damage to relationships, and has caused massive economic loss to almost all countries.

In light of the above facts and circumstances, it becomes imperative to point out several grounds, which has led to the aforesaid complaint to be filed herein.

GROUND FOR FILING COMPLAINT AGAINST CHINA:

I. CHINA HAS VIOLATED HUMAN RIGHTS :

1. China has violated Article 25(1) of the Universal Declaration of Human Rights

The Universal Declaration of Human Rights (UDHR) was proclaimed by the United Nations General Assembly in Paris on December 10, 1948 (General Assembly Resolution 217 A) as a common standard of attainment for all peoples and all nations. It sets out that fundamental human rights are to be universally protected.

Article 25(1) of the UDHR states the following:

"Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control".

- This obligates the Chinese Government to ensure that it does not interfere directly or indirectly with the right to health of the people.

States should refrain from denying or limiting access to health-care services; from marketing unsafe drugs; from imposing discriminatory practices relating to health status and needs; from limiting, withholding, censoring or misrepresenting health information; and from infringing on the Basic Human Rights of people recognised under UDHR.

- Here, the Chinese government has deliberately hidden and censored information relating to the Novel Coronavirus and its COVID-19 strain as had been significantly highlighted and early warnings were given by Doctor Li Wenliang, but was reprimanded and initially punished by the local authorities in China. This action of deliberately withholding significant information pertaining to the virus has led to this global pandemic outbreak and is in direct contravention of the Right to Health provided under Article 25(1) of the UDHR.
- The Chinese government also did not sufficiently contain and curb the travel of infected persons from further contaminating the world. This proves that the whole exercise has been to infect the entire world.

2. CHINA HAS VIOLATED ARTICLE 12 OF INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS:

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on December 16, 1966 through GA Resolution 2200A (XXI), and came into force on January 3, 1976.

Article 12 of the ICESCR state the following:

1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,
2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the still birth-rate and of infant mortality and for the healthy development of the child;

(b) The improvement of all aspects of environmental and industrial hygiene;

(c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases,

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

- In this case, the Chinese government, by not issuing prompt health warnings regarding the potential outbreak of the COVID-19 in spite of facts being apparent and hazard looming large, and on hiding information of the same from the general public as well as health authorities within its administration, is responsible for the global outbreak of this pandemic and the Chinese government has failed to address prevention, treatment and control of epidemic of covid-19 within its territory and to the rest of the world.
- Further, the Chinese government has failed to create a proper mechanism to deal with the epidemic and alert the concerned authorities (ex. The WHO) to be able to handle the epidemic properly and ensure proper medical service and attention is provided to the infected persons. The Chinese government has deliberately misled the WHO in their disclosure relating to the deadly Covid-19 virus, in order to ensure the rest of the world is not prepared to handle the virus leading collapse of the world economy.

3. CHINA AND THE INTERNATIONAL HEALTH REGULATIONS (IHR):

- The International Health Regulations (IHR) was incorporated by the WHO for the purpose “to prevent, protect against, control and provide a public health response to the international spread of disease in ways that are commensurate with and restricted to public health risks, and which avoid unnecessary interference with international traffic and trade.”
- Article 4, Paragraph 1 of the IHR states, “Each State Party shall designate or establish a National IHR Focal Point and the authorities responsible

within its respective jurisdiction for the implementation of health measures under these regulations.

- As provided under Chapter III, Paragraph 1 of the IHR, People’s Republic of China has acknowledged the application of the provisions of the IHR within its territories and as per Paragraph 2, The Ministry of Health of the People’s Republic of China is designated as the National IHR Focal Point pursuant to Article 4, Para 1. Further, as per Para 3 of the said Chapter, the Chinese government has, “incorporated the development, enhancement and maintenance of the core-capability building for rapid and effective response to public health hazards and public health emergencies of international concern into its program”. Hence, the People’s Republic of China has admitted to incorporating the provisions of the IHR, being a member state of the WHO.

4. RELEVANT PROVISIONS OF THE IHR:

- **Article 6, Para 1 of the IHR** provides for notification to the WHO: “Each State Party shall assess events occurring within its territory by using the decision instrument in Annexure 2. Each State Party shall notify WHO, by the most efficient means of communication available, by way of the National IHR Focal Point, and within 24 hours of assessment of public health information, of all events which may constitute a public health emergency of international concern within its territory in accordance with the decision instrument, as well as any health measure implemented in response to those events.”
- **Article 7 of the IHR** provides for Information-sharing during an unexpected or unusual public health events: “If a State Party has evidence of an unexpected or unusual public health event within its territory, irrespective of origin or source, which may constitute a public health emergency of international concern, it shall provide to WHO all relevant public health information. In such a case, the provisions of Article 6 shall apply in full.”
- **Article 9 of the IHR provides for other reports:** “WHO may take into account reports from sources other than notifications or consultations

and shall assess these reports according to established epidemiological principles and then communicate information on the event to the State Party in whose territory the event is allegedly occurring. Before taking any action based on such reports, WHO shall consult with and attempt to obtain verification from the State Party in whose territory the event is allegedly occurring in accordance with the procedure set forth in Article 10. To this end, WHO shall make the information received available to the States Parties and only where it is duly justified may WHO maintain the confidentiality of the source. This information will be used in accordance with the procedure set forth in Article 11.”

5. **CHINA HAS VIOLATED THE ARTICLES 6, 7, 9 OF THE IHR**

- China has, by its constant censorship and hiding of relevant information from the public as well as the WHO, clearly violated the provisions of Articles 6 and 7 of the IHR. It states that the public authorities must notify the WHO about the existence of a disease of public and international concern within 24 hours of assessment of public health information. Here, the Chinese government provided a partial information about the novel Coronavirus only on February 14, 2020 after the virus had affected more than 2000 people and killed about 50.
- Moreover, the Chinese government failed to procure assistance from experts of the WHO even though the local doctors sought professional assistance from doctors of other countries, as reported in order to identify more about the virus. In fact, that China repeatedly rejected offers of epidemic investigation assistance from WHO in January, 2020. (As reported in **The New York Times** article (<https://www.nytimes.com/2020/02/07/health/cdc-coronavirus-china.html> dated 7th February, 2020)
- Even after public awareness about the new virus, the Chinese government failed to send crucial details relating to the outbreak and the transmission of the virus to the WHO officials and experts and only bothered to share the genome

sequencing to show the strain of the Novel Coronavirus. It was reported that Chinese officials were “not sending details that the WHO officials and other experts expect and need” (As reported by The **Washington Post** article - https://www.washingtonpost.com/world/asia_pacific/world-health-organization-china-not-sharing-data-on-health-care-worker-coronavirus-infections/2020/02/26/28064fda-54e4-11ea-80ce-37a8d4266c09_story.html dated 26th February, 2020)

6. **CHINA IS LEGALLY LIABLE UNDER THE RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS, 2001:**

Relevant provisions of the Act of 2001:

- Article 1 of the Act speaks about “Responsibility of a State for internationally Wrongful Acts” and states: Every internationally wrongful act of a State entails the international responsibility of a State.
- Article 2 of the Act provides for “Elements of an Internationally Wrongful Act of a State” and states: There is an internationally wrongful act of a State when conduct consisting of an action or omission:
 - a) is attributable to the State under international law; and
 - b) constitutes a breach of an international obligation of the State.
- Article 4 of the Act speaks about “Conduct of Organs of a State” and provides:
 - 1) The conduct of any State organ shall be considered an act of that State under international law, whether the organ exercises legislative, executive, judicial or any other functions, whatever position it holds in the organization of the State, and whatever its character as an organ of the central government or of a territorial unit of the State.
 - 2) an organ includes any person or entity which has that status in accordance with the internal law of the State.
- Article 14 of the Act speaks about “Extension in time of the breach of an international obligation” and provides:

- 1) The breach of an international obligation by an act of a State not having a continuing character occurs at the moment when the act is performed, even if its effects continue.
- 2) The breach of an international obligation by an act of a State having a continuing character extends over the entire period during which the act continues and remains not in conformity with the international obligation.
- 3) The breach of an international obligation requiring a State to prevent a given event occurs when the event occurs and extends over the entire period during which the event continues and remains not in conformity with that obligation.

China has violated the Act of 2001 in the following manner:

- China has violated Article 2 of the Act by way of omission or inaction in dealing with the early days of the outbreak of Novel Coronavirus.
- China has violated Clause (b) of the Article by failing to act upon the directives of the IHR and omitting to inform WHO, thereby resulting in a breach of international obligation. This is in addition to Chapter III of the IHR, which cast on China the responsibility of acting in a diligent manner in the event of a suspected outbreak which it has failed to do so in the present scenario.
- China has failed to act as per the provisions of Article 4 of the Act in the way the public authorities and the Government dealt with the first 2 weeks of the discovery of the Coronavirus and the manner in which the State organ routinely employed State sponsored censorship on doctors and anyone with a know-how of the virus from publicly speaking out regarding the same. There are plenty of records and evidences to show that the conduct of the State organ was not in the hands of the local authorities but by and large, was controlled by the national government. Hence the responsibility for violation of provisions of international law falls on the national government of China.
- The acts of China comes under the purview of Article 14 of the Act and more so, in terms of Para (3) of the Article, which states that the breach of

international obligation requiring a State to prevent a given event occurs when the event occurs and extends over the entire period during which the event continues and remains not in conformity with that obligation. Here, the Chinese authorities, by covering up information regarding the Novel Coronavirus from around December 31, 2019 and only informing the WHO regarding the same only on February 14, 2020 constitutes a delay of 6 weeks in carrying out its international obligation as per IHR and therefore, comes under the purview of this Article.

II. Impact of Novel Coronavirus on the World:

The inaction and irresponsibility of the Chinese government in dealing with the early outbreak of the Novel Coronavirus has directly led to the global pandemic in the present scenario. The authorized censorship and threats used by the Chinese government to deter people from publicly speaking about the spread of the new virus along with the tardiness and irresponsibility of the public authorities has resulted in this rapid worldwide spread of the virus.

As of today, the Novel Coronavirus or COVID-19 has affected 877,584 people worldwide causing 43,569 deaths and has affected all countries in the world.

A tabular representation of the countries with most number of active COVID-19 cases corresponding with deaths and critical cases as on April 1, 2020:

Country	Total cases	Total deaths	Active cases	Critical cases
USA	188,647	4059	177,337	4,576
Italy	105,792	12,428	77,635	4,023
Spain	102,136	9,053	70,436	5,872
China	81,554	3,312	2,004	466
Germany	73,217	802	56,315	2,675
France	52,128	3,523	39,161	5,565
Iran	47,593	3,036	29,084	3,871
UK	25,150	1,789	23,226	163
Switzerland	17,137	461	13,709	348
Belgium	13,964	828	11,004	1,088

India has 1,637 confirmed cases with 45 deaths and 1,444 active cases as on April 1, 2020

A bare perusal of the above table shows the scale of the infections is **exponential**. In addition to the large scale infections and deaths worldwide, the impact of COVID-19 goes beyond these numbers and has deeply affected the economic and social strata of each country in the world, forcing the governments to take drastic measures to contain the spread.

It is to be noted that the above numbers would have drastically reduced if not for the sheer ignorance, inaction and irresponsibility of the government of China.

In order to understand the complete impact of COVID-19, the following will have to be considered

1. THE ECONOMIC IMPACT ON AFFECTED COUNTRIES:

At present, the most suitable and effective method to contain the spread of COVID-19 is to maintain Social Distancing as has been identified by several experts in the field. The process of social distancing aims at minimizing social interaction with people to the least possible extent and in many cases, confining people to their own homes accounts for the most effective execution of this process. However, with the advent of social distancing, the economic activity of the country is put on hold, in turn causing a huge dent on local economy of the country as well as in general, the global economy.

The impact on the economy varies from nation to nation. However, the disruptions to the same are certainly on the rise. The most damaging aspect of the outbreak is the routine failure of economic forecasts and predictions, majorly due to the unpredictable nature of the properties of the virus in general. Economic forecasts are crucial in order to determine its stability and progress. These forecasts are greatly affected due to:

- The exact nature and properties of the virus are not completely understood;
- The impact of the virus on asymptomatic patients is not entirely identified;
- The rates of testing and infection vary greatly from country to country;

Moreover, this uncertain in identifying economic

trends has resulted in negatively impacting global shares and stocks causing huge shifts in the stock markets, where shares in companies are bought and sold thereby affecting many investments. Such is the negative impact caused by the virus outbreak that, major Stock Exchanges across the world, such as the Financial Times Stock Exchange (FTSE), Dow Jones Industrial Average and the Nikkei have seen huge falls since the early days of the outbreak. (as reported in the **BBC** article <https://www.bbc.com/news/business-51706225> dated March 28, 2020.

A sector-wise impact in trends on an average globally shows:

TRAVEL AND TOURISM SECTOR: The travel and tourism industry across the world has been tremendously affected causing widespread damage and loss of employment to many players in this sector. More importantly, the ban on travel issued by several governments to contain the spread, has led to deep and almost irreparable economic damage to countries which depend mostly on tourism to boost the economy. The closure of international airports across the world, has added to the crisis causing losses amounting to millions of dollars. The World Travel and Tourism Council (WTTC) has estimated a record loss of 50 million jobs due to the pandemic outbreak. Moreover, the aviation industry is said to move into bankruptcy owing to the restriction on air travel.

India is one of the worst hit countries owing to the ban on travel caused by the pandemic outbreak. Prime Minister of India Mr. Narendra Modi called for 'janata curfew' on March 22, 2020 from 7 a.m. to 9 p.m., saying no citizen, barring those in essential services, should get out of their house, and asserted that it will be a litmus test to show how much India is ready to take on the challenge of the coronavirus pandemic. "Social distancing measures are very important at this time," he said. Prime Minister Modi advised people to self-isolate from others in order to stop spreading the Coronavirus further. During his address to the Nation on March 24, 2020, the Prime Minister Mr. Narendra Modi announced a 21-day nationwide Lockdown to contain the spread of the deadly virus. To make it a success, the Government of India is taking necessary steps that every one in India should get necessities of life. Many social organizations and public spirited

persons are helping the government of India by money and manpower.

World Health Organization chief Mr. Tedros Adhanom Ghebreyesus has praised Prime Minister of India Mr. Narendra Modi's \$24 billion package to support's vulnerable populations during #COVID19 crisis, including: free food rations for 800 Million disadvantaged people, cash transfers to 204 Million poor women and free cooking gas for 80 Million households.

Some of the persons who have donated to PM-CARES Fund on the request of the Prime Minister of India, are as follows:

Ratan Tata of Tata Sons and Tata Trusts: Rs 1,500 crore; Azim Premji: Rs 1,000 crore (Azim Premji Foundation), Rs 100 crore (Wipro Limited) Rs 25 crore (Wipro Enterprises Ltd); N. Chandrasekaran, Chairman, Tata Group: Rs 1000 crore; Nita and Mukesh Ambani of RIL and Reliance Foundation: Rs. 500; Vijay Shekhar Sharma of Paytm: Rs 500 crore; Larsen & Toubro: Rs 150 crore; Sanjiv Puri, Chairman, ITC: Rs 150 crore; Anil Agarwal of Vedanta: Rs. 100 crore; Sachin Bansal and Binny Bansal of Flipkart: Rs.100 crore; Gautam Adani of Adani Foundation: Rs. 100 Crore; Sajjan Jindal of JSW Group: Rs 100 crore; Sangita S. Jindal of JSW Group: Rs 100 crore; ; Sudha Murthy and Narayana Murthy: Rs 100 crore; Ramesh Juneja of Mankind Pharma: Rs 51 crore; Asian Paints: Rs 35 crore; Baba Ramdev of Patanjali: Rs 25 crore; Kotak Mahindra Bank: 25 crore; Banker Uday Kotak: Rs 25 crore; Venu Srinivasan of TVS Motor Company: Rs 25 crore; Naveen Jindal of Jindal Steel & Power: Rs 25 crore; Bhushan Kumar of T Series: Rs. 11 crore; Motilal Oswal: Rs 5 crore; Pradeep Rathod and Pankaj Rathod of Cello Group: Rs. 3.5 crore; Mahasayam Dharampal of MDH Group: Rs 2.5 crore; OPPO Mobiles: Rs 1 crore; Film actor Akshay Kumar: Rs 25 crore; Baahubali star Prabhas: Rs 3 crore; Stylish star Allu Arjun: Rs 1.5 crore; Fashion designer Anita Dongre: Rs 1.5 crore; Senior Advocate Rakesh Dwivedi: Rs 1 crore; Designer Sabyasachi Mukherjee: Rs 1 crore; Film actor Vicky Kaushal: Rs 1 crore; Film actor Pawan Kalyan: Rs 1 crore; Film actor Chiranjeevi: Rs 1 crore; Film actor Mahesh Babu: Rs 1 crore; Film actor Kartik Aryan: Rs 1 crore; Film actor Nandamuri Balakrishna: Rs 1 crore; Film actor N. T.

Rama Rao Jr: Rs. 75 lac; Film actor Ram Charan Teja: Rs 70 lac; Film actor Sunny Deol: Rs. 50 lac; Nana Pattekar of Naam Foundation: Rs 50 lac; Comedian Kapil Sharma: Rs 50 lac; Cricketer Rohit Sharma: Rs 45 lac; Cricketer Suresh Raina: Rs 31 lac; Film actor Varun Dhawan: Rs 30 lac; Cricket Sachin Tendulkar: Rs 25 lac; Film Producer Murad Khetani: Rs 25 lac; Film actors Shilpa Shetty and Raj Kundra: Rs 21 lac; Singer guru Gursharanjot Singh Randhawa: Rs 20 lac; Film actor Hrithik Roshan: Rs 20 lac; Film screenwriter Trivikram Srinivas: Rs 20 lac; Film producer Dil Raju's SVC: Rs 20 lac; Film actor Suriya and Karthi: Rs. 10 lac; Punjabi singer Diljit Dosangh: Rs 20 lac; Film actor Suriya and Karthi: Rs 10 lac; Film actor Sivakarthikeyan: Rs 10 lac; TV actor Arjun Bijlani: Rs 5 lac; Avishek Dalmiya, President, Cricket Association of Bengal: Rs. 5 lac; PSUs of Ministries of Power & MNRE: Rs 925 crore; Indian Army, Navy and Air Force: Rs 500 crore; ONGC: Rs 300 crore; Indian Oil Corporation Ltd: Rs 225 crore; Coal India: Rs 220 crore; Bharat Petroleum Corporation Ltd: Rs 175 crore; Railway Ministry: Rs 151 crore; NMDC Ltd: Rs 150 crore; Hindustan Petroleum Corporation Ltd: Rs 120 crore; Central Armed Police Forces: Rs 116 crore; Tirumala Tirupati Devasthanams: 100 crore; Petronet LNG Ltd: Rs 100 crore; State Bank of India: Rs.100 crore; Board of Control for Cricket in India: Rs 51 crore; Gas Authority of India Ltd: Rs 50 crore; HUDCO: Rs 50 crore; Oil India Ltd: Rs 38 crore; Indian Farmers fertiliser Cooperative Ltd: Rs. 25 crore; NLC India Ltd: Rs 25 crore; IFFCO: Rs 25 crore; Airport Authority of India: Rs 20 crore; Central Board of Indirect Taxes & Customs: Rs. 8 crore; Mata Vaishnodevi Dharmarth Trust: Rs 7 crore; National Agricultural Cooperative Marketing Federation: Rs 5 crore; IRCON International Ltd: Rs. 5 crore; SJVN Ltd: Rs 5 crore; NHPC Ltd: Rs 4.5 crore; KRIBHCO: Rs.2 crore; Sports Authority of India: Rs 76 lac; NFL- KISAN: Rs. 63.94 lac; Sanwaliya Seth Temple, Chittigarh: Rs. 50 lac; IAS Association: Rs 21 lac; Central Board of Secondary Education: Rs 21 lac; Khatushyam Temple Trust: Rs 11 lac; Shri Mehandipur Balaji Temple Trust: Rs 11 lac; Shree Mahakaleshwar Temple, Ujjain: Rs. 5 lac.

The CII Tourism Committee has pointed out that inbound foreign tourism of over USD 28 Billion in value terms accounts for an average 60-65% between

October and March. The holiday season of Indians accounting for travels within the country and abroad is very high between the months of April and July. As per the CII assessment report, "the December holiday season of 2019 took an estimated hit of almost 40-50%, the holiday season of April- June 2020 is likely to take a humungous hit as high as 80-100%", thereby amounting to loss of Billions to the Indian economy. (as reported in **Economic Times** dated March 12, 2020 <https://economictimes.indiatimes.com/industry/services/travel/impact-of-coronavirus-on-indian-tourism-could-run-into-thousands-of-crore-of-rupees/articleshow/74592482.cms?from=mdr>)

MANUFACTURING SECTOR: In order to halt the spread of the COVID-19 virus, almost all countries in the world, have implemented stringent measures, including but not limited to, halting the production and manufacturing sector. Countries have been put under strict lockdown, bringing a complete halt to major industrial production chains.

In China, the industrial production fell by 13.5% in the first two months of the year and with China making up to one-third of the global manufacturing sector, is by and large, the world's largest exporter of goods. Restrictions in the manufacturing sector has affected several huge conglomerates such as JCB, Nissan etc and worldwide sales have been critically impacted.

The aforesaid fall in manufacturing sector in China has affected India due to its huge dependence on five key import items from China being – machinery and mechanical appliances, organic chemicals, plastics, electrical machinery and optical and surgical instruments. These items account for 28% of India's import basket. The sectors in India which are worst affected by the shutdown in China are transport manufacturing, construction, chemical manufacturing and machinery manufacturing. (as reported in the **Economic Times** article - <https://economictimes.indiatimes.com/news/economy/foreign-trade/coronavirus-construction-transport-chemical-manufacturing-likely-to-be-worst-affected-says-report/articleshow/74635122.cms>)

ADVERSE IMPACT ON CONSUMER GOODS AND COMMODITIES:

The pandemic outbreak has led to an adverse

imbalance in the demand and supply of commodities and food items in general. Supermarkets and online delivery services have reported a huge growth in demand as customers stockpile goods and food items, fearing their eventual lack of supply in the near future. Such a sharp rise in demand coupled with the narrow outlets of supply owing to shutting down of several marketplaces, has led to damaging impact on the economy with certain important commodities being extremely short on supply with several consumers losing out on acquiring the same. Across the USA and Europe, the sudden sharp rise in demand for commodities such as toilet paper, rice and orange juice has led to severe shortage of these commodities, with suppliers not being able to meet the unusual and vast demand. (as reported in the **BBC** dated March 28, 2020 article <https://www.bbc.com/news/business-51706225>)

India has been greatly affected by this sharp demand on consumer goods. The general fear and paranoia caused by the outbreak has led to a large percentage of consumers stock-piling on commodities, leading a dangerous level of imbalance and unavailability of goods. Online stores as well as retail chains and supermarkets in India have reported a huge surge in sales of daily necessities and personal hygiene products, leading to a dramatic shortage of several key products such as hand sanitizers and masks, and this shortage has caused members of the public to lose out on these hygiene products which are crucial during this period. The unprecedented demand has led to delays and certain products dependent on import such as coffee, diapers, oils etc. are expected to run into supply crunches. Several E-commerce platforms in India are bearing with a huge 60-80% demand in commodities and are put under severe stress to deliver the same. (as reported in the **Business Standard** article https://www.business-standard.com/article/companies/coronavirus-impact-fmcg-firms-struggle-to-keep-production-running-120032301769_1.html dated March 24, 2020).

GLOBAL RECESSION: According to Dun & Bradstreet's (D&B) latest economy forecast, the probability of countries entering into recession owing to the pandemic outbreak and several companies going bankrupt has increased, and the same can lead to a

“global meltdown” of economy. According to the Organization for Economic Cooperation and Development (OECD), the World’s economy could grow at its slowest rate since 2009, with a growth forecast of just 2.4% in 2020 and that the longer the virus outbreak could last, can potentially lead to further slash in growth rates, with a forecast of just 1.5% growth. (as reported in the **OECD** article <https://www.oecd.org/economy/global-economy-faces-gravest-threat-since-the-crisis-as-coronavirus-spreads.htm> dated March 2, 2020).

On India’s economic growth, the report pointed out “given the 21 day lockdown period, India’s GDP is expected to moderate further from the earlier estimate of 5% for the Financial Year 2020 and the growth for the Financial Year 2021 remains uncertain”. (as reported in the **Economic Times** article - <https://economictimes.indiatimes.com/news/economy/indicators/coronavirus-to-impact-indias-economic-growth-severely-db/articleshow/74825429.cms> dated March 27, 2020).

SPORTS AND ENTERTAINMENT SECTOR: The widespread outbreak of the Novel Coronavirus has led to huge sporting events being cancelled and/or postponed, leading to unimaginable financial losses and damages. Several key sponsors, having invested trillions in the sport, are having to face potentially life-changing and devastating impact and the same may affect the way sporting events across the world are being run.

The most anticipated sporting event of the year, the Olympic Games 2020 has been postponed to the summer of 2021, owing to COVID-19. The said cancellation has led to a projection of loss of an estimated 277 million USD to the Government and the organizers, television broadcasters etc. with Japan having committed a total of 1.5 billion USD for the event. Further, an estimated 15,400 Olympians and around 80,000 volunteers are expected to be put to severe losses, with the participants facing a major physical and mental strain, which can devastatingly affect their performances when the games are eventually held. (as reported in the **Statistica** dated March 25, 2020 article - <https://www.statista.com/statistics/1104360/coronavirus-people-effect-olympics/>)

Large scale on-going football tournaments across Europe such as the Premier League, La Liga, Serie-A, and others have been cancelled mid-season as well as the postponement of the Euro 2020 to the Summer of 2021, has led to losses to trillions of USD to the sponsors, television broadcasters along with the players and ultimately the fans, who have paid large sums for season-tickets. The future of these sporting events depend on the containment and eradication of COVID-19, and hence remains uncertain. (as provided in **the Guardian** article dated 17th March, 2020 - <https://www.theguardian.com/football/2020/mar/17/euro-2020-postponed-coronavirus-uefa-champions-league-europa-league>)

In India, the largest sporting event – The Indian Premier League (IPL) which was due to take place in the month of March, 2020 has been cancelled. Initial reports made by prominent financial analysts forecast “a loss of close to USD 5 billion to the Board of Control for Cricket in India (BCCI) including broadcast and streaming revenue, central sponsorship revenue and title sponsorship revenue.” This is not with regard to the sheer number of volunteers, workers, etc. involved with the organization of the event. (as reported in the **Business Today** article dated 16.3.2020 <https://www.businesstoday.in/opinion/perspective/ipl-cancellation-may-cost-bcci-a-massive-rs-38695-crore/story/398357.html>)

The pandemic outbreak of COVID-19 has created a meteoric damage to the economy and since the virus still remains uncontrolled, the future with regard to economy remains in turmoil.

2. CONDITION OF THE POOR AND THE MIGRANT WORKERS IN INDIA:

In a bid to control the pandemic outbreak of the COVID-19, the Prime Minister of India, Mr. Narendra Modi has announced a 21 day lockdown on all activities within the national territory on March 24, 2020. The said lockdown has already disproportionately affected the poor and marginalized communities due to loss of livelihood and lack of food, shelter, health and other basic commodities. The economic situation owing to the outbreak has led to several factories and organizations retrenching and

laying off these aforesaid migrant workers, who have migrated from their small villages to cities looking for employment.

According to Government statistics, every year more than 8 million workers move from rural areas to large population centers to find work at construction sites or factories, sending money back to their homes and villages.

That this present situation is directly caused by China's inaction to control the outbreak of the Novel Coronavirus and this migrant worker crisis comes under the purview of the Article V of the Basic Principles and Guidelines on the Right to Remedy and Reparation for Victims of Gross Violations of Human Rights Law and violation of International Humanitarian Law as adopted by the UN General Assembly vide Resolution dated December 16, 2005. The Article provides:

Article V: Victims of gross violations of International Human Rights Law and serious violations of International Humanitarian Law:

For purposes of the present document, victims are persons who individually or collectively suffered harm, including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that constitute gross violations of International Human Rights Law, or serious violations of International Humanitarian Law. Where appropriate, and in accordance with domestic law, the term "victim" also includes the immediate family or dependants of the direct victim and persons who have suffered harm in intervening to assist victims in distress or to prevent victimization.

A person shall be considered a victim regardless of whether the perpetrator of the violation is identified, apprehended, prosecuted, or convicted and regardless of the familial relationship between the perpetrator and the victim.

The question arises as to whether the violation of right to health is a violation of human rights and to this end, the WHO provides a clear and conclusive inference. The aims of the establishment of the WHO itself envisages, "the highest standard of health as a fundamental right of every human being".

"The right to the highest attainable standard of health" implies a clear set of legal obligations on States to ensure appropriate conditions for the enjoyment of health for all people without discrimination.

The Right to Health is one of a set of internationally agreed human rights standards, and is inseparable or indivisible from these other rights. This means achieving the right to health is both central to, and dependent upon, the realisation of other human rights, to food, housing, work, education, information, and participation.

The right to health, as with other rights, includes both freedoms and entitlements:

- Freedoms include the right to control one's health and body (for example, sexual and reproductive rights) and to be free from interference (for example, free from torture and non-consensual medical treatment and experimentation).
- Entitlements include the right to a system of health protection that gives everyone an equal opportunity to enjoy the highest attainable level of health.

An excerpt from the Chapter "Violation of Human Rights in Health" the WHO provides as under:

Violations or lack of attention to human rights can have serious health consequences. Overt or implicit discrimination in the delivery of health services – both within the health workforce and between health workers and service users – acts as a powerful barrier to health services, and contributes to poor quality care.

Going by the above, it becomes clear that the inaction and negligence on the part of the government of China to deal with the early pandemic outbreak of the COVID-19 comes under violation of human rights as per the (UDHR) and the present uprooting of the migrant workers in India is directly as a result of the inaction of Chinese government.

3. SITUATION OF PANIC AND UNREST IN THE WORLD:

As a result of the pandemic nature of COVID-19, the outbreak of this virus has led to worldwide unrest, with people of several nations indulging in panic buying and carrying out unnecessary activities with

the only hope of surviving the outbreak and staying healthy.

In view of the same, several people have taken drastic measures to help themselves keep safe by panic buying food and essential commodities to such a large extent that markets and e-commerce platforms are running low on stocks, believing random messages and circulations as viewed on social media platforms thereby leading to heightened paranoia and distress in the general society.

One such event with unfortunate consequences occurred in the city of Tehran, Iran where over 300 people died and over a 1,000 were seriously sickened after consuming industrial alcohol in a bid to cure the Coronavirus based on fake remedies spread across social media platforms in Iran. (as reported in the **New York Times** article - <https://www.nytimes.com/aponline/2020/03/27/world/middleeast/ap-ml-virus-outbreak-iran-a-deadly-drink.html> dated March 27, 2020). As it is, Iran is one of the worst hit countries of the pandemic outbreak with over 3,036 deaths. Another situation of panic resulted in a critical shortage of toilet papers across the USA. That these incidents are well documented by several eminent media and news outlets across the world. (as reported in the **Washington Post** dated March 14, 2020 article - <https://www.washingtonpost.com/business/2020/03/13/toilet-paper-shortage/>)

That in addition to this, at this time of pandemic, the masks provided by Chinese agencies have been proven to be defective putting lives of millions of healthcare workers and patients at risk by resulting in dangerous exposure to COVID-19 virus. Also, the testing kits provided by the Chinese agencies in Italy and Spain have been reported to be not accurate by the authorities and the said kits give fault negatives to the virus further endangering the lives of the people and preventing proper implementation of treatment methods by the concerned authorities. Further many countries are returning the defective consignments. (As reported in the **Financial Times** dated March 17, 2020 article - <https://www.ft.com/content/f3435779-a706-45c7-a7e2-43efbdd7777b>). This situation has seriously affected the human rights of people around the world.

That these unfortunate events put into light, the panic and unrest caused by China's inaction to prevent the deadly outbreak in the early stages of its discovery, owing to the present scenario. It is to be noted that such situations can arise in any part of the world, with the advent of social media and the amount of fake news and remedies being spread across regarding the same.

4. IMPACT OF THE VIRUS WITHIN THE NATIONAL TERRITORY OF CHINA AND THE REST OF THE WORLD:

From the early days of the outbreak, it is known that the virus was discovered in the Wuhan province of China in the last days of the year 2019 and that efforts were made to contain its spread. However, there are several aspects of the spread of the virus that has raised eyebrows and speculation regarding the same mounts as the days pass by.

The main question that arises is: How has the COVID-19 failed to affect peoplet in the Beijing, Shanghai and other important cities in China as much as the virus has spread rapidly around the world, infecting and killing thousands of people in Iran, USA, Italy and other European countries. How is it that the number of people infected within China are by far, fewer in number when compared to other countries, though the source of this virus is China.

Further, the business and industrial aspects of China in the important cities including the Capital seem to be functioning without any delays in production and/or consumption, while all major industries and production across the world has been completely halted and put into a state of perpetual confusion and unrest.

Questions are also to be pointed at the airport authorities in China as to how and why several residents of Wuhan province were left unattended and allowed to travel to almost all the parts of the world. The authorities in China are the only ones aware of the serious breach in international protocol of allowing people suspected of carrying infections to travel to several countries, without any measure whatsoever, of screening those infected or suspected to be infected by the virus.

From the above, it has to be rationally concluded that the existence and the spread of the disease has political motivations and ends and owing to the same, in a bid to spread fear and panic around the world, that China has deliberately by-passed several key methods of detection, prevention and control of persons suspected of carrying the deadly virus.

The responsibility and onus of making right the present situation of unrest and panic caused by their negligence or deliberate actions or otherwise, lies completely on the government of the People's Republic of China and its public authorities.

5. COVID-19 IS A BIO-WEAPON CREATED IN WUHAN:

The Chinese government has meticulously planned the execution and spread of the Novel Coronavirus and the same can be inferred in the way China has taken regard of the situation as also of the curious case of the spread of the virus all over the world. As pointed earlier, it remains a mystery as to how the virus has not spread in all provinces of China but at the same time, has spread to all countries in the world.

According to an ET Prime Report, a group of Chinese scientists in Canada were accused of spying and were stripped of their access to Canada's National Microbiology Lab, sometime in August 2019 and the said lab is known to contain some of the world's deadliest pathogens. These scientists then were sent to a High security biochemical Wuhan Lab, which is one of the world's most heavily guarded labs. That these scientists later developed the COVID-19 virus and released it to the outside world somewhere in the early days of December 2019 in Wuhan, from where the virus spread. (as reported in the *Economic Times* article - <https://prime.economictimes.indiatimes.com/news/74068009/economy-and-policy/coronavirus-is-a-bio-weapon-experiment-gone-wrong-suspect-global-experts> dated February 11, 2020)

The purpose of developing such a potent and deadly virus remains a secret. However, there are solid evidences to show that the Chinese government intends to utilize the same to take control of the world's economy. The hypothesis of biological warfare behind the global pandemic had already been

raised by Russian experts some weeks ago. Like any opinion that is slightly different from the official version of Western governments and their media agencies, the thesis was ridiculed and accused of being a "conspiracy theory". However, as soon as the official spokesman for the Ministry of Foreign Affairs of the second largest economic power on the planet publishes a note attesting to this possibility, it leaves the sphere of "conspiracy theories" to enter the scene of public opinion and official government versions.

In addition to making the explanation of biological warfare official, Zhao Lijian raised important questions about the pandemic data in the USA: "When did patient zero begin in US? How many people are infected? What are the names of the hospitals? It might be US army who brought the epidemic to Wuhan. Be transparent! Make public your data! US owe us an explanation!"

The supreme leader of the Islamic Republic of Iran, Ayatollah Khomeini, ordered on the same day of the declaration of the Chinese Ministry the creation of a unified center of scientific research specialized in the fight against the Coronavirus. The motivation, according to the Iranian spiritual and political leader, was motivated by evidence that the pandemic is a biological attack. These are his words:

"The establishment of a headquarters to fight the outbreak [of COVID-19] occurs due to the presence of evidence that indicates the possibility of a biological attack, signaling that it is necessary that all coping services [to the coronavirus] be under the command of a unified headquarters".

These speculations only increase the likelihood of the COVID-19 being a carefully assembled biological weapon, aimed at crippling major countries in the world leaving only China as the beneficiary.

6. COVID-19 IS BEING UTILIZED BY CHINA TO CONTROL THE WORLD'S ECONOMY:

As stated above, the virus was developed in the Wuhan Virology Lab from where it was carefully deployed to affect a miniscule 0.001% of the Chinese population, thereafter, through meticulous planting of "infected" persons around the world, the virus has reached every nook and corner of the planet, affecting

health, industries and more importantly, the world's economy.

After the crisis has begun, the entire trade system has been paralysed leaving every currency, including the Chinese currency to devalue. Due to lack of trade of companies from Europe and the USA that are based in China, the share value of these stocks fell in their value. By this time, the world economy has been severely crippled, leaving only China in a very good state since all its stocks are intact. China further proceeded to buy shares of the companies in Europe and the USA at a very low price due to fall in stock prices. So by the end of this virus outbreak, China has controlled the disease and also proceeds to own companies in Europe and the USA.

The COVID-19 virus is purposely deployed by China in a bid to control the economy of the world by buying up stocks from countries that are on the brink of economic collapse.

It goes without saying that the Chinese Government is surreptitiously developing biological weapon capable of mass destruction and that the Chinese Government with utter disregard to the welfare or safety of the world has introduced the virus developed in the laboratory of the Third Respondent under the orders of the First and Second Respondents. They have jointly and severally put the world at large at risk as is evidenced by the happenings around the world right now. That if the Respondents are not ordered to

compensate all the stake holders who have suffered loss due to the intentional harm caused by the Chinese Government, it would result in travesty of justice.

IN LIGHT OF THE ABOVE, IT IS HUMBLY PRAYED THAT THE HON'BLE UNITED NATIONS HUMAN RIGHTS COUNCIL MAY BE PLEASED to enquire and direct the Government of the People's Republic of China and to **adequately compensate** the international community and member states and particularly India, for surreptitiously developing a biological weapon capable of mass destruction of mankind throughout world and also for serious physical, psychological, economic and social harm caused to these States due to the inaction and negligence to respect the international obligations as provided under **Article XI Section 20 of Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violation of International Human Rights and Serious Violations of International Humanitarian Laws (adopted and proclaimed by the General Assembly Resolution 60/147 of December 16, 2005)** and pass such Orders as may be fit in the light of the facts and circumstances as presented.



Date 3.4.2020

(Dr. Adish C Aggarwala)
Signature

IV. Request for confidentiality and other details

The right of confidentiality is waived by the Complainant

Request for confidentiality No

As this is a developing scenario, the complainant reserves the right to place on record further information, documents, press statements with visuals and other evidence in due course which may come to the knowledge of the Complainant to aid the Council in dispensation of justice. It is humbly submitted that personal hearing may also be granted to the complainant.



Date: 3.4.2020

(Dr. Adish C Aggarwala)
Signature



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