

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 645/2022

INDIAN MEDICAL ASSOCIATION & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

1. MR. SHADAN FARASAT, LEARNED ADVOCATE WILL ASSIST THE COURT AS AN AMICUS CURIAE 2. MR. MURSALIN ASIJIT SHAIKH, APPLICANT-IN-PERSON WILL APPEAR IN I.A. D.NO. 95540 OF 2024 (APPLICATION FOR INTERVENTION)

IA No. 110039/2024 - APPLICATION FOR PERMISSION
IA No. 110769/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 133550/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 140252/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 110011/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 132998/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 139081/2024 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 130554/2022 - CLARIFICATION/DIRECTION
IA No. 137201/2024 - CLARIFICATION/DIRECTION
IA No. 143229/2024 - EXEMPTION FROM FILING O.T.
IA No. 234824/2024 - EXEMPTION FROM FILING O.T.
IA No. 142959/2024 - EXEMPTION FROM FILING O.T.
IA No. 187046/2024 - EXEMPTION FROM FILING O.T.
IA No. 171013/2024 - EXEMPTION FROM FILING O.T.
IA No. 159883/2024 - EXEMPTION FROM FILING O.T.
IA No. 117836/2024 - EXEMPTION FROM FILING O.T.
IA No. 155193/2024 - EXEMPTION FROM FILING O.T.
IA No. 133899/2024 - INTERVENTION APPLICATION
IA No. 110768/2024 - INTERVENTION APPLICATION
IA No. 95540/2024 - INTERVENTION APPLICATION
IA No. 139085/2024 - INTERVENTION APPLICATION
IA No. 13659/2023 - INTERVENTION APPLICATION
IA No. 133673/2024 - INTERVENTION/IMPLEADMENT
IA No. 133537/2024 - INTERVENTION/IMPLEADMENT
IA No. 133534/2024 - INTERVENTION/IMPLEADMENT
IA No. 139082/2024 - INTERVENTION/IMPLEADMENT
IA No. 166475/2024 - INTERVENTION/IMPLEADMENT
IA No. 132997/2024 - INTERVENTION/IMPLEADMENT
IA No. 188151/2024 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES
IA No. 139206/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION
IA No. 166477/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION

Date : 10-02-2025 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN**

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Mr.T.K. Nayak, Adv.

Mr. Debanjan Mandal, Adv. (R-40)
Mr. Kunal Mimani, AOR
Mr. Prashant Alai, Adv.

UPON hearing the counsel the Court made the following
O R D E R

We have perused our earlier orders passed from time to time. Today, we are dealing with compliances made by the States of Andhra Pradesh, Delhi, Goa, Gujarat and Jammu & Kashmir. As far as States of Andhra Pradesh, Delhi and Jammu & Kashmir are concerned, we find that there is hardly any implementation of the orders passed by this Court. As far as States of Goa and Gujarat are concerned, today we are not examining their compliances as we are informed that they have filed further affidavits.

Learned senior counsel appointed as Amicus Curiae has invited our attention to the order dated 27th August, 2024 and in particular, Rule 170 of the Drugs and Cosmetics Rules, 1945 (for short, 'the Rules'). In terms of paragraph 13 of the said order, this Court has stayed the effect of the notification dated 1st July, 2024 by which Rule 170 was omitted. This Court has specifically directed that till further orders are passed, Rule 170 shall remain on the statute book and shall continue to be in force. As rightly

submitted by learned senior counsel appearing as Amicus Curiae, the issue of illegal advertisements of Ayurvedic, Siddha, and Unani (AYUSH) medicines will be substantially taken care of if all the States start implementing Rule 170 in its true letter and spirit. Notwithstanding several orders passed by this Court, the aforesaid three States have been non-compliant.

We direct the States of Andhra Pradesh, Delhi, Goa, Gujarat, and Jammu & Kashmir to file further affidavits including affidavit dealing with enforcement of Rule 170.

We grant time till end of this month to these States to file responses.

List on 7th March, 2025. We direct the Chief Secretaries of the States of Andhra Pradesh, Delhi and Jammu & Kashmir to remain present through video conference on that day to explain why these States are non-compliant.

On 7th March, 2025, we will issue directions as regards Goa and Gujarat after perusing their further affidavits.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)