



**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR
(THROUGH VIRTUAL MODE)**

Uploaded on 06.11.2025

CJ Court

WP(C)PIL No. 3/2022

Naveed Riaz

...Petitioner(s)/Appellant(s)

Through: Mr. Hashir Shafiq, Adv.

v/s

Union of India and others

.... Respondent(s)

Through:

Ms. Maha Majeed, Assisting Counsel vice
Mr. Mohsin Qadiri, Sr. AAG
Mr. Faizan Majeed Ganaie, CGSC vice
Mr. T. M. Shamsi, DSGI
Mr. Ateeb Kanth, Adv.

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

**ORDER
03.11.2025**

1. The petitioner, claiming himself to be a practicing lawyer, has filed this petition in public interest thereby complaining the sale of misbranded, spurious and sub-standard drugs in the Union Territory of Jammu and Kashmir, and as such, has sought the following reliefs:

A. Writ of Mandamus commanding the Respondents to submit a detailed report with respect to the operation of unregistered companies and manufacturing units and selling misbranded and unregistered medicines in the Union Territory of Jammu and Kashmir.

B. A writ of Mandamus thereby directing the official respondents to immediately ban the sale and distribution of drugs manufactured and distributed by unregistered companies in the Union Territory of Jammu and Kashmir and initiate legal proceedings against the erring companies and individuals after seizing the spurious, fake and misbranded drugs and medicines.

C. Writ of Mandamus commanding upon the Respondents to devise a strategy to prevent supply and availability of spurious and fake drugs and medicines in the Union Territory, conduct large scale sampling tests for the medicines available in the market and sampling in



accordance with the provisions of Drugs and Cosmetics Act on a regular basis.

D. A writ of mandamus commanding upon the respondents to devise a strategy to prevent the entry and sale of spurious and fake medicines in the Union Territory and create awareness about the labeling and other mechanisms and take preventive measures by using all the available options to spread awareness about the medicines and drugs including seminars, television, public debates, newspapers, internet, radio for creating awareness among masses.

E. A writ of mandamus commanding upon the respondents to devise a strategy for controlling over the counter sale of antibiotics and other drugs and make it imperative to sell drugs only on a medical prescription though some are allowed to be sold over the counter, however not all.

F. Any other writ, order or direction though not specifically prayed be issued in favour of the petitioner and against the respondents in the interest of general public.

2. The official respondent Nos. 2, 3, 4 and 5 have filed the response stating therein that the Drugs and Cosmetics Act, 1940 and the rules framed thereunder, lay down a comprehensive mechanism with all checks and balances to regulate the sale and purchase of medicines. The manufacturer of drugs is under statutory obligation to test each lot of the raw material used for manufacturing drug and each batch of the final product. Besides, the Drug Control Department lifts samples of drugs randomly as well as on the basis of complaint from the vendors. UT of J&K has two testing labs, one each at Jammu and Srinagar. Intelligence cum legal cell has been created vide order No. 638-HME of 2018 dated 26.11.2018 to facilitate busting of spurious drug rackets and the prompt prosecution of perpetrators of crime under Drugs and Cosmetics Act. The respondents have further mentioned the numbers of samples tested during the last five years and the administrative actions/prosecutions launched by them. It is further stated that the petitioner has not gone through the 'label claims' of medicinal preparations, which are governed by Rules 96 and 97 of the Drugs Rules, 1945. The label must essentially carry the following information:



“Every drug manufactured in India shall bear on its label the number of the licence under which the drug is manufactured, the figure representing the manufacturing licence number being preceded by the words 'Manufacturing Licence Number' or 'Mfg. Lie. No.' or 'M.L.'.

The name of the manufacturer and the address of the premises of the manufacturer where the drug has been manufactured.

A distinctive batch number, that is to say, the number by reference to which details of manufacture of the particular batch from which the substance in the container is taken.

"Marketer" means a person who as an agent or in any other capacity adopts any drug manufactured by another manufacturer under an agreement for marketing of such drug by labeling or affixing his name on the label of the drug with a view for its sale and distribution.”

3. It is also stated that the Department is visible to the end-users through Website. There is proper complaint redressal mechanism and all the complaints received are attended to the entire satisfaction of end-users. The Union Territory of Jammu and Kashmir has to broadly rely on manufactures' in-house testing and the regulatory mechanism available within the respective States from where manufactured drugs enter the Union Territory of Jammu and Kashmir. The Department has carried out extensive market checks and found that the drugs in circulation are manufactured by companies having established credentials. However, out of abundant caution, notices have been served upon all the companies regarding which the petitioner has cast doubts. The respondents have further mentioned that there is no fake entity engaged in Pharma business as per the market survey. Checks and counter checks are already in place, and the manufacturing of drugs is an activity regulated by many regulations in addition to the Drugs and Cosmetics Act, 1940. The respondents in their response have mentioned in detail the mechanism put in place for training of personnel, lifting of samples and their testing to determine the quality of drugs/medicines.
4. Learned counsel for the petitioner submits that the petitioner would feel satisfied in case the present petition is disposed of by directing the respondents



to ensure that no spurious/fake drugs is sold in the Union Territory of Jammu and Kashmir.

5. On the contrary, Ms. Maha Majid, learned assisting counsel appearing vice Mr. Mohsin Qadiri, Sr. AAG, submits that the respondent Nos. 2, 3, 4 and 5 have already taken ample measures to ensure the availability of quality medicines/drugs to the patients in the Union Territory of Jammu and Kashmir and in the event, any complaint is made by the petitioner in respect of any sale of spurious/fake drug/medicine, appropriate action in accordance with law shall be taken.
6. In view of the stand taken by the official respondents and the submissions made by the learned counsel for the contesting parties, no further directions are required to be issued. Accordingly, the present petition is **disposed of**. However, the petitioner is left free to bring to the notice of respondent Nos. 2 and 3 any sale of fake/spurious drug/medicine in the Union Territory of Jammu and Kashmir. If any such information is provided to respondent No.2 and 3, they shall proceed in accordance with law.
7. Disposed of.

(RAJNESH OSWAL)
JUDGE

(ARUN PALLI)
CHIEF JUSTICE

Jammu:
03.11.2025
Rakesh PS

Whether the order is speaking: Yes
Whether the order is reportable: Yes