

ITEM NO.2

COURT NO.9

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO. 645/2022

INDIAN MEDICAL ASSOCIATION & ANR.

PETITIONERS

VERSUS

UNION OF INDIA & ORS.

RESPONDENTS

(TO BE TAKEN UP AT TOP OF THE BOARD)

(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. 110011/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 133550/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 132998/2024 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 130554/2022 - CLARIFICATION/DIRECTION
 IA No. 137201/2024 - CLARIFICATION/DIRECTION
 IA No. 117836/2024 - EXEMPTION FROM FILING O.T.
 IA No. 110768/2024 - INTERVENTION APPLICATION
 IA No. 95540/2024 - INTERVENTION APPLICATION
 IA No. 13659/2023 - INTERVENTION APPLICATION
 IA No. 132997/2024 - INTERVENTION/IMPLEADMENT
 IA No. 133673/2024 - INTERVENTION/IMPLEADMENT
 IA No. 133534/2024 - INTERVENTION/IMPLEADMENT)

Date : 09-07-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
 HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s)

Mr. P S Patwalia, Sr. Adv.
 Mr. Prabhas Bajaj, Adv.
 Mr. Priyanshu Tyagi, Adv.
 Mr. Amarjeet Singh, AOR
 Mr. Rishav Rai, Adv.
 Ms. Deveshi Chand, Adv.
 Mr. Dipanshu Krishan, Adv.

For Respondent(s)
 Union of India

Mr. K M Nataraj, A.S.G.
 Mr. Gurmeet Singh Makker, AOR
 Mr. Sharath Nambiar, Adv.
 Mr. Vinayak Sharma, Adv.

Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Ishaan Sharma, Adv.

R No.3

Mr. Amit Sibal, Sr. Adv.
Ms. Avni Singh, Adv.
Mr. Ankit Handa, Adv.
Mr. Darpan Sachdeva, Adv.
Vinamra Kopariha, Adv.
Mr. Jitin Chaturvedi, AOR

Ministry of Consumer
Affairs, Food & Public
Distribution and Min. of
Info. & Broadcasting

Mr. K.M Nataraj, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Rajat Nair, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Shashank Bajpai, Adv.
Mr. Ishaan Sharma, Adv.

R.No 5 to 7

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Vipin Sanghi, Sr. Adv.
Mr. Balbir Singh, Sr. Adv.
Mr. Simranjeet Singh, Adv.
Mr. Gautam Talukdar, AOR
Mr. Raushal Kumar, Adv.
Ms. Apurbaa Dutta, Adv.
Ms. Neha Gupta, Adv.
Ms. Smita Jain, Adv.
Mr. Karan Jain, Adv.
Mr. Rishabh Pant, Adv.
Mr. Nikhil Rohatgi, Adv.
Mr. Rohit Gandhi, Adv.
Mr. Naman Tandon, Adv.
Mr. Hargun Singh Kalra, Adv.
Mr. Akshay Joshi, Adv.

State of Uttarakhand

Mr. Dhruv Mehta, Sr. Adv.
Ms. Vanshaja Shukla, AOR
Ms. Ankeeta Appanna, Adv.
Mr. Shyam Agrawal, Adv.
Mr. Siddhant Yadav, Adv.

National Medical
Commission

Mr. Gaurav Sharma, AOR
Mr. Dhawal Mohan, Adv.

Mr. Paranjay Tripathi, Adv.
Mr. Rajesh Raj, Adv.
Mrs. Ankita Dogra, Adv.

State of Bihar Mr. Anshul Narayan, Addl. Standing Counsel
Mr. Prem Prakash, AOR

State of Chhattisgarh Ms. Ankita Sharma, AOR
Mr. Arjun D Singh, Adv.

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Mr. Dhruv Tank, Adv.
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Ms. Surbhi Kapoor, AOR
Mr. Bhagwant Deshpande, Adv.

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Ms. Devyani Bhatt, Adv.
Ms. Abhipsa Mohanty, Adv.

State of Jharkhand Ms. Pallavi Langar, AOR
Mr. Kumar Anurag Singh, Adv.
Mr. Manoj Kumar, Adv.
Mr. Honey Khanna, Adv.

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State of M.P. Ms. Mrinal Gopal Elker, AOR
Mr. Saurabh Singh, Adv.

State of Maharashtra Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Ms. Preet S. Phanse, Adv.
Mr. Adarsh Dubey, Adv.

State of Manipur Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

State of Mizoram Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.

State of Nagaland Ms. K. Enatoli Sema, AOR
Ms. Limayinla Jamir, Adv.
Mr. Amit Kumar Singh, Adv.
Ms. Chubalemle Chang, Adv.
Mr. Prang Newmai, Adv.

State of Orissa	Ms. Anindita Pujari, AOR Mr. Shaileshwar Yadav, Adv. Ms. Bhumika Chouksey, Adv.
State of Rajasthan	Mr. Shiv Mangal Sharma, A.A.G. Mrs. Abhinandini Sharma, Adv. Mrs. Nidhi Jaswal, Adv. Ms. Saubhagya Sundriyal, Adv.
State of Telangana	Mr. Sravan Kumar Karanam, AOR Ms. Shireesh Tyagi, Adv. Mr. Aniket Singh, Adv. Mr. Rudroji Rakesh Kumar, Adv.
State of U.P.	Mrs. Garima Prasad, Sr. A.A.G. Ms. Sakshi Kakkar, AOR Ms. Shephalika Srivastava, Adv.
State of West Bengal	Ms. Astha Sharma, AOR Mr. Srisatya Mohanty, Adv. Mr. Shreyas Awasthi, Adv. Ms. Ripul Swati Kumari, Adv.
U.T.of Puducherry	Mr. Aravindh S., AOR Mr. Akshay Gupta, Adv. Ms. Ekta Moyal, Adv.
U.T. of Andaman & Nicobar	Mr. Sharath Nambiar, Adv. Mr. Vinayak Sharma, Adv. Mr. Rajat Nair, Adv. Mr. Kanu Agrawal, Adv. Mr. Shshank Bajpai, Adv. Mr. Priya Mishra, Adv. Ms. Indira Bhakar, Adv. Mr. Mukesh Kr Verma, Adv. Mr. Varun Chugh, Adv. Mr. Vatsal Joshi, Adv. Mr. Harish Pandey, Adv. Mr. Shashwat Parihar, Adv. Mr. Rajesh Singh Chauhan, Adv. Mr. Piyush Beriwal, Adv. Mr. Tadimalla Bhaskar Gowtham, Adv. Mr. Shreekant Neelappa Terdal, AOR
U.T. of Dadar Nagar Haveli & Daman & Diu U.T. of Ladakh	Mr. K M Nataraj, A.S.G. Mr. Mukesh Kumar Maroria, AOR Mr. Sharath Nambiar, Adv.

Mr. Vinayak Sharma, Adv.
 Mr. Rajat Nair, Adv.
 Mr. Kanu Agarwal, Adv.
 Mr. Shashank Bajpai, Adv.
 Ms. Priya Mishra, Adv.
 Mrs. Indira Bhakar, Adv.
 Mr. Mukesh Kumar Verma, Adv.
 Mr. Varun Chugh, Adv.
 Mr. Vatsal Joshi, Adv.
 Mr. Harish Pandey, Adv.
 Mr. Rajesh Singh Chauhan, Adv.
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IMPL Mr. Siddharth Dave, Sr. Adv.
 Mr. Prasenjit Keswani, Adv.
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 Mr. Rohan Sharma, Adv.

Mr. Kartik Bhatnagar, Adv.
 Mr. Nicholas Choudhury, Adv.
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State of Meghalaya

Mr. Avijit Mani Tripathi, AOR
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State of H.P.

Mr. Kartikeya Rastogi, Adv.
 Ms. Inderdeep Kaur Raina, Adv.
 Mr. Akshay Girish Ringe, Adv.

State of Kerala

Mr. Nishe Rajen Shonker, AOR
 Mrs. Anu K. Joy, Adv.
 Mr. Alim Anvar, Adv.

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

1. An additional affidavit has been filed by the respondent no.5 on 17th May, 2024, stating *inter alia* that sale of 14 Ayurvedic medicines mentioned below have been stopped by the respondent no.5 and instructions have been issued to 5606 exclusive/franchise stores for removal/withdrawal of the said medicines/formulations that were suspended by the State Drug Licensing Authority, Dehradun, Uttarakhand, *vide* order dated 15th April, 2024 :-

S.No	Medicines
1.	Swasari Gold
2.	Swasari Vati

3.	Bronchom
4.	Swasari Pravahi,
5.	Swasari Avaleh
6.	Mukta Vati Extra Power
7.	Lipidom
8.	BP Grit
9.	Madhugrit
10.	Madhunashini Vati Extra Power.
11.	Livamrit Advance
12.	Livogrit
13.	Eyegrit Gold
14.	Patanjali Drishti Eye Drop

2. It has further been stated that the media platforms associated with the respondent No. 5 and those specifically engaged by the said respondent in the print and electronic media have been instructed to stop broadcasting any advertisement in relation to the aforesaid medicines.

3. Learned counsel for the respondent no.5 also states that emails have been issued to all franchise stores and e-commerce partners for removal/ withdrawal of the 14 suspended medicines. Additionally, intimation emails have been issued to the social media companies to remove/ withdraw all advertisements of the aforesaid 14 medicines.

4. Respondent no.5 is directed to file an affidavit stating *inter alia* as to whether the request made to the social media intermediaries has been acted upon and the advertisements in respect of all the 14 Ayurvedic medicines/ formulations have been removed/ withdrawn. The said affidavit shall be filed within two weeks.

5. An additional affidavit has been filed by the State of Uttarakhand on 05th July, 2024. Mr. P.S. Patwalia, learned Senior counsel appearing for the petitioners states that he may be permitted to file a reply to the said affidavit as the submissions made therein need to be controverted.

6. Reply affidavit be filed by the petitioners within two weeks.

7. An additional affidavit has been filed by Dr. R.V. Asokan, National President, Indian Medical Association on 06th July, 2024. Mr. Balbir Singh, learned Senior counsel appearing for the respondents no. 5 to 7 states that he may be permitted to peruse the same and assist the Court on the next date of hearing.

8. Mr. K.M. Nataraj, learned Additional Solicitor General submits that the Ministry of Information and Broadcasting has held high level meetings with various stakeholders including some of the applicants who have moved intervention applications in the present matter, with the idea of resolving the difficulties expressed by them relating to implementation of the order passed by this Court on 07th May, 2024, uploading of the self-declaration by the advertiser/advertising agency on the Broadcast Sewa

Portal run under the aegis of the Ministry of Information and Broadcasting with regard to advertisements in the press/print media/internet. He submits that further meetings shall be conducted and besides the interveners, other parties who have a stake in the matter shall also be invited to participate in the said meetings to iron out the difficulties pointed out.

9. Since the consumer is the most critical stakeholder, senior officers of the Ministry of Consumer Affairs, Ministry of Health & Family Welfare and Advertising Standards Council of India (ASCI) shall also be invited by the Ministry of Information and Broadcasting to attend the meetings and provide their input from the perspective of the consumer.

10. The focus of this Court has already been highlighted in our previous orders and need no repetition. At the same time, it was not the intention of the Court to make the industry suffer without reason. The Ministry of Information and Broadcasting is directed to continue churning ideas and conduct further meetings with all the relevant stakeholders to resolve the difficulties expressed. An affidavit shall be filed detailing the suggestions received and the recommendations made within three weeks for the perusal of the Court, with copies furnished to all the parties.

11. In view of the fact that the scope of the present petition has been enlarged in terms of the order passed by this Court on 23rd April and 07th May, 2024, we deem it appropriate to appoint an *Amicus Curiae* to assist us. Mr. Shadan Farasat, learned Advocate is requested to assist the Court

as an *Amicus Curiae*. He shall collate the data that has been directed to be furnished by all the State Authorities, including the Central Government and other authorities and summarize the same for ease of reference.

12. As per the office report dated 08th July, 2024, affidavits have been filed by the Ministry of Consumer Affairs, Food and Public Distribution, Ministry of Information and Broadcasting, National Medical Commission, State of Chhatisgarh, Union Territory of Goa, States of Gujarat, Jharkhand, Karnataka, Madhya Pradesh, Maharashtra, Manipur, Nagaland, Orissa, Telangana, Uttar Pradesh, West Bengal, Union Territory of Andaman and Nicobar, and Union Territory of Delhi.

13. Copies of the said affidavits shall be provided to the learned *Amicus Curiae* along with an electronic copy of the entire paperbook to enable him to assist the Court by pointing out if there are any inconsistencies/non-compliances by any of the State authorities in terms of the orders passed by this Court on 23rd April, 2024 or later. Learned *Amicus Curiae* shall also summarize the contents of the affidavits filed by the State Governments/Union Territories and submit a Note of Hearing before the next date.

14. Learned Senior counsel for the petitioner submits that though the State of Punjab has been duly served through its Standing Counsel, it remains unrepresented. Written intimation of the order passed today shall be conveyed by learned counsel for the petitioner to learned Standing

Counsel representing the State of Punjab.

15. In the meantime, such of the State Governments/Union Territories who have not filed their affidavits shall do so within two weeks with copies furnished to the counsel for the petitioner, the respondents and the learned *Amicus Curiae*.

16. List the Writ Petition on 30th July, 2024.

17. List IA No. 110011/2024 qua Dr. R.V. Asokan, National President, Indian Medical Association on 06th August, 2024. The personal presence of Dr. R.V. Asokan, is dispensed with for the present.

Interlocutory Applications No. 110768/2024, 110769/2024, 132997/2024, 132998/2024, 133534/2024, 137201/2024, 133537/2024, 139081/2024, 133673/2024, 133550/2024, 133899/2024, 140252/2024, 139085/2024, 139206/2024:

1. Issue notice.

2. It is agreed by both sides that Mr. Prabhas Bajaj, Mr. Shashank Mishra and Mr. K. Parameshwar, learned Advocates shall coordinate with each other and prepare a list of all the pending applications along with the prayers/ interim relief sought therein in a tabulated format for the ready reference of the Court. The said list shall be circulated to learned counsel appearing in the matter and the learned *Amicus Curiae* well before the next date of hearing.

**(POOJA SHARMA)
COURT MASTER (SH)**

**(NAND KISHOR)
COURT MASTER (NSH)**