

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

PUBLIC INTEREST LITIGATION NO. 18/2010

(Court on its Motion vs. Union of India and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
of directions and Registrar's orders

Court's or Judge's order

Mr. Anand Parchure, *Amicus Curiae*
Mrs. Mugdha R. Chandurkar, Advocate for Respondent no.1
Mrs. Bharati Dangre, Government Pleader
for Respondent Nos.3,4,5 7 and 8

CORAM : B.R. GAVAI &
V.M. DESHPANDE, JJ.

DATED : 20th October, 2016.

Heard.

The present Public Interest litigation was basically filed with the following grievances :-

- (i) That though the drugs manufactured with various combinations are dangerous to the health of the persons, the State Government has not taken any steps to ban such drugs;
- (ii) The banned drugs are being sold in the market without the prescription and the State Government has not taken any steps to prevent such a sale; and
- (iii) The medical practitioners should be prohibited to prescribe such drugs.

Insofar as the first grievance is concerned, various directions were issued by this Court from time to time. Ultimately, the Union of India vide notification dated 10th March 2016, various drugs which are likely to involve the risk to the

human beings have been prohibited to be manufactured for sale and distribution for human use of drugs with immediate effect. In that view of the matter, the grievance insofar as the first grievance is concerned, the PIL has served its purpose.

Insofar as the grievance regarding the sale of the banned drugs is concerned, the State Government has sufficient powers under the provisions of the Drugs & Cosmetics Act to take such steps when it comes to notice that the banned drugs are being sold.

We do expect that the State Government shall instruct all its officers to take steps to prevent the sale of such drugs and if one is found to be indulging in such a practice, the State Government to take such action as is provided under the provisions of law.

Insofar as the third grievance is concerned, the Indian Medical Association has filed an affidavit stating therein that it will hold 'Awareness Camps' to enlighten the medical practitioners not to prescribe such drugs.

With the above observations, the P.I.L. stands disposed of.

JUDGE

JUDGE

sahare