

WP(C)NO.33/2012 with connected matters
(21/04/2014)

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ITEM NO.42

COURT NO.2

SECTION PIL

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(s). 33 OF 2012

SWASTHYA ADHIKAR MANCH, INDORE & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln(s) for directions and intervention and extension of
time and impleadment and office report)

WITH

W.P(C) NO. 79 of 2012

(With appln.(s) for directions, permission and impleadment
and permission to file additional documents and office report)

W.P(C) NO. 91 of 2004

Date: 21/04/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

WP 33/2012

Mr. Sanjay Parikh, Adv.
Ms. Bushra Parvesh, Adv.
Ms. N. Vidya, Adv.
Mr. Pukhrambam Ramesh Kumar, Adv.

WP 79/2012

Mr. Colin Gonsalves, Sr. Adv
Ms. Reshma Jaffari, Adv.
Ms. Jyoti Mendiratta, Adv.

WP 91/2004

Mr. Ankur Saigal, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala, Adv.
Ms. Manasi Kumar, Adv.

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For Respondent(s)

Mr. Siddharth Luthra, A.S.G.
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Mr. Aditya Singhla, Adv.
Ms. Sushma Suri, Adv.
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 Ms. Preeti Bhardwaj, Adv.

Uttarakhand

Mr. Aviral Saxena, Adv.
 Ms. Rachana Srivastava, Adv.

Jharkhand

Mr. Anil Kr. Jha, Adv.
 Ms. Priyanka Tyagi, Adv.

Arunachal Pradesh

Mr. Anil Shrivastav, Adv.
 Mr. Ritu Raj Biswas, Adv.

Assam

Mr. Avijit Roy, Adv.
 Ms. Vantika Sahay, Adv. for
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Goa

Mr. Pratap Venogopal, Adv.
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 Mr. Gaurav Nair, Adv. for
 M/s. K.J. John & Co.

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 Ms. Pragati Neekhara, Adv.

Andhra Pradesh

Ms. C.K. Sucharita, Adv.

Manipur

Mr. Sapam Biswajit Meitei, Adv.
 Mr. Khwairakpam Nobin Singh, Adv.

Punjab

Mr. Saurabh Ajay Gupta, Adv.
 Mr. J.S. Chhabra, Adv.
 Mr. Kuldip Singh, Adv.

Mizoram

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 Mr. Heshu Kayina, Adv.

	Mr. P.V. Yogeswaran, Adv.
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Uttar Pradesh	Mr. Irshad Ahmad, A.A.G. Mr. Sudeep Kumar, Adv. Mr. Vaibhav Yadav, Adv.
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Tamil Nadu	Mr. B. Balaji, Adv. Mr. S. Anand, Adv. Mr. Selvin Raja, Adv.
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West Bengal	Mr. Anip Sachthey, Adv. Mr. Soumya Chakraborty, Adv.
Maharashtra	Mr. Abhishek Kumar Pandey, Adv. Mr. Aniruddha P. Mayee, Adv.
UT-Chandigarh	Mr. Gopal Singh, Adv. Ms. Vimla Sinha, Adv.
UT-Andaman & Nicobar Administration	Mr. Balasubramaniam, Adv. Mr. K.V. Jagdishvaran, Adv.

Odisha

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Ms. Shalini Chandra, Adv.
Ms. Swati Chandra, Adv.
Mr. Sudhanshu Saran, Adv.

Ms. Ayusha Kumar, Adv.
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Ms. Anitha Shenoy, Adv.

Mr. Jagjit Singh Chhabra, Adv.

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NHRC

Ms. Shobha, Adv.
Ms. Jyoti Rana, Adv.

MCI

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Ms. Amandeep Kaur, Adv.

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Mr. Manisha Singh, Adv.
Mr. Riku Sarma, Adv.
Ms. Aruna Gupta, Adv.

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Ms. A. Annapoorani, Adv.

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Mr. Anuj Kapor, Adv.
Mr. Devraj Ashok Dodamani, Adv.

IA 9

Mr. Puneet Jain, Adv.
Ms. Shristi Jain, Adv.
Ms. Chhaya Kirti, Adv.
Ms. Pratibha Jain, Adv.

Mr. Nikhil Nayyar, Adv.
Mr. Ambuj Agrawal, Adv.
Ms. Akanksha, Adv.
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Ms. Aparna Bhatt, Adv.
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Mr. Balaji Srinivasan, Adv.

Mr. Amit Kumar, Adv.

Dr. Monika Gosain, Adv.

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Ms. Anil Katiyar, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Rana Mukjerjee, Sr. Adv.
Ms. Kasturika Kaumudi, Adv.
Mr. Shekhar Kumar, Adv.

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Ms. A. Subhashini, Adv.

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

Having regard to the objections raised by Mr. Sanjay Parikh, learned counsel for the petitioners in Writ Petition (Civil) No. 33 of 2012, with regard to non-compliance of our previous orders dated 21.10.2013 and 10.03.2014, Mr. Siddharth Luthra, learned Additional Solicitor General, prays for time to seek instructions and file comprehensive affidavit on behalf of the Union of India through competent authority.

Comprehensive affidavit shall be filed by the Union of India within eight weeks.

From the additional affidavit dated 10.03.2014 (filed on 17.04.2014) filed by Mr. Lov Verma, Secretary, Ministry of Health and Family Welfare, Government of India, it is not clear whether the Technical Committee and the Apex Technical Committee have evaluated Global Clinical Trials (GCTs)/New Clinical Trials (NCEs) having regard to three parameters, namely, (i) assessment of risk versus benefit to the patients, (ii) innovation vis-a-vis existing therapeutic option and (iii) unmet medical need in the country as indicated in the order dated 21.10.2013. To obviate any controversy in future in this regard, we direct that henceforth in the Format seeking information from the applicants, three specific columns regarding the above parameters shall be inserted for the purpose of New Clinical Entities/Global Clinical Trials.

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It is open to the learned counsel for the

petitioners and intervenors to supply within ten days from today notes of comments to Mr. Siddharth Luthra, learned Additional Solicitor General, to enable him to seek instructions in that regard and also incorporate response to those notes of comments in the comprehensive affidavit.

List the matters on August 25, 2014.

(Rajesh Dham)
Court Master

(Renu Diwan)
Court Master