

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.

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

For Respondent(s) Mr. Siddharth Luthra, A.S.G.
Mr. S.P. Singh, Sr. Adv.
Dr. Ashok Dhamija, Adv.
Mr. Aditya Singhla, Adv.
Ms. Sushma Suri, Adv.
Ms. Supriya Juneja, Adv.
Mr. A.K. Kaul, Adv.
Ms. Supriya Jain, Adv.

Ms. Manita Verma, Adv.
 Mr. S.N. Terdal, Adv.
 Ms. Anandana Handa, Adv.
 Ms. Sukhbeer Kaur Bajwa, Adv.
 Ms. Manita Verma, Adv.
 Ms. Asha G. Nair, Adv.
 Mr. D.S. Mahra, Adv.

NCT of Delhi

Mr. Siddharth Luthra, A.S.G.
 Ms. Asha G. Nair, Adv.
 Ms. Supriya Juneja, Adv.
 Mr. A.K. Kaul, Adv.
 Mr. Shadman Ali, Adv.
 Mr. D.S. Mahra, Adv.

Madhya Pradesh

Mr. Arvind Verma, Sr. Adv.
 Mr. C.D. Singh, Adv.
 Ms. Aditi Kochhar, Adv.
 Ms. Deepika S., Adv.
 Ms. Shivali Choudhary, Adv.

Gujarat

Ms. Hemantika Wahi, Adv.
 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
 M/s. Corporate Law Group

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Goa

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

Himachal Pradesh

Mr. Suryanarayan Singh, A.A.G.
 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

Mr. Pragyan Pradip Sharma, Adv.
 Mr. Heshu Kayina, Adv.

| | |
|--|---|
| | Mr. P.V. Yogeswaran, Adv. |
| Tripura | Mr. Gopal Singh, Adv. Mr. Ritu Raj Biswas, Adv. |
| Chhattisgarh | Mr. Apoorv Kurp, Adv. Mr. A.P. Mayee, Adv. Mr. Charudatta Mahindrakar, Adv. |
| Puducherry | Mr. V.G. Pragasam, Adv. Mr. S.J. Aristotle, Adv. Mr. Prabu Ramasubramanian, Adv. |
| Meghalaya | Mr. Ranjan Mukherjee, Adv. Mr. S. Sanyal, Adv. |
| Jammu & Kashmir | Mr. Ashok Mathur, Adv. |
| Haryana | Mr. Manjit Singh, A.A.G. Ms. Vivekta Singh, Adv. Ms. Nupur Chaudhary, Adv. Mr. Tarjit Singh, Adv. Mr. Kamal Mohan Gupta, Adv. |
| Bihar | Mr. Abhinav Mukerji, Adv. Ms. Tanya Shree, Adv. |
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| 4 | |
| Uttar Pradesh | Mr. Irshad Ahmad, A.A.G. Mr. Sudeep Kumar, Adv. Mr. Vaibhav Yadav, Adv. |
| Rajasthan | Mr. S.S. Shamschery, A.A.G. Mr. Sandeep Singh, Adv. Mr. Harshwardhan Rathore, Adv. Ms. Ruchi Kohli, Adv. |
| Tamil Nadu | Mr. B. Balaji, Adv. Mr. S. Anand, Adv. Mr. Selvin Raja, Adv. |
| Kerala | Mr. M.T. George, Adv. |
| Nagaland | Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. |
| Sikkim | Mr. A. Mariarputham, Adv. Gen. Mrs. Aruna Mathur, Adv. Mr. Yusuf Khan, Adv. for M/s Arputham, Aruna & Co. |
| 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

Ms. G. Indira, Adv.

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

Ms. Ayusha Kumar, Adv.
Ms. Madhu Sikri, Adv.

Ms. Anitha Shenoy, Adv.

Mr. Jagjit Singh Chhabra, Adv.

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NHRC

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

MCI

Mr. Gaurav Sharma, Adv.
Ms. Amandeep Kaur, Adv.

ISCR

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

ICMR

Mr. Ayushya Kumar, Adv.
Ms. A. Annapoorani, Adv.

IA 8

Mr. Jayant K. Mehta, Adv.
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.
Mr. Dhananjay Baijal, Adv.

Ms. Aparna Bhatt, Adv.
Ms. Karuna Nundy, Adv.

Mr. Balaji Srinivasan, Adv.

Mr. Amit Kumar, Adv.

Dr. Monika Gosain, Adv.

Ms. Aruna Gupta, Adv.

Mr. Santosh Paul, Adv.
Ms. Arti Singh, Adv.
Ms. Savita Singh, Adv.

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

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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.

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