

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 323/2021

FEDERATION OF MEDICAL AND SALES REPRESENTATIVES ASSOCIATIONS OF
INDIA & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[HEARD BY : HON'BLE VIKRAM NATH AND HON'BLE SANDEEP MEHTA, JJ.]

IA No. 37734/2021 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 34374/2026 - EXEMPTION FROM FILING ANNEXTURES
IA No. 207852/2026 - INTERVENTION APPLICATION
IA No. 34375/2026 - INTERVENTION APPLICATION
IA No. 241517/2025 - INTERVENTION APPLICATION
IA No. 171221/2025 - INTERVENTION APPLICATION
IA No. 170048/2025 - INTERVENTION APPLICATION
IA No. 152166/2025 - INTERVENTION APPLICATION
IA No. 145643/2022 - INTERVENTION APPLICATION
IA No. 38658/2021 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 08-10-2026 This matter was pronounced for order today.

For Petitioner(s) : Mr. Ritwik Parikh- 3608, AOR

For Respondent(s) : Mr. Tushar Mehta, Solicitor General

Mr. Sudarshan Lamba, AOR
Mr. Madhav Sinhal, Adv.
Mr. Mayank Pandey, Adv.
Ms. Astha Singh, Adv.
Mr. Vikash Sharma, Adv.

Mr. K.M. Nataraj, ASG
Mr. Sharath Nambiar, Adv.
Mr. Vinayak Sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Chitransh Sharma, Adv
Mr. Anuj Srinivas Udupa, Adv
Mr. Satvika Thakur, Adv
Mr. Nikita Capoor, Adv
Mr. Yogya Rajpurohit, Adv
Mr. Ritika Ranjan, Adv
Mr. S. Subramaniam, Adv
Mr. Ishan Bhandari, Adv
Mr. Sahaj Joshi, Adv
Mr. Arvind Kumar Sharma- 1133, AOR

Mr. Kaleeswaram Raj, Adv.
Mr. Mohammed Sadique T.a., AOR
Ms. Thulasi K Raj, Adv.
Ms. Chinnu Mariya Antony, Adv.
Ms. Athira Nandakumar, Adv.

Mr. Yadav Narender Singh- 2004, AOR

M/S. Karanjawala & Co.- 1707, AOR
Ms. Ruby Singh Ahuja, Adv.
Ms. Kritika Sachdeva, Adv.
Mr. Jappanpreet Hora, Adv.

Mr. Binay Kumar- 4435, AOR

Ms. Rupali Francesca Samuel- 4335, AOR
Ms. K. V. Vinaya, Adv.

Ms. Shriya Maini- 2923, AOR
Mr. Rajive Maini, Adv.
Mr. Mohsin Alam, Adv.
Mr. Hari Om Yadav, Adv.
Ms. Soumya, Adv.
Ms. Aarti, Adv.

Mr. Pranaya Kumar Mohapatra- 2358, AOR

Hon'ble Mr. Justice Vikram Nath has pronounced the order in the matter heard by the Bench comprising Hon'ble Mr. Justice Vikram Nath and His Lordship.

The court issued the following directions :

"23. In exercise of the powers under Articles 32 and 142 of the Constitution of India, and in furtherance of the constitutional mandate under Article 21, this Court hereby issues the following directions: -

A. The Union of India shall, if not already constituted, constitute the Committee proposed by it within a period of two weeks from the date of this order.

B. The Committee so constituted shall undertake a holistic and comprehensive examination of all issues relating to unethical pharmaceutical marketing practices, including the adequacy of the existing statutory and regulatory framework, the efficacy of the mechanisms presently in place for monitoring, oversight and enforcement, and the measures required to ensure greater transparency, accountability and effective compliance, with a view to strengthening the regulatory framework and safeguarding the larger public interest.

C. The Committee shall take into consideration the material already placed on record before this Court by the petitioners and the intervenors, and shall also afford them a reasonable opportunity to place before it their respective views, suggestions and concerns. The Committee shall also provide an appropriate opportunity to other stakeholders concerned with the subject matter to place their

representations, so as to enable a comprehensive and informed consideration of all aspects of the issues under examination.

D. The Committee shall duly consider the suggestions, representations and concerns placed before it by the petitioners, the intervenors and other stakeholders, and shall, upon an objective and comprehensive consideration thereof, make its recommendations to the Union of India regarding the appropriate regulatory and/or statutory framework for effectively regulating pharmaceutical marketing practices, keeping in view the need for transparency, accountability and effective enforcement.

E. For the purposes of undertaking an informed, comprehensive and objective examination of the issues, the Committee shall be at liberty to seek the assistance of such technical, professional and domain experts, institutions or bodies as it may consider necessary, and may obtain such expert inputs as may be required for a proper appreciation of the regulatory, medical, pharmaceutical and other relevant aspects arising for its consideration.

F. The Committee shall endeavour

to complete the entire exercise in a time-bound manner and submit its recommendations to the Union of India within a period of two months from the date of its first meeting, after duly undertaking the consultative process and considering the material and suggestions placed before it.

G. The Union of India shall, upon receipt of the recommendations of the Committee, duly consider the same and take an appropriate and reasoned decision at the earliest, having regard to the constitutional mandate under Article 21 of the Constitution of India and the larger public interest involved in ensuring ethical, transparent and accountable pharmaceutical marketing practices.

24. The Union of India shall file a compliance affidavit before this Court, setting out the steps taken pursuant to the aforesaid directions, including the constitution of the Committee, the date of its first meeting, the manner in which the consultative process has been undertaken, and the progress made towards completion of the exercise. The affidavit shall also place on record the recommendations of the Committee and the decision taken thereon by the Union of India, together with the further measures proposed to be undertaken for strengthening the regulatory framework

governing pharmaceutical marketing practices. The compliance affidavit shall be filed within two weeks of the expiry of the period prescribed for completion of the exercise by the Committee."

List on 29th January, 2027, as Part-Heard, for consideration of the compliance affidavit to be filed by the Union of India, in terms of the signed reportable order.

(SONIA BHASIN)
ASSISTANT REGISTRAR-CUM-PS

(RANJANA SHAILEY)
ASSISTANT REGISTRAR

(Signed Reportable Order is placed on the file)