

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

Writ Petition(s)(Civil) No(s). 983/2023

JOINT FORUM OF MEDICAL TECHNOLOGISTS OF INDIA
JFMTI & ORS.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

[ONLY IA 101126/2026 IS LISTED UNDER THIS ITEM]
IA No. 101126/2026 - INTERVENTION/IMPLEADMENT

Date : 28-07-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE VIKRAM NATH
HON'BLE MR. JUSTICE SANDEEP MEHTA

For Petitioner(s) :Mr. Joby P. Varghese, AOR
Ms. Rashi, Adv.
Mr. Aby P Varghese, Adv.
Mr. Jagmeet Singh Randhawa, Adv.

For Respondent(s) :Mr. Vikramjit Banejee, A.S.G.
Ms. Madhulika Upadhyay, AOR
Mr. B.K.satiya, Adv.
Ms. Sarika Singh, Adv.
Mr. Raman Yadav, Adv.
Mr. Shubhendu Anand, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Amit Sharma-v, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Sonakshi Sinha, Adv.

Mr. Dr. Hemant Gupta, A.A.G.
Mr. Rahul Khurana, AOR
Ms. Payal Gupta, Adv.
Mr. Rony John, Adv.
Mr. Akash Agarwal, Adv.
Ms. Niharika Dhawan, Adv.
Ms. Bhavya Singla, Adv.
Ms. Nitikaa Guptha, Adv.

Mr. Maninderjit Singh Bedi, Advocate General
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Mr. Kartikeya Rastogi, Adv.
Ms. Inderdeep Kaur Raina, Adv.
Ms. Tamanna Kavdia, Adv.
Mr. Akshay Girish Ringe, AOR

Mr. Shovan Mishra, AOR
Ms. Bipasa Tripathy, Adv.
Mr. Shlok Luthra, Adv.

Mr. Uddyam Mukherjee, AOR
Mr. Swapnil Pattanayak, Adv.
Ms. Kratika Kushwaha, Adv.

Mr. Ankit Roy, AOR

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Ms. Rashika, Adv.

Ms. Ankita Sharma, AOR
Mr. Arjun D Singh, Adv.
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Mr. R Sarabeshvaran, Adv.
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Ms. Anushka Raghunath, Adv.

Mr. Manish Kumar, AOR
Mr. Divyansh Mishra, Adv.
Mr. Kumar Saurav, Adv.

Mr. Guntur Pramod Kumar, AOR
Mr. Shreeyash Uday Lalit, Adv.
Mr. Dhruv Yadav, Adv.

Mr. Surjendu Sankar Das, AOR
Ms. Annie Mittal, Adv.

Mr. Nitin Lonkar, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Shrirang B. Varma, Adv.

Mr. Lenin Singh Hijam, Adv. Gen, Sr. Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Karun Shamra, Adv.

Ms. Anupama Ngangom, Adv.

Ms. Rajkumari Divyasana, Adv.

Mr. Amit Kumar, Advocate General

Mr. Avijit Mani Tripathi, AOR

Mr. Upendra Mishra, Adv.

Mr. P.S. Negi, Adv.

Mr. Ashish Ranjan, Adv.

Mr. T.K. Nayak, Adv.

Mr. Z.H. Isaac Haiding, Adv.

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Mr. Shiv Mangal Sharma, A.A.G.

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Mr. Kritin Sardana, Adv.

Ms. Nidhi Jaswal, AOR

Mr. Sameer Abhyankar, AOR

Ms. Yachna Sharma, Adv.

Ms. Arushi Chopra, Adv.

Mr. Sravan Kumar Karanam, AOR

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Mr. Mukul Singh, Adv.
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Mr. Harish Pandey, Adv.
Mr. Varun Chugh, Adv.
Mr. Krishna Kant Dubey, Adv.
Mr. Apoorv Kurup, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Shaswat Parihar, Adv.
Ms. Mrinal Mazumdar, Adv.
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Mr. Aadithya Aravindh, Adv.

Mrs. Revathy Raghavan, AOR
Ms. Vanshika Verma, Adv.
Mrs. A. Sujithra, Adv.

Mr. Harish Pandey, AOR
Intervenor-in-person, AOR

Dr. Surya Prakash, Adv.
Mr. Vipul Garg, Adv.
Mr. Vikram Amarnath Garg, Adv.
Mr. Rahul Pandey, AOR
Ms. Kriti Singh, Adv.
Mr. Bonny Mehra, Adv.
Mr. Rajiv Ranjan, Adv.

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

The instant writ petition under Article 32 of the Constitution of India has been filed by the petitioners seeking directions to the respondents to implement provisions of the National Commission for Allied and Healthcare Professions Act, 2021(hereinafter being referred to as the 'Act, 2021') in its true letter and spirit for the regulation and maintenance of standards for education and services by allied and

healthcare professionals in India.

This Court on 12th August, 2024 passed the following order:-

1. The application for impleadment of the Chairperson of the National Commission for Allied and Healthcare Professions as a respondent is allowed.
2. The National Commission for Allied and Healthcare Professions Act 2021 was enacted by Parliament on 24 March 2021. Upon notification on 28 March 2021 in the Gazette of India, it came into force on 25 May 2021.
3. The grievance in these proceedings is that inspite of the passage of over three years from the enforcement of the Act, most of its provisions have not been implemented. Moreover, it has been submitted that the maximum permissible extensions were availed of by the Centre and the States under Section 69. Though the Union Government has set up a National Commission, it appears that there is no further progress.
4. Notice was issued by this Court on 22 September 2023. Out of twenty-eight States and eight Union Territories, only fourteen States have constituted State Councils. These States are:
 - (i) Himachal Pradesh;
 - (ii) Odisha;
 - (iii) West Bengal;
 - (iv) Assam;
 - (v) Uttarakhand;
 - (vi) Uttar Pradesh;
 - (vii) Kerala;
 - (viii) Andhra Pradesh;
 - (ix) Mizoram;
 - (x) Nagaland;
 - (xi) Sikkim;
 - (xii) Telangana;
 - (xiii) Tripura; and
 - (xiv) Arunachal Pradesh.

Even the State Councils which have been set up, it has been urged, are not functional.

5. The directions which have been sought at the present stage are:
 - (i) Constitution of State Councils by all States and Union Territories after framing rules under Section 68(2)(a-e);
 - (ii) Framing of regulations by the Central Government under Section 66 for

- discharge of functions as provided in Section 11;
- (iii) Constitution of Professional Councils as required by Section 10;
 - (iv) Constitution of Advisory Councils as required by Section 12; and
 - (v) Constitution of Autonomous Boards by State Governments under Section 29.
6. Though this Court entertained the petition in September 2023, the fact remains that the provisions of the Act have still not been implemented. The proliferation of illegal allied healthcare educational institutions and affiliating bodies is a matter of serious concern. The Parliamentary legislation was enacted to provide a legislative framework to protect the public interest against the proliferation of illegal institutions and bodies.
7. Despite the passage of three years since the enactment of the law, both the Union Government and the State Governments have yet to discharge their statutory responsibilities. No counter affidavit has been filed by the Union Government.
8. Mr Vikramjit Banerjee, Additional Solicitor General states that a counter would be filed within a period of two weeks. We see no justification for the Union Government not to have taken action to respond to the proceedings after service of notice. Similarly, there is no justification available on the record for not implementing the provisions of the Parliamentary legislation.
9. We accordingly direct as follows:
- (i) The Union Government and the State Governments shall on or before 12 October 2024, take necessary steps to implement the provisions of the Act;
 - (ii) The Secretary in the Union Ministry of Health and Family Welfare shall within a period of two weeks from the date of this order, convene an online meeting of all the Secretaries in the State Ministries of Health and Family Welfare and a definite road map for compliance with the above directions shall be laid down for the purpose of ensuring that the requisite steps to implement the provisions of the Act are taken, infrastructure is set up by all the States and the institutions contemplated by the Act are made functional not only in letter but in spirit as well by

- taking necessary action in that regard;
- (iii) All the States/Union Territories shall file compliance reports to the Secretary in the Union Ministry of Health and Family Welfare by the next date of hearing; and
 - (iv) The compliance reports shall be compiled in a tabulated statement and be presented before this Court on behalf of the Union Ministry of Health and Family Welfare by the next date of listing.
10. Failing compliance, all the States/Union Territories and the Union Government are put on notice that this Court may have to take recourse to steps for failure to abide by the directions and to implement the Parliamentary legislation.
11. List the Petition on 18 October 2024.

Today, during the course of proceedings, learned counsel for the petitioners urged that the regulations under the Act, 2021 have not been framed by the National Commission. Only 15 States have framed the Rules and formed the councils but till date the same are either not being notified or are virtually non-functional.

It is further submitted that the absence of regulations and non-notification of the councils is leading to continued violation of the Act, 2021. It is thus submitted that the respondents are not only violating the provisions of the Act, 2021 but are also acting in contravention of the order dated 12th August, 2024.

Shri Vikramjit Banerjee, learned ASG urged that the obligation to carry out the necessary formalities under the Act, 2021 are mostly on the

States and hence, they should be directed to ensure compliance of the Act, 2021 and this Court's order.

Taking note of the fact that till date the directions given in the order dated 12th August, 2024 have not been fully complied either by the National Commission or by the States, we direct the Chief Secretaries and the Health Secretaries of all the States and the Union Territories and so also the National Commission to file affidavits of compliance giving details of the notification of the councils, framing of the rules under Section 68(2)(a-e) and framing of the regulations under Section 66 by the National Commission and with regard to all other actions required to be taken under order dated 12th August, 2024.

A copy of this order shall be forthwith transmitted to Chief Secretaries and Home Secretaries of all the States, the administrators of the Union Territories and the National Commission for ensuring compliance and filing the compliance affidavits by the next date failing which this Court shall be compelled to require personal attendance of all the officers concerned.

List this matter on 22nd September, 2026.

(SHIPRA NARANG)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
ASSISTANT REGISTRAR