



**Court on its own motion Vs. State of H.P. &  
others a/w connected matters.**

**CWPIL No. 30 of 2023, CWPIL No. 83 of 2022  
& CWP No. 3118 of 2023.**

**CWPIL No. 30 of 2023**

08.05.2024

Present: Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Mr. Anuj Nag, Advocate, for respondent no. 6.

**CWPIL No. 83 of 2023**

Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Mr. Anuj Nag, Advocate, for respondent no. 5.

Mr. Rajnish Maniktala, Senior Advocate with Mr. Naresh K. Verma, Advocate, for the petitioner.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondents no. 3 & 4.

Mr. Anup Rattan, Advocate General with Mr. Rakesh Dhaulta, Mr. Pranay Pratap Singh, Mr. Sushant Kaprate, Mr. Gobind Korla, Additional Advocates General, Mr. Arsh Rattan, Mr. Sidharth

Jalta & Ms. Priyanka Chauhan, Deputy Advocates General, for the respondents-State.

Heard Mr. Rajnish Maniktala, learned Senior Counsel for the petitioner in CWP No. 3118 of 2023, Mr. Balram Sharma, learned Deputy Solicitor General of India, for Union of India, Mr. Rakesh Dhaulta, learned Additional Advocate General for the State of Himachal Pradesh and Mr. Anuj Nag, learned Counsel for Drug Manufactures Association.

2. We have perused the status reports filed from time to time by the State Government. We have also taken note of the previous order passed on 18.09.2023, in response to which status report had been filed by the State Government.

3. Annexure P-17 in CWP No. 3118 of 2023, filed to the State Government's report indicates that certain actions have been taken when it was noticed that the drugs were not of standard quality, and such actions range from suspension of product permission to prosecution.

4. It appears that notwithstanding such actions having been taken by the State Authorities, there continues to be production of substandard drugs and their sale within India and export thereof outside India.

5. Instances have come to light where in some African countries, there have been deaths on account of consumption of such substandard drugs manufactured within the State of Himachal Pradesh by members of the 6<sup>th</sup> respondent-Association.

6. The need of the hour appears to be to have a review/oversight of the punishments imposed on erring Laboratories, so that adequate deterrence is there and production of standard quality drugs is ensured both for domestic consumption and export.

7. We are also distressed to note that though sufficient funds have been made available for running two State Drugs Laboratories at Baddi in Himachal Pradesh and even building for one of them has been constructed utilizing funds provided by both State and Central Government, neither of these Laboratories are functional, though considerable money has been spent for establishing these laboratories having realized the need for such State Drugs Laboratories.

8. To make the said two State Drugs Laboratories at Baddi functional, it is desirable that respondents no. 3 & 4 deal with bottlenecks which have come in the way of the said Laboratories becoming functional. Otherwise, it would be a

waste of tax payers' money which had already been spent for establishing these Laboratories.

9. Respondents no. 3 & 4 shall therefore file a status report on the above aspect, and they shall also consider a mechanism to review the punishments imposed on erring Drug manufacturers, so that there is an effective implementation of the standard prescribed under the Drugs and Cosmetics Act, 1945 by manufacturers of drugs within the State of Himachal Pradesh.

10. Such report be placed before this Court on both aspects on **28.08.2024**.

**Ramachandra Rao)**

**Dua)**

**May 08, 2024**

*(hemlata)*

**(M.S.**

**Chief Justice.**

**(Jyotsna Rewal**

**Judge**