

# Important Health-related Judgments of the Year 2018

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## **SINGLE PARENT/UNWED MOTHER REQUIRED TO FURNISH AN AFFIDAVIT ONLY WHILE APPLYING FOR BIRTH CERTIFICATE FOR A CHILD BORN FROM HER WOMB**

The Hon'ble Supreme Court of India in the matter titled as "ABC versus The State (NCT of Delhi), SLP (Civil) No. 28367/2011" has considered the issue whether it is imperative for an unwed mother to specifically notify the putative father of the child whom she has given birth to of her petition for appointing as the guardian of her child. The Hon'ble Apex Court has held that if a single parent/unwed mother applies for the issuance of a Birth Certificate for a child born from her womb, the Authorities concerned may only require her to furnish an affidavit to this effect, and must thereupon issue the Birth Certificate, unless there is a Court direction to the contrary.

Commissioning Mother Entitled for Maternity Leave in Case of Surrogacy - The Department of Personnel and Training of Ministry of Personnel, Public Grievances and Pensions, Government of India has vide office memorandum bearing No. 13018/6/2013 -Estt.(L) vide dated 29 January, 2018 has instructed all Ministries/Departments to give wide publicity and to implement the directions given by the Hon'ble High Court of Delhi in the order dated 17th July, 2015 in the Writ Petition No. 844/2014 titled as Ms Rama Pandey, Teacher, Kendriya Vidyalaya V/s UoI & Others wherein it was held that a female employee, who is the commissioning mother, would be entitled to apply for maternity leave under sub-rule (1) of Rule 43.

## **PHARMACEUTICAL COMPANIES CAN CLAIM DEDUCTIONS IN INCOME TAX ON PROMOTIONS TO DOCTORS**

The Hon'ble Income Tax Appellate Tribunal, Pune Bench in the matter titled as "Emcure Pharmaceuticals Limited versus DCIT, Central Circle 2(1), Pune, ITA No. 1532/Pune/2015" dealt with the issue of deductions in income tax claimed by the pharmaceutical companies on the sales and promotions to doctors. The CBDT Circular

No. 5/2012, dated 01-08-2012, which stipulates that the claim of such expenditure constitutes the violation of the circular issued by the said Medical Council of India (MCI) enlarging the scope of disallowance to the pharmaceutical companies is without any enabling notification or circular of the MCI.

The pharmaceutical companies do not come under the purview of Medical Council of India and the notification of the MCI thereby barring the doctors from accepting any gifts, etc., from any pharmaceuticals companies or their allies is not applicable on pharmaceuticals companies.

## **RIGHT TO DIE WITH DIGNITY IS A FUNDAMENTAL RIGHT UNDER ARTICLE 21 OF CONSTITUTION OF INDIA AND PASSIVE EUTHANASIA AND ADVANCE MEDICAL DERIVATIVES/LIVING WILL HAVE BEEN RECOGNIZED**

In the landmark judgment titled as "Common Cause versus Union of India, 2018 (5) SCC 1" passed by the Hon'ble Constitution Bench of 4 Judges of the Supreme Court of India, it has duly held that the right to die with dignity is a fundamental right. Further, it was held that advance medical directives are legal in India.

Further in the said judgment, the Hon'ble Apex Court has laid down certain guidelines and directions w.r.t. advance medical directives which shall remain in force till the Parliament makes legislation on this subject. Also, it was held that in active euthanasia, a specific overt act is done to end the patient's life whereas in passive euthanasia, something is not done which is necessary for preserving a patient's life. It is due to this difference that most of the countries across the world have legalized passive euthanasia either by legislation or by judicial interpretation with certain conditions and safeguards.

## **HON'BLE DIVISION BENCH OF ALLAHABAD HIGH COURT ISSUED DIRECTIONS TO UP STATE GOVERNMENT TO IMPROVE MEDICAL FACILITIES IN THE HOSPITALS MAINTAINED BY THE STATE GOVERNMENT**

In the Writ Petition titled as "Sneh Lata Singh & Others versus State of UP & Others, PIL No. 14588 of 2009" and in "Raj Kumar Singh versus State of UP bearing PIL No. 65217 of 2008", the Hon'ble Division Bench of the High

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Court of Allahabad vide judgment dated 09.03.2018 has issued various directions to the State Government, Uttar Pradesh through Chief Secretary for improving the medical facilities in the hospitals maintained by the State Government.

**A NUMBER OF UNQUALIFIED, UNTRAINED QUACKS ARE POSING A GREAT RISK TO THE ENTIRE SOCIETY AND PLAYING WITH THE LIVES OF PEOPLE WITHOUT HAVING THE REQUISITE TRAINING AND EDUCATION IN THE SCIENCE FROM APPROVED INSTITUTIONS**

In the matter titled as “Kerala Ayurveda Paramparya Vaidya Forum Vs State of Kerala and Others”, Civil Appeal 897/2009, the Hon’ble Supreme Court comprising of bench of Hon’ble Mr Justice R. K. Aggarwal and Hon’ble Mr Justice Mohan M. Shantanagoudar vide judgment dated 13.04.2018 has held that the persons who do not fulfill the prescribed qualification and are not duly registered under the relevant Statute, cannot be permitted to practice as ‘Paramparya Vaidyas’.

**MEDICAL REIMBURSEMENT CLAIM OF PENSIONER OF GOVERNMENT OF INDIA FOR THE TREATMENT TAKEN BY HIM IN A PRIVATE AND NON-EMPANELLED HOSPITAL ALLOWED**

The Hon’ble Supreme Court of India comprising of the Bench of HMJ R. K. Aggarwal and HMJ Ashok Bhushan in the matter titled as “Shiva Kant Jha versus Union of India, Writ Petition (Civil) No. 694/2015”, vide judgment dated 13.04.2018 has allowed the petition filed by the petitioner against the alleged unfair treatment meted out to several retired government servants in their old age and their state of affairs pertaining to reimbursement of medical claims under the Central Government Health Scheme (CGHS). Accordingly, the Hon’ble Apex Court has allowed the medical reimbursement claim of the pensioner of Government of India for the treatment undertaken by him in a private or non-empanelled hospital.

**THREAT TO THE RIGHT OF ‘CHOICE’ OF A PERSON AND THEREBY RIGHT TO LIFE, LIBERTY, PRIVACY AND DIGNITY CAN VERY WELL COME FROM THE PERSON’S OWN PARENTS IRRESPECTIVE OF THE AGE AND GENDER OF SUCH PERSON**

The Hon’ble Division Bench of High Court of Delhi comprising of HMJ S. Murlidhar and HMJ C. Hari Shankar in the matter titled as “Dr Sangamitra Acharya & Anr. Versus State (NCT of Delhi) & Others, Writ Petition (Crl.) No. 1804/2017” while dealing with important questions involving interpretation of the

relevant provisions of the Mental Health Act, 1987 (MHA) in light of the right to life, liberty, dignity and in light of the right to privacy and autonomy of an adult female, as guaranteed in the Constitution of India has vide judgment dated 18.04.2018 held that the procedure for involuntary admission under Section 19 MHA is only applicable when the person has been found to be mentally ill as required by law and a satisfaction has been reached to that end. Admitting a person under Section 19 MHA merely for observation cannot be countenanced as doing so would be in violation of a person’s rights to life, liberty, and dignity granted under Article 21 of the Constitution of India.

**MADHYA PRADESH MEDICAL SCIENCE UNIVERSITY ALLOWS ‘HINGLISH’ IN EXAMINATIONS - BE PREPARED FOR ‘HART KA DAURA’ INSTEAD OF ‘HEART ATTACK’**

The Madhya Pradesh Medical Science University (MPMSU) has officially allowed the use of ‘Hinglish’ (a mix of Hindi and English) in all its written and oral examinations. A circular issued by the varsity on May 26, 2018 said: “Following a detailed discussion, the board of studies has decided that students of all colleges will have the option to answer questions in their examinations in English, Hinglish (a mixture of Hindi and English) and Hindi”.

**UTTARAKHAND HIGH COURT ISSUES DIRECTIONS IN PIL RELATING TO MOLESTATION, RAPE, HARASSMENT AND VICTIMIZATION OF NARI NIKETAN INMATES**

In the matter titled as “Shivangi Gangwar versus State & Others, Writ Petition (PIL) No. 07 of 2016”, the Hon’ble Division Bench of High Court of Uttarakhand at Nainital consisting of HMJ Rajiv Sharma and HMJ Sharad Kumar Sharma dealt with an important public issue relating to the molestation, rape, harassment and victimization of Nari Niketan inmates in the State of Uttarakhand, more particularly, in Nari Niketan, Kedrapuram, Dehradun and has issued various mandatory directions for ensuring protection of the children admitted in the Child Care institutions in the State.

**DELHI HIGH COURT FORMS COMMITTEE TO TACKLE PLASTIC POLLUTION IN COURTS**

While laying emphasis on the need to preserve the environment, Hon’ble Delhi High Court Acting Chief Justice Ms Gita Mittal stated that immediate steps need to be taken to minimize plastic utilization, especially single-use of the plastic items including the pens and the other stationery items, in Courts.

### **COMPENSATION SCHEME FOR WOMEN VICTIMS/SURVIVORS OF SEXUAL ASSAULT/OTHER CRIMES - 2018 BY NATIONAL LEGAL SERVICES AUTHORITY (NALSA)**

The Hon'ble Supreme Court of India in the Writ Petition bearing W.P. (C) No. 565/2012 titled "Nipun Saxena Vs. Union of India" opined that "it would be appropriate if NALSA sets up a Committee of about 4 or 5 persons who can prepare model rules for victim compensation for sexual offences and acid attacks taking into account the submissions made by the learned Amicus.

The learned Amicus as well as the learned Solicitor General have offered to assist the Committee as and when required. The Chairperson or the nominee of the Chairperson of the National Commission for Women should be associated with the Committee."

### **CAPPING OF THE FEES FOR MEDICAL STUDENTS AT DEEMED MEDICAL UNIVERSITIES IN TAMIL NADU**

In the Writ Petition by way of public interest titled as "Jawaharlal Shanmugam versus State of Tamil Nadu & Others, bearing Writ Petition No. 16785/2017" vide judgment dated 08.06.2018, the Hon'ble High Court of Madras has held that the fees varying between Rs. 25 lakhs and Rs. 35 lakhs per annum is, prima facie, far too high and the Fee Committee constituted by the University Grants Commission (UGC) ought to make an in-depth study and recommend the fees to be charged by the deemed universities.

Further, the Hon'ble High Court of Madras has held that the students shall be admitted to the deemed universities subject to payment of Rs. 13 lakhs, on the condition that after the fee committee determines the fees, if the fee is found to be higher than Rs. 13 lakhs per annum, then the concerned students will have to pay the balance amount. And if the fees is determined to be lower, then the concerned students will be entitled to refund.

### **UTTARAKHAND HIGH COURT HELD THAT COST OF MEDICAL EXPENSES OF SENIOR CITIZEN IN CASE OF EMERGENCY TO BE BORNE BY THE STATE GOVERNMENT**

In the PIL titled as "Senior Citizen Welfare Organisation & another versus State of Uttarakhand & another, bearing Writ Petition (PIL) No. 52 of 2013", the Hon'ble Division Bench of the High Court of Uttarakhand, Nainital Bench while dealing with the petition which

was filed for protecting the rights of the senior citizen as per the provisions of the Maintenance and Welfare of the Parents and Senior Citizens Act, 2007, the Hon'ble High Court has vide judgment dated 12.06.2018 held that the senior citizens in case of emergency shall be taken to the nearest hospital for treatment and the cost of conveyance shall be borne by the State Government including the medical expenditure as well as of ambulance.

### **REFERRING THE PATIENT TO A HIGHER CENTRE IS NOT MEDICAL NEGLIGENCE**

In the matter titled as "Suman Taneja versus Metro Hospital & Heart Institute & Others" bearing Complaint Case No. 1499/2015, the Hon'ble National Consumer Disputes Redressal Commission (NCDRC) has vide judgment dated 02.02.2016 dismissed the consumer complaint filed by the complainant seeking compensation of Rs. 2.5 crores.

While dismissing the said consumer complaint, the Hon'ble Commission has held that referring the patient to the higher centre is not a medical negligence and also that the doctors should not be dragged to court unnecessarily on frivolous grounds, which prevent them from discharging their duty to a suffering person who needs their assistance utmost.

### **KERALA HIGH COURT HAS HELD THAT IMAGE OF MOTHER FEEDING THE BABY IS NOT PRURIENT OR OBSCENE**

In the matter titled as "Felix MA versus P. V. Gangadharan, Writ Petition No. 7778/2018", the Hon'ble High Court of Kerala at Ernakulam vide judgment dated 08.03.2018 has held that the image of the mother breastfeeding the baby is not prurient or obscene. The Writ Petition was filed by the Petitioner against the cover page of the magazine depicting a mother feeding her baby exposing her bosom.

### **UTTARAKHAND HC DIRECTS PETROL PUMPS TO PROVIDE FREE OF COST DRINKING WATER AND TOILET FACILITIES TO THE COMMUTERS**

The Hon'ble High Court of Uttarakhand has directed petrol pump owners to provide drinking water to commuters free of cost and put up signboards of reasonable size to inform commuters about the facilities. Hon'ble Division Bench ruled that District Supply Officers will be personally liable for noncompliance of its order.

### **PLASTICS AND THERMOCOL PRODUCTS BANNED IN MAHARASHTRA W.E.F. 23RD JUNE, 2018**

Maharashtra State Government has enforced the "Maharashtra Plastic and Thermocol Products (Manufacture, Usage, Sale, Transport, Handling and Storage) Notification, 2018" Notification No. Plastic-2018/C.R. No. 24/TC-4 dated 23.03.2018, which was issued by the Environment Department with effect from 23.06.2018 thereby banning the use of plastic bags with handle and without handle, and the disposable products manufactured from plastic and thermocol (polystyrene) such as single use disposable dish, cups, plates, glasses, fork, bowl, container, disposable dish/bowl used for packaging food in hotels, spoon, straw, non-woven polypropylene bags, cups/pouches to store liquid, packaging with plastic to wrap or store the products, packaging of food items and food grain material, etc.

### **COMPLETE AUTISTIC CHILD'S PASSPORT PROCEDURE AND INTERVIEW AT HIS HOME: BOMBAY HIGH COURT TO AUTHORITIES**

In the matter titled as "Children of the World India Trust And Debbie Jean Childs", bearing Foreign Adoption Petition No. 22 of 2018 with Judge's order No. 128 of 2018, the Hon'ble Bombay High Court vide judgment dated 27.06.2018 has allowed the unusual foreign adoption petition and has directed the Regional Passport Office to take necessary interviews or complete the necessary procedure at the residence of the autistic child where he is more comfortable.

### **ERADICATION OF LEPROSY POLICY: SUPREME COURT ISSUES DIRECTIONS TO CENTRE AND STATES TO REHABILITATE PATIENTS**

On 14.09.2018, the Hon'ble Apex Court Bench comprising of Hon'ble Chief Justice Dipak Misra, Hon'ble Justice A M Khanwilkar and Hon'ble Justice D Y Chandrachud issued a slew of directions to the Centre and all States for the eradication of Leprosy and rehabilitation of its patients. The Bench stated, "Medical Staff in Private and Government hospitals be sensitized to ensure that Leprosy patients do not face discrimination." Hon'ble Apex Court further remarked that Awareness Campaign should be launched so that leprosy patients do not get isolated and are allowed to lead a normal married life.

### **HON'BLE SUPREME COURT DIRECTS PRIVATE HOSPITAL TO PROVIDE FREE TREATMENT TO POOR PATIENTS**

In the matter titled as "Union of India versus Mool Chand Khairati Ram Trust, Civil Appeal Bearing No.

3155 of 2017", the Hon'ble Supreme Court of India vide judgment dated 09.07.2018 while dealing with the issue of validity of the Circular issued by the Government of NCT of Delhi (GNCTD) on 2.2.2012 whereby it intimated the hospitals to implement the judgment of Delhi High Court with regard to free treatment to the weaker sections of the society in terms of the judgment dated 22.3.2007 in the case of Social Jurists v. Government of NCT of Delhi & Ors., has held that the hospitals in question i.e., Moolchand Hospital, St. Stephens Hospital, Sitaram Bhartia Hospital, Foundation of Cancer Research and other similarly situated hospitals shall scrupulously observe the conditions framed in the order/circular dated 02.02.2012 and in case violation is reported the same shall be viewed sternly and the lease shall be cancelled.

### **DELHI HIGH COURT EMPHASIZES ON NEED TO HAVE FIXED WORKING HOURS FOR DOCTORS AND STANDARD FOR DOCTOR-PATIENT RATIO IN HOSPITALS**

The Hon'ble High Court of Delhi comprising of Acting Chief Justice Gita Mittal and Justice C Hari Shankar acknowledged that doctors have to work for excessive hours in absence of prescribed standard working hours. Delhi HC took note of report prepared by the National Accreditation Board for Hospitals (NABH), which is a Private Body which falls under Quality Council of India (QCI).

### **SUPREME COURT: "ABORTING A HEALTHY FETUS IS AKIN TO MURDER", REJECTS PLEA TO TERMINATE 25-WEEK PREGNANCY**

The Hon'ble Supreme Court has on 16.07.2018 flatly denied a 20-year-old woman permission to terminate her 25-week-old pregnancy, observing that aborting a healthy fetus that is unlikely to affect the mother's physical health amounted to murder. In her petition before the Hon'ble Supreme Court, the Mumbai-based woman pleaded that she would suffer from mental trauma if she went ahead with the "unwanted pregnancy".

### **BOMBAY HIGH COURT ASKS STATE GOVERNMENT TO ENCOURAGE PVT. DOCTORS TO ASSIST IN CIVIL HOSPITALS BY WAY OF CHARITY FOR BENEFIT OF POOR PATIENTS**

The Hon'ble Bombay High Court Bench comprising of Justice NH Patil and Justice GS Kulkarni said that Government's exercise of getting such doctors to serve at the Malegaon Civil Hospital (in Nashik district)



should be followed as a 'model' in other districts. Hon'ble Bench was hearing a PIL filed by a resident of Malegaon town, alleging inaction on part of Public Health Department and local civic body in filling the vacancies for the doctors and Assistant Medical staff at the Malegaon Civic Hospital for years.

### **DELHI HIGH COURT: DON'T INSIST ON DOCUMENTS LIKE AADHAAR TO GIVE BENEFITS OF MATERNITY SCHEMES**

On 25.07.2018, the Hon'ble Delhi High Court said there was no legal basis for the AAP Govt. to insist on documents like Aadhaar and bank passbooks, to provide maternity scheme benefits to pregnant and lactating women in the city. A Bench of Hon'ble Acting Chief Justice Gita Mittal and HMJ C Hari Shankar asked the Delhi Govt. not to insist on such documents for providing benefits to those eligible under maternity schemes like Janani Suraksha Yojana (JSY). The HC also directed the Govt. to widely publicize the benefits of such schemes and the requirements for registration as many women appeared unaware about them.

### **HON'BLE SUPREME COURT ON FEMALE GENITAL MUTILATION: WE CAN'T DIRECT DOCTORS TO PERFORM GENITAL MUTILATION ON MINOR GIRLS**

On 31.07.2018, the Hon'ble Supreme Court made it clear that it cannot direct doctors to perform genital mutilation of minor girls of Dawoodi Bohra Muslim Community and questioned "scientific justification", if any, behind the procedure. Hon'ble Apex Court Bench headed by the then Hon'ble CJI Dipak Misra and also comprising Hon'ble Justice A M Khanwilkar and Hon'ble Justice D Y Chandrachud, was hearing a PIL challenging the practice, questioned the process stating that there was hardly any rationale behind it as a girl child is forced to undergo it due to nonmedical reasons.

### **DELHI HIGH COURT: UNSUCCESSFUL STERILIZATION OPERATION DOES NOT MEAN MEDICAL NEGLIGENCE, IF THE PATIENT AND HER RELATIVES WERE INFORMED ABOUT CHANCES OF ITS FAILURE**

In the matter titled as "Lok Nayak Hospital versus Prema, RFA No. 56/2006", the Hon'ble High Court of Delhi vide judgment dated 06.08.2018 has held that medical negligence is not proved in case of unsuccessful sterilization operation, if the doctor/hospital has duly got the consent form and other forms signed by the patient and counter signed by her relatives in which it was specifically mentioned by the doctor/hospital that the operation need not be always successful and there

are always some chances of failure, and if the operation is not successful the hospital or the concerned doctor will not be held responsible.

### **DELHI HIGH COURT HAS DIRECTED MCI TO FRAME SENTENCING POLICY FOR DELINQUENT DOCTORS**

In the matter titled as "Ravi Rai versus Medical Council of India, WP(C) No.10506/2017 and WP(C) No. 10625/2017", the Hon'ble High Court of Delhi vide order dated 20.08.2018 has directed MCI to frame sentencing policy for delinquent doctors for the infractions committed by them and the said sentencing policy shall be a guidance for the Committee, which are tasked with job of returning recommendations both on the guilt and punishment to be accorded to a delinquent doctor.

### **SUPREME COURT STRIKES DOWN KERALA MEDICAL ORDINANCE WHICH SOUGHT TO REGULARIZE ADMISSIONS EARLIER CANCELLED BY SC**

Vide judgment dated 12.09.2018 passed by the Hon'ble Supreme Court in the matter titled as "Medical Council of India versus State of Kerala & others, Writ Petition No. 231/2018", the Hon'ble Supreme Court has declared the Kerala Professional Colleges (Regularisation of Admission in Medical Colleges) Ordinance, 2017 to be ultra vires and entrenching upon the field earmarked for the judiciary as it sought to nullify the judgment and order passed by the High Court and by this Court.

### **SUFFERING OF AILMENT BY THE PATIENT AFTER SURGERY DOES NOT SIMPLY MEAN MEDICAL NEGLIGENCE**

In the matter titled as "Dr S. K. Jhunjhunwala versus Mrs Dhanwanti Kumar & Anr.", the Hon'ble Supreme Court of India vide judgment dated 01.10.2018 has held that simply proving the suffering of ailment by the patient after the surgery does not amount to medical negligence. The doctor can be held for medical negligence only if the suffering of any such ailment is because of improper performance of the surgery and that too with the degree of negligence on the part of the doctor.

### **ONLY CRACKERS WITH REDUCED EMISSION (IMPROVED CRACKERS) AND GREEN CRACKERS ARE ALLOWED BY HON'BLE SUPREME COURT**

Vide judgment dated 23.10.2018 the Hon'ble Supreme Court of India in the matter titled as "Arjun Gopal & others versus Union of India & Others" has permitted

the crackers with reduced emission (improved crackers) and green crackers to be manufactured and sold. The manufacture, sale and use of joined firecrackers (series crackers or laris) has been banned by the Hon'ble Apex Court as the same causes huge air, noise and solid waste problems.

**HOMOSEXUALS HAVING LIVE-IN RELATIONSHIP IS NOT CRIME: KERALA HIGH COURT**

In a string of progressive judgments being passed by the Indian Judiciary, the High Court of Kerala in a recent case has allowed lesbian couple to lead a live-in relationship noting that the same is not a crime or contrary to any India law. In the case titled as "Sreeja S. versus The Commissioner of Police", the seminal and intriguing issue that fell for consideration before the High Court of Kerala was "whether persons of same gender are entitled to lead a 'live-in relationship'?"

**SUPREME COURT: IF THERE IS CONFLICT BETWEEN HEALTH AND WEALTH, THEN HEALTH WILL HAVE TO BE GIVEN PRECEDENCE**

In the matter titled as "M.C. Mehta versus Union of India & Others, Writ Petition (Civil) No. 13029 of 1985" vide judgment dated 24.10.2018 the Hon'ble Constitution Bench of three judges of the Supreme Court of India has held that the right to live in an environment free from smoke and pollution follows from the quality of life which is an inherent part of Article 21 of the Constitution.

The right to live with human dignity becomes illusory in the absence of a healthy environment. The right to life not only means leading a life with dignity but includes within its ambit the right to lead a healthy robust life in a clean atmosphere free from pollution. Such rights are not absolute and have to coexist with sustainable development. If there is conflict between health and wealth, then health will have to be given precedence. In view of the same, the Hon'ble Court has held that no motor vehicle conforming to the emission standard Bharat Stage IV shall be sold or registered in the entire country with effect from 01.04.2020.

**HON'BLE DELHI HIGH COURT BANS ONLINE SALE OF MEDICINE/DRUGS ACROSS COUNTRY**

On 12.12.2018, the Hon'ble Division Bench of Chief Justice of Delhi High Court has directed the Central

government and the Delhi government to restrain the online sale of medicines by e-pharmacies, as the same it is not permitted under the Drugs and Cosmetics Act, 1940 and the Pharmacy Act, 1948 in a petition filed by one Dermatologist Dr. Zaheer Ahmed.

The petition claimed that lakhs of medicines are being sold online through e-pharmacies, in spite of a direction of the Drug Controller General of India to the State Drug Controllers, "to put a strict vigil on online sale of medicines in violation of the Drugs and Cosmetics Act and Rules thereunder, to protect the interest of public health," thus violating the citizens' Right to Life guaranteed under Article 21 of the Constitution.

**JAMMU AND KASHMIR IS THE FIRST STATE IN THE COUNTRY TO HAVE LAW AGAINST "SEXTORTION"**

In a PIL titled as "Court on its Own Motion versus State of Jammu and Kashmir" vide judgment dated 15.10.2018, the Hon'ble Chief Justice of Jammu and Kashmir had directed the State of Jammu and Kashmir to examine the concept of "Sextortion" in the context of applicable laws and to amend the existing penal laws so that illegal acts, unwarranted demands for sexual favors and inappropriate contacts by the persons in authority are made punishable. The said issue relating to "Sextortion" was examined by the Governor and it was found that in order to prevent misuse of authority for unwanted sexual favors, it is expedient to amend the existing penal laws so as to curb this menace and prevent and check such misuse of position by persons in authority, fiduciary relationship or by a public servant.

**MADRAS HIGH COURT BANS ONLINE SALE OF MEDICINE TILL CENTRAL GOVERNMENT NOTIFIED REGULATORY RULES**

In the matter titled as "The Tamil Nadu Chemists and Druggists Association versus Union of India & Others", the Hon'ble Madras High Court has banned the online sale of drugs and cosmetics till the Central Government notified the proposed Drugs and Cosmetics Amendment Rules, 2018. The Hon'ble High Court has also directed the Central Government to notify the proposed Drugs and Cosmetics Amendment Rules, 2018 which deals with regulations and rules w.r.t. online sale of drugs and cosmetics, by 31st January, 2019 and not later than that.

