

A. I. Democratic Women Association

Vs

Union of India & Anr.

(Dr. A. S. Anand, S. Rajendra Babu, A. P. Misra JJ)

16.03.1998

ORDER

1. In this writ petition challenge is made to the use of the drug 'Quinacrine' as a method of female sterilisation. Following prayer is made :

"a) To issue a writ of Mandamus or any other appropriate writ, order or direction directing respondent nos. 1 and 2 to initiate immediate steps to ban the use of Quinacrine in the form of pellets or otherwise as a method of sterilisation.

b) To issue a writ of Mandamus or any other appropriate writ, order or direction directing respondent nos. 1 and 2 to initiate proceeding under the Drugs and Cosmetics Act, 1945 against all those engaged in the importation and/or manufacture, transmission, sale and use of Quinacrine in the form of pellets or otherwise as a method of sterilisation.

c) To issue a writ of Mandamus or any other appropriate writ, order or direction directing respondent nos. 1 and 2 to issue a notification under Section 26 A of the Drugs and Cosmetics Act, 1945, banning the use of Quinacrine as a method of sterilisation."

2. Counter affidavit on behalf of respondent No. 8 has been filed in court today through Ms. Kamini Jaiswal. The same is taken on record.

3. An affidavit has been filed by Shri Ashwini Kumar working in the office of the Directorate General of Health Services as Joint Drugs Controller (India).

Paragraph 3 of the affidavit reads thus :

"I say that the respondent is taking necessary steps to invoke the provisions of Sections 10 - A and 26 - A of the Drugs and Cosmetics Act, 1945, to prohibit/ban the import, manufacture, sale and distribution of Quinacrine in Pellet form and for the use as a contraceptive. Draft Notifications have been prepared and have been submitted to the competent authority in the Ministry of Health and Family Welfare for approval, copies whereof are annexed hereto and marked as Annexure I and II."

4. Along with the affidavit, copies of the proposed notifications have also been filed.

5. In view of the stand taken by the Central Government that it is taking steps to ban the import,

manufacture, sale and distribution of the drug "Quinacrine" for use as a method of non-surgical sterilisation on woman, no further orders are required to be made in this writ petition and we, therefore, consign the writ petition to records as disposed of.