

Minutes of the Meeting - MLAA 19 July 2022

Agenda: Baba Ramdev's Advertisement against allopathy

Special Invitee: Dr. Pradeep Arora

Meeting was led by: Dr. Devaraj Raichur

The Meeting was attended by:

Dr. Sanjay Gupte
Dr. Ashish Khatod
Dr. Sangeeta Pikale
Dr. Nisar Shaikh
Dr. C V Rathod
Dr. Samnati Pande
Dr. Rajeev Joshi

Dr. Shivkumar Kumbhar
Dr. Mukesh Yadav
Dr. Vijayalsxmi Seshadri
Dr. Anita Shettikari
Dr. Shayam Prasad
Dr. Swati Dole

Dr. Rajeev Joshi invited **Dr. Devaraj Raichur** to start the meeting with initial comments.

Dr. Devaraj Raichur welcomed all the participants and discussed the issue of recent advertisement by Baba Ramdev's Patanjali unduly against allopathy. He pointed out that the reference to allopathy in the advertisement was a misinformation to the public, was unnecessary, would only have the motive of undue business practice and denigrating the practitioners of Modern Medicine and thus has potential impact emotionally. He mentioned the National IMA having considered the issue has sent a notice to Baba Ramdev and is further considering pursuing the issue in the Supreme Court, if needed. He opened the stage to all for opining on possible legal actions on the issue by MLAA, at first asking Dr. Pradeep Arora to give his views.

Dr. Pradeep Arora said that we must look at:

1. Define our objectives.
2. Be objective and not subjective.
3. Our adversary is 1 individual, not a Government Department.
4. Somebody abusing allopathy doesn't come in defamation, though it hurts us personally.
5. PIL should preferably be avoided.
6. Directly going to the Supreme Court should be avoided.

He further elaborated that proving issues could be difficult. We must have the contentions which are provable. Proving what methods are scientific is a longish process. Long legal processes would make the people forget about the cases. Contentions should preferably be readily provable.

He pointed out Violation of Laws that could be directly proved in Misleading Advertisements:

1. Rule 170 of Drugs & Cosmetics Rules - Blanket prohibition on advertisement of all drugs of all systems of medicine, including AYUSH. – Complaint to Drug Inspector - Wellness clinic advertisement,
2. Section 3(d) of Drug and Magical Remedies Act, (DMRA) read with Section 14, r/w Schedule 1 – any advertisement, whether misleading or not, is prohibited.

He also pointed out that one can file an FIR also.

Dr. Sangeeta Pikale said that Baba Ramdev is not an expert on allopathy. He could be complained against in the Courts of law. However, **Dr. Pradeep Arora** opined that the court will just say to Baba Ramdev to stop doing such acts. The Baba would agree, but after sometime might continue the same. We would have not proven him guilty.

Dr. Shivakumar Kumbhar opined that proving that the advertisement is not a fair comment could help.

Dr. Mukesh Yadav added to the legal options and said that

1. Consumer Protection Act, 2019, has provisions on unfair trade practice
2. Central Council Ethical Regulations, 1983 also prohibits Advertisement like this
3. ASCI also issued some direction for withdrawal of Advertisement and Fine

Dr. Rajeev Joshi opined that such advertisements affect the public health and are flouting the law. So instead of going to lower court we could go to High Court to save time in the course of law. However, **Dr. Pradeep Arora** pointed out that it would be a PIL, and we cannot target Ramdev directly. That has to be in trial court.

Dr. Sangeeta Pikale mentioned that another approach is to just ignore Ramdev, not giving importance to him. **Dr. Pradeep Arora** explained that Baba Ramdev is unduly denigrating our system of medicine, this issue needs to be addressed, but by a shortest/direct course of law & not a long/tortuous course. Furthermore, even his medicines are causing a lot of problems to the public. Dr. Sangeeta agreed with this.

Dr. Arora suggested **Dr. Mukesh Yadav** could lead an online complaint, create a campaign online. Words to be drafted carefully in consensus of a group created for this purpose, so that defamation is not invited. In Delhi or Pune or where the original newspaper advertisement on 9th July 2022 appeared, a complaint may be filed in violation of Rule 170 of Drugs and Cosmetics Rules and Section 3(d) of Drug and Magical Remedies Act, focusing on one advertisement. Rule 106 of Drugs and Cosmetics Rules also could be invoked, in addition. We need to be aware of all the ramifications.

Dr. Mukesh Yadav said Dr. KV Babu of Kerala also has made a complaint and action has been initiated by the Haridwar Drug Inspector under Section 3 of DMRA. Dr. Nagpal has also complained to Competition Commission of India.

Dr. Arora said that before taking any step, look at provisions of law carefully, consult him and a lawyer, too. Consider the time it could take, and the financial aspects.

Dr. Rajeev Joshi made a summary of the meeting with comments that though the number of attendees for the meeting has been small, there is a huge number of doctor colleagues blessing us in the background.

The meeting was concluded by **Dr. Devaraj Raichur** who thanked Dr. Arora and all the participants for their active contribution to the meeting. It was agreed that we could have a follow up discussion on the issue in the next few weeks.