



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF DECEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 33381 OF 2025 (GM-RES)

BETWEEN:

1. INDIAN SOCIETY OF ANAESTHESIOLOGISTS
MANGALURU (DAKSHINA KANNADA) BRANCH,
WITH SECRETARIAT AT DEPARTMENT OF
ANESTHESIOLOGY, YENEPOYA MEDICAL COLLEGE,
DERALAKATTE, MANGALURU-575 018
REPRESENTED BY ITS HONORARY SECRETARY
2. NURSING HOME AND HOSPITAL MANAGEMENT
ASSOCIATION
TARA HOSPITAL, GANAPATHI HIGH SCHOOL ROAD,
MANGALURU-575 001
3. DR. GANAPATHI P
MEDICAL DIRECTOR
MANGALA HOSPITAL AND MANGALA KIDNEY
FOUNDATION, VAJRA HILLS, KADRI ROAD
MANGALURU-575 003

...PETITIONERS

(BY SRI. SACHIN B S, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HEALTH AND FAMILY WELFARE
SERVICES, VIDHANA SUDHA,
BENGALURU-560001
REP. BY ITS PRINCIPAL SECRETARY
2. THE COMMISSIONER
OFFICE OF THE DRUGS CONTROLLER
FOR THE STATE OF KARNATAKA
DRUGS CONTROL DEPARTMENT
PALACE ROAD, BENGALURU-560 001

Digitally signed
by SHWETHA
RAGHAVENDRA

Location: HIGH
COURT OF
KARNATAKA



3. THE ASSISTANT DRUGS CONTROLLER-2
THE REGIONAL OFFICE OF ASST. DRUG CONTROLLER,
SHANTHI, BALIKASHRAMA ROAD, KANKANADI ,
MANGALURU, DAKSHINA KANNADA DISTRICT-575 002
4. THE DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT
D.C. OFFICE, BUNDER
MANGALURU-575 001
5. THE DEPUTY COMMISSIONER OF EXCISE
DAKSHINA KANNADA DISTRICT
BALAMATTA ROAD, MANGALURU-575 001
6. MINISTRY OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF INDIA,
THROUGH ITS SECRETARY,
NIRMAN BHAWAN, NEW DELHI-110011
REPRESENTED BY THE SECRETARY

...RESPONDENTS

(BY SMT.SARITHA KULKARNI, AGA FOR R1 TO R5;
SRI.H.SHANTHI BHUSHAN, ADVOCATE FOR R6)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE IMPUGNED COMMUNICATION DATED 27.06.2025 BEARING NO.AASUOUAA/YUOUNIMAM/RMI/MN1/265/2025-26 ISSUED BY RESPONDENT NO.3 VIDE ANNEXURE-A AND ETC.,

THIS WRIT PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The Petitioners are before this Court seeking for the following reliefs:



- a. Issue a writ of certiorari, quashing the impugned communication dated 27.06.2025 bearing no. AaSuOuAa/YuOuNiMam/RMI/MN1/265/2025-26 issued by Respondent No.3 vide Annexure-A.*
- b. Issue a Writ of Mandamus directing the Respondents to recognise the qualification of MD Anesthesiology, awarded by universities recognised under the national medical commission act, 2019, as sufficient training, qualification and expertise in pain relief and palliative care within the meaning of chapter VB of the NDPS rules, 1985 for the purposes of RMI recognition and procurement and prescription of the essential narcotic drug - fentanyl, without insisting upon additional certificates or fellowships from NGOS or other non-statutory bodies.*
- c. Direct the Respondents, in particular the state drugs controller, to process applications and grant RMI licences to institutions employing qualified MD anaesthesiologists strictly in accordance with law and the NDPS rules, 1985, and without imposing any conditions not contemplated under the said rules.*
- d. Issue any other writ, order or direction as this Hon'ble Court deems fit and proper in the interests of justice and equity.*

2. Petitioner No.1 is the Mangaluru Branch of the Indian Society of Anaesthesiologists, claiming to be a professional association of qualified Anaesthesiologists. The members of Petitioner No.1 are stated to be duly qualified medical practitioners holding postgraduate degrees in MD Anesthesiology



recognised under the National Medical Commission Act, 2019, and each of the doctors is registered with the appropriate State Medical Council.

3. Petitioner No.2 is the Nursing Home and Hospital Management Association registered under the applicable law. Its members comprise nursing homes and hospitals.
4. Petitioner No.3 is a hospital, namely Mangala Hospital and Mangala Kidney Foundation. It is stated to be a reputed hospital and kidney foundation having NABH accreditation.
5. Petitioner No.3 had submitted an application dated 04.07.2025 on 08.07.2025 and another application dated 23.08.2025 submitted on 01.09.2025 to Respondent No.3-Assistant Drugs Controller for issuance of renewal of licence for registered medical institution under Rule 52(O)(1) of the Narcotic Drugs and Psychotropic Substances Rules, 1985 (hereinafter referred to as 'the NDPS Rules, 1985' for



short), which requires institutions seeking recognition as Registered Medical Institution (RMI) for possessing, dispensing or selling essential narcotic drugs for medical purposes.

6. The Respondents called upon Petitioner No.3 to apply in Form 3F, and Entry 5 of Form 3F would be required to be filled in, providing the details of the training of designated medical practitioners in pain relief and palliative care or opioid dependence treatment.
7. The request made by Petitioner No.3 for renewal of the licence was refused on the ground that the doctor who had been designated, though being an MD in Anesthesiology, did not possess any certificate of training in pain relief and palliative care for opioid dependence treatment, and as such, Respondent No.3 had sought to contend that if such a certificate were to be produced, the application of Petitioner No.3 would be considered and the renewal granted.



It is challenging the same the Petitioners are before this Court.

8. The submission of Sri Sachin B.S., learned counsel for the Petitioners is that
 - 8.1. A person holding the qualification of M.D. (Anaesthesiology) necessarily undergoes structured and mandatory training in pain management, palliative care, and opioid-based therapy, including the clinical use of narcotic analgesics. These subjects form an integral part of the prescribed postgraduate curriculum in Anaesthesiology. There is no statutory or regulatory requirement under the governing medical or narcotics control framework mandating the acquisition of any separate or additional certificate for a medical practitioner so qualified to provide pain relief, palliative care, or opioid-based treatment. Accordingly, the qualification held by the Designated Doctor



of Petitioner No. 3 fully satisfies the eligibility criteria, and ought to have been accepted by Respondent No. 3 for the purpose of renewal of the requisite licence.

8.2. It is further submitted that the refusal to renew the licence has grave and immediate public health consequences. Petitioner No. 3-Hospital caters to patients requiring advanced pain management, peri-operative anaesthesia, and palliative care, all of which depend upon the lawful availability of essential narcotic medicines such as morphine and fentanyl. Non-renewal of the licence effectively imposes a blanket embargo on the procurement and use of these drugs, thereby rendering the hospital incapable of providing standard-of-care treatment to critically ill, post-operative, cancer, and terminally ill patients. Such an outcome is manifestly contrary to public



interest, patient safety, and the objectives of the narcotics regulatory regime, which is intended to prevent misuse while ensuring legitimate medical access.

9. The submission of Smt. Saritha Kulkarni, learned AGA appearing for Respondent Nos.1 to 5 submits that
 - 9.1. the Narcotic Drugs and Psychotropic Substances (Third Amendment) Rules, 2015, more particularly, Rule 2(iv)(ib) requires a medical practitioner to be recognised under the aforesaid Rules, such person must be registered as a medical practitioner under Indian Medical Council Act, 1956 or under any law for the registration of medical practitioners for the time being in force or registered as a dentist under the Dentists Act, 1948 or under any law for the registration of dentist for the time being in force and has undergone training in pain relief and palliative care for prescription of essential



narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence.

- 9.2. Her submission is that since the conjunctive word 'and' has been used, it is not only the registration as a medical practitioner or a dentist, but such a person should have undergone training in pain relief, palliative care, etc. It is for that reason that Respondent No.3 has been insisting for such a certification.
- 9.3. Her submission is that Respondent No.3 has erred on caution inasmuch as a licence being provided for prescribing and dispensing of narcotic drugs, the definition of a registered medical practitioner under Rule 2(iv)(ib) of the NDPS Rules, 2015, has been literally applied by Respondent No.3 and as indicated supra, since the conjunctive word 'and' has been used, both



the requirements have been mandated by Respondent No.3.

10. It is in the above background that being of the considered opinion that the stand of the Union of India in that regard is required to be obtained inasmuch as the matter would touch upon and affect several medical practitioners, who have done their MD in Anesthesiology. Ministry of Health and Family Welfare, Government of India was brought on record as Respondent No.6.
11. Sri.Shanthi Bhushan, learned DSGI having accepted the notice on behalf of Respondent No.6, taking into consideration the sensitivity of the matter both in terms of qualification as also the time frame, had personally corresponded with the Narcotic Commissioner as also the Under Secretary to the Government, Ministry of Finance, Department of Revenue, under which the narcotics department comes under and further with an expert in the field,



namely the Professor of the National Drug Dependence Treatment Centre and Department of Psychiatry, All India Institute of Medical Sciences. His submission on the basis of the communication from the Narcotics Commissioner to the Director, Narcotics Control, Ministry of Finance, as also the communication from the Under Secretary to the Government, Narcotics Department, Ministry of Finance, Department of Revenue is that a degree in MD Anesthesiology is a recognised post graduate qualification under the National Medical Commission (NMC) and inherently satisfies the requirement under Rule 52N of the NDPS Rules, 1985, for registered medical practitioners to possess, prescribe and dispense Essential Narcotic Drugs (END) for pain relief and palliative care and further that no additional training is required for MD Anesthesiology (Anesthesiology holders) to obtain an additional



certificate/training in terms of Form 3F of the NDPS Rules, 1985.

12. This submission is further reinforced by the opinion of the expert in the field, namely Dr. Atul Ambekar, Professor, National Drug Dependence Treatment Centre and Department of Psychiatry, All India Institute of Medical Sciences, which has been produced along with the memo.
13. On the basis of the above, his submission is that the word 'and' cannot be read as conjunctive in the present circumstances. Insofar as a person possessing a master's degree in Anesthesiology is concerned, what Rule 2(iv)(ib) of the NDPS Rules, 2015 refers to is only a Medical Practitioner who could be a Bachelor in Medicine holding an MBBS degree and not a person who holds a master's degree in MD in Anesthesiology.
14. If the designated doctor is a person who is registered as a medical practitioner possessing a bachelor's



degree, then the certification would be necessary. If a person possesses a master's degree, namely an MD in Anesthesiology, there is no separate certification which is necessary.

15. Heard Sri.Sachin B.S., learned counsel for the Petitioners, Smt.Saritha Kulkarni, learned AGA for the respondents-State, Sri.Shanthi Bhushan, learned DSGI for respondent No.6 and perused the papers.
16. The short question that would arise for consideration in the present matter is:

"Whether a medical practitioner holding an M.D. in Anaesthesiology is legally required to undergo any additional training or obtain any separate certification in pain relief, palliative care, opioid substitution therapy, or addiction medicine in order to prescribe or administer Essential Narcotic Drugs and to treat patients with opioid dependence?"

17. Rule 2 (iv)(ib) of the Narcotic Drugs and Psychotropic Substances (Third Amendment) Rules, 2015, is reproduced hereunder for easy reference.



"2(iv)(ib): "registered medical practitioner" means any person registered as a medical practitioner under the Indian Medical Council Act, 1956 (102 of 1956) or under any law for the registration of medical practitioner for the time being in force, or registered as a dentist under the Dentists Act, 1948 (16 of 1948) or under any law for the registration of dentists for the time being in force and has undergone training in pain relief and palliative care for prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence;".

18. A perusal of the above provision would indicate that a registered medical practitioner means any person registered as a medical practitioner under the Indian Medical Council Act, 1956, now, the National Medical Commission or under any law for the registration of medical practitioners for the time being in force or registered as a dentist under the Dentists Act, 1948 or under any law for the registration of dentists for the time being in force and has undergone training in pain relief and palliative care for the prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for the



prescription of essential narcotic drugs for the treatment of opioid dependence.

19. Rule 52-A of the NDPS Rules, 1985, prescribes that there is a prohibition from possessing any essential narcotic drug otherwise than in accordance with the provisions of the Rules. The exemption which has been granted is for licensed dealers or licensed chemists under Rule 52-B of the NDPS Rules, 1985.
20. Rule 52-G of the NDPS Rules, 1985, specifically provides for registered medical practitioners and conditions relating to their prescriptions.
21. Rule 52-N of the NDPS Rules, 1985, provides for a Government Hospital Dispensary to be deemed to be a recognised medical institution.
22. In terms of Rule 52-O of the NDPS Rules, 1985, recognition of medical institutions is provided for. The said rule is reproduced hereunder for easy reference.



52-O. Recognition of medical institutions.-

(1) A medical institution seeking, to be a recognised medical institution or renewal of such recognition, under these rules for possessing, dispensing or selling essential narcotic drugs for medical purposes in all apply in Form No. 3F to the Controller of Drugs.

(2) The Controller of Drugs, on receipt of application referred to in sub-rule (1) may, subject to any inquiry which may be necessary, issue a Certificate of Recognition in Form No.3G and such certificate shall be issued within sixty days from the date of receipt of such application.

(3) In case the Certificate of Recognition is not issued within the period mentioned in sub-rule (2), the Controller of Drugs or any other officer authorised by him in this regard shall inform the applicant the reasons thereof.

(4) The Certificate of Recognition shall be issued for a period not exceeding three years at a time.

(5) For renewal of the recognition referred to in sub-rule (1), application shall be made to the Controller of Drugs at least sixty days before the expiry of previous recognition.

(6) The Certificate of Recognition shall be obtained within a period of one hundred and eighty days from the date of commencement of these rules.

(7) In the event of a change in the constitution of a recognised medical institution, the current recognition shall be deemed to be valid for a maximum period of ninety days from the date on which the change takes place.

23. A perusal of Rule 52-O of the NDPS Rules, 1985, indicates that a medical institution seeking to be recognised as a medical institution or renewal of such recognition under the rules for possessing,



dispensing or selling essential narcotic drugs for medical purposes shall apply in Form 3F to the Controller of Drugs. The Controller of Drugs shall, on receipt of the application, subject to any enquiry which may be necessary, issue a Certificate of Recognition in Form No.3G.

24. Rule 52-Q of the NDPS Rules, 1985, speaks of the designated medical practitioner, namely the medical practitioner who is to be designated in Form 3F when such an application is made. Rule 52-Q is reproduced hereunder for ease of reference.

"52-Q. Designated medical practitioner.

(1) Every recognised medical institution shall designate one or more registered medical practitioner who has undergone training in pain relief and palliative care for prescription of essential narcotic drugs for pain relief and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence, who shall prescribe and dispense essential narcotic drugs.

(2) When more than one registered medical practitioner is designated, one of them shall be designated as over-all in charge.



(3) The name of the designated medical practitioner or the over-all in charge, as the case may be, shall be endorsed on the Certificate of Recognition issued under rule 52-O by the Controller of Drugs.

(4) Whenever there is a change in the designated medical practitioner or the over-all in charge, as the case may be, the recognised medical institution shall inform the Controller of Drugs within seven days from date of such change for appropriate endorsement on the Certificate of Recognition."

25. A perusal of Rule 52-Q of the NDPS Rules, 1985, indicates that every recognised medical institution shall designate one or more registered medical practitioners who have undergone training in pain relief and palliative care for prescription of essential drugs for pain and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence, who shall prescribe and dispense essential narcotic drugs. If more than one registered medical practitioner is designated, one of them shall be designated as overall in charge, whose name shall be



endorsed in the Certificate of Recognition issued under Rule 52-O by the Controller of Drugs.

26. The duties of the medical practitioner are defined under Rule 52-R of the NDPS Rules, 1985, which reads as under.

"52-R. Duties of designated medical practitioner.

(1) The designated medical practitioner or the over-all in charge, as the case may be, shall,

(a) register the patients to whom essential narcotic drugs shall be dispensed or sold for medical use only;

(b) maintain separate record in Form No. 3-E for each patient, which shall be preserved for a minimum period of two years from the date of last entry;

(c) maintain record of all receipts and disbursements of essential narcotic drugs in Form No. 3-H, which shall be preserved for a minimum period of two years from the date of last entry; and

(d) file return for a calendar year on or before the 31st of March of the subsequent year in Form No. 3-I to the Controller of Drugs.

(2) In the event of any change in the constitution of the recognised medical institution, the designated medical practitioner or the over-all in charge, as the case may be, shall inform the Controller of Drugs in writing



*within thirty days from the date of such change
for issue of fresh Certificate of Recognition."*

27. Thus, in terms of the above, for any registered medical institution to seek for a licence to hold and dispense essential narcotic drugs, a medical practitioner is required to be designated, and such medical practitioner is required to have training in pain relief and palliative care for the prescription of essential drugs for pain and palliative care or training in opioid substitution therapy for the prescription of essential narcotic drugs for the treatment of opioid dependence.
28. The question that arises here is whether the medical practitioner in Rule 52-Q as defined under Rule 2(iv)(ib) would include a person possessing a master's degree in MD Anesthesiology or can be only restricted to a bachelor degree holder or conversely if the designated medical practitioner is a person



holding a master's degree i.e. MD in Anesthesiology, would such person require a training in pain relief and palliative care for prescription of essential drugs for pain and palliative care or training in opioid substitution therapy for prescription of essential narcotic drugs for treatment of opioid dependence.

29. When the matter was taken up for consideration ex facie on the basis of the curriculum for an MD in Anesthesiology, it was seen that the syllabi covers training in pain relief and palliative care, as well as the prescription of narcotic drugs, control of opioid dependency, etc.
30. A clarification issued by the Narcotic Commissioner, which has been produced though undated but stated to be dated 26.11.2025, received under email by the Director, Narcotics Control, Ministry of Finance, Department of Revenue, reads as under:

"To,



*Shri. Vinod Kumar,
Director (Narcotics Control),
Ministry of Finance, Dept. of Revenue,
Room No.66-A, North Block,
New Delhi-110001*

Sir,

Subject: Clarification regarding training as prescribed in Form 3F of NDPS Rules,1985- Comments/Inputs in response to OM No.N-99014/1/2025-NC-II- DOR dated 26.11.2025-reg

Please refer to your Office Memorandum No. N-99014/1/2025-NC-II-DOR dated 26th November, 2025, on the above-mentioned subject, thereby informed about Writ Petition No.33381/2025 before the Hon'ble High Court of Karnataka concerning the renewal of licence for possession and sale of Essential Narcotic Drugs (ENDs) by Registered Medical Practitioners (RMPs) qualified as MD (Anesthesiology). The matter pertains to whether such qualification satisfies the training requirements under Rule 52-N of the Narcotic Drugs and Psychotropic Substances Rules, 1985 (NDPS Rules), or if additional certification in pain relief and palliative care, as per Form 3F, is mandated.

2. The Central Bureau of Narcotics (CBN), as the nodal agency for enforcement and regulatory aspects of narcotic drugs under the NDPS Act, 1985, has examined the query in consultation with relevant guidelines, the postgraduate medical curriculum under the National Medical Commission (NMC), international standards from the World Health Organization (WHO) and International Narcotics Control Board (INCB), and practices in select countries, The inputs on the two specific queries are furnished below:



2(i) Whether MD (Anesthesiology) satisfies the Rule 52-N training requirement:

Comments/inputs:-

- a) Yes, the MD (Anesthesiology) degree, as a recognized postgraduate qualification under the NMC, inherently satisfies the training requirements under Rule 52-N of the NDPS Rules, 1985, for RMPs to possess, prescribe, and dispense ENDs for pain relief and palliative care.
- b) Rule 52-N provides for the recognition of medical institutions to impart training in the medical use of ENDs, emphasizing competencies in pain assessment, management, and ethical prescribing to ensure rational use while preventing misuse. The MD (Anesthesiology) curriculum, as prescribed by the NMC, comprehensively integrates these competencies across cognitive, affective, and psychomotor domains. Key elements include:
 - Detailed knowledge of pain pathways, classification (acute, chronic, cancer, neuropathic), and multimodal management strategies, including the WHO analgesic ladder.
 - Practical skills in post-operative pain relief (e.g., patient-controlled analgesia, epidural opioids), chronic pain interventions (e.g., nerve blocks, neuro-ablation), and palliative care for terminally ill patients (e.g., symptom control, hospice management, do-not-resuscitate orders).
 - Training in special populations (e.g., elderly, children, substance-dependent patients) and ethical considerations, with mandatory postings in pain clinics (at least 1 month) and acute pain services.
- c) This curriculum ensures that MD (Anesthesiology) graduates are equipped to handle ENDs responsibly, aligning directly with the objectives of Rule 52-N. Requiring a separate certificate beyond this postgraduate degree would impose an undue regulatory burden, potentially hindering access to essential pain relief, contrary to the intent of the NDPS (Amendment) Act, 2014, which prioritizes medical availability of opioids.



d) Internationally, the WHO and INCB endorse incorporating pain management and opioid prescribing into core medical curricula, with continued education to address gaps. The MD (Anesthesiology) program fulfills this by embedding such training, and no additional standalone certification is typically mandated post-graduation. In countries like the USA, UK, Canada, and Australia, anesthesiologists prescribe opioids as licensed specialists without further certification, relying on their postgraduate training and periodic continuing medical education (CME) on opioid stewardship. For instance, US states require 2-8 hours of CME on opioids every 2-3 years, but not separate credentials for board-certified anesthesiologists. Similar guidelines exist in the UK (Faculty of Pain Medicine) and Australia (Australian and New Zealand College of Anaesthetists), focusing on integrated perioperative pain expertise.

(ii) If not, the precise nature of any additional certificate/training as prescribed in Form 3F of NDPS Rules, 1985, required and the recognized issuing authorities.

Comments/Inputs:- As clarified in (i) above, no additional training is required for MD (Anesthesiology) holders.

3. In view of the above, it is recommended that the MD (Anesthesiology) qualifies RMPs for END licence renewal without additional Form 3F-based certification. This would promote equitable access to pain relief, consistent with India's commitments under the Single Convention on Narcotic Drugs, 1961, and INCB guidelines.

Sd/-

(Dinesh Bouddh)

Narcotics Commissioner"



31. A perusal of the above clarification categorically and unimpeachably indicates that insofar as a person possessing MD Anesthesiology degree which is a recognised postgraduate qualification under the NMC, the same would satisfy the training requirements under Rule 52-N of the NDPS Rules, 1985, for registered medical practitioners to possess, prescribe and dispense essential narcotic drugs for pain relief and palliative care.
32. The Narcotic Commissioner has categorically stated that the curriculum ensures that MD Anesthesiology graduates are equipped to handle essential narcotic drugs, responsibly aligning directly with the objectives of Rule 52-N of the NDPS Rules, 1985 and there is no requirement for a separate certificate beyond the postgraduate degree.
33. If such a requirement is imposed, it would result in imposing an undue regulatory burden, potentially hindering access to essential pain relief contrary to



the intent of the NDPS Amendment Act, 2014, which prioritizes medical availability of opioids.

34. Reference has also been made to the guidelines of the World Health Organization (WHO), International Narcotic Control Board (INCB), who endorses incorporating pain management opioid prescribing into core medical curricula. The MD Anesthesiology programme fulfilling that requirement, no additional training would be required.
35. Reference is also made to the fact that in Countries like USA, UK, Canada and Australia, Anesthesiologists prescribe opioids as licensed specialists without further certification and on that basis, it is further stated that no additional training is required for MD Anesthesiology holders and a recommendation has been made that MD Anesthesiology qualifies to be a Registered Medical Practitioner for essential narcotic drug licence



renewal without additional Form 3F based certification.

36. This opinion of the Narcotic Commissioner has also been reiterated by Sri Atul Ambekar M.D., Professor National Drug Dependence Treatment Centre and Department of Psychiatry, All India Institute of Medical Sciences, New Delhi, who has categorically stated that M.D. Anesthesiology is adequate to satisfy the requirement of necessary information regarding details of training. By virtue of the training in Anesthesiology for pain relief or psychiatry for opioid dependence, such medical practitioners are legally empowered to prescribe essential narcotic drugs and thus meet the legal requirement under Rule 52-N of the NDPS Rules, 1985.

37. The clarification by the Narcotic Commissioner and the opinion of a reputed technical person would indicate that MD Anesthesiology satisfies the



requirement of Rule 52 in terms of Rule 2 (iv)(ib) of the NDPS Rules, 2015.

38. In that view of the matter, though Respondent No.3 has erred on caution, it would be required for a direction to be issued to Respondent No.3 to process all the applications submitted under Rule 52-O in Form 3F. Taking into consideration that a person holding a master's degree in MD Anesthesiology would satisfy the requirement of Rule 2(iv)(ib) of the NDPS Rules, 2015. Needless to say, such a designated doctor would be responsible under Rule 52-R and would have to discharge the same as indicated therein, and any default thereto could result in suitable action being taken against such a designated doctor in terms of Rule 52-R.
39. Apart from the said technical person, the Under Secretary to the Government of India, Ministry of Finance, Department of Revenue, who is in-charge of the Narcotics Department has reviewed the issues in



the present matter and has categorically come to a conclusion that a registered medical practitioner holding MD (Anesthesiology) may not require supplementary training in order to prescribe essential narcotic drugs for palliative care and pain management beyond what is already mandated, within their curriculum which clarification has been issued after perusing the curricula prescribed by National Medical Council which provides that pain management is comprehensively addressed through the MD (Anesthesiology) training.

40. In view of the above, I answer the point raised by holding that a person holding MD Anesthesiology would qualify the requirements of a registered medical practitioner under Rule 2(iv)(ib) of the NDPS Rules, 2015, and as such can be nominated as the designated doctor.
41. When an application in Form 3F under Rule 52-O is filed, he being qualified under Rule 52-Q and



responsible to discharge the duties in terms of 52-R
the Narcotic Drugs and Psychotropic Substances
(Third Amendment) Rules, 2015.

42. In that view of the matter, I pass the following:

ORDER

- i). Writ petition is ***allowed***.
- ii). A certiorari is issued, the impugned communication dated 27.06.2025 bearing No.AaSuOuAa/YuOuNiMam /RMI/MN1/265/2025-26 issued by Respondent No.3 vide Annexure-A, is hereby quashed.
- iii). A mandamus is issued, directing the Respondent No.3 to consider the qualification of the nominated doctor in MD Anesthesiology as qualifying the requirement as indicated above and issue necessary certificate of registration to Petitioner No.3 within a period of 30 days from the date of receipt of a copy of this order.

**SD/-
(SURAJ GOVINDARAJ)
JUDGE**

KTY
List No.: 3 Sl No.: 10

GOVERNMENT OF KARNATAKA
FOOD SAFETY AND DRUGS ADMINISTRATION

No. DCD/RMT-4/2025-26

Office of the Commissioner
Food Safety and Drugs Administration
Palace Road, Bengaluru - 560001
Date: 22.01.2026

CIRCULAR

Sub:- Considering the eligibility of medical practitioners holding MD (Anesthesiology) qualification under the NDPS Rules, 2015-reg

Ref:- Orders of the Hon'ble High Court in Writ Petition No. 33381/2025, Order

With reference to the subject cited above, the Hon'ble High Court in Writ Petition No. 33381/2025 in its order has held that person possessing an MD degree in Anesthesiology, which is a recognized postgraduate qualification under the National Medical Commission, requires no separate training to possess, prescribe and dispense essential narcotic drugs for medical purposes of pain relief, palliative care or opioid-based treatment, under the NDPS Rules, 2015.

The Hon'ble High Court has observed and held as follows:

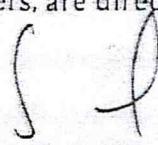
1. The learned DSGI, submitted before the Hon'ble Court that MD (Anesthesiology) is a recognized postgraduate qualification under the National Medical Commission (NMC) and inherently satisfies the requirements prescribed under Rule 52N of the NDPS Rules, 1985, enabling registered medical practitioners to possess, prescribe, and dispense Essential Narcotic Drugs (END) for pain relief and palliative care.
2. It was further clarified that no additional training or certification under Form 3F of the NDPS Rules, 1985 is required for persons holding an MD (Anesthesiology) degree, as pain management is comprehensively covered in the prescribed curriculum.
3. The Under Secretary to the Government of India, Ministry of Finance, Department of Revenue, in charge of the Narcotics Department, after reviewing the issue and the curriculum prescribed by the National Medical Commission, has categorically concluded that no supplementary training is required for MD (Anesthesiology) degree holders for prescribing Essential Narcotic Drugs for pain management and palliative care.
4. The Hon'ble Court further held that applications submitted under Rule 52-O in Form 3F shall be processed, considering that a person holding MD (Anesthesiology) satisfies the eligibility criteria under Rule 2(iv)(ib) of the NDPS Rules, 2015.

5. The Court has also clarified that such designated doctors shall continue to be responsible under Rule 52-R of the NDPS Rules, and any violation or default shall attract action as prescribed under the said Rules.
6. Accordingly, the Hon'ble High Court held that a person holding MD (Anesthesiology) qualification qualifies as a Registered Medical Practitioner under Rule 2(iv)(ib) of the NDPS Rules, 2015 and is eligible to be nominated as a Designated Doctor.

In view of the judgment of the Hon'ble High Court the following instructions are issued.

1. Medical practitioners holding MD (Anesthesiology) qualification are exempted from submitting additional training certificates under Form 3F of the NDPS Rules, 1985.
2. All other conditions, responsibilities, and statutory obligations prescribed under the NDPS Rules shall remain unchanged.
3. While processing applications for Designated Medical Officer (RMI) under Rule 52-O, the MD (Anesthesiology) degree certificate shall be treated as sufficient qualification under Rule 2(iv)(ib) of the NDPS Rules, 2015 and should not insist on the training in pain management.
4. All licensing authorities to ensure that pending applications made along with relevant supporting documents in accordance with the Hon'ble High Court's directions be given license and cleared immediately.

All concerned, including Drug Control Authorities and stakeholders, are directed to strictly comply with the above instructions.



Commissioner
Food Safety and Drug Administration,
Bangalore

Copy to

1. All Enforcement Officers - for information and strict compliance.
2. All Deputy Drug Controllers - for information and necessary action.
3. All Assistant / District /Drugs Inspectors - for information and necessary action.
4. Private Hospitals & Nursing Homes Association (PHANA), Karnataka - for dissemination to member hospitals and medical practitioners.
5. All Medical Associations - for information and compliance.