

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.173 of 2006

VANDANA SHIVA ... PETITIONER(S)

VS.

UNION OF INDIA & ORS. ... RESPONDENT(S)

WITH WRIT PETITION (C) NO.11 OF 2008

O R D E R

WRIT PETITION (C) NO.173 of 2006 :

1. The principal prayers made in the instant petition are as under :

- "a) directing the respondents to prohibit import, export, transport, manufacture, process use or sale of any hazardous microorganism, genetically engineered or genetic till such time as appropriate regulatory or scientific framework are set into place to rule out the possibility of health hazard to people of India;
- b) directing the respondents to provide mandatory labeling specifically with reference to GE hazardous foods and food products containing GMOs, commercial and non-commercial;
- c) direct the respondents to set up National Health, Scientific and bio-safety capacity in public domain to assess the health and safety aspects of GMOs;

- d) direct the Government to take all such steps as are necessary including putting into place frameworks, amending/modifying laws for the health, life and safety of people of India;
- e) Costs."

2. Mr. Ajit Kumar Sinha, learned Senior Counsel appearing on behalf of Respondent Nos.1 to 3, namely, the Union of India, the Ministry of Environment, Forest & Wildlife and the Ministry of Health & Family Welfare, states that at the present juncture, there is no notification/regulation allowing any activity in connection with genetically engineered and modified food. It is also submitted, that such an activity is permissible only under the regulations framed under Section 22 of the Food Safety and Standards Act, 2006.

3. Learned counsel further points out, that even though the matter is under active consideration, no final determination has been recorded as of now. It is also pointed out, that the regulations framed under the Food Safety and Standards Act, 2006, have to be laid before the Parliament under Section 93 of the above Act and they are enforceable only after the expiry of a period of 30 days. It is therefore contended, that the instant petition may be disposed of by granting liberty to the petitioner to approach this Court on the issue in hand, as and when such regulations are framed by the Central Government and laid

before the Parliament. The submissions made before us at the behest of the respondents are contained in an independent affidavit and in the status report filed in the Court. The same is taken on record.

4. The instant writ petition is disposed of by allowing liberty to the petitioner to approach this Court again after regulations framed in connection with genetically engineered and modified food, under Section 22 of the Food Safety and Standards Act, 2006, are placed for consideration by the Parliament, if they are legally or constitutionally unsustainable.

WRIT PETITION (C) NO.11 of 2008 :

1. Taken on board.

2. In view of the order passed today in Writ Petition (C)No. 173/2006, the instant petition is disposed of, in the same terms.

.....CJI.
[JAGDISH SINGH KHEHAR]

.....J.
[Dr. D.Y. CHANDRACHUD]

New Delhi;
11th August, 2017.

ITEM NO.13

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No(s).173/2006

VANDANA SHIVA

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

AND W.P.(C)No.11/2008

Date : 11-08-2017 These petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner(s) Mr. D.N. Goburdhan,AOR
Mr. A. Shankar Rastogi,Adv.

For Respondent(s) Mr. Ajit Kumar Sinha,Sr.Adv.
Dr. Abhishek Atrey,Adv.
Ms. Sunita Sharma,Adv.
Mr. Rabin Majumder,Adv.
Ms. Anil Katiyar,AOR
For Mr. Gurmeet Singh Makker,AOR

FSSAI Mr. Mehmood Pracha,Adv.
Mr. Mansoor Ali,AOR
Mr. R.H.A. Sikander,Adv.
Mr. Prateek Gupta,Adv.

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C)No.173/2006 :

The writ petition is disposed of in terms of the
signed order.

W.P.(C)No.11/2008 :

Taken on board.

In view of the order passed today in Writ Petition (C)No. 173/2006, the instant writ petition is disposed of, in terms of the signed order.

(Sarita Purohit)
Court Master

(Renuka Sadana)
Assistant Registrar

(Signed order is placed on the file)