

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 159 OF 2012

SWAMI ACHYUTANAND TIRTH & ORS. Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(With appln(s) for directions and office report)

Date: 30/01/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN

For Petitioner(s)

Mr. J.C. Gupta, Sr. Adv.  
Mr. Anurag Tomar, Adv.  
Mr. Ayush Negi, Adv.  
Mr. Kuldeep Yadav, Adv.  
Mr. Dharam Singh, Adv.  
for Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Mr. Rakesh K. Khanna, ASG  
Ms. Binu Tamta, Adv.  
Ms. Sushma Suri, Adv.  
  
Mr. Mohan Jain, ASG  
Mr. D.K. Thakur, Adv.  
Mr. R.K. Mohanty, Adv.  
Mr. Prabhat Kumar, Adv.  
for Mr. D.S. Mahra, Adv.  
  
Mr. D.K. Garg, Adv.  
Mr. L.S. Bakshi, Adv.  
  
Mr. Shankar Chillarge, Adv.  
for Mr. A.P. Mayee, Adv.  
  
Mr. Shiv Mangal Sharma, AAG  
Ms. Abhinandini Sharma, Adv.  
Mr. Sitiesh Narayan Singh, Adv.  
Mr. Shrey Kapoor, Adv.  
  
Ms. Vanshaja Shukla, Adv.  
Mr. Ankit Lal, Adv.  
for Mr. Mishra Saurabh, Adv.  
  
Mr. Manjit Singh, AAG  
Mr. Tarjit Singh, Adv.  
  
Ms. Pragati Neekhara, Adv.  
  
Mr. Ajay Bansal, AAG  
Mr. Kuldip Singh, Adv.  
Mr. Rakesh Kumar, Adv.  
Mr. Dhiraj Gupta, Adv.  
Mr. Parduman Singh, Adv.  
Mr. Gaurav Yadav, Adv.

Mr. Irshad Ahmad, AAG  
for Mr. Samir Ali Khan, Adv.

Mr. Sarwesh Chauhan, Adv.  
Mr. L.S. Chauhan, Adv.  
Mr. Anil Srivastav, Adv.

Mr. Kamal Mohan Gupta, Adv. (NP)

Mr. Debasis Misra, Adv.

Mr. Milind Kumar, Adv.

For VOICE Shri Ram Khanna (in-person)

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

Registry is directed to issue notice to all the States and Union Territories which are already not made parties in this writ petition.

Mr. Irshad Ahmad, Additional Advocate General appearing for the State of Uttar Pradesh, submitted that he will give the entire details of the cases where they have registered charges under Section 272 of the Indian Penal Code.

We have indicated in our order dated December 05, 2013 of the extreme necessity for carrying proper amendments by various States to Section 272 IPC in light of the amendments made by States like Uttar Pradesh, West Bengal and Odisha. The necessity of such amendment has been highlighted in our order. We have clearly indicated the modus operandi adopted by various persons in adulterating milk. It has been noticed that consumption of synthetic milk is hazardous to health as urea and caustic soda are harmful for heart, liver and kidneys and also lead to cancer. We have indicated that the state of affairs is very alarming causing serious health hazards to the people of this country.

In spite of the fact that these types of offences are noticed all over the country, no steps are being taken by various States either to make it a serious offence by amending Section 272 of the Code or carrying out inspections and proper monitoring of the activities of various milk vendors.

We have also gone through the various affidavits filed by certain States, but we are not happy with the details furnished, which are not comprehensive. Details of the various offences committed by the milk vendors have not been properly stated in the affidavits. Affidavits should also highlight as to whether the vendors are indulging in the practice of using urea, caustic soda, refined paint and other similar materials in the milk, which is being sold in open market.

We are inclined to direct all the State Governments to file their respective comprehensive affidavit giving details of the number of inspections conducted during the last two years and the steps they have taken to remedy this. The affidavits shall also state the number of prosecutions initiated, the provisions under which they have been initiated, number of cases pending and the punishment inflicted.

Pursuant to our earlier order, Shri Ram Khanna is present in Court on behalf of the Voluntary Consumer Association (VOICE), who said he will assist the Court since their Association has conducted a detailed research on the subject. He is permitted to file his affidavit along with relevant documents.

Mr. Rakesh Khanna, learned Additional Solicitor General, also submitted that he will give a detailed report of the stand taken by 27 States in a tabulated forum.

We direct all the States to have their detailed responses on the above mentioned facts within a period of three weeks from today. Copies of these affidavits be also handed over to Shri Ram Sharma.

Put up on February 20, 2014.

| (N.S.K. Kamesh)

| | (Usha Sharma)

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| Court Master

| | Court Master

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