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ITEM NO.2
PIL

COURT NO.7

SECTION

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: 05/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN
HON'BLE MR. JUSTICE A.K. SIKRI

For Petitioner(s)

Mr. J.C. Gupta, Sr. Adv.
Mr. Anurag Tomar, Adv.
Mr. Dharm Singh, Adv.
for Mr. Rameshwar Prasad Goyal, Adv.

For Respondent(s)

Mr. Shankar Chillarge, Adv.
for Ms. Asha Gopalan Nair, Adv.

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

Ms. Binu Tamta, Adv.
Mr. Beema Rao, Adv.

Mr. Mohan Jain, ASG
Ms. Binu Tamta, Adv.
Mr. D.K. Thakur, Adv.
Mr. Prabhat Kumar, Adv.
Mr. A. Alok Srivastava, Adv.
Mr. M.S. Vishnu Sankar, Adv.
for Mr. D.S. Mahra, Adv.

Mr. Suryanarayana Singh, Adv.
for Ms. Pragati Neekhra, Adv.

Mr. Ajay Bansal, AAG
Mr. Kuldeep Singh, Adv. (NP)
Mr. Pardaman Singh Adv.
Mr. Gaurav Yadav, Adv.

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Mr. Jasbir Singh Malik, AAG
Mr. Milind Kumar, Adv. (NP)

Mr. Manjit Singh, AAG
Mr. Tarjit Singh, Adv.

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

Mr. Dinesh K. Garg, Adv.

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

Following our order dated November 26, 2013, the officers who are in-charge of the Food Safety and Standards in the States of NCT of Delhi, Uttar Pradesh, Rajasthan and Haryana appeared before us and explained various steps they have taken to implement the provisions of the Food Safety and Standards Act, 2006. Rest of the States have not responded. We notice that States like Madhya Pradesh, Punjab, etc. are not parties to the writ petition. We have been taken through the statistics filed explaining the number of inspections some of the States have conducted in various places.

We are not satisfied with the materials made available as well as the steps taken to prevent adulterated milk and milk products in their respective States. We find from an Article dated February 17, 2012 published by a Voluntary Consumer Association (VOICE) that synthetic milk is prepared by mixing urea, starch/ blotting paper, glucose/sugar, caustic soda, refined white paint, detergent or shampoo and the practice is going unabatedly. The article also says that the characteristic white colour of the milk is achieved by adding white paint while refined

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oil is used as a substitute for milk fat. It also states that urea, starch and glucose are added to make up the Solid Not Fat (SNF) component and sweet taste of the milk. The article highlights that the consumption of the synthetic milk is hazardous to health as urea and caustic soda are harmful for heart, liver and kidneys and also lead to cancer. This state of affairs is very alarming causing serious health hazards.

We notice that in many of the cases, even though prosecution has been launched, the maximum sentence is only six months imprisonment. Taking note of the seriousness of the offence, the State of Uttar Pradesh has amended Section 272 of the Indian Penal Code wherein adulteration of food and products is treated as a serious offence, the sentence of which is now enhanced to imprisonment for life and also fine. Similar amendment has been made in the States of West Bengal and Odisha.

Considering the seriousness of the offence, it is important that similar amendments are to be made in other States as well.

The officers who are present in Court indicated that during the festival season, for e.g. Diwali and Dussehra, they used to conduct large-scale inspections, but the outcome of the cases booked and the provisions under which they have been booked do not find a place in the affidavits filed before this Court. Taking note of the seriousness of the situation, we are inclined to give the following directions:

A) States of Madhya Pradesh and Punjab are impleaded as party respondents to these proceedings. A copy of the writ petition be served on the standing counsel for the

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respective States, who shall file a detailed affidavit, as indicated in this order, on all aspects of the matter. Registry is directed to show the names of the standing counsel in the Cause List.

B) Article dated July 17, 2012 indicates the detailed study undertaken by the Voluntary Consumer Association (VOICE). In such circumstances, we suo moto implead Voluntary Consumer Association as one of the petitioners to render its assistance to the Court on the subject.

C) The States of NCT of Delhi, Uttar Pradesh, Rajasthan, Haryana, Madhya Pradesh and Punjab would file a detailed affidavit of the number of cases which they have booked wherein synthetic materials have been added to milk and milk products and sold in the market. They shall also give the details of the results of such inspection wherein they have identified adulteration of milk and milk products by using synthetic materials. They shall also furnish details of the number prosecutions they have launched in the aforesaid types of cases and how many of them resulted in conviction.

D) The concerned officers would also furnish the details of the instances where spurious milk and milk products were destroyed by them during festival season after seizing them. They shall also give details of number of cases booked by them and the number of cases pending before various Courts.

E) Union of India as well as the Food Safety Authority would also file a detailed affidavit of the number of cases

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they have come across with regard to adding synthetic materials to milk and milk products and what action various States have taken after they have detected such adulteration.

Put up on January 30, 2014 at the top of the Board.

The personal presence of the officers, as directed by this Court by order dated November 26, 2013, is dispensed with for the time being.

|(N.S.K. Kamesh)

| |(Renuka Sadana)

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|Court Master

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