

ITEM NO.4

COURT NO.9

SECTION PIL

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.159/2012

SWAMI ACHYUTANAND TIRTH &amp; ORS.

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(With appln. (s) for directions and office report)  
(For final disposal)WITH SLP(Crl) No.1379/2011  
(With Office Report)Crl.A. No.472/2012  
(With Office Report)

Crl.A. Nos.476-478/2012

Crl.A. No.479/2012

Date : 10/12/2014 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.Y. EQBAL  
HON'BLE MR. JUSTICE SHIVA KIRTI SINGHCounsel for the partiesMr. Anurag Tomar, Adv.  
For Mr. Rameshwar Prasad Goyal, Adv.

Mr. Ambhoj Kumar Sinha, Adv.

Mr. Ranjan Mukherjee, Adv.  
Mr. S.C. Ghosh, Adv.Mrs. K. Enatoki Sema, Adv.  
Mr. Amit Kumar Singh, Adv.  
Mr. Balaji Srinivasan, Adv.

Ms. Pragati Neekhra, Adv.

Mr. Sudhir Walia, Adv.  
Dr. Abhishek Atrey, Adv.

Mr. Irshad Ahmad, AAG  
Mr. M.R. Shamshad, Adv.  
Mr. Vikrant Yadav, Adv.

Mr. Anil Shrivastav, Adv.  
Mr. Ritu Raj, Adv.

Mr. Mohit Paul, Adv.  
Mr. Anip Sachthey, Adv.

Mr. B. V. Balaram Das, Adv.

Mr. Debasis Misra, Adv.

Mr. Dinesh Kumar Garg, Adv.

Ms. Indira Sawhney, Adv.  
Mr. R.K. Rathore, Adv.  
Ms. Binu Tamta, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. D. S. Mahra, Adv.

Mr. V.G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. P. Ramasubramanian, Adv.

Mr. Manjit Singh, AAG  
Mrs. Nupur Choudhary, Adv.  
Mrs. Vivekta Singh, Adv.  
For Mr. Kamal Mohan Gupta, Adv.

Mr. Sarwesh Chauhan, Adv.  
Mr. Varinder Kumar Sharma, Adv.

Mr. Gaurav Yadav, Adv.  
For Mr. Kuldip Singh, Adv.

Mr. Shiv Mangal Sharma, Adv.  
Ms. Shrey Kapoor, Adv.  
Mr. Milind Kumar, Adv.

Mr. Mishra Saurabh, Adv.

Mr. Pragyam Pradip Sharma, Adv.  
Mr. Heshu Kayina, Adv.  
For Mr. P. V. Yogeswaran, Adv.

Mr. Ravi Prakash Mehrotra, Adv.  
Mr. Vibhu Tiwari, Adv.

Mr. Shadan Farasat, Adv.  
Mr. Rudro Chatterjee, Adv.

Mrs. Kirti Renu Mishra, Adv.  
Ms. Apurva Upmanyu, Adv.

Mr. A. Mariaputham, AG  
Ms. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
For M/s Arputham Aruna & Co.

Ms. Asha Gopalan Nair, Adv.

Ms. Rikee Sarma, Adv.  
Mr. Navnit Kumar, Adv.  
For M/s Corporate Law Group

Mr. K.V. Jagdishvaran, Adv.  
Ms. G. Indira, Adv.

Mr. Sidhharth Singla, Adv.  
Ms. Swikriti Singhania, Adv.

Ms. Hemantika Wahi, Adv.

Ms. Sushma Suri, Adv.

Mr. M. R. Shamshad, Adv.

Ms. Ashlesha Srivastava, Adv.  
Mr. Dheeraj Nair, Adv.

Mr. Pawan Shree Agrawal, Adv.  
Mr. A.P. Mayee, AOR

Mr. Mishra Saurabh, Adv.  
Mr. Ankit Kr. Lal, Adv.  
Mr. Yuvraaj Singh, Adv.

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

Pursuant to this Court's order dated 11.11.2014, the respondent-Union of India has filed an affidavit stating *inter alia* that the Food Safety and Standards (Amendment) Bill, 2014 was

introduced in the Rajya Sabha for amending section 5 and 92 of the Food Safety and Standards Act, 2006 (34 of 2006) and to insert a new section, 'section 7A', for the purpose of effective functioning and implementation of the Food Safety and Standards Act, 2006. However, the said Bill was withdrawn and referred to the Parliamentary Standing Committee on Health and Family Welfare for examination and for making necessary and important changes in the said Bill. The said Committee recommended that the Government may re-look into all aspects of the matter and come up with a comprehensive Bill at the earliest. Accordingly, Ministry of Health & Family Welfare is comprehensively reviewing the Food Safety and Standards Act, 2006 in compliance with the directions given by this Court and also proposing to make necessary changes in the light of representations received from the Food Business Operators (FBOs).

From the aforesaid affidavit, it does not appear that the respondents are also proposing to make necessary amendments in the penal provisions of the Food Safety and Standards Act, 2006 so that the punishment must be deterrent.

We reiterate that the respondent-Union of India shall take up the matter seriously and come up with all possible amendments in the Food Safety and Standards Act, 2006. We direct the respondent-Union of India to submit a Status Report in this regard on the next date of hearing.

At the request of Ms. Indira Sawhney, learned counsel appearing for the respondent-Union of India, list these matters on 03.02.2015 along with the aforesaid Status Report.

It goes without saying that while making necessary amendments in the Food Safety and Standards Act, 2006, the respondent-Union of India shall also make penal provisions at par with the provisions contained in the Indian Penal Code and the States Amendments made therein.

(SANJAY KUMAR-II)  
COURT MASTER

(INDU POKHRIYAL)  
COURT MASTER