
(2014) 11 SC CK 0100

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 159 of 2012 (With appln. (s) for directions and office report) (For final disposal) With Slp(Crl) No. 1379 of 2011 (With Office Report) Crl.A. No. 472 of 2012 (With Office Report) Crl.A. Nos. 476-478 of 2012 Crl.A. No. 479 of 201

Swami Achyutanand Tirth

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 11-11-2014

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 9 SCC 699 : (2016) 3 SCC Cri 785

Hon'ble Judges : Mr. M.Y. Eqbal and Mr. Shiva Kirti Singh, JJ.

Bench : Division Bench

Advocate : Mr. Anurag Tomar, for Mr. Rameshwar Prasad Goyal, Mr. Ambhoj Kumar Sinha, Mr. Ranjan Mukherjee, Mr. Yadunandan Bansal, Mr. Rauf Rahim, Mr. Suryanarayana Singh, AAG Ms. Pragati Neekhara, Mr. Sudhir Walia, Ms. Niharika Ahluwalia, Mrs. Anjali Nair, Dr. Abhishek Atrey, Mr. Irshad Ahmad, AAG Mr. M.R. Shamshad, Mr. Vivek Vishnoi, Mr. Samir Ali Khan, Mr. Abhisth Kumar, Mr. Anil Shrivastav, Mr. Ritu Raj, Mr. Mohit Paul, Mr. Anip Sachthey, Mr. B. V. Balaram Das, Mr. Debasis Misra, Mr. Dinesh Kumar Garg, Ms. Indira Sawhney, Mr. R.K. Rathore, Mr. R.K. Kapoor, Ms. Binu Tamta, Ms. Sunita Sharma, Mr. D.S. Mahra, Mr. Manjit Singh, AAG Mrs. Nupur Choudhary, Mrs. Vivekta Singh, for Mr. Kamal Mohan Gupta, Mr. Kuldip Singh, Mr. Shiv Mangal Sharma, Ms. Shrey Kapoor, Mr. Milind Kumar, Mr. Mishra Saurabh, Mr. Pragyam Pradip Sharma, Mr. Heshu Kayina, for Mr. P. V. Yogeswaran, Mr. Ravi Prakash Mehrotra, Mr. Shadan Farasat, Mrs. Kirti Renu Mishra, Ms. Aruna Mathur, Mr. Yusuf Khan, for M/s Arputham Aruna and Co. Ms. Asha Gopalan Nair, Ms. Rikee Sarma, Mr. Navnit Kumar, for M/s Corporate Law Group Mr. Balasubramaniam, Mr. K.V. Jagdishvaran, for M/s Corporate Law Group, Ms. G. Indira Mr. Sidhharth Singla Ms. Swikriti Singhania Ms. Hemantika Wahi, Ms. Sushma Suri Mr. M. R. Shamshad Ms. Ashlesha Srivastava, Mr. Dheeraj Nair Mr. Shankar Chillarge, for Mr. A.P. Mayee, AOR Mr. Mishra Saurabh, Advocates Ms. Vanshaja Shukla and Mr. Ankit Kr. Lal, Advocates, for the Appearing Party

Final Decision : Allowed

Judgement

1. In this writ petition, by way of public interest litigation, the petitioners have prayed for issuance of appropriate direction to the Union of India and concerned State Governments to take effective and necessary measures to completely rule out the sale of adulterated and synthetic milk which is allegedly prepared by materials like urea, detergent, refined oil, caustic soda, etc., which are very hazardous to human life. This Court entertained the writ petition and issued orders and directions on 02.07.2013, 05.12.2013 and 27.02.2014.

2. Following the orders, the officers who are in-charge of the Food Safety and Standards in the State of NCT of Delhi, Uttar Pradesh, Rajasthan and Haryana, explained various steps they have taken to implement the provisions of the Food Safety and Standards Act, 2006. This Court also noticed the Article dated 17.02.2012, 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.

3. This Court also took notice of the fact that 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.

4. On 27.02.2014, the matter was heard and considering the gravity of the situation as well as in larger public interest, this Court found it necessary that the Union of India should think of making appropriate amendments in the Food Safety and Standards Act, 2006, so that such type of crimes could be curbed to a large extent. It was brought to our notice that a study conducted by the Himalayan Institute of Medical Science, Jolly Grant, Dehradun (HIMS), Report of which is published in Indian Journal of Community Health, Vol.24, No.3, July 2012-Sept.2012, which indicates that the milk samples of nearby places were subjected to certain tests to ascertain adulteration. Test report ultimately indicated that all the milk samples including double-toned milk collected from different places showed presence of urea and detergents as common adulterants.

5. In the said scenario, the Union of India and the State Governments must come with suitable amendments in the Act or with a new legislation to curb and stop adulteration and production of synthetic milk which is consumed not only by the infants but also by public at large.

6. Ms. Indira Sawhney, learned counsel appearing for the Union of India, submits that the matter has been taken up by the Central Government and the same is in progress.

7. We hope and trust that during the ensuing Winter Sessions of the Parliament, the Central Government will take appropriate decision in this regard.

8. In the meanwhile, we direct Ms. Indira Sawhney, learned counsel appearing for the Union of India, to submit a status report and the progress made in this regard within a period of four weeks from today.

9. Put up on 10.12.2014.

10. Needless to say that all the State Governments shall also take appropriate steps to detect such malpractices and to make the punishment as deterrent as possible.