
(2014) 12 SC CK 0104

In the Supreme Court Of India

Case No : Writ Petition (Civil) No. 159 of 2012 (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 2012

Swami Achyutanand Tirth

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 10-12-2014

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. S.C. Ghosh Mrs. K. Enatoki Sema Mr. Amit Kumar Singh Mr. Balaji Srinivasan Ms. Pragati Neekhara, Mr. Sudhir Walia Dr. Abhishek Atrey, Mr. Irshad Ahmad, AAG Mr. M.R. Shamshad Mr. Vikrant Yadav 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 Ms. Binu Tamta Ms. Sunita Sharma, Mr. D. S. Mahra Mr. V.G. Pragasam Mr. S.J. Aristotle Mr. P. Ramasubramanian, Mr. Manjit Singh, AAG Mrs. Nupur Choudhary Mrs. Vivekta Singh for Mr. Kamal Mohan Gupta Mr. Sarwesh Chauhan Mr. Varinder Kumar Sharma Mr. Gaurav Yadav, for Mr. Kuldip Singh, Advocates 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. Vibhu Tiwari Mr. Shadan Farasat Mr. Rudro Chatterjee, Advocates Mrs. Kirti Renu Mishra Ms. Apurva Upmanyu Mr. A. Mariaputham, AG 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. K.V. Jagdishvaran Ms. G. Indira Mr. Sidharth Singla Ms. Swikriti Singhania Ms. Hemantika Wahi Ms. Sushma Suri, Mr. M. R. Shamshad Ms. Ashlesha Srivastava Mr. Dheeraj Nair Mr. Pawan Shree Agrawal Mr. A.P. Mayee, AOR Mr. Mishra Saurabh, Mr. Ankit Kr. Lal and Mr. Yuvraaj Singh, Advocates, for the Appearing Party

Final Decision : Allowed

Judgement

1. 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.
2. 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).
3. 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.
4. 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.
5. 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.
6. 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.