

Satish Chandra vs Union Of India & Ors on 22 May, 2023

Author: Satish Chandra Sharma

Bench: Chief Justice, Subramonium Prasad

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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 7260/2015
SATISH CHANDRA

UNION OF INDIA & ORS

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

% 22.05.2023

1. The present writ petition has been filed with the following prayers:

"(a) Direct respondents to formulate and implement anti- counterfeit, tamper-evident, hologram with trackable barcode on: (i) lid of water and medicine bottles (ii) flipside of medicine strips, for checking the menace of sale of counterfeit bottled water and medicines, which is adversely impinging fundamental right to health and clean water of Indian citizens.

(b) Direct Respondent authorities to mandatorily enforce Regulation 5(15) of the Bureau of Indian Standards (Certification) Regulations, 1988.

(c) Direct the Respondent no. 2 to make the directory provision This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above. The Order is downloaded from the DHC Server on 24/09/2023 at 18:56:10 5(15) of the Bureau of Indian Standards (Certification) Regulations, 1988, stipulating use of hologram, as mandatory.

(d) Direct the Respondent no. 2 that all ISI marks should be made of hologram with trackable bar code so that the ISI mark itself cannot be counterfeited, as a condition-precedent for granting ISI license for bottled water.

(e) Direct the respondents to enforce letter CMD- 1/12:6 circulated by the Central Marks Department (CMD) in 2006 for the use of hologram ISI mark for a list of 13 articles, including packaged water / bottle.

(f) Direct enforcement of the approved proposal by Drug Consultative Committee (DCC, India), requiring mandatorily for every drug manufactured in India to bear on its primary label Unique Identifier Code and 2D bar code by which anyone can verify the drug through an SMS/barcode scanning with an additional requirement of hologram barcodes since they are anti-counterfeit.

(g) Direct Respondent authorities to coordinate better and act for stringent enforcement of Bureau of Indian Standards Act, 1986, the Food Safety and Standards Act, 2006, and the Drugs and Cosmetic Act, 1940 and the Rules thereunder, by taking strict action against illegal production of spurious drugs and counterfeit bottled water in order to safeguard fundamental right to health and clean water.

(h) pass such order or further order/s as this Hon'ble Court deem fit and proper under the facts and circumstances of the case in the interest of justice."

2. Learned Counsel for UOI is directed to file an additional affidavit in respect of the steps taken by Government of India towards compliance of notification dated 20.06.2006 which makes HOLOGRAM mandatory in respect of Packaged Drinking Water and Mineral Water in light of the prayer (a) in the writ petition. Let the same be done positively within four This is a digitally signed order.

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3. List on 22.08.2023.

SATISH CHANDRA SHARMA, CJ SUBRAMONIUM PRASAD, J MAY 22, 2023 B.S. Rohella This is a digitally signed order.

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