

Mumbai Jivdaya Mandali, [The Bombay ... vs Standard Review Call on 31 August, 2021

Bench: Vineet Kothari, Umesh A. Trivedi

C/WPPIL/172/2017

ORDER DATED: 31/08/2021

MUMBAI JIVDAYA MANDALI, [THE BOMBAY HUMANITERIAN LEGUE]
Versus
STANDARD REVIEW CALL & 2 other(s)

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/WRIT PETITION (PIL) NO. 172 of 2017

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MUMBAI JIVDAYA MANDALI, [THE BOMBAY HUMANITERIAN
LEAGUE]
Versus
STANDARD REVIEW CALL & 2 other(s)

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Appearance:

MR NM KAPADIA(394) for the Applicant(s) No. 1
MR RJ GOSWAMI(1102) for the Applicant(s) No. 1
MR. KANVA ANTANI, AGP (1) for the Opponent(s) No. 3
MR ISHAN MIHIR PATEL(6508) for the Opponent(s) No. 1,3
NOTICE SERVED BY DS(5) for the Opponent(s) No. 2

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CORAM:HONOURABLE THE ACTING CHIEF JUSTICE DR.

JUSTICE VINEET KOTHARI

and

HONOURABLE MR. JUSTICE UMESH A. TRIVEDI

Date : 31/08/2021

ORAL ORDER

(PER : HONOURABLE THE ACTING CHIEF JUSTICE DR. JUSTICE VINEET KOTHARI)
C/WPPIL/172/2017 ORDER DATED: 31/08/2021 MUMBAI JIVDAYA MANDALI, [THE BOMBAY
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1. Mr. Kanva Antani, learned Asst. Government Pleader and Mr. Chirayu Mehta, learned counsel for Mr. Devang Vyas, learned Additional Solicitor General, pray for some more time to file the status Report as directed in the previous order dated 10.08.2021.

2. During the course of arguments today, we have been taken to Regulation 4 of the Food Safety and Standards (Packaging and Labelling) Regulations, 2011, which are quoted below for ready reference:

4. Declaration regarding Veg or Non-Veg-

(i) Every package of "Non-Vegetarian" food shall bear a declaration to this effect made by a symbol and colour code as stipulated below to indicate that the produce is Non-Vegetarian Food. The symbol shall consist of a brown colour filled circle having a diameter not less than the minimum size specified in the Table mentioned in the regulation 2.2.2(4)(iv), inside a square with brown outline having sides double the diameter of the circle as indicated below:

Brown colour C/WPPIL/172/2017 ORDER DATED: 31/08/2021 MUMBAI JIVDAYA MANDALI, [THE BOMBAY HUMANITERIAN LEGUE] Versus STANDARD REVIEW CALL & 2 other(s)

(ii) Where any article of food contains egg only as Non-Vegetarian ingredients, the manufacturer or packer or seller may give declaration to this effect in addition to the said symbol.

(iii) Every package of Vegetarian Food shall bear a declaration to this effect by a symbol and colour code as stipulated below for this purpose to indicate that the product is Vegetarian Food. The symbol shall consist of a green colour filled circle, having a diameter not less than the green outline having size double the diameter of the circle, as indicated below:

Green colour

(iv) Size of the logo Sl. No. Area of principle display panel minimum size of diameters in mm

2. Above 100 cms. Square upto 500

3. Above 500 cms Square upto 2500 cms C/WPPIL/172/2017 ORDER DATED: 31/08/2021 MUMBAI JIVDAYA MANDALI, [THE BOMBAY HUMANITERIAN LEGUE] Versus STANDARD REVIEW CALL & 2 other(s)

3. The learned counsel for the Government also drew attention to the definition of the term "Vegetarian Food" as defined in Regulation 1.2.11, definition of "ingredient" as defined in Section 3(y) and "food additive"

as defined in Section 3(k) of the Food Safety and Standards Act, 2006. The same are also quoted:

"11. "Vegetarian Food" means any article of Food other than Non- Vegetarian Food as defined in Regulation 1.2.1(7). 3(k) "food additive" means any substance not normally consumed as a food by itself or used as a typical ingredient of the food, whether or not it has nutritive value, the intentional addition of which to food for a technological (including organoleptic) purpose in the manufacture, processing, preparation, treatment, packing, packaging, transport or holding of such food results, or may be reasonably expected to result (directly or indirectly), in it or its by-products becoming a component of or otherwise affecting the characteristics of such food but does not include "contaminants" or substances added to food for maintaining or improving nutritional qualities;

3(y) "ingredient" means any substance, including a food additive used in the manufacture or preparation of food and present in the final product, possibly in a modified form;"

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4. During the course of discussion, we have found that there is no separate regulation for the Red Dot (Non-Vegetarian Food) and eatables sold in the market.

5. The learned counsel at bar submitted that perhaps there was a red color dot earlier in prevalence which was changed to brown for ingredients in the form of eggs vide Clause 4 (ii) quoted above.

6. The learned Government counsel also submitted before us that he wants to take instructions about the full facilities available to analyze these products, with the approved Laboratories for 'ingredients' as well as 'additives' as defined.

7. We expect comprehensive and detailed Affidavits both from the State as well as the Central Government in this PIL Petition. The Affidavit already filed by the Central Government by Mr. Deepak Pandey, Asst. Director of the Food Safety and Standards Authority of India under the Ministry of Health and Family Welfare, Government of India, FDA, is on record. However, Mr. Chirayu Mehta, undertakes to file detailed additional Affidavit in this regard as directed above.

8. Both the learned counsel may file detailed Affidavits and advance C/WPPIL/172/2017 ORDER DATED: 31/08/2021 MUMBAI JIVDAYA MANDALI, [THE BOMBAY HUMANITERIAN LEGUE] Versus STANDARD REVIEW CALL & 2 other(s) copy of the same may be given to Mr. N.M. Kapadia, learned counsel appearing for the petitioner, who may file rejoinder thereto, if any.

9. The pleadings may be completed within a period of next four weeks with the fresh Status Report as already directed.

10. Put up after four weeks, as prayed i.e. 29.09.2021.

(THE ACTING CHIEF JUSTICE DR. VINEET KOTHARI, J) (UMESH A. TRIVEDI, J) Lalji Desai