

# Initiating Suo Moto Action vs State Of J&K & Ors on 24 February, 2021

**Author: Chief Justice**

**Bench: Chief Justice**

S. No. 215

IN THE HIGH COURT OF JAMMU AND KASHMIR  
AT SRINAGAR

CJ Court  
PIL No.3/2016  
CM 1928/2019, IA 1/2019  
IA 2/2018 and 3/2018

Initiating Suo Moto Action

....Petitioner(s)

Through: Mr. Ateeb Kanth, Adv. vice  
Mr. B. A. Bashir, Sr. Advocate  
v/s

State of J&K & ors.

...Respondent(s)

Through: Mr. Shah Aamir, AAG for UT  
Mr. Naveed Gul, Adv. for FSSAI

CORAM:

HON'BLE THE CHIEF JUSTICE  
HO'BLE MR. JUSTICE TASHI RABSTAN, JUDGE

ORDER

24.02.2021

1. This Public Interest Petition came to be initiated on the suo moto action of the Court vide order dated 23.03.2016 on the basis of certain newspaper reports regarding unhygienic and adulterated food being sold in open market causing health hazard to the citizens.

2. In pursuance to the directions of the Court issued from time to time, several compliance reports/status reports have been filed by the respondents.

3. The last report is by the Deputy Commissioner, Food Safety, Kashmir, in the form of a supplementary affidavit dated 05.02.2021. The said report/affidavit gives the district-wise work done in the month of January, 2021 of Kashmir Division as well as of Jammu Division, clearly showing the number of food samples collected from all the districts for testing. It also states that in District Srinagar, the food business operators have been directed to register themselves under the Prime Minister SUV Nidhi Scheme so as to ensure that they are carrying their business under property sanitary conditions. Advisory has also been issued to food business operators who re-use used oil for frying various food items. Under the Revised Cooking Oil Scheme (RUCO), all used cooking oil is collected by a notified agency and then is used scientifically for manufacturing of bio-diesel so as to avoid re-use of the same as a medium of cooking. This apart, the District Advisory Committee holds meeting wherein implementation of the food safety and standards are duly monitored and reviewed.

4. In addition to the above, sanitization programmes have been initiated to check the menace of bird flu and chicken sellers have been directed to use protective gears and to maintain highest standard of hygiene. All food business operators are being educated and made aware of these programmes through print and electronic media.

5. In view of the said report/affidavit, we find that the respondents are taking adequate steps to control the menace of food adulteration and unhygienic conditions in which food articles are being sold in open risking the health of all.

6. Accordingly, we are of the opinion that there is no purpose in keeping this petition alive. We, as such, direct that this petition be consigned to records with the hope and trust that the authorities will continue to act most effectively and efficiently and would take all measured precautions so that the Food Safety and Standard Act and the Rules thereunder are not violated and the offenders are strictly punished for which purpose regularly checking and sampling is continuously carried out.

(TASHI RABSTAN)  
JUDGE

(PANKAJ MITHAL)  
CHIEF JUSTICE

Srinagar  
24.02.2021  
YASMEEN, PS