

**2026 LiveLaw (SC) 355**

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**VIKRAM NATH; J., SANDEEP MEHTA; J.**

**WRIT PETITION (CIVIL) NO(S). 274 OF 2026; April 09, 2026**

**DR. K.A. PAUL @ KILARI ANAND PAUL *versus* UNION OF INDIA & ORS.**

**Constitution of India – Article 32 – Public Interest Litigation (PIL) – Food Safety and Standards Act, 2006 – Maintainability of PIL based on media reports – Judicial Restraint – Separation of Powers - Public Interest Litigation – Requirements of Credible Material – Petitioner sought a writ of mandamus for the constitution of a National Task Force and a nationwide food safety audit based on various instances of food contamination and regulatory failure - Held: PILs must be founded on credible, cogent, and research-based material - Newspaper reports and media publications highlighting sporadic incidents do not constitute reliable or legally admissible evidence to establish a systemic failure of fundamental rights under Article 32. [Paras 5, 6]**

**Judicial Restraint vs. Statutory Regulators – The Food Safety and Standards Act, 2006, is a complete code that established the FSSAI as a specialized body for food safety regulation - When the legislature creates a specialized authority with technical expertise, the Court must exercise judicial restraint. In the absence of demonstrated systemic failure, the Court cannot assume the role of a "super-regulator" or substitute its wisdom for that of the statutory body - Article 32 jurisdiction cannot be expanded to undertake supervisory or managerial functions over statutory fora in technical domains - Intervention in the functioning of a regulatory framework without compelling material runs contrary to the settled principles of separation of powers - Stray instances of non-compliance do not justify a court-directed overhaul of an existing legal machinery. [Relied on *Holicow Pictures Pvt. Ltd. v. Prem Chandra Mishra & Ors.*, (2007) 14 SCC 281; *Kushum Lata v. Union of India*, (2006) 6 SCC 180; *Vishal Tiwari v. Union of India and Others*, (2024) 4 SCC 115; Paras 7- 9]**

*For Petitioner(s): Petitioner-in-person*

**ORDER**

1. Heard.
2. The petitioner has preferred this writ petition styling it to be a Public Interest Litigation<sup>1</sup> under Article 32 of the Constitution of India with the following prayers: -
  - A. Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Respondents to constitute a National Task Force/Committee under the supervision of this Hon'ble, court to monitor and ensure effective compliance with food safety enforcement measures across the country.
  - B. Issue a writ of Mandamus or any other appropriate Writ, order or direction directing the Respondents to undertake a nationwide, time-bound food safety audit, and inspection drive covering:
    - i. Food manufacturing and processing units.
    - ii. Restaurants and commercial food establishments.

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<sup>1</sup> For short, 'PIL'.

- iii. Institutional kitchens including schools, hostels and public feeding programmes.
  - iv. Railway and transport catering systems
  - C. Issue a writ of Mandamus or any other appropriate writ, order or direction directing the Food Safety and Standards Authority of India to place periodic compliance, inspection and enforcement reports before this Hon'ble Court.
  - D. Issue a writ of Mandamus or any other appropriate, writ, order or direction directing the Respondents to strengthen inspection Infrastructure, testing laboratories and enforcement personnel across all States and Union.
  - E. Issue a writ of Mandamus or any other appropriate writ, order or direction directing mandatory public disclosure of major food safety violations/ enforcement actions and compliance status.
  - F. Issue a writ of Mandamus or any other appropriate writ, order or direction directing formulation and implementation of effective front-of-pack warning labelling measures for food products high in salt, sugar and unhealthy fats.
  - G. Issue a writ of Mandamus or any other appropriate writ, order or direction directing formulation and implementation of enhanced safety protocols and monitoring mechanisms for mid-day meals, residential institutions and other, public catering systems.
  - H. Issue a writ of Mandamus or any other appropriate writ, order or direction directing establishment of a nationwide grievance redressal and compensation mechanism for victims of food safety violations.
  - I. Issue such other writ, order or direction as this Hon'ble Court may deem fit and proper in the interests of public health, constitutional governance and protection of fundamental rights.
- 3.** In sum and substance, the petitioner has tried to raise the issues of unsafe and unhygienic food being provided to the citizens of country. In order to buttress his assertions, the petitioner has *inter alia* tried to point out the following instances and illustrations: -
- a. Discovery of foreign objects, biological contaminants and hazardous substances in commercially manufactured and distributed food;
  - b. Contamination incidents across restaurants, cloud kitchens, online delivery platforms and railway catering systems;
  - c. Mass food poisoning incidents affecting children in schools and residential institutions;
  - d. Seizure of large quantities of adulterated food across multiple States indicating organised adulteration networks;
  - e. Operation of a large informal food sector functioning under grossly unhygienic conditions;
  - f. Regulatory failures in packaged food safety and delayed detection of violations.
- 4.** Referring to the above, the petitioner seeks the following directions: -
- a. Constitution of a National Task Force;
  - b. Nationwide time-bound Inspection and audit;
  - c. Strengthening of enforcement Infrastructure;

- d. Periodic Reporting to this Hon'ble Court;
- e. Public disclosure of violations;
- f. Front-of-pack warning regulations;
- g. Strengthened safety protocols for Institutional food systems;
- h. A nationwide grievance and compensation mechanism.

**5.** Having heard and considered the submissions advanced by the petitioner appearing in person and on going through the material placed on record, we find that the entire foundation of the writ petition rests predominantly upon certain newspaper reports and media publications highlighting instances of alleged unhygienic and unsafe food dispensation to the affected people. These reports, refer to sporadic incidents, which, by themselves, cannot constitute reliable or legally admissible evidence so as to form the basis of a PIL under Article 32 of the Constitution of India. The petition lacks any supporting material in the nature of scientific studies, expert analyses, governmental data, or statistically verifiable information which could demonstrate a systemic or pervasive failure of food safety mechanisms across the country. In the absence of such foundational material, the generic and sweeping assertions made in the petition remain in the realm of miniscule individual events and cannot be treated as establishing a concrete violation of fundamental rights.

**6.** This Court in a catena of decisions has laid down that writ petitions styled to be PILs must be founded on credible, cogent, and research-based material<sup>2</sup>. While newspaper reports may, in certain circumstances, serve as a trigger for judicial scrutiny, they cannot be elevated to the status of substantive evidence unless corroborated by independent and reliable data. The jurisdiction under Article 32 of the Constitution of India, particularly in PIL matters, cannot be invoked on the basis of random newspaper reports, as doing so would open the floodgates to speculative litigation and undermine the discipline required in constitutional adjudication.

**7.** We may also note that statutory frameworks are already in place to tackle the issues which the petitioner has highlighted, the foremost among them being the Food Safety and Standards Act, 2006<sup>3</sup>, enacted by Parliament to consolidate the laws relating to food safety and to establish the Food Safety and Standards Authority of India (FSSAI) as a specialised, multi-disciplinary body entrusted with the regulation and supervision of food safety standards across the country. The statutory scheme under the Act of 2006 is a complete code in itself, providing for the scientific characterization of food standards, a structured and rigorous hierarchy of enforcement through Food Safety Officers and Designated Officers, and a robust mechanism for sampling, analysis, and adjudication of violations.

**8.** Where the legislature has, in its wisdom, created a specialised authority equipped with the requisite technical expertise and scientific resources to regulate a particular sector, this Court must exercise due judicial restraint. When the regime governed by the said statutory framework is sought to be castigated, it is not for this Court to substitute its own wisdom for that of the statutory regulator, nor can it assume the role of a super-regulator in the absence of any demonstrated, systemic failure of the existing machinery.

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<sup>2</sup> *Holicow Pictures Pvt. Ltd. v. Prem Chandra Mishra & Ors.*, (2007) 14 SCC 281, *Kushum Lata v. Union of India*, (2006) 6 SCC 180, *Vishal Tiwari v. Union of India and Others*, (2024) 4 SCC 115.

<sup>3</sup> Hereinafter, referred to as "Act of 2006".

The jurisdiction under Article 32 of the Constitution of India is primarily concerned with enforcement of fundamental rights and cannot be expanded to undertake supervisory or managerial functions over statutory fora, particularly in highly technical domains such as food safety regulation. Any such intervention, in the absence of compelling material, would run contrary to settled principles governing separation of powers.

**9.** The petitioner has failed to place any empirical data or cogent material on record to satisfy this Court that the enforcement of the Act of 2006 is slack or wanting in any substantial manner. Few stray instances of non-compliance, do not constitute sufficient ground for issuance of a writ of mandamus directing an overhaul of a functioning regulatory framework.

**10.** In view of the aforesaid discussion, we find no ground to entertain this writ petition under Article 32 of the Constitution of India. Accordingly, the same is dismissed as being devoid of merit.

**11.** Pending application(s), if any, shall stand disposed of.

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