

ITEM NO.15

COURT NO.6

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Miscellaneous Application No. 1177/2025 in W.P.(C) No.
437/2024

[Arising out of impugned final judgment and order dated
09-04-2025 in W.P.(C) No. 437/2024 passed by the Supreme
Court of India]

3S AND OUR HEALTH SOCIETY

...Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

...Respondent(s)

IA No. 308995/2025 - APPLICATION FOR TAKING ON RECORD

IA No. 154035/2025 - EXTENSION OF TIME

Date : 13-08-2026 This matter was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) : Mr. Rajiv Shankar Dvivedi, AOR
Ms. Arti Dvivedi, Adv.
Mr. S.k. Sarkar, Adv.
Ms. Sugandha Bhardwaj, Adv.
Mr. Bhushan, Adv.
Ms. Priya, Adv.
Ms. Snigdha Singh, Adv.
Ms. Priyanka Parmar, Adv.
Ms. Sweta Singh, Adv.

For Respondent(s) :Mr. Brijender Chahar, A.S.G.
Ms. Madhulika Upadhyay, AOR
Mr. Anmol Chandan, Adv.
Mr. Bhuvan Kapoor, Adv.
Mr. Bhakti Vardhan Singh, Adv.
Mr. Gopi Chand, Adv.
Mr. Karan Chahar, Adv.
Mr. Shubham Saxena, Adv.
Mr. Vaishnav Kirti Singh, Adv.

Mr. Sudarshan Lamba, AOR

Mr. Devadatt Kamat, Sr. Adv.
Mr. Harpreet Singh Gupta, AOR
Mr. Srajan Jain, Adv.

M/S. Plr Chambers And Co., AOR
Mr. Maninder Singh, Sr. Adv.
Mr. Harsh Hiroo Gurshani, Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Shubhank Patel, Adv.

Mr. Nishanth Patil, AOR

Mr. Rohit Sharma, Adv.
Mr. Nikhil Purohit, Adv.
Mr. Jatin Lalwani, Adv.
Mr. Kumar Dushyant Singh, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. By our order dated 10.2.2026, we observed the following in Paras 9, 10, 11 and 12, respectively as under:-

"9.Today, what has been suggested by the learned counsel appearing for the petitioner also makes some sense and we want the authority to take this aspect into consideration.

10. The suggestion is that on the wrapper/packet of any pre-packaged food product, there must be warning in the form of front-of-package labelling. To illustrate it better, the following may be taken into consideration:-

Warning FOPL



High Sodium Level



High Sugar Level



High Saturated Fat Level

Positive FOPL



11. FoPL is something which is internationally prevalent.

12. Let the authority revert to us within a period of four weeks."

2. Today when the matter was taken up for further hearing, the learned counsel appearing for the applicant/petitioner invited our attention to the Minutes of the 46th Meeting of the Food Authority held on 7.03.2025, wherein the following came to be resolved:-

"The forty sixth meeting of the Food Safety and

Standards Authority of India (FSSAI) was held on 7th March, 2025 at 12:00 pm through physical cum virtual platform at Ministry of Health and Family Welfare, Room No. 155, A-Wing, Committee Room, 1st Floor, Nirman Bhawan, New Delhi under the chairmanship of Ms. Punya Salila Srivastava, Secretary, Health and Chairperson, FSSAI. The list of participants is at Annexure -1.

Shri G. Kamala Vardhana Rao, Chief Executive Officer (CEO) welcomed Chairperson and the members of the Authority to the meeting. Further, he informed that CEO's report is tabled for information of all the members and requested Director (Sc. & Std.) to proceed with the agenda items.

Further, the Chairperson expressed her concern to reach to the lowest level of personnel getting affected in the food chain and directed to conduct wider and frequent consultations at suitable venue with relevant stakeholders before publishing any draft/final regulation. These consultations should involve ground level participation including MSMEs, related to the issue in consideration and not restricted only to large industry associations like CII, FICCI etc,

Item No.	Description
I	Confirmation of Minutes of the 45th Food Authority meeting held on 14th November 2024
	The Authority confirmed and adopted the minutes of the 45th meeting held on 14th November, 2024.
II	Action Taken Report of 45th Food Authority meeting held on 14th November 2024
	The Authority noted the Action Taken Report, as placed.
III	CEO's Report (to be presented during the meeting)
	The report tabled in the house included the action taken and developments since the last meeting of the Authority. It highlighted the increase in number of licenses & registration demonstrations of the FoRTrace portal for rice millers, manufacturers

	of fortified rice kernels and premix and FCI depot managers; increase in number of meetings of the Scientific Panels from 51 in FY2023-24 to 99 in FY2024-25; increase in number of meetings of the Scientific Committee from 3 in FY2023-24 to 5 in FY2024-25; increase in number of Stakeholders consultations from 10 in FY2023-24 to 23 in FY2024-25; increase in number of Draft and Final Regulations notified from 4 in FY2023-24 to 15 in FY2024-25; conduct of a National Stakeholder Consultation on the Challenges in Monitoring Pesticide Residues in Food Commodities; increase in participation in Codex meetings from 9 in FY2023-24 to 11 in FY2024-25; major contributions of India in Codex activities includes approval of New Work Proposals on Group Standard for Whole Millet Grains, Standard for large cardamom and coriander, Guidance on appeals mechanism in the context of rejection of imported food, Code of practice for prevention of Aflatoxin in peanuts and final adoption of Standards for Small Cardamom and Turmeric, Revision of allergen labelling provision and Guidelines on the provision of food information for e-commerce and use of technology in food labelling, approval of India's project in Standards and Trade Development Facility (STDF) of the WTO on the topic "Mitigating Aflatoxin contamination in Peanuts in India; training of 21,000 street food vendors; signing of MoU between FSSAI and The Brihanmumbai Municipal Corporation (BMC) to train more than 10,000 street food vendors in the city on essential food safety and hygiene practices; inauguration of Microbiology section of the Combined Food & Drug Lab, Patna, Bihar; participation of FSSAI at Mahakumbh 2025, 43rd India International Trade Fair 2024, National Book Fair 2025, National Science Drama Festival 2024-25, Indus Food 2025 and information regarding implementation of an annual calendar for Inter-divisional, SP, SC, EC, CCG, Codex & WTO-SPS/TBT meetings. Authority took note of the CEO's report. The details report is placed at Annexure-2.
46.1	Agenda for Approval
1	Revision of Inspection Checklist w.r.t packaging material
	The Authority approved the agenda item and

	<i>suggested to conduct the stakeholder consultation to sensitize the small food vendors and consumers about the food grade plastics.</i> <i>Action Point:- Regulatory Compliance division to take necessary action.</i>
2	<i>Proposal to make FoRTrace Portal Mandatory for Manufacturers of Premix, FRK and Rice Millers to feed batch specific details.</i>
	<i>The Authority deferred the agenda item and directed to schedule a meeting with Department of Food & Public Distribution, Ministry of Consumer Affairs, Food & Public Distribution in the matter and relevant stakeholders.</i> <i>Action Point:- Regulatory Compliance division to take necessary action.</i>
3	<i>Change in the procedure of Licensing and Registration in case of certain food businesses.</i> <i>The Authority approved the agenda item and suggested to initiate capacity building programs for the same across all States/Uts.</i> <i>Action Point Regulatory Compliance division to take necessary action.</i>
4.	<i>Rationalization of the compliance obligations of E-commerce FBOs under Open Network for Digital Commerce (ONDC) Model.</i>
	<i>The Authority approved the agenda item and suggested to initiate capacity building programs for relevant FBO across all States/Uts.</i> <i>Action Point:- Regulatory Compliance division to take necessary action"</i>

3. The learned ASG appearing for the Union of India would submit that it is not possible to consider the suggestion

put forward by this Court referred to above as it is difficult to go by the International Standards of packaging, etc.

4. We have made ourselves abundantly clear in the past and we say today also that we are concerned with the health of the citizens of this country more particularly growing children. We have made this abundantly clear in the course of today's hearing.

5. Front-of-package labeling (FOPL) is an assistive device for the consumers to make an informed decision about food purchases and healthier dietary choices. Its purpose is simple, to place conveniently the relevant and readily understood nutrition information on the packaging, at the exact moment a purchasing decision is made.

6. Obesity has been recognized as a public health challenge in India. The recent NFHS data speak for themselves. It is needless to mention that it is caused by unhealthy diet and lifestyle, including consumption of processed foods leading to higher risk of diabetes, heart disease, and hypertension. We would emphasize on the impact of foods high in sugar, fat, and sodium on children as well

as adults. All that we would say is that a balanced nutrient rich diet is crucial for a child's growth, development and overall well-being. It does not merely affect a person's physical health, it also affects how a person feels, performs and behaves.

7. We may be stating the obvious that refined sugar, refined flour and trans-fat heighten the risk of heart diseases, obesity and hyperactivity in children, while also contributing to poor digestion, unhealthy weight gain, increase in bad cholesterol and lowers good cholesterol.

8. What compounds this concern is the scale of a child's exposure to such products, often before they are equipped to evaluate what they are consuming. According to UNICEF's Child Nutrition Report 2025, the percentage of overweight school-age children and adolescents (aged 5-19 years) increased from 2% to 10% between 2000 to 2022. The said report also notes a telling contrast in children's immediate food environment. While around 80% of the kinds of food and beverages available within schools are freshly cooked meals, however, nearly 80% of what is available in the vicinity of the school are packaged snacks. It would be apposite to

state that studies have found that a child's exposure to particular foods directly shape their dietary preferences.

9. The Economic Survey 2025-26 records that India's ultra-processed foods market increased more than 150% from 2009 to 2023. It is reportedly the same period in which obesity has doubled in men and women. It would be apposite to quote the policy response in the said survey:-

"Front-of-pack nutrition labelling: In a unique multi-sector consensus, 29 organisations issued a statement reviewing evidence on FOPL. It offers concrete recommendations, particularly for replacing the proposed Indian Nutrition Rating (or Health Star Rating) system with warning labels, restricting marketing to children, and ensuring that trade agreements do not undermine public health policy."

Studies have shown that warning labels are the most effective option for discouraging UPF consumption, compared with ranking-style labelling schemes such as Nutri-Score and Health Star Ratings.^{111,112,113} The authors recommend that warning labels be added to UPFs or HFSS foods targeted at infants and toddlers, as these foods are currently not included in regulations. Prohibition of nutrient and health claims on UPFs is also recommended to avoid health halo effects.

Nutrient-Based Tax on UPFs: The possibility of introducing the highest slab of GST and a surcharge on UPFs which exceed thresholds for sugar, salt, or fat could be explored. The revenue generated could be earmarked for public health initiatives, including nutrition education, school meal improvements, and NCD prevention programmes.

Multi-pronged approach

It is essential to reiterate some key points made in the previous Economic Survey, namely that a multi-pronged approach is necessary to address the

concerns arising from the increased inclusion of UPFs in diets in India.¹¹⁴ The Food Safety and Standards Authority of India (FSSAI) may bring UPFs under regulation with a clear definition and standards, including stricter labelling requirements. UPF may be defined in addition to HFSS by integrating it into the existing frameworks, rather than replacing them. This can be done by using the Nova classification or by identifying cosmetic additives. Enhanced monitoring of branded products to ensure compliance would help build consumer confidence. It is also crucial to raise awareness about the adverse effects of consuming UPFs through targeted campaigns aimed at schools and colleges."

(Emphasis supplied)

10. What we are trying to convey is that the environment surrounding children and us is quietly dictating our habits. A standard labelling format would reduce confusion and make it easier for consumers to make informed purchasing decisions, and FOPL could educate consumers. Awareness from FOPL would transform a label into a functional tool. Thus, the value of FOPL lies not merely in disclosure but in clarity, the precise difference between a consumer being told and a consumer being informed.

11. We may take inspiration from countries like Chile, Israel and Canada. The Chilean Government after recognizing the need to address the rising rates of childhood overweight and obesity undertook measures to change food labelling to improve public knowledge. The change was introduced in a

phase-wise manner. For instance, in 2016 (Phase 1), a food product would be labelled as having “high sugar content” if it contained more than 22.5g of sugar per 100g. However, in 2019 (Phase 3), this limit was lowered to 10g per 100g. The following images exemplify precisely what we are trying to convey:-



12. This aforesaid change resulted in substantial reduction in the consumer's appetite, across socio-economic groups, for products with high salt, sugar, saturated fat and calories.

13. Similar changes were introduced by Canada in 2022, in the form of Front of Package Nutrition Symbols. The initiative aimed to help consumers in making informed dietary choices and encourage manufacturers reformulate products for better health. To balance the differences in products, the policy provided that such products could be

categorized differently with provisions for exemptions as well. The following images would indicate the FOPL implemented in Canada:-



14. We may clarify at this juncture that the aforesaid illustrations are only suggestive. The illustration is also to emphasize that not only developed countries, but developing ones also have adopted the International Standards of packaging. A positive step in that direction would further accelerate our country's endeavour to be fully developed, by bringing awareness to the public in general of the ill effects, emanating even from 'indigenous foods', despite our conviction that the 'indigenous foods' coming from the diverse cultures in this country were never intended to be packaged.

15. The Union in consultation with the experts may arrive at the decision on visual appearance (coloured indicators, interpretive words, numbers, letters or symbols, numerical information, percentage) of the FOPL.

16. We may look at the aforesaid from one another angle. The right to life under Article 21 encompasses the right to health. When the Constitution guarantees this right, it casts a corresponding duty on the State to not only refrain from actions that impair the health but also to take affirmative steps to protect it. Furthermore, Article 47 of the Constitution casts a duty on the State to improve public health as its primary duty.

17. We are of the considered view that the Union would not face any difficulty in implementing changes as regards FOPL since it is already in its notice as is evident from the aforementioned Economic Survey suggestions.

18. We still impress upon the Union, more particularly, the Committee to seriously consider our suggestions referred to above and take an appropriate decision at the earliest.

19. If the Union does it on its own, well and good,

otherwise we shall proceed to pass further directions.

20. We grant two weeks' time to place the final decision on record.

21. We do not approve the stance of the Union when it says that it is not possible to match with international standards, more particularly, developed countries. Should India remain as an underdeveloped country? That's the question we are putting forward for the Union to consider.

22. The World should know that India is very much concerned about the overall health of its citizens, more particularly the growing children.

23. List the matter on 10.09.2026. High on board.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)