

Court No. - 2

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 832 of 2024

Petitioner :- Moti Lal Yadav

Respondent :- Union Of India Thru. Secy., Ministry Of Commerce And Industry, New Delhi And 4 Others

Counsel for Petitioner :- In Person

Counsel for Respondent :- A.S.G.I., Anurag Kumar Singh, C.S.C.

Hon'ble Rajan Roy, J.

Hon'ble Om Prakash Shukla, J.

Heard Shri Moti Lal Yadav, petitioner appearing in person, learned Standing Counsel for the State and Shri S.B. Pandey, learned D.S.G.I. assisted by Shri Varun Pandey, learned Counsel for the Union of India.

Shri Vijay Pratap Singh, designated Officer, Food Safety & Drug Administration is present in Court in compliance of our earlier order.

Shri Moti Lal Yadav, a practising Advocate of this Court and the petitioner of this Public Interest Litigation is also present. He has handed over the Chinese garlic purchased by him from a market at Chinhat, Lucknow to Shri Vijay Pratap Singh who has sealed the said product in the Court itself. He shall get the said garlic tested in such Laboratory, as may be prescribed for the purpose, and then come back to us with the report of the said Laboratory as to whether the garlic is Chinese garlic which is unfit for consumption of the public or is it normal garlic which is fit for consumption. He says that 14 days time would be required for this testing.

Shri Singh also informs the Court that certain inspections have been conducted in Mandi Samitis in the Commissionerate of Lucknow and the District Magistrate, Lucknow has constituted a Joint Action Team comprising of personnel and officers from different Department, such as, Horticulture, Agriculture, Food Safety, Police etc., who shall try to find out the source of this Chinese garlic being introduced in the market and to take remedial measures. He also says that there is a toll free number of the Department i.e. 18001805533, on which the general public can give information regarding sale of Chinese garlic, which shall be immediately acted upon. However, when we asked few of the Advocates present in the Court to kindly call on the number to see as to whether they are able to get through,

several advocates tried but the number was busy. May be there are several complaints, we do not express any opinion on this but we are of the opinion that just one number for the entire public of Lucknow may not be sufficient, considering the nature of the problem with which the Department and the general public is faced. We, therefore, suggest that there should be at least four or five numbers available which should be advertised in the newspapers and through other media, so that the general public, as soon as, they come to know about any such alleged Chinese garlic being sold, they may call on the said number and give specific information as to the place or shop where it is being sold and the Department would then immediately conduct raid or take such other measures, as may be permissible in law to remedy the situation. In fact, if some Whats App numbers are given, that would be more beneficial, as, the general public can message on the said Whats App number. Shri Singh after verifying the facts from his office informs this Court that the above mentioned number has only one line. One line on this number cannot cater to needs of the general public, therefore, the concerned authorities should make an effort to increase the number of lines on the same number or other numbers, as the case may be.

We direct the Commissioner, Food Safety, U.P., to look into the matter and do the needful so that necessary facilities are made available for information being provided by the general public, so that it can be acted upon by the Department, as it is informed that few of the raids which were conducted did not yield any result, however, at the same time, Shri Moti Lal with utmost confidence told us on the earlier date that he will fetch the garlic in a few minutes and on the very next date, he had almost half a kilogram of garlic which he says is Chinese garlic.

By the next date, the Officer who is present shall file his own affidavit indicating the steps taken in the last one year for detection of such Chinese garlic etc., raids etc. that may have been conducted and if any such product was found, what action was taken against the alleged guilty persons? Details thereof, shall be mentioned.

We further direct the Commissioner, Food Safety to monitor the situation and take remedial measures in this regard through out the State of U.P. and not merely in the Commissionerate of Lucknow. The Commissioner shall file his own affidavit by the next date as to the steps taken in this regard with tangible proof in support thereof containing necessary details.

A team, such as the one which has been constituted for District - Lucknow, may require constitution for other district's also,

therefore, the State Government should look into the matter, so will the Commissioner, Food Safety in collaboration of the district authorities and ensure that adequate steps are taken to protect the life and health of the general public.

Let the opposite parties no. 1 and 2 also file their affidavit in the matter by the next date in the light of the observations made by us in our earlier order clearly delineating the steps being taken by the Union of India in this regard to prevent the sale of Chinese garlic and also, annex therewith the ban on such sale, if any.

We are surprised that the Departmental Officials are unable to detect the sale of Chinese garlic whereas Shri Moti Lal says that it is readily available in so many places in Lucknow and he can purchase it for the purposes of this case to hand it over to the Department concerned. We request Shri Moti Lal to kindly lend his services to Shri Vijay Pratap Singh by providing requisite information in this regard.

At this stage when we asked Shri Vijay Pratap Singh as to whether the sale of this Chinese garlic is banned? He stated that he is not aware of the alleged notification of 2014 but there is some order of 2005 in this regard which is an order of the Ministry of Agriculture, Government of India dated 06.09.2005 on the subject of interception of *Embellisia allii* (fungus) in garlic consignments imported from China, which speaks of withholding issue of import permits for the import of garlic from China with immediate effect due to repeated interceptions of *Embellisia allii* (fungus) and *Urocystis cepulae* in such consignments from Chennai and Mumbai port, which is taken on record.

We also asked Shri S.B. Pandey, learned D.S.G.I. as to whether there is any notification of 2014 also to which he submitted that he will have to seek instructions. He shall seek instructions.

Shri Vijay Pratap Singh shall again appear before this Court on the next date of listing with the report of the aforementioned Laboratory.

List/Put up this case on **17.10.2024**.

Order Date :- 27.9.2024/Lokesh Kumar

[Om Prakash Shukla, J.] [Rajan Roy, J.]