

IN THE SUPREME COURT OF INDIA AT NEW DELHI
CIVIL APPELLATE JURISDICTION

Transfer case (Civil) No.1/2010

IN THE MATTER OF:

Central Arecanut Marketing Copn. & Ors.

...Petitioners

Versus

UOI & Ors connected T.C. (C) and SLPs (Civil)

...Respondents.

AFFIDAVIT of Dr. Rakesh Kumar Kashyap, Assistant Commissioner Food Safety under Food Safety & Standards Act 2006, on behalf of Union Territory of Chandigarh.

I, the above named deponent, do hereby solemnly affirm and declare as under:

1. That the deponent is working in the capacity of Assistant Commissioner Food Safety, Chandigarh Administration, Chandigarh under Food Safety & Standards Act 2006, and as such is fully competent to file and swear this affidavit.
2. That the present affidavit is being filed by the deponent in terms of the order dated 23.9.2016 passed by this Hon'ble Court in the present Petition.
3. That it is submitted before this Hon'ble Court that use of tobacco and nicotine as ingredients in any food products, which may be injurious to Health, has already been prohibited by the Competent Authority in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011, as per the letter dated 24.7.12 issued by the Health Secretary-cum Commissioner Food Safety, Chandigarh Administration. And the Designated Officer, U.T Chandigarh under Food Safety & Standards Act 2006, was asked to create public awareness and implement the regulations ensuring that tobacco and nicotine is not being used as ingredients in any food products in U.T Chandigarh after initiating action as per the provisions of FSSA.

Magistrate

and rules/regulations made thereunder. Copy of letter dated 24.7.12 is annexed herewith as Annexure R- I.

4. That, in compliance of the above said letter/orders from the Commissioner Food Safety, Chandigarh Administration, following samples of Pan Masala and Gutkha were taken:

Sr. no	Date of Samples	Sample of product	Code no. of sample	Fail/pass
1	08-8-12	Premium Maaldar in Gutkha	DRS/2010/147	Fail
2	08-8-12	Swagat Gutkha	DRS/2010/146	Fail
3	13.8.12	Shikhar Gutkha	DRS/2012/149	Fail
4	13.8.12	Premium Harpal Gutkha	DRS/2012/148	Fail
5	17.8.12	Premium Rajni gandha flavour paan Masala	DRS/2012/170	Pass
6	17.8.12	Premium RMD Gutkha	DRS/2012/169	Fail
7	3.9.12	Rajni Gandha Flavour Paan masala	DRS/2012/187	Pass
8	31.8.12	Paan Vilas Paan Masala	DRS/2012/173	Pass

5. That, thereafter, when some samples of pan masala and Gutka were found to be containing tobacco & nicotine, it was reiterated by way of notification issued in pursuance of regulation 2.3.4 of the Food Safety and Standards (Prohibition & Restrictions on Sales) Regulations, 2011 and in exercise of the powers conferred under Section 30 of the Food Safety & Standards Act, 2006, that the manufacture, the storage, the sale or distribution of Gutkha (which includes Premium Maaldar in Gutkha, Swagat Gutkha, Shikhar Gutkha, premium HarpalGuthka and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, has been prohibited vide order dated 21.5.13 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order in the interest of Public Health. Copy of notification dated 21.5.13 is annexed herewith as Annexure R- II.

6. That further orders for prohibiting the manufacture, the storage, the sale or distribution of Gutkha (which includes Premium Maaldar in Gutkha, Swagat Gutkha, Shikhar Gutkha, premium HarpalGuthka and Premium RMD Gutkha) and Panmasala containing tobacco or nicotine as ingredients by



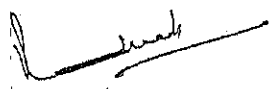
whatsoever name it is available in the market, were issued vide order dated 16.6.2014 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order. Annexure -R-III

7. That following samples of Pan Masala taken in the period 2015-2016 are as under:-

Sr. no	Date of Samples	of product	of Sample	Code no. of sample	Fail/pass
1	25.02.2015		Rajnigandha Pan Masala	KS/2015/89	Pass
2.	27.2.2015		Shikhar Pan Masala	KS/2015/96	Pass
3.	10.3.2015		Vinal Pan Masala	KS/2015/103	Pass
4.	27.4.2015		Kanla Pan Masala	KS/2015/120	Pass
5.	10.2.2016		Sikhar Pan Masala	RKS/2016/170	Pass
6.	11.5.2016		Dilbhagh Royal Pan Massal	RKS/2016/206	Pass

8 That further, by way of notification issued on dated 26.10.2016, in pursuance of regulation 2.3.4 of the Food safety & Standards Prohibition and Restriction on sales) regulation 2011 and in exercise of the powers conferred under section 30 of the Food Safety & Standards Act, 2006, that the manufacture, the storage, the sale or distribution of Gutkha and Panmasala containing tobacco or nicotine as ingredients by whatsoever name it is available in the market, has been prohibited vide order dated 26.10.16 issued by the Commissioner of Food Safety, Chandigarh Administration, in the Union Territory of Chandigarh for one year from the date of issue of this order in the interest of Public Health. Copy of order dated 26.10.2016 is annexed herewith as Annexure R- IV.

Chandigarh
Dated 7.11.2016


Deponent
Assistant Commissioner Food Safety
U.T. Chandigarh.