

ITEM NO.30

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

3S AND OUR HEALTH SOCIETY

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

[TO BE TAKEN HIGH UP ON BOARD]

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

IA No. 154035/2025 - EXTENSION OF TIME

Date : 10-09-2026 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. Maninder Singh, Sr. Adv.
Mr. Harsh Hiroo Gurshani, Adv.
Mr. Suhaan Mukerji, Adv.
Mr. Shubhank Patel, Adv.
M/s Plr Chambers And Co., AOR

Mr. Nishanth Patil, AOR

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

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

UPON hearing the counsel the Court made the following
O R D E R

1. This Court passed the following directions as contained in the signed reportable order in the above said matter:-

“50.Given the aforesaid stipulation in the Draft 2022 Guidelines, we would like the FSSAI to respond specifically to the suggestion of the petitioner that the final FoPL regime must be made mandatory from the get-go. If not, we would like to know what is a reasonable period after which they intend to make its compliance mandatory.

E.Nutritional literacy in schools

51.Throughout the hearing of the present matter, we have been made aware that children are under acute risk of developing unhealthy eating behaviors due to a variety of reasons. In that regard, the following observations of our

previous order are pertinent:

“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.”

52. In connection with this, we would like the Union to respond on how schools plan to incorporate through curriculum, initiatives, workshops etc., (i) the manner in which information provided in packaged food items, including nutritional information, FoPL etc., must be interpreted, and (ii) other aspects relating to nutritional literacy. In recognition of the vulnerable position that children are in vis-à-vis impulse or uninformed dietary decision-making, we are of the view some action must be taken in this regard.

53. In view of all the aforesaid, we would like the Union and the FSSAI respectively to provide an appropriate response to the following questions:

- i. What is a reasonable and fixed timeline that the FSSAI envisages for the implementation of the two phases currently proposed?*
- ii. What is the basis for the FSSAI to suggest the inclusion of food products high in ‘two or more’ nutrients-of-concern and specified sweetened beverages in Phase I, and the inclusion of food products high in ‘any one’ nutrient-of-concern in Phase II respectively?*
- iii. How does the FSSAI propose to identify the specific sweetened beverages which fall under Phase I of the proposal? Additionally, what are the threshold levels of the specific nutrient(s)-in-concern for such beverages?*
- iv. Whether, in their calculation of the threshold levels for each nutrient-of-concern, the FSSAI wishes to account for the difference between food categories 2 and 3 respectively in the FoPL?*
- v. Whether, in their calculation of the threshold levels for each nutrient-of-concern, the FSSAI wishes to account for the difference between food groups B (moderately processed with no additives) and C (excessively processed with additives) respectively in the FoPL?*
- vi. Whether the threshold limits for Fat and Sugar are to be calculated on the basis of ‘Total’ Sugar and ‘Saturated Fat’ as indicated in the*

Stakeholders meeting conducted on 29.10.2021? Furthermore, how would trans-fat levels be factored into the calculations of the fat content for the purpose of the FoPL?

- vii. *Considering that an average Indian consumer is habituated into associating the colour red with non-veg ingredients, would it be necessary for the FSSAI to revisit the choice of colour for the FoPL?*
- viii. *What are dimensions of the 'red hexagon' proposed to be used in the FoPL? Whether it would have standardized specifications or whether it would be calculated in proportion to the area of the package? Whether the font size used for the FoPL would be relative to the dimensions of the hexagon themselves? The manner and method of the placement of such hexagon(s)?*
- ix. *Without the presence of distinct pictorial representations for each nutrient-of-concern in the FoPL, how does the FSSAI propose to cater to the diverse levels of comprehension, literacy, and reading capability of the consuming population?*
- x. *Why has the FSSAI suggested a combined/composite/singular hexagon for two or more nutrients-of-concern instead of separate/distinct/individual hexagons for each nutrient-of-concern?*
- xi. *How would the FSSAI regulate the potential increase in the use of artificial preservative, emulsifiers etc., which may result as a consequence of the implementation of the FoPL?*
- xii. *Once the final regulations making the FoPL mandatory come to be notified, whether a voluntary period for compliance is envisaged? If yes, for how long?*
- xiii. *How the Union of India proposes to incorporate through curriculum, initiatives, workshops etc., (i) the manner in which information provided in packaged food items, including nutritional information, FoPL etc., must be interpreted, and (ii) other aspects relating to nutritional literacy, at the school-level?*

54. Let the FSSAI file its response by way of an affidavit within a period of 10 days from the date of this order. The same shall be shared with the petitioner for them to also file their response before the date of next hearing.

55. Post the matter on 28.09.2026."

2. List the matter on 28th September, 2026 on top of the Board.

**(HARPREET KAUR)
COURT MASTER (SH)**

**(POOJA SHARMA)
COURT MASTER (NSH)**

(Signed reportable order is placed on the file)