

| FRIDAY | DECEMBER 27 | 2013

Himachal High Court clears ban on food in plastic packs

■ Court sets January 26 deadline to stop sale, supply of chips, wafers

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SHIMLA, DECEMBER 26

IN a landmark judgment, the Himachal Pradesh High Court Thursday cleared the deck for stopping the sale of potato chips, wafers and all junk food items packaged in plastic and non-biodegradable material from January 26.

The court vacated its stay on the notification issued by the Department of Science, Technology and Environment on June 26, 2013, imposing ban on sale, storage, entry, supply and manufacture of these items in the state. It directed the government to strictly enforce the ban on these non-essential food items. The ban, however, will not cover plastic drinking water bottles.

A division bench comprising Justice Rajiv Sharma and Justice V K Sharma, also directed the government to ensure that edible oils/fats are packed in tin containers and not in plastic bottles or pouches.

From March 31, as per the court order, milk and milk products, edible oils, fats, fruits and vegetables and meat products will be manufactured, transported, sold, packaged and distributed as per regulations of the Food Safety & Standards (Packaging & Labelling) Regulation, 2011.

While directing the state to appoint a Food Commissioner within four weeks, the court asked the government to ensure that no person is permitted to start or continue

any food business without obtaining the required license.

The court order on Thursday came at the end of a hearing on a petition filed by dealers and manufacturers of packaged food items challenging the government's notification.

The bench rejected the petitioners' argument that the court had encroached into area of legislation by issuing such orders. "The courts do not legislate by pronouncing the judgments and issuing necessary directions. The courts only recognise and enforce the fundamental, constitutional and legal rights of the parties. The orders were passed by the court after hearing the parties and weighing all the pros and cons to safeguard health of the citizens and natural environment of the State," the judgment reads.

The court directed the government to lay down the norms as per Section 3A of the HP Non-biodegradable Garbage (Control) Act, 1995 within 12 weeks and to implement Section 7 of the said Act in order to determine new non-essential food items, which are required to be manufactured, transported, sold, packaged and distributed in biodegradable material by constituting a high power committee comprising of officers not below the rank of Principal Secretary.

The court gave 12 weeks time to the government to ensure that necessary bye-laws are incorporated in Municipal Corporation Rules, Municipal Council and Nagar Panchayat Rules as per Rule 6 of the Plas-

tic Waste (Management & Handling) Rules, 2011. "The municipal authorities throughout the state, including Municipal Corporation, Shimla should ensure safe collection, storage, segregation, transportation, processing and disposal of plastic waste so that no damage is caused to environment," it ordered.

All municipal authorities have been directed to manage plastic waste by undertaking "waste audit" at the beginning of the year.

To make the orders enforceable, the bench said all District Magistrates and Superintendents of Police shall be personally liable and accountable to ensure ban on sale of non-essential food items in non-biodegradable packaging.

