

IN THE SUPREME COURT OF INDIA
CIVIL EXTRAORDINARY JURISDICTION
WRIT PETITION (CIVIL) NO. OF 2000.

In the matter of :

COMMON CAUSE
(A Registered Society)

... Petitioner.

Versus

Union of India.

... Respondent.

I N D E X

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Petitioner

through

(H. D. Shourie)
Director, COMMON CAUSE
(in - person)

Place : New Delhi.

Dated :

A

LIST OF DATES AND SYNOPSIS

13-9-2000
(Annexure 'A')

This Writ Petition is being submitted in relation to the announcement made on 13-9-2000 by the Respondent, Union of India in the Ministry of Health, which is of very serious concern and consequence in matters relating to health of the people, particularly of children. Respondent has lifted a ban which had been imposed as long ago as 1992 on the sale of non-iodized salt in the country. This action has been taken apparently on the pressures built up by certain lobbies which are interested in the sale of ordinary salt without it having to go through the process of iodization.

Iodization of salt has been considered absolutely necessary, at the national and international level, because of the prevalence of goitre and the serious problems of causation of brain damage of children, hearing defects, growth retardation, dumbness, metabolism imbalances, and syndrome of cretinism, which health problems have been known to be caused because of iodine deficiency in the diet and because of the problems of water pollution and less consumption of protein and caloric rich foods. The World Health Assembly, World Summit for Children, SAARC Conference and UNICEF have shown concern about the prevalence of iodine deficiency diseases (IDD) and have been advocating the adoption of measures of iodization of salt.

This important matter had been taken by the Petitioner as long ago as in 1988 before the National Commission established under the Consumer Protection Act which operates under the Chairmanship of a retired Supreme Court Judge. The National Commission had issued directions on 8-11-1989 to the Respondent, Ministry of Health, and others impleaded in the case, about the necessity of iodization of salt and banning the sale of non-iodized salt. Respondent had given assurance to the National Commission that requisite steps would be taken to stop the sale of non-iodized salt.

8-11-1989
(Annexure 'B')

Press reports indicate that interested lobbies and organisations have been able to prevail upon the Respondent to issue direction cancelling ban on sale of non-iodized salt. The relaxation on sale of non-iodised salt will take effect from 30-9-2000 as will be evident from the notification of 13-9-2000 (Annexure 'A').

This is obviously a matter of serious concern and immediate urgency. The Petitioner has accordingly considered it necessary to place this matter before the Hon'ble Court for issuance of direction to the Respondent, Union of India in the Ministry of Health, to immediately effect modification of the Order (Annexure 'A') passed on 13-9-2000, not to allow sale of non-iodized salt and to maintain

the position as it has been prevailing
during the last many years since the
ban was imposed.

Hence this Writ Petition.

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IN THE SUPREME COURT OF INDIA

CIVIL EXTRAORDINARY JURISDICTION

WRIT PETITION (CIVIL) NO. 25 OF 2000.

In the matter of :

COMMON CAUSE

(A Registered Society)

A-31, West End,

New Delhi - 110021

through its Director

Shri H. D. Shourie

... Petitioner.

Versus

Union of India,

Ministry of Health & Family Welfare,

Government of India,

Department of Health,

Nirman Bhawan,

Maulana Azad Road,

New Delhi - 110011

through its Secretary.

... Respondent.

PETITION UNDER ARTICLE 32 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE
OF A WRIT OR ORDER IN THE NATURE
OF CERTIORARI AND/OR MANAMUS AND/OR
ANY OTHER DIRECTION DIRECTING THE
RESPONDENT, UNION OF INDIA IN MINISTRY
OF HEALTH & FAMILY WELFARE, DEPARTMENT
OF HEALTH, TO SUITABLY MODIFY THE
NOTIFICATION ISSUED ON 13-9-2000
(ANNEXURE 'A') TO ENSURE THAT SALE
OF NON-IODISED SALT CONTINUES TO BE
BANNED, AS HITHERTO SINCE 1992, IN
ORDER TO CHECK THE SERIOUS IODINE
DEFICIENCY DISEASES WHICH ARE CAUSED,
PARTICULARLY TO THE CHILDREN, BY
DEFICIENCY OF IODINE IN THE DIET,
ADVERSELY AFFECTING THE HEALTH OF THE
PEOPLE, AND PARTICULARLY CHILDREN, AND
THEREBY AFFECTING THEIR FUNDAMENTAL
RIGHTS EMBODIED IN ARTICLE 21 OF
THE CONSTITUTION OF INDIA

To

Hon'ble The Chief Justice of India and His Lordships
Companion Justices of the Hon'ble Supreme Court of India.

The Humble Petition of the Petitioner abovenamed,

MOST RESPECTFULLY SHEWETH :

1. That the Petitioner is a Society registered under the Societies Registration Act, 1860, and is engaged in taking up various common problems of the people for securing redressal thereof. The Petitioner Society has brought to court various problems of the people for redressal. The Petitioner has an established locus standi in its capacity as a bonafide public interest organisation for taking up matters of general public importance. The Petitioner is submitting the present public interest petition for consideration of the Hon'ble Court under Article 32 of the Constitution.

2. That a decision of deep and serious concern has been announced by the Respondent, Union of India, in the Ministry of Health & Family Welfare, Department of Health, copy whereof is placed at Annexure 'A'. It comprises the lifting of ban on the sale of non-iodized salt which ban was imposed by the Respondent in 1992 for ensuring that salt consumed by the people, particularly the children, contains the essential ingredient of iodization prescribed in the standards laid down for the purpose by Bureau of Indian Standards.

3. That the cause of imposition of this ban by the Respondent was a matter of grave concern, of prevalence of goitre in various parts of the country. It has been known that places where water suffers from pollution and where there is less consumption of protein and other caloric-rich foods, incidence of goitre is endemic. This problem is

aggarvated by the deficiency of iodine. Deficiency of iodine causes a wide spectrum of disorders, ranging from goitre to syndrone of cretinism in pregnancy and infancy. This deficiency results in brain damage to children, hearing defect, dumbness and growth retardation. Where environmental iodine is lacking, this ingredient needs to be added for supplementing essential requirement in the diet. This supplementation is normally done in the shape of iodized bread, iodized salt and provision of iodized water. Iodization of edible salt has been accepted as sustainable low cost solution for prevention of iodine deficiency diseases (IDD). The Respondent, Government of India, launched the National Goitre Control Programme (NCCP) as long ago as 1962 in a limited way with a view to supplying iodized salt particularly in the areas where goitre was reported to be widely prevalent; it was later found that even after two decades the production and supply of iodized salt was inadequate to meet the requirements of endemic areas. Surveys conducted by the Respondent and other connected organisations revealed that no State/Union Territory in the country was free from the problems of IDD. Recommendations were made by the connected organisations that iodization programme must be carried out in an effective and phased manner. All States in the country were urged to issue legal ban notification on sale of non-iodized salt for edible purposes. In 1998 the Prevention of Food Adulteration ACT (PFA) was amended to ensure that iodized salt should contain not less than 30 ppm of iodine at manufacturing level and

25 ppm level at consumption level. It was kept in view that iodization deteriorates with time, and accordingly the date of packing and expiry are material in this context. To meet this goal the production of iodized salt was thrown open to the private sector. Salt Department of the Respondent was made the nodal agency for monitoring production and quality of iodized salt at the production sources and its distribution throughout the country.

4. That iodine Deficiency Diseases (IDD) problem has received international attention. New evidence has come to light about the impact of IDD on children by way of irreversible brain damage and loss of I.Q. (Intelligent Quotient). The 43rd World Health Family Commission, the World Summit for Children, SAARC Conference on state of children in South Asia, all adopted resolutions aiming at eliminating IDD through universal access to iodized salt. India is signatory to these Resolutions, UNICEF provided financial and technical support, and Programmes were launched by the Respondent for strengthening this effort. Detailed and comprehensive surveys were conducted in selected States in India. Various recommendations were made for implementation by the Respondent and other concerned organisations and authorities.

5. That over the last few years significant strides were made in the country on iodization of salt. Capacity of production increased and movement as well as its distribution has increased considerably. Consumption of iodized salt at the household levels

in urban and rural areas showed improvement. Surveys revealed that consumers showed preference for packed iodized salt, with little variation between rural and urban areas. Significant proportion of households (91.6 % in urban and 89.1 % in rural areas) were found to be consuming iodized salt. Legal measures adopted for banning sale of non-iodized salt were found to have succeeded very well. The ban on sale of non-iodized salt has been imposed in all States and Union Territories in India excepting in Kerala, and certain districts of Maharashtra and Andhra Pradesh. It has been estimated that iodized salt has reached 60 % of population of the country; another 28.5 % people are also receiving iodized salt but with slightly less than the level of iodine prescribed under the standards. It has been felt that intensive and concerted efforts are needed to ensure maintenance of appropriate levels of iodine in the salt.

6. That this matter of serious importance had been taken up by COMMON CAUSE Petitioner as long ago as 1988. A complaint was filed before the National Commission established under the Consumer Protection Act, which is presided over by a retired Judge of the Supreme Court. Respondents cited by the Petitioner in that Petition were the Union of India, Ministry of Health, Salt Commissioner, Hindustan Salt Limited and Uttar Pradesh Government. It was submitted before the National Commission that serious problem of prevalence of goitre and dangers of brain damage of children as well as hearing defect and their growth retardation, were matters which necessitated the issuance of direction

by the National Commission that the sale of non-iodized salt in the country should be banned. After hearing the case the National Commission gave its verdict on 8-11-1989. Copy of the Order passed by the National Commission is placed at Annexure 'B'. It will be observed from the Order of the National Commission that the Respondent, Ministry of Health had inter-alia given an assurance that necessary action would be taken by the Union Government to ensure that its policy of marketing only iodized salt was fully implemented and that before the end of 1992 salt sold in the country would have the requisite iodization.

Annexure
'B'

7. That the issue of Order by Respondent, dated 13-9-2000, (Annexure 'A'), obviously poses a very serious problem before the country. It appears from a Press report (Annexure 'D') that the Respondent has yielded to pressures of certain organisations and interests despite opposition from big sections of scientific community and by a large percentage of State Health Ministers including the major salt producing States.

8. The Petitioner had earlier, on 22-5-2000 and 23-5-2000, written to the Respondent two letters (Annexures 'E' & 'F'), communicating concerns of the people on the news which had featured in the Press that the Respondent was contemplating the " lifting of ban on sale of non-iodized salt". The Department of Salt of the Ministry of Industry of the Government of India had brought out a Pamphlet entitled " Evaluation of Universal Iodization in India" which contains detailed information about the problems relating to the need of iodization of salt and the progress made over the years in India

in this matter. Another useful Pamphlet on this subject has been brought out by UNICEF, entitled "Sustaining Elimination of IDD". There is also other useful material brought out by the Salt Department of the Ministry of Industry entitled "Iodized Salt - All That You Wanted to Know". Respondent may be asked to produce these Pamphlets before the Hon'ble Court; otherwise the Petitioner will be willing to provide these. There are also writings of some scientists and nutrition experts on the subject of need of iodization of salt for prevention of IDD. The present Petition is not being burdened at this stage with this material; copies will be made available if required.

9. That it will be evident from the above recount and the various facts that Respondent in yielding to non-official pressures has totally disregarded the facts of this serious problem, of the essential requirement of providing effective check against the spread of goitre and causation of brain damage and other iodine deficiency diseases, and has to all appearances given in to the populist demands, overlooking the internationally expressed concern on the prevalence of this problem, the history of intensive efforts which over the years have been made by the Respondent and its affiliated organizations to overcome this problem, which has been the cause of spread of iodine deficiency diseases (IDD) in various parts of the country.

10. That in view of these facts the Petitioner feels that the action of Respondent in lifting the ban on sale of non-iodized salt is a serious development, affecting the interests of the people,

including particularly the children, jeopardising their fundamental right to lead healthy life.

11. The present Petition is being preferred bonafide, in the interests of justice and in public interest.

12. No other Writ Petition or other proceedings have been initiated by the Petitioner before any other High Court or before this Hon'ble Court in regard to the subject matter of the present Petition.

13. The Petitioner has no alternative equally efficacious remedy in law for the cause of action being agitated herein.

P R A Y E R

In the above premises, it is prayed that this Hon'ble Court be pleased :

(i) to issue a writ or in the nature of certiorari and/or mandamus and/or any other appropriate writ, order or direction directing the Respondent Union of India in the Ministry of Health to take immediate steps to so modify the notification dated 13-9-2000 (Annexure 'A') that the sale of non-iodized salt remains banned as has been the position since 1992;

(ii) to pass such other and further
Orders as may be deemed necessary
and proper on the facts and in the
circumstances of the case.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL,
AS IN DUTY BOUND, EVER PRAY.

Petitioner

through

(H. D. Shourie)
Director, COMMON CAUSE

Place: New Delhi.

Dated :