



Briefing paper

GM Food Labelling. Rajasthan High Court Order

→ Summary of Court Order

While deciding the Civil Writ (PIL) Petition No. 9095/2019, on 13th October 2025, Rajasthan High Court restrained all relevant authorities from granting permission for sale, manufacture, distribution, or import of any genetically modified (GM) foods or edible items in India until statutory regulations are framed under Section 22 of the Food Safety and Standards Act, 2006 (FSS Act).

Section 22 of the 2006 FSS Act provides that except in accordance with the regulations/rules made under the Act, no one shall manufacture, distribute, sell or import any GM food.

Citing this Section, the High Court firmly directed the Food Safety and Standards Authority of India (FSSAI) and the Union Government to frame and notify regulations on GM foods within **six months**.

The judgement underscored that food safety is not a mere market issue but a fundamental right under Article 21 of our Constitution.

Agreeing with the petitioners' contention that permitting GM food imports without scientific impact assessment on human health is a direct violation of the "right to health", the court directed ***"no import of any foodstuff, edible item, or packaged food be permitted unless certified and labelled as GM-free by the exporting country."***

The Jaipur Bench of the Rajasthan High Court emphasized that no GM foodstuffs, whether domestically produced or imported - including edible oils - should reach Indian consumers without stringent regulatory checks, as previously recommended by Parliamentary Committee on Agriculture in 2014.

The court's order mandates **"GM Free Certification"** for import of GM foods.



→ **What is GM food?**

According to the Food Safety and Standards (Genetically Modified Foods) Regulations, 2022 of the FSSAI:

“Genetically Modified Food (GM-food)” means food and food ingredients composed of or containing genetically modified or genetically engineered organisms obtained through modern biotechnology, or food and food ingredients produced from but not containing genetically modified organisms obtained through modern biotechnology.

→ **What are the consequences of the Rajasthan HC order on GM foods?**

It is well known that India has been importing edible oils of GM crops such as soybeans, canola etc. India also imports maize from countries that grow GM maize.

Post the HC order of 13th October 2025, import of GM foods in India is illegal unless the imported consignment carries the “GM Free Certification” issued by the competent authority of the exporting country. Till now such certificates used to be given by the exporter concerned (self-declaration). Self-certification does not equate to formal, official certification.

Imported breakfast cereals made from corn, popcorns, chips from potatoes, baked food containing soy, pet food containing salmon fish etc., would be required to carry “GM Free Certification”. This shall also apply to locally produced/consumed cotton seed oil.

The term “GM Free” denotes zero tolerance to presence of any GM in the food. There is no threshold for GM ingredient as per the order of the HC.

It is important to note that currently there is no internationally harmonized threshold for GM ingredient content in a food or feed product.

The judgment effectively stops the sale of all the GM foods including the locally produced Bt. cotton seed oil until the FSSAI and the Centre frame and notify the required regulations. India is the worlds’ largest producer and consumer of Bt. cotton seed oil.



→ Final thoughts

The HC order makes a special reference to the legal maxim *salus populi suprema lex* (the welfare of the people is the supreme law). It asserts that the collective well-being and safety of the public should be the highest priority in matters of law and governance.

Several countries have established regulatory frameworks governing GMOs and GMO-derived products in the food and feed.

India is the 66th country in the world to require mandatory GM food labelling. The European Union was the first to implement mandatory labeling for genetically modified (GM) foods, enacting regulations in 1997.

The "Regulations on Administration of Agricultural Genetically Modified Organisms Safety" was promulgated in China in 2001. China enforced mandatory labelling for GM foods in 2004.

In Norway, genetically modified organisms may not be used in animal feed without approval from the Norwegian Food Safety Authority.

Global experience shows that GM food labelling helps consumers make informed choices about the food they buy. It allows them to either accept or refuse a GM food or a GM ingredient used in a food for sale.

Labelling helps governments track the presence of GM foods, which can aid in managing any potential food safety issues.

As observed by the HC, food safety is not a mere market issue but a fundamental right under Article 21 of our Constitution.

In the case of **Kaushal Kishore v. State of Uttar Pradesh & Ors**, decided on January 3, 2023, the Supreme Court ruled that fundamental rights under Articles 19 and 21 of the Constitution are enforceable against private entities, not just the state.

How the trade, citizens, regulators and the judiciary implement this fundamental right with reference to GM foods will be known in the years ahead.
