



\$~2

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of decision: 7th February, 2026

Uploaded on: 10th February, 2026

+

W.P.(C) 1989/2015

RECKITT BENCKISER (INDIA) LIMITED

.....Petitioner

Through: Mr. R. Jawahar Lal and Mr. Sayyam
Maheshwari, Advs.

versus

UNION OF INDIA

.....Respondent

Through: Mr. Bhagwan Swarup Shukla,
CGSC with Mr. Sarvan Kumar, Ms.
Priya Dwivedi and Mr. Mukesh
Kumar Pandey, Advs.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE MADHU JAIN

Prathiba M. Singh, J. (Oral)

1. This hearing has been done through hybrid mode.
2. The present petition has been filed under Article 226 of the Constitution of India by the Petitioner-Reckitt Benckiser (India) Limited which is a company that *inter alia*, manufactures and markets various FMCG and health products including Dettol, Harpic and other health care and personal hygiene products such as soap, hand wash, sanitizer, etc.
3. The challenge in this petition *inter alia*, is to the amendment in Rule 6 (8) of the Legal Metrology (Packaged Commodities) Rules, 2011, which was introduced by notification dated 16th June, 2014. In terms of the said notification, the Director, Legal Metrology mandated as under:-

*“(8) Every package containing soap, shampoos,
tooth pastes and other cosmetics and toiletries shall*



bear at the top of its principal display panel a red or as the case may be, brown dot for products of non-vegetarian origin and a green dot products of vegetarian origin.”

4. Various grounds were raised in the writ petition on 2nd March, 2015, when Notice was issued in this writ petition and an interim order was passed in the following terms:

“W.P.(C) No.1989/2015

Having regard to the nature of the controversy involved and keeping in view that the very same issue is the subject matter of a writ petition pending before the High Court of Bombay, we are also of the view that the matter requires consideration.

Hence, Rule DB.

Re-notify on 18.05.2015

CM No.3565/2015 (stay)

It is brought to our notice that in the writ petition pending before the High Court of Bombay an interim order has been in operation.

Accordingly, we direct that the respondents shall not take any coercive action against the petitioner for non-declaration of the products of the petitioner of vegetarian or non-vegetarian origin on the label of the products until further orders.

We make it clear that in case the petitioner does not succeed in the writ petition, the petitioner shall be liable for the consequential action.

CM is disposed of.”

5. Accordingly, the writ itself stood admitted.
6. The counter affidavit was filed in the matter and it was directed that the matter would be listed in the regular board. Thereafter, when the matter was taken up on 15th November, 2025, the counter affidavit was directed to be brought on record as the same was not on record despite filing the same. On



the same day, additional submissions which were filed by Petitioner by way of an additional affidavit were also taken on record.

7. The submission of Mr. Jawaharlal, Id. Counsel appearing for the Petitioner is that the Director, Legal Metrology, would not have jurisdiction in prescribing the requirement for display of a red dot, brown dot or a green dot for products of vegetarian and non-vegetarian respectively. It is his submission that the said decision ought to be taken up by the Drug Controller General of India, under the Drugs and Cosmetics Act, 1940 as the jurisdiction is lacking being Director, Legal Metrology. It is the submission of Mr. Jawaharlal, Id. Counsel, that toiletries also come under the definition of cosmetics.

8. Mr. Jawaharlal, Id. Counsel further submits that in the additional affidavit dated 18th December, 2025, the Minutes of Meeting of the Drug Technical Advisory Board (hereinafter, 'DTAB') meeting dated 16th May, 2018 as also 13th April, 2021 have been placed on record which would show that this very issue was considered by the DTAB and the decision taken there is set out below:

***“5.2. CONSIDERATION OF THE PROPOSAL
TO AMEND DRUGS & COSMETICS RULES,
1945 FOR MANDATING INDICATION OF
RED/BROWN OR GREEN DOT ON EVERY
PACKAGE OF SOAPS, SHAMPOOS,
TOOTHPASTES AND OTHER COSMETICS
AND TOILETRIES FOR NON-VEGETARIAN
OR VEGETARIAN ORIGIN***

Board was apprised that, the DTAB in its 79th meeting held on 16.05.2018 agreed to the proposal for mandating the indication of green or red /brown dot on every package of soaps, shampoos, tooth paste & other cosmetics & toiletries for



vegetarian/nonvegetarian respectively in the Drugs and Cosmetics Rules. The Board also suggested taking opinion from stakeholders and public before taking action in the matter.

Accordingly, a draft notification for amending Rule 148 of Drugs & Cosmetics Rules, 1945 was prepared for consideration of the Ministry. In the mean time, separate Rules, named as the Cosmetic Rules 2020 for regulation of import and manufacture of Cosmetics have been published vide GSR 763(E) dated 15.12.2020. The proposal for mandating the indication of green or red /brown dot on every package of soaps, shampoos, tooth paste & other cosmetics & toiletries for vegetarian/non-vegetarian respectively under Rule 34 of the Cosmetics Rules, 2020 may be deliberated in light of the Cosmetics Rules 2020.

Board after detailed deliberation emphasized that there is no clarity and system to certify vegetarian and Non-vegetarian ingredients in the Country. Hence, the Board did not agree for mandating the indication of green or red /brown dot on every package of Cosmetics, as it may complicate the regulation and add regulatory burden on stakeholders. Board also opined that, it can be voluntary and left to the company's own decision and accordingly, advisory may be issued for labeling red/brown or green dot on packages of soaps, shampoos, toothpastes and other cosmetics and toiletries for non-vegetarian or vegetarian origin."

9. A notice dated 10th September, 2021 was also issued in this regard. It is therefore, the submission of Mr. Jawaharlal, Id. Counsel that the notification of the Director, Legal Metrology deserves to be quashed.

10. Mr. Bhagwan Swarup Shukla, Id. CGSC seeks time to take instructions in respect of the said additional affidavit.



11. In this writ petition it is noticed that though the matter has been pending for more than ten years, the issue in respect of whether the reflection of the Red, Brown or Green dot has to be done or not across the categories of the products, has not been taken finally. On the one hand the Legal Metrology Rules prescribe use of the dots mandatorily while the DTAB which advises the DCGI has made the very same voluntary. There is a clear contradiction in the stands of both these departments.

12. Some of the products would come within the jurisdiction of the Drug Controller General of India whereas some products would not fall within the jurisdiction of the Drug Controller General of India.

13. In the opinion of this Court, *prima facie*, considering the recommendation of the DTAB and the notice dated 10th September, 2021 which prescribes that the indication of the Red, Brown or Green dot would be on a voluntary basis, there is a clear conflict between the advice of the DTAB and the impugned notification of the department of Legal Metrology.

14. There is therefore a need for both these Departments to come together and to take a decision after holding stakeholder's consultation as to whether incorporation of such a dot ought to be mandatory or should it be left to be implemented voluntarily by the manufacturers/sellers of these products.

15. Since the additional affidavit has clearly relied upon the DTAB's advise, it is directed that a joint meeting shall be held between the Director, Drug Controller General of India as also the Director, Legal Metrology and a comprehensive joint decision shall be arrived at as to the implementation of incorporation of the Red, Brown and Green dot on packaging of various products.

16. Let the said meeting be held between the said two Departments and



officials who shall also require stakeholders to appear before them for giving their views.

17. In response to the additional affidavit filed by the Petitioner, a joint affidavit shall now be filed by the Drug Controller General of India and the Director, Legal Metrology. After considering the stand of the said two Departments, this Court would consider the issues raised in the present matter.

18. Let this joint consultation be undertaken in the next two months and the joint affidavit shall be filed at least two weeks before the next date of hearing.

19. In order to ensure that there is a formal notice to the Drug Controller General of India, the DCGI is impleaded as Respondent No. 2 in the present petition.

20. Let the amended memo of parties be filed within a period of one week and a copy of the same be given to the Id. Counsel appearing for the Union of India.

21. Copy of this order shall be communicated by the Registry to the Director, Legal Metrology and to the Drug Controller General of India on the following email addresses:-

- dcj@nic.in
- ashutosh.agarwal13@nic.in

22. List on 27th April, 2026.

PRATHIBA M. SINGH
JUDGE

MADHU JAIN
JUDGE

FEBRUARY 7, 2026/prg/ck