

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14729 of 2013**

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Doctors For You, A Registered Society, bearing Reg. No. 1695/2007/GBBSD, having its registered office at 3, Hemu Castle, Dadabhai Road, Vile Parle(W), Mumbai- 400056, and its Branch Office at Sangitanjali, Ground Floor New Kung Colony, Rajendra Nagar, Patna- 800016, through the President Dr. Ravi Kant Singh, son of Sri Raghubansh Singh, Resident of Sangitanjali, New Kunj Colony, P.O. and P.S.- Bahadurpur, Rajendra Nagar, Patna- 800016

.... .... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Principal Secretary, Department of Health, Government of Bihar, Patna
3. The Principal Secretary, Department of Education, Government of Bihar, Patna
4. The Secretary, Department of Urban Development, Government of Bihar, Patna
5. Patna Municipal Corporation, through Municipal Commissioner, Patna
6. Director General of Police, Bihar, Patna
7. The Union of India through the Secretary, Ministry of Health and Family Welfare, Government of India, Nirman Bhawan, New Delhi- 110011

.... .... Respondent/s

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**CORAM: HONOURABLE MR. JUSTICE V.N. SINHA**

**and**

**HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**

**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE V.N. SINHA)**

16    11-08-2014

Heard learned counsel for the parties.

2. Petitioner is a registered Non-Governmental Organisation. It has filed this Public Interest Litigation asserting that the provisions of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (hereinafter referred to as the Act) is not being implemented in the

State of Bihar. In this connection, reference has been made to the several Annexures appended with the writ petition and the supplementary affidavits filed supporting the pleadings made in the writ petition.

3. State of Bihar has filed counter, supplementary counter affidavit on behalf of respondent no. 2 disputing the averments made by the petitioner and further stating that on 25<sup>th</sup> July, 2014 a high level meeting at the level of Chief Secretary has been organized, where senior officials of other departments like Home, Education, Commercial Tax, Finance, Transport, Agriculture, Labour, Excise, Industries, Social Welfare etc. including the police had participated. The main focus was on more effective implementation of the Act; decide the way forward to institutionalize the Tobacco Control Program in the entire State in coordination with various departments and civil society organizations. Some of the major decisions have been taken during the meeting such as :

: To prepare a road map in coordination with Education Department for sensitization of school and college children on tobacco control.

: To speed up the formation of Anti-Tobacco Squad at the district, sub-district and block level.

: Publicity and awareness campaign for tobacco control like newspaper advertisement on the Act on regular interval, printing of Law Enforcers guidelines in Hindi, display of Hoarding at prominent public places at district and sub-district level.

: To promote alternative cropping in place of tobacco cultivation.

: Capacity building workshop with Police and Health Nodal Officers on effective enforcement of the Act.

: Mainstreaming the Act in monthly crime review meetings of SHO's.


: To raise taxes on all tobacco products (including bidi and khaini) to at least 60-70% in coordination with Commercial Tax Department of Bihar.

: Strong Anti Tobacco Legislation particularly to curb the Smokeless Tobacco use.

: Special direction from Chief Secretary office to all DMs/SSPs/SPs for effective enforcement of the Act and inter-departmental coordination at district level.


: Sensitization of political leaders on Tobacco Control.

4. Counsel for the petitioner, however, with reference



to the Education Report generated by the Cancer Awareness Society, Patna submitted that effort to make aware the members of the public about the provisions of the Act is not being displayed sincerely. In this connection he pointed out with reference to Sections 4 to 6 of the Act that the State authorities are required to make aware the public at large about the bad effects of the tobacco on the health of those who consume the same by at least putting up one such board in every primary, secondary and +2 Government schools of the district. In this connection he further pointed out that there are 3323 primary and 195 secondary Government schools in the district of Patna but the board displaying bad effects, prohibition concerning user of tobacco and tobacco products have been displayed only in 1730 primary schools and 89 secondary schools. Figure indicating lack of adequate display board about the prohibition is also available in the districts of Bhojpur, Gaya, Sitamarhi, Sheohar, Bettiah, Motihari, Saran, Madhubani, Supaul, Madhepura, Jamui. Learned counsel also submitted that it is not known what is happening in the remaining districts of the State.

5. Learned counsel further referred to the Monthly Crime Report, 2014 generated by the same Cancer Awareness Society, Patna on the basis of the reports received from the



Government authorities that amount of fine realized from those who are violating the provisions of the Act is nominal, which is indicative of the fact that those who are entrusted with execution of the Act are not putting in serious efforts for appropriate execution of the Act, which is causing health hazards to the populace of the State, more prominently to the weaker sections of the society. In this background, it is submitted that this Court should direct the Nodal Officer under the Act to put up display board indicating the bad effect of tobacco use in every Government primary, secondary, +2 schools as early as possible, if not already put up. He further submitted that the Superintendent of Police of every district should be directed to take a report about the execution of the Act from the Officer-in-Charge and others of the police station in monthly crime meeting and then to submit report to the State Crime Bureau for being processed by the Home (Police) Department for appropriate action in the matter with information to the Home Commissioner, Health Secretary and the Chief Secretary of the State. Such report should be sent to the State Crime Bureau and the Home Secretary within a reasonable time at least before the next crime meeting and such process should be continued on regular basis. We direct accordingly.

6. We hope and trust that the present order passed by

us and the resolution taken in the high level meeting presided by Chief Secretary of the State held on 25.07.2014 will go a long way for making the provisions of the Act known to the public and its execution to the satisfaction of all concerned. In case, the order does not meet the required sensitization and prohibition, as envisaged under the Act, it shall be open for the petitioner to once again approach this Court.

7. Application stands disposed of.

**(V.N. Sinha, J)**

**(Prabhat Kumar Jha, J)**

Rajesh/-

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