

**IN THE HIGH COURT OF KARNATAKA AT BANGALORE**

DATED THIS THE 28<sup>TH</sup> DAY OF OCTOBER 2013

PRESENT

THE HON' BLE MR.D.H.WAGHELA, CHIEF JUSTICE

AND

THE HON' BLE MR.JUSTICE S.N.SATYANARAYANA

WP No.2497/2013 (GM-RES-PII.)

**BETWEEN :**

RAVISHANKAR S S  
AGED ABOUT 46 YEARS  
VEDASHREE NILAYA  
# 330, 2<sup>ND</sup> E MAIN,  
BHUVANAGIRI, BANASWADI,  
BANGALORE-560033.

... PETITIONER

(By Sri RAVISHANKAR S S, PARTY-IN-PERSON)

**AND :**

1. UNION OF INDIA  
REPRESENTED BY  
MINISTER OF HEALTH AND FAMILY WELFARE,  
MINISTRY OF HEALTH AND FAMILY WELFARE,  
NEW DELHI-110003.
2. UNION OF INDIA  
REPRESENTED BY  
MINISTER OF WOMEN AND CHILD DEVELOPMENT,  
MINISTRY OF WOMEN AND CHILD DEVELOPMENT,  
A-WING, SHASTRI BHAVAN,  
NEW DELHI-110001.

3. UNION OF INDIA  
REPRESENTED BY  
MINISTER FOR ENVIRONMENT AND FOREST,  
MINISTRY OF ENVIRONMENT AND FOREST,  
NEW DELHI-110001
4. UNION OF INDIA  
REPRESENTED BY  
MINISTER FOR SOCIAL JUSTICE AND EMPOWERMENT,  
MINISTRY FOR SOCIAL JUSTICE AND EMPOWERMENT,  
NEW DELHI-110001.
5. UNION OF INDIA  
REPRESENTED BY  
CHAIRMAN,  
DIRECTORATE OF ADVERTISING  
AND VISUAL PUBLICITY,  
NEW DELHI-110001.
6. UNION OF INDIA  
REPRESENTED BY  
MINISTER OF INFORMATION AND BROADCASTING,  
MINISTRY OF INFORMATION & BROADCASTING,  
A-WING, SHASTRI BHAVAN,  
NEW DELHI-110001.
7. STATE OF KARNATAKA  
REPRESENTED BY  
THE MINISTER OF HOME DEPARTMENT,  
GOVERNMENT OF KARNATAKA,  
VIDHANA SOUDHA,  
BANGALORE-560001
8. STATE OF KARNATAKA  
REPRESENTED BY  
THE MINISTER FOR LAW JUSTICE & HUMAN RIGHTS,  
GOVERNMENT OF KARNATAKA,  
VIDHANA SOUDHA,  
BANGALORE-560001

9. THE GENERAL SECRETARY  
THE ADVERTISING STANDARDS COUNCIL OF INDIA  
219, BOMBAY MARKET,  
78, TARDEO ROAD, MUMBAI,  
MAHARASTRA-400 034
  10. THE CHAIRMAN  
MANAGING DIRECTOR,  
INDIAN TOBACCO COMPANY LTD  
(ITC LTD), VIRGINIA HOUSE,  
37 J. L. NEHRU ROAD, KOLKATA  
WEST BENGAL-700071
  11. THE CHAIRMAN  
MANAGING DIRECTOR  
GODFREY PHILLIPS INDIA LTD (GPI LTD)  
49, COMMUNITY CENTRE  
FRIENDS COLONY  
NEW DELHI-110 025
  12. THE MANAGING DIRECTOR  
VIRGINIA SULTHAN TOBACCO COMPANY LTD  
(VST LTD), P.O. BO NO. 1804, AZAMABAD  
HYDERABAD, ANDHRA PRADESH-50020
- ... RESPONDENTS

(By Sri KALYAN BASAVARAJ, ASG FOR R1 TO R6.  
SMT. NILOUFER AKBAR, AGA FOR R7 & R8.  
SMT. VIDYA VENUGOPAL, ADV.,  
FOR M/S DSK LEGAL, ADVS., FOR R9.  
SRI SAJJAN POOVAYYA, ADV., FOR R10.  
SRI GANAPATHI HEGDE, ADV., FOR  
M/S DUA ASSOCIATES FOR R11 & R12)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226  
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO

A) TO ISSUE INSTRUCTIONS TO THE GOVERNMENT TO  
INITIATE IMMEDIATE ACTIONS ON SUCH CIGARETTE  
COMPANIES & TO PREVENT SUCH REPEATED ILLEGAL ACTS  
WHICH IS AGAINST THE LAW OF LAND & RESTRAIN SUCH  
CIGARETTE COMPANIES FROM MAKING, MARKETING &

PROMOTING ILLEGAL, DESTRUCTIVE, INHUMAN ACTS AIMED AT ENCOURAGING SMOKING CIGARETTES AND INFLICTING HEALTH HAZARDS, CARRYING OUT ILLEGAL ADVERTISEMENTS WITH FALSE CLAIMS & IN CONTRARY TO THE LAWS OF THE LAND OFFENDING MORALITY, DECENCY & RELIGIOUS SUSCEPTIBILITIES OF PEOPLE AT LARGE, ACTING AGAINST THE PROVISIONS OF INDIAN CONSTITUTION, CAUSING SOCIAL TURMOIL, CREATING LAW & ORDER PROBLEMS, AFFECTING THE WELLBEING OF THE NATION, CREATING SOCIAL INSECURITY AMONGST PEOPLE, INJURE PUBLIC MORALITY, GLORIFYING CIGARETTE SMOKING & ITS MARKETING, CONDUCTING ILLEGAL PROMOTION OF CIGARETTES & OTHER TOBACCO PRODUCTS, HURTING THE FEELING OF RELIGIOUS SENTIMENTS, SURROGATE INDIRECT PRODUCT PROGRAMMES & ADVERTISEMENTS AND ETC.,

THIS WRIT PETITION COMING ON FOR PRELIMINARY HEARING THIS DAY, **CHIEF JUSTICE** MADE THE FOLLOWING:

**ORDER**

***D.H.WAGHELA, C.J. (Oral) :***

1. This petition in the nature of public interest litigation is filed by the petitioner, who is admittedly a practicing advocate. It is directed against inaction of the government authorities in the matter of enforcing the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 (for short 'the Act') and the Rules made thereunder.

**2.** During the course of argument, learned counsel appearing as petitioner, party-in-person, conceded the legal position that several authorities are designated and empowered to enforce the provisions of the aforesaid law and the Rules made thereunder, and he has not made any representation before such appropriate authorities with clear statements of facts and alleged violations of particular provision. The petitioner, however, attempted to bring home the serious consequences of the spread of addiction of tobacco in one form or the other and expressed his apprehension about the future of the next generation.

**3.** Upon notice having been issued by previous order dated 13.02.2013, learned counsel for respondent Nos.1 to 12 have appeared and generally, fairly conceded that the aforesaid legal provisions were required to be fully and properly enforced with a view to serving the purpose and intent of the aforesaid Act. It was also submitted that the Central Government was aware and active about the requirement of enforcing mandatory provisions of the Act and the Rules made thereunder. Infact, this year itself the latest "Guidelines for Law Enforcers for effective implementation of Tobacco Control

Laws, 2013" have been issued by the National Tobacco Control Programme, Ministry of Health and Family Welfare. It was further submitted that the respondents cannot have any objection to the guidelines being followed and the legal provisions being duly enforced.

**4.** Learned counsel Ms. Vidya Venugopal appearing for respondent No.9 submitted that the Advertising Standards Council of India was willing to take cognizance of any violation of the advertising norms and take up the matter with appropriate government agencies for stringent legal action.

**5.** Learned Additional Government Advocate appearing for the State Government submitted that the State Government will take the concerns expressed in the petition at the appropriate level as a representation and issue appropriate specific guidelines for the purpose of taking cognizance of violation of the provisions of the aforesaid Act and Rules made thereunder, so as to ensure punishment for violation of any of the Rules.

**6.** In view of the above submissions, related in brief, no further general direction is required to be issued as prayed in

prayer Clause (a) to (z) in the petition. It may be pertinent to note, before parting with the present petition, that when specific offences are defined and law enforcement agencies are designated under the Act and the Rules, it is not appropriate and in the fitness of things to pray for or issue any general direction in exercise of extraordinary jurisdiction of this Court only because an individual thinks it fit to take it up as a public cause. With these observations and expecting the respondents authorities to take up the enforcement of the Act and the Rules with the earnestness that it deserves, the petition is disposed, with no order as to costs.

Sd/-  
CHIEF JUSTICE

Sd/-  
JUDGE

*mv*