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CONTINUED ORDER SHEET

CPW NO.

1223/2004

Date

Order

07.06.2006

Present: Mr. Sandeep Kaushik, counsel for the petitioners.
Mr. Anoop Rattan, Central Government Counsel, for the
Respondents.

This petition relates to a public interest of most vital importance. The subject matter of this petition concerns the printing of specific warnings on the packets of Tobacco Products. The pith and substance of the petitioners' contention is that the packets of Tobacco Products in India carry the specific warning in such an inconspicuous and insignificant manner and format that it hardly gets any notice. The petitioners have enclosed with this writ petition some empty packets of Tobacco Products from abroad, which on contrast with the empty packets of Tobacco products in India clearly show a visible distinction. The packets of Tobacco from abroad contain specified warnings as well as pictorial warnings which are more than 15-20 times bolder, more conspicuous and more significant than the warnings on the Indian packets of Tobacco Products. Whereas the warning on the foreign packets are conspicuous by their size, bold letters, colour contents and format, exactly reverse is the truth in so far as packets in India are concerned.

This Court has been making consistent efforts for almost two years now to impress upon the respondents the imperative need

are neither cooperating with this Court nor have been showing any tangible interest in the aforesaid direction.

Time for complying with the directions of the Court was granted on several occasions and ultimately 24th May, 2005. since this Court noticed with anguish the total non-cooperative attitude of the respondents, this Court ordered the personal appearance of the Secretary, Ministry of Health & Family Welfare, Government of India. This order, however, was recalled of 7th June, 2005 in CMP No. 1190 of 2005 at the specific request of the respondents and based on their undertakings.

The matter was adjourned for six months vied order passed on 5th July 2005 at the specific request of the respondents because the respondents wanted six months period for framing of Rules and for implementing the Rules with respect to the printing of specified warnings. While adjourning the matter for six months it was ordered to be listed in March, 2006. Again adjournments were obtained by the respondents on one pretext or another.

Today when the matter came up for consiceation and while this court had hoped that the respondents would not only place the notified Rules for Court's perusal but also the action taken thereupon by way of implementation of Rules, the respondents have once again come up with a supplementary affidavit for extension of the time. The supplementary affidavit has been filed by Under Secretary, Ministry, of Health & Family Welfare, Nirman Bhavan, Government of India, New Delhi. A perusal of this

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of developing prototypes that are required to be replicated/printed on the packets of various Tobacco Products. We feel that for almost two years now the respondents are trying to avoid the issue on one pretext or the other. We wish to ascertain the bonafide of the respondents and also to find out as to why they are taking the Court's directions lightly in this matter of vital public importance. Is it that the respondents for extraneous reasons are trying to protect the business or commercial interests of some people at the cost of public interest? We hope not. This apart, we also wish to find out whether the respondents would be liable to face contempt of court's action for not obeying the orders passed by this Court from time to time.

While rejecting the aforesaid prayer of the respondents for grant of more time, we direct Secretary, Ministry of Health & Family Welfare, Government of India, Nirman Bhavan, New Delhi, to appear in person in the Court on the next date and to show cause as to why contempt of court proceedings be not initiated against him. To show his bonafide the Secretary may produce before this Court such material including the prototypes of the specified warnings, as would demonstrate the bonafide

List on 28th June, 2006.

Copy Dasti, as prayed for.

Sd/-

(V.K. Gupta) C.J.

(Surjit Singh) J.