

High Court of Karnataka

Daily Orders of the Case Number : WP 17958/2009 for the date of order 22/02/2011

Honble Justice J.S.KHEHAR(CJ) AND A.S.BOPANNA**22/02/2011**

Order in WP 17958/2009

In order to demonstrate the seriousness of the issue, Mr. Basavaraj Kareddy, learned Principal Government Advocate representing Respondent Nos. 1,3,4 and 6, has handed over to us a further circular dated 21.2.2011 issued by the State Government requiring the implementation of the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. The aforesaid circular is taken on record subject to all just exceptions and marked as Annexure-A.

Learned counsel for Respondent No.5 states, that action has already been taken by Respondent No.5 and fines have already been imposed and, in case of violations committed by the vendors, the products have already been seized. Learned counsel for Respondent No.5 seeks an adjournment, so as to enable him to file a detailed report in connection with the action taken to this Court.

Learned counsel for the petitioner, despite the contention advanced at the hands of the State Government, has submitted a memo depicting details of inspection conducted on 21.2.2011 i.e. yesterday. The aforesaid memo is taken on record. Copy thereof have been furnished to the learned counsel for official respondents as also Bruhath Bangalore Mahanagara Palike.

Learned counsel for the respondents seek a further adjournment, so as to enable them to file compliance affidavits, as also, the action taken reports. Needful be, done within four weeks.

List again on 29.3.2011.

[<< Back](#)

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High Court of Karnataka

Daily Orders of the Case Number : WP 17958/2009 for the date of order 14/02/2011

Honble Justice J.S.KHEHAR(CJ) AND A.S.BOPANNA

14/02/2011

Order in WP 17958/2009

Learned counsel for the respondents informs us, that all necessary remedial measures have been taken for the enforcement of the notification issued by the Ministry of Law and Justice dated 19.5.2003, inasmuch as, a circular has been issued on 27.5.2010 by the State Government, directing the compliance of the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. It is submitted that all educational institutions have been directed to ensure that the required placards/notice boards are erected around educational institutions depicting the prohibition of sale of tobacco products, within a radius of 100 yards of the concerned institution.

Learned counsel for the petitioner controverts the aforesaid factual position for which, she has enclosed with a presentation form, the list of educational institutions, which are not complying with the provisions of the statutory enactment, referred to hereinabove.

In response to the factual position now brought to the notice of the learned counsel representing the respondents, he assures this Court, that after verifying the factual position within one day, necessary departmental action shall be initiated against the heads of institutions, who have not complied with the statutory provisions, referred to hereinabove, as also the circular issued by the State Government dated 27.5.2010. He further states, that notices for terminating grant and withdrawal of recommendation shall be issued to aided institutions, and prosecution under the provisions of the Cigarettes and Other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 shall be initiated against unaided private institutions, who have failed to comply with the provisions referred to hereinabove on or before 18.2.2011.

List again on 22.2.2011.

A copy of the instant order be furnished to the learned Principal Government Advocate, under the signatures of the Court Officer attached to this Bench.

[<< Back](#)

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