

18035/11
Vally Kalita.

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IN THE HIGH COURT OF KARNATAKA, BANGALORE

DATED THIS THE 29TH DAY OF MARCH, 2011

PRESENT

THE HON'BLE MR. J. S. KHEHAR, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE A. S. BOPANNA

W.P. NO. 17958/2009 (GM-RES-PIL)

Between:

The Cancer Patients Aid Association
Having its Registered Office at 5,
Malhotra House, Opposite GPO
Mumbai - 400 001
Having its Bangalore Branch
Office at: 746, 8th Cross, 10th Main,
Indiranagar 2nd Stage
Bangalore - 560 008
Rep. by its Chairman and
Founding Member
Mr. Yogendra K Sapru ...Petitioner

(By Smt. Jayna Kothari, Adv.)

And:

- 1 The State of Karnataka
Health and Family
Welfare Department
Directorate of Health and
Family Welfare Services
Anand Rao Circle
Bangalore - 560 009
Rep. by its Principal Secretary
- 2 The State Anti-Tobacco Cell
Ananda Rao Circle
Bangalore - 560 009
Rep. by its Chair Person



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- 3 The State of Karnataka
Department of
Pre-University Education
18th Cross, Malleshwaram
Sampige Road, Bangalore
Rep. by its Commissioner
 - 4 The State of Karnataka
Department of Education
(Primary and Secondary)
Room No. 641, 6th Floor
M.S. Building,
Bangalore -560 001
Rep. by its Principal Secretary
 - 5 The Bruhat Bangalore
Mahanagara Palike (BBMP)
Bangalore
Rep. by its Commissioner
 - 6 The Commissioner of Police
Office of the Commissioner of Police
Infantry Road
Bangalore
- ...Respondents

(By Sri Basavaraj Kareddy, Prl. GA. for R1 to 4 & 6
Sri K V Narasimhan, Adv. for R5)

This writ petition is filed under Articles 226 and 227 of the Constitution of India, praying to direct the R3 and R4 State Departments to take immediate action by directing all heads of educational institutions in Bangalore city to strictly implement Section 6 (B) of COTPA by ensuring that there is no sale of cigarettes or tobacco products within 100 yards of the institution, and to exhibit a board at a conspicuous place outside their premises stating that sale of tobacco within 100 yards is prohibited and that it is a punishable offence. The R3 & 4 State Departments should also be directed to submit an Action Taken Report to this Court as to the action taken by them to implement these directions and etc.,

This petition coming on for preliminary hearing this day, Chief Justice made the following:



ORDER

J.S.KHEHAR, C.J. (Oral):

Mr. Basavaraj Kareddy, learned Principal Government Advocate, having obtained instructions from Mr. Magi, Under Secretary, Department of Education, states that the State Government is seriously interested in implementation of the provisions of Cigarettes and Other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution), Act 2003, and as such, have made a compilation of the list of government aided and un-aided P.U. Colleges in the City of Bangalore. As a pilot project, Department of Education, will make available one car with one officer of the rank of Assistant Director of Pre-University Education to carryout inspection areawise, to determine whether or not, each P.U. college has installed a board of the nature contemplated and has ensured, that the cigarettes/tobacco vendors do not sell their products within 100 yards of the entrance of the college premises. This exercise, according to the learned Principal Government Advocate shall be carried out on every

Jagdish Singh



Saturday, by associating the learned counsel for the petitioner herself, and/or an advocate nominated by her, till the entire process is completed, in respect of the remaining educational institutions at Bangalore.

2. In case of any violation, the State government shall take appropriate action and if, any such unauthorised structure has to be removed, the petitioner shall intimate the details of the violation committed to respondent no.5, who shall then take appropriate action, as may be called for, after following the prescribed procedure.

Disposed of in the aforesaid terms.

Sd/-
Chief Justice

Sd/-
Judge



Step 1: The date on which the application was filed..... 13/5/11

Step 2: The date on which charges and additional charges if any, are called for.....

Step 3: The date on which charges and additional charges, if any, are deposited/paid.....

Step 4: The date on which the copy is ready..... 16/5/11

Step 5: The date of notifying that the copy is ready for delivery..... 16/5/11

Step 6: The date on which the applicant is required to appear on or before..... 19/5/11

Step 7: The date on which the copy is delivered to the applicant..... 17/5/11

Step 8: Submitted by..... Subreyya R

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Section Officer
High Court of Karnataka
Bangalore-560 001

16/5/11