

IN THE HIGH COURT OF KARNATAKA AT BANGALORE

DATED THIS THE 8TH DAY OF FEBRUARY 2011

PRESENT

THE HON'BLE MR. JUSTICE K.L.MANJUNATH

AND

THE HON'BLE MR. JUSTICE H.G.RAMESH

W.P.No.27692/2010 (GM-RES-PIL)

BETWEEN:

THE INSTITUTE OF PUBLIC HEALTH
#250, MASTERS COTTAGE
2ND C MAIN,, 2ND C CROSS
GIRINAGAR I PHASE
BANGALORE - 560 085
REPRESENTED BY IIS
FACULTY MEMBER
DR. UPENDRA M. BHOJANI

...PETITIONER

(BY SMT. JAYNA KOTHARI, ADVOCATE)

AND:

1. THE STATE GOVERNMENT OF KARNATAKA
HEALTH AND FAMILY WELFARE DEPARTMENT
DIRECTORATE OF HEALTH AND
FAMILY WELFARE SERVICES
ANAND RAO CIRCLE, BANGALORE 560 009
REPRESENTED BY ITS
PRINCIPAL SECRETARY
2. THE UNION OF INDIA
DEPARTMENT OF COMMERCE
MINISTRY OF COMMERCE AND INDUSTRY
UDYOG BHAWAN

NEW DELHI 110 107
REPRESENTED BY ITS
CHIEF SECRETARY

3. THE UNION OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAVAN, MAULANA AZAD ROAD
NEW DELHI 110 108
REPRESENTED BY ITS
CHIEF SECRETARY

4. THE TOBACCO BOARD
HAVING ITS HEADQUARTERS AT:
G.T.ROAD, SRINIVASARAO THOTA
GUNTUR 522 004
ANDHRA PRADESH
REPRESENTED BY ITS CHAIRMAN

5. THE ITC ROYAL GARDENIA
NO.1, RESIDENCY ROAD
BANGALORE 560 025
REPRESENTED BY ITS
MANAGING DIRECTOR

...RESPONDENTS

(BY SRI SANGAMESH G. PATIL, AGA FOR R1;
SRI S.KALYAN BASAVARAJ, ASG FOR R2 - R4;
M/S DUA ASSOCIATES, ADVS. FOR R5)

THIS W.P. IS FILED UNDER ARTICLES 226 & 227 OF
THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE 4TH
RESPONDENT TOBACCO BOARD TO WITHDRAW ALL
FINANCIAL SPONSORSHIP OR ANY SPONSORSHIP OF A NON-
MONETARY NATURE, MADE TO THE GTNF 2010 FROM THE 4TH
- 8TH OCTOBER 2010 AT BANGALORE OR IF ALREADY MADE,
DIRECT IT TO OBTAIN A REFUND OF THE SAID
CONTRIBUTION.

THIS WP COMING ON FOR PRELIMINARY HEARING THIS
DAY, **MAJUNATH J.**, MADE THE FOLLOWING

ORDER

This PIL petition is filed by the petitioner seeking several reliefs on the ground that respondents in utter violation of the Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade & Commerce, Production, Supply & Distribution) Act, 2003, (the 'Act' for short), are sponsoring to the international tobacco promotion event called the Global Tobacco Networking Forum 2010 which was proposed to be held between 4th and 5th October 2010 at Bangalore. By virtue of the interim order, the petitioner was able to get all the reliefs except the prayers G to I. In the circumstances, by the order dated 7.1.2011, we had directed the Assistant Solicitor General of India to file the counter and to state as to whether prayers G to I can also be considered by the respondents. Today, a detailed counter is filed. In the counter, the Union of India has stated that they will follow and adhere to all the provisions of the aforesaid Act, and therefore, respondent No.3 submits that the petition has become infructuous.

15

2. We have perused the statement of objections filed by the Union of India. In view of the statement of objections filed, we are of the opinion that even prayers G to I have been complied with by the respondents since they have given an undertaking that they will not disobey any of the provisions of the aforesaid Act. In view of the same, we are of the opinion that the present petition has become infructuous due to subsequent development.

3. At this stage, the learned Counsel for the petitioner has filed an affidavit stating that the petitioner by way of affidavit would like to propose Code of Conduct for public officials to prevent Tobacco Industry's interference in developing and implementing public health policies and programs related to tobacco control. The learned Assistant Solicitor General submits that the proposal given by the petitioner would be considered properly by the Union of India while framing the Code of conduct for public officials to prevent Tobacco Industry's interference in developing and implementing public health policies and programs related to tobacco control.

4. The said submission is taken on record. In view of the said submission, this writ petition is disposed of as the reliefs sought by the petitioner has been complied and would be complied by the respondents in accordance with the provisions of the aforesaid Act.

Sd/-
JUDGE

Sd/-
JUDGE

Yn.