

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 11-8-2014**

**CORAM**

**THE HONOURABLE MR. SANJAY KISHAN KAUL, THE CHIEF JUSTICE**

**AND**

**THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN**

**WRIT PETITION No.9955 of 2014**

**S.Cyril Alexander  
State Convenor  
Tamilnadu People's Forum for  
Tobacco Control (TNPFTC)  
No.39/8, Starling Apartments  
2<sup>nd</sup> Street, Akbarabad  
Kodambakkam  
Chennai 600 024.**

**.. Petitioner**

**vs**

- 1.Union of India  
Rep. By its Principal Secretary  
Ministry of Corporate Affairs  
'A' Wing, Shastri Bhawan  
Rajendra Prasad Road  
New Delhi 110 001**
- 2.Union of India  
Rep. By its Principal Secretary  
Ministry of Health and Family Welfare  
Nirman Bhawan  
New Delhi 110 011**
- 3.State of Tamilnadu  
Rep. By the Chief Secretary  
Government of Tamilnadu  
Secretariat, Chennai 600 009**
- 4.Department of Public Health  
Rep. By the Principal Secretary  
Department of Public Health  
Government of Tamilnadu  
Secretariat, Chennai 600 009**
- 5.The Chairman and Managing Director  
ITC Limited  
37, J.L. Nehru Road  
Kolkata 700 071  
West Bengal State**
- 6.The Chairman and Managing Director  
Godfrey Phillips India Ltd.,  
49, Community Centre  
Friends Colony  
New Delhi 110 025**



**7. The Chairman and Managing Director**

**Vazir Sultan Tobacco Company**

**P.O. Box No.1804,**

**Azambad**

**Hyderabad 500 020**

**Andhra Pradesh State**

**8. The Chairman and Managing Director**

**Manikchand Group**

**"Manikchand House"**

**100-101, Dr. Kennedy Road**

**Pune 411 001**

**Maharashtra State**

**9. The Chairman and Managing Director**

**Golden Tobacco Company**

**Tobacco House, S.V. Road**

**Vile Parle West**

**Mumbai 400 056**

**Maharashtra**

**10. All India Bidi Industry Federation**

**Rep. By its President**

**12-K, Dubhash Marg**

**Rampart Row, Fort**

**Mumbai 400 023**

**11. The Central Arecanut and Cocoa**

**Marketing and Processing**

**Co-operative Ltd - CAMPCO**

**D.No.11-B-703/2, Mission Street**

**Mangalore, Karnataka**

**12. All India Kattha Manufacturers and**

**Traders Association**

**115, Transport Centre**

**New Rohtak Road**

**Punjabi Bagh, New Delhi 110 035**

**(RR11 & 12 are deleted as per order of  
Court dated 11.8.2014)**

**.. Respondents**

**Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing (a) the first respondent to issue appropriate orders to exclude the Tobacco Industry from the purview of the Corporate Social Responsibility Scheme mandated under Section 135 of the Companies Act, 2013, to prevent the tobacco industry from earning goodwill through direct and indirect advertising of tobacco products and other related products and (b) the second respondent to formulate a scheme to require the respondents 5 to 12 and other tobacco product manufacturers to pay to the Central Government the amount to be spent by them under the Corporate Social Responsibility Scheme to meet various medical expenses for the persons affected by the tobacco and other products and for furthering the National Tobacco Control Programme-NTCP projects and initiatives.**

**For Petitioner : Mr.S.Sathia Chandran**

**For Respondents :**

- Mr.S.Haja Mohideen Gisthi**  
**SCGSC for RR1 & 2**
- Mr.S.T.S.Moorthy**  
**Government Pleader for RR3 & 4**
- Mr.R.Muthukumarasamy**  
**Senior Counsel**  
**Assisted by Mr.Krishna Srinivas**  
**for R5**
- Mr.Prashant Rajagopalan for R6**
- Mr.Krishna Srinivas**  
**for M/s.Ramasubramanian**  
**Associate4s for R7**
- Mr.Hari Radhakrishnan for R8**
- Mr.T.Poornam for R11**
- No appearance for RR9, 10 & 12**

**ORDER**

(Order of the Court was made by THE HON'BLE THE CHIEF JUSTICE)

The petitioner seeks to raise an issue of the mode and manner in which the Corporate Social Responsibility (CSR) provisions are being misutilised by the tobacco industry.

2.In view of the sforesaid controversy, it is conceded that the respondents 11 and 12 really are not connected with the matter in issue and may be deleted from the array of parties. It is ordered accordingly.

3.It is the say of the petitioner that as the tobacco industry is to be excluded from the CSR Scheme, the damage caused and burden mounted by the industry on environment and human life cannot be lost sight of and in order to compensate the damages that the tobacco industry has caused to public health, a suitable mechanism has to be developed by the State to make use of the funds that the tobacco companies are mandated to spend on CSR. In this behalf, an illustration has been given how the system works in the United States of America.

4.Learned Counsel for the petitioner also seeks to draw attention to the letter dated 10.1.2014 filed with the additional typed-set addressed by the Secretary of Health and Family Welfare Department to the Secretary, Ministry of Corporate Affairs which according to the learned Counsel for the petitioner fully supports what is pleaded before this Court.

5.We are of the view that the matter being one of Government Policy, it is for the concerned authorities to look into all the materials as also the inter-government communications to see how best CSR Scheme of the tobacco trade can be met and what model

has to be framed for the same. We would expect appropriate action be taken within four months from today as prayed for by the learned Senior Central Government Standing Counsel for the respondents 1 and 2.

6. The writ petition accordingly stands disposed of. No costs.

Sd/-  
Assistant Registrar (CS-IV)  
Dated: 20.08.2014

for Sub Assistant Registrar

//True Copy//

*[Signature]*  
20/8/14

To:

1. The Principal Secretary  
Ministry of Corporate Affairs  
'A' Wing, Shastri Bhawan  
Rajendra Prasad Road  
New Delhi 110 001
2. The Principal Secretary  
Ministry of Health and Family Welfare  
Nirman Bhawan  
New Delhi 110 011
3. The Chief Secretary  
Government of Tamilnadu  
Secretariat, Chennai 600 009
4. The Principal Secretary  
Department of Public Health  
Government of Tamilnadu  
Secretariat, Chennai 600 009

+1cc to Mr. T. Poornam, Advocate, SR. 36396

+3cc to M/s. S/Remesubremeniem, Advocate, SR. 36190

+1 cc to the Government Pleader, SR. 36348

+1 cc to M/s. Prasant Rajagopal, Advocate, SR. 36191

+1 cc to Mr. Hari Redhakrishnan, Advocate, SR. 36484

+2 cc to Mr. S. Sathiechandran, Advocate, SR. 36441.

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KRD 20/8

W.P.No.9955 of 2014

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has to be framed for the same. We would expect appropriate action be taken within four months from today as prayed for by the learned Senior District Government Standing Counsel for the respondents 1 and 2.

3. The writ petition accordingly stands disposed of.

Assistant Registrar (CR-IV)  
 Dated: 20.08.14

*[Signature]*  
 Sub Assistant Registrar

- 1. The Principal Secretary, Ministry of Corporate Affairs, 'A' Wing, Chertal Bazaar, Rajahmundry Road, New Delhi 110 001
- 2. The Principal Secretary, Ministry of Health and Family Welfare, New Delhi 110 011
- 3. The Chief Secretary, Government of Tamil Nadu, Secretariat, Chennai 600 009
- 4. The Principal Secretary, Department of Public Health, Government of Tamil Nadu, Secretariat, Chennai 600 009

WP 9955/14

<b>HIGH COURT OF JUDICATURE</b>	
<b>MADRAS.</b>	
<b>36441</b>	
<b>Green Copy application</b>	
made.....	12/8 200/14
Application Returned.....	200
Application Represented.....	200
Copy made ready.....	20/08 200/14
Copy Delivered.....	21/08 200/14
<i>[Signature]</i> Section Officer	