



World Lung Foundation South Asia v. Ministry of Health and Family Welfare

W.P.(C) 7540/2010

Country: India

Region: Asia

Year: 2010

Court: High Court of Delhi at New Delhi

Health Topics: Child and adolescent health, Chronic and noncommunicable diseases, Tobacco

Human Rights: Right to a clean environment, Right to health

Facts

The petitioner contended that despite the Tobacco Act of 2013, which prohibits the sale of tobacco near school premises, the same was occurring. He also stated that due to the availability of tobacco products, adolescents were falling prey to the ill effects of smoking and suffered from various diseases. The petitioner stated that the tobacco shops had been shut temporarily after they made a complaint but they had revived their business thereafter. The petitioner further stated that there are more than 300 such outlets affecting students of more than 1000 schools.

Decision and Reasoning

The Court vide this interim order directed the Commissioner of Police to take appropriate steps for the closure of such shops. It further directed the constitution of a special task force for the said purpose.

Decision Excerpts

“In view of the aforesaid, while we like the respondent-State to file the counter affidavit to the allegations made within a period of four weeks, we would like the Commissioner of Police, Delhi to take appropriate steps in this regard so that the tobacco selling in these kind of centres, outlets, kiosks or for that matter thetas are absolutely stopped within the prohibited area. The Commissioner of Police, Delhi shall constitute a specialized task force who is committed to the cause within three days from today which shall take action taking note of the places mentioned in the rejoinder affidavit and also see to it that these kind of clandestine activities are not carried on. Any police officer of any rank giving any kind of protection to any such illegal tobacco sellers shall be departmentally proceeded against so that the police authorities must also realize that they cannot be complacent and silent spectator when law is broken with impunity. Action taken must be visible to the society and the civil society must know and has a right to know that appropriate action has been taken by the police. It is the duty of the police to satisfy the society and the collective at large that the law and order situation really exists and is not a show of a red carrot to the citizenry.” (page 3)