



World Lung Foundation- South Asia v. New Delhi Municipal Council

W.P.(C) 4579/2012 & CM No.9509/2012

Country: India

Region: Asia

Year: 2012

Court: High Court of Delhi at New Delhi

Health Topics: Chronic and noncommunicable diseases, Tobacco

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

Facts

The petitioner contended that restaurants in prohibition of Tobacco Act, 2003 and the Prohibition of Smoking in Public Places Rules, 2008 are running Hookah Bars. The petitioner prayed that the respondent be directed to incorporate in the license, compliance with the Tobacco Act as a condition.

Decision and Reasoning

The Court allowed the writ petition. It directed that the Municipal Corporations incorporate a condition in their licenses to comply with the provisions of the Tobacco Act, 2003 and breach of the said rules will lead to cancellation of the license.

Decision Excerpts

“[we further direct the Municipalities as well as the Delhi Police to, upon finding any violation by any of the Hotels, Restaurants, Eating Houses and Food Joints of the provisions of the COTPA or the Rules framed thereunder, immediately in accordance with law, cancel the license and take such other steps as may be necessary / required in law.” (para 16 iii)

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