

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 1ST DAY OF JUNE 2015

PRESENT

HON'BLE MR.SUBHRO KAMAL MUKHERJEE, ACTING CHIEF JUSTICE

AND

HON'BLE MR.JUSTICE RAM MOHAN REDDY

WRIT PETITION NO.55697/2014 (GM-PES-PIL)

BETWEEN :

CANCER PATIENTS AID ASSOCIATION
A REGISTERED SOCIETY
HAVING ITS REGISTERED OFFICE AT:
5, MALHOTRA HOUSE, OPP. G.P.O.
MUMBAI-400 001. ALSO AT:
746, 8TH CROSS, 10TH MAIN,
2ND STAGE, INDIRANAGAR,
BANGALORE-560038
REPRESENTED BY ITS SECRETARY

... PETITIONER

(BY SMT. JAYNA KOTHARI, ADV.,)

AND :

1. THE STATE GOVERNMENT OF KARNATAKA
HEALTH AND FAMILY WELFARE DEPARTMENT
DIRECTORATE OF HEALTH AND FAMILY WELFARE
SERVICES, ANAND RAO CIRCLE
BANGALORE -560009
REPRESENTED BY ITS PRINCIPAL SECRETARY
2. THE STATE GOVERNMENT OF KARNATAKA
DEPARTMENT OF AGRICULTURE
SESHADRI ROAD, K.R. CIRCLE, BANGALORE 560001.
REPRESENTED BY ITS COMMISSIONER
3. THE UNION OF INDIA
MINISTRY OF COMMERCE AND INDUSTRY
UDYOG BHAVAN, NEW DELHI-110 107
REPRESENTED BY ITS CHIEF SECRETARY
4. THE UNION OF INDIA
MINISTRY OF HEALTH AND FAMILY WELFARE
NIRMAN BHAVAN, MAULANA AZAD ROAD

NEW DELHI-110108
REP BY ITS CHIEF SECRETARY

5. THE TOBACCO BOARD
HAVING ITS HEADQUARTERS AT
G.T. ROAD, SRINIVASARAO THOTA
GUNTUR-522 004, ANDHRA PRADESH
REPRESENTED BY ITS CHAIRMAN
 6. THE KARNATAKA STATE ANTI-TOBACCO CELL
ANAND RAO CIRCLE, BANGALORE-560009
REPRESENTED BY ITS CHAIR PERSON
- ... RESPONDENTS

(BY SRI R DEVDAS, PRL.G.A. FOR R-1, 2 & 6;
SRI ARAVIND SHARMA, ADV., FOR SRI KRISHNA S. DIXIT, ASG FOR
R-3 TO 5;
SRI SAJAN POOVAYYA, SR.ADV., FOR SMT.NALINA MAYEGOWDA,
ADV., FOR IMPEADING APPLICANT ON I.A.NO.2/2015;
SRI UDAYA HOLLA, SR.ADV., FOR IMPEADING APPLICANT ON
I.A.NO.5/2015)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227
OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT
RESPONDENT NO.1 STATE GOVERNMENT AND RESPONDENT NO.5
TOBACCO BOARD TO STOP ALL STATE AND CENTRAL
GOVERNMENT SUBSIDIES AND INCENTIVES FOR TOBACCO
GROWING, INCLUDING PROVIDING FERTILIZERS,
PESTICIDE/FUNGICIDES, TARPAULINS AND COAL AND SIMILAR
INPUTS AT COMPETITIVE RATES TO TOBACCO FARMERS OR
GRANTING OF CROP LOANS FOR TOBACCO AND ETC.,

THIS WRIT PETITION COMING ON FOR PRELIMINARY
HEARING THIS DAY, ACTING CHIEF JUSTICE MADE THE
FOLLOWING:

ORDER

This writ petition is by an association seeking directions to the
Central Government and other authorities to stop extending subsidies
and incentives to the farmers growing tobacco as the Government of
India has entered into an international convention to eradicate
consumption of tobacco.

2. We have opportunities to hear learned advocates appearing for the parties, as also, Mr.Udaya Holla and Mr.Sajan Poovaiah, learned senior advocates, who had filed applications for impleading their clients as parties to these proceedings.

3. We feel that a policy decision has to be arrived at by the policy framing authorities. The policy framing authorities again will have to interact with each other and draw a procedure, which shall be good to the society.

4. We, therefore, dispose of this writ petition by the following directions:

The Departments of the Central Government and the State Government, in co-ordination with each other, shall take steps for reduction in local demand and supply of tobacco products and shall, also, consider a policy for rehabilitation of the tobacco growers and tobacco related workers, particularly, the beedi workers. The authorities shall, also, consider the continuance of direct and indirect incentives and subsidies for production of tobacco for local consumption and, also, to tobacco farmers and tobacco related workers, in the interest of justice.

5. In view of the order passed today, the applications for addition do not survive. They are, also, disposed of accordingly.

We make no order as to costs.

Sd/-
ACTING CHIEF JUSTICE

Sd/-
JUDGE

bkv