

**IN THE HON'BLE HIGH COURT OF PANJAB & HARYANA AT
CHANDIGARH.**

C.W.P. No 14652 of 2007

(Public Interest Litigation)

Burning Brain Society

...Petitioner

Versus

Union of India

....Respondents

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Note :- No notice of caveat petition has been received by the petitioner.

Note:-1. The main law points involved in the writ petition are in para no. 9 at page nos. 10 of the writ petition.

2. Relevant Rules and Statutes:- Constitution of India
Cigarette and other Tobacco
Product Act 2003 and Rules
3. Any Other Case:- Nil

(H C ARORA, ABHISHEK ARORA)

Place:- Chandigarh

ADVOCATES

Date:- September 17, 2007

COUNSELS FOR THE PETITIONER

LIST & DATES OF EVENTS

30 th April 2003	Lok Sabha passes the “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” which was already passed by Rajya Sabha on April 9, 2003. Subsequently President accented the Act.
September 10, 2003	India signs the Frame Work Convention on Tobacco Control (FCTC)
Feburary 5, 2004	India ratified the Frame Work Convention on Tobacco Control (FCTC) which is now the first international law on tobacco control. Till date 168 countries have signed the FCTC, and 144 have become Parties to the treaty.
Feburary 25, 2004	“Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” Notified and rules made under section 31 of the said Act.
May 1, 2004	“Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” came into force.
May 2004 to till date	Many complaints about violation of the penal provisions of Cigarette and Other Tobacco Products Act 2003, especially that of violations of Section 5 by big tobacco companies made to the Union Ministry of Health and Family Welfare from across the country.

- October 18, 2006 Gazette Notification regarding formation of a “Steering Committee” to take action for all the violations of Section 5 at the Central Government level comes into effect vide GSR 646(E) in Part II-Sec 3(i) of “The Gazette of India – Extraordinary.” Thereafter it was expected that the “Steering Committee” shall function from the office of the Ministry of Health and Family Welfare to take care of all reported and observed violations of Section 5 of COTPA on day-to-day basis.
- January 11, 2007 Ministry of Health requested to provide necessary facilities for the “Steering Committee” and to initiate the process of calling the first meeting of the “Steering Committee” formed to take cognizance of Section 5 violations.
- Oct 2006 to till date Tobacco companies and other persons continue to commit penal violations as mentioned under Section 5 of Cigarette and Other Products Act 2003. MoH continues to receive many complaints but no action is taken.
- Oct 2006 to till date The process of calling the first meeting and providing necessary resources and facilities for the “Steering Committee” and to ensure that the identified cases of violation are send for prosecution not initiated enabling the offenders to escape the law.

Hence, this writ petition is being filed before this Hon’ble Court.

IN THE HON'BLE HIGH COURT OF PANJAB & HARYANA AT
CHANDIGARH

C.W.P. No 14652 of 2007

(Public Interest Litigation)

Burning Brain Society through its Chairperson, Hemant Goswami, S/o Sh B.
M. Goswami of #3, Glass office, Shivalikview Business Arcade, Sector 17-E,
Chandigarh 160017

.....Petitioner

Versus

Union of India through Secretary - Health, Ministry of Health and Family
Welfare, Maulana Azad Road, Nirman Bhawan, New Delhi

..... Respondent

Civil Writ Petition under Articles 226/227 of
Constitution of India for issuance of writ of
Mandamus for **directing the respondent to
ensure day-to-day and proper functioning of
the “Steering Committee”** formed by the Union
Ministry of Health by evoking the provisions of
Section 25 of the “Cigarettes and Other Tobacco
Products (Prohibition of Advertisement and

Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” to take notice, cognizance and action for violations of Section 5 of the said Cigarette and Other Tobacco Products Act; and writ of Mandamus for directing the respondent to take action against person and organizations violating the provisions of Section 5 of the Cigarette and Other Tobacco Products Act as reported to the Union Health Ministry from time to time so as to implement the provisions of the Act in letter and spirit with further prayer for issuance of any other appropriate writ, order or direction.

Respectively Showeth:

1. That the Petitioner is a Civil Society Organisation registered in India as a non-political, charitable society under the Societies Registration Act 1860 and is competent to invoke the extra-ordinary Writ jurisdiction of this Hon'ble Court under Articles 226 / 227 of the Constitution of India by way of this Public Interest Litigation. The Chairperson of the petitioner society is authorized to institute and file litigation in public interest on behalf of the petitioner society.
2. That the petitioner is actively engaged in works against Tobacco & Substance abuse and is associated with many national and international organizations related to tobacco control and public health. The petitioner is engaged in various social, public interest and civil rights activities concerning the youngsters and the public in general. “Burning Brain

Society” (Hereinafter referred as “BBS” in abbreviated form) also works for providing guidance to the young people and to help them find a positive and healthy direction in life. BBS also works against Tobacco & Substance abuse and aggressively follows a policy of encouraging positive activities and discourages aberrations by providing proper guidance & information.

3. That since the enactment of the “Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003” (Referred to as **“COTPA”** hereinafter for brevity) Union Ministry of Health and Family Welfare was getting complaints of violation of various provisions of COTPA and therefore found it necessary to form a high-powered “Steering Committee” by evoking the powers vested under section 25 of COTPA. The “Steering Committee” was specially formed to look into the serious violations of Section 5 of COTPA read with Rule 4 of Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004.
4. That the “Steering Committee” was notified on 18th October 2006 vide GSR 646(E) in Part II-Sec 3(i) of “The Gazette of India – Extraordinary.” Thereafter it was expected that the “Steering Committee” shall function from the office of the Ministry of Health and Family Welfare to take care of all reported and observed violations of Section 5 of COTPA on day-to-day basis. A copy of the above mentioned notification is annexed as Annexure P-1.
5. That despite the said notification coming into force nearly 11 months back, the Union Ministry of Health and Family Welfare has failed to provide the necessary infrastructure and resources to the “Steering

Committee” to function and has not called even a single meeting of the said committee which has been mandated to prevent all the violations of Section 5 of COTPA. **It is pertinent to mention that besides the powers conferred on the “Steering Committee,” there is no other legal provision/mechanism/power available with the “Union Ministry of Health and Family Welfare” to take notice/cognizance of violations of Section 5 of COTPA at the Central Government level.**

6. That many complaints for violations of Section 5 by various persons and tobacco organizations remain pending with the Union Ministry of Health and Family Welfare. Most of such reported violation are committed by big corporations and are simultaneously committed in multiple States across the country.
7. That after the notification of the “Steering Committee” one of the members of the committee, namely Hemant Goswami had also sent a request for providing the necessary infrastructure, and for calling the meeting of the “Steering Committee,” and also the suggested items of the agenda were placed before the Chairperson and Convener for placing in the agenda and necessary action. The member also requested for certain action to be taken at the Ministry level prior to the first meeting. The Ministry of Health, the Chairperson and the Convener of the “Steering Committee” did not even respond to the communication by member. The communication sent to the Ministry of Health (Posted to all related officials) is annexed as P-2.
8. That Section 25 of COTPA reads as under;

[QUOTE] 25. (1) Notwithstanding anything contained in any other law for the time being in force, the Central Government or the State Government may, by notification in the Official Gazette, authorise

one or more persons who shall be competent to act under this Act: Provided that the person so authorised may, if he has reasonable ground for believing that any person has committed an offence under section 4 or section 6, may detain such person unless the accused person furnishes his name and address, and otherwise satisfies the officer detaining him that he will duly answer any summons or other proceedings which may be taken against him.

(2) Any person detained under sub-section (1) shall forthwith be taken before Magistrate to be dealt with according to law.

(3) Any person committing an offence under section 4 or section 6 shall be triable for such offence in any place in which he may be or which the State Government may notify in this behalf, as well as in any other place in which he is liable to be tried under any law for the time being in force.

(4) Every notification issued under sub-sections (1) and (3) shall be published in the Official Gazette, and a copy thereof shall be exhibited for information to the public in some conspicuous place or places as the State Government may direct.

(5) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. [UNQUOTE]

And Section 5 of COTPA reads as mentioned hereunder;

[QUOTE] 5. (1) No person engaged in, or purported to be engaged in the production, supply or distribution of cigarettes or any other tobacco products shall advertise and no person having control over a medium shall cause to be advertised cigarettes or any other tobacco

products through that medium and no person shall take part in any advertisement which directly or indirectly suggests or promotes the use or consumption of cigarettes or any other tobacco products.

(2) No person, for any direct or indirect pecuniary benefit, shall—

(a) display, cause to display, or permit or authorise to display any advertisement of cigarettes or any other tobacco product; or

(b) sell or cause to sell, or permit or authorise to sell a film or video tape containing advertisement of cigarettes or any other tobacco product; or

(c) distribute, cause to distribute, or permit or authorise to distribute to the public any leaflet, hand-bill or document which is or which contains an advertisement of cigarettes or any other tobacco product; or

(d) erect, exhibit, fix or retain upon or over any land, building, wall, hoarding, frame, post or structure or upon or in any vehicle or shall display in any manner whatsoever in any place any advertisement of cigarettes or any other tobacco product:

Provided that this sub-section shall not apply in relation to—

(a) an advertisement of cigarettes or any other tobacco product in or on a package containing cigarettes or any other tobacco product;

(b) advertisement of cigarettes or any other tobacco product which is displayed at the entrance or inside a warehouse or a shop where cigarettes and any other tobacco products are offered for distribution or sale.

(3) No person, shall, under a contract or otherwise promote or agree to promote the use or consumption of—

(a) cigarettes or any other tobacco product; or

(b) any trade mark or brand name of cigarettes or any other tobacco product in exchange for a sponsorship, gift, prize or scholarship given or agreed to be given by another person. [UNQUOTE]

And Rule 4 of Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, production, Supply and Distribution) Rules, 2004 reads as under;

[QUOTE] 4. *Prohibition of advertisement of cigarette and other tobacco products.—(1) The size of the board used for advertisement for cigarettes and any other tobacco products displayed at the entrance or inside a warehouse or a shop where cigarettes and any other such tobacco products are offered for distribution or sale shall not exceed ninety centimetre by sixty centimetre and number of such boards shall not exceed two.*

(2) Each such board shall contain in the Indian language as applicable, one of the following warning occupying twenty-five percent, of top area of the board, namely: -

(i) Tobacco Causes Cancer, or

(ii) Tobacco Kills

(3) The board referred to in sub-rule (2) shall contain only the brand name or picture of the tobacco products and no other promotional message and picture [UNQUOTE]

LAW POINTS

9. That the law points involved in this Writ petition are as follows: -

- i. Whether it is the duty of the government to implement and enforce all the legislated and notified legal provisions of a law **OR** whether implementation and enforcement of penal provision of a legislated parliamentary law is the discretion of the Secretary and other executives working in the respective Ministry/Department.
- ii. Whether the Union Ministry of Health and Family Welfare had acted unlawfully by not redressing complaints received with regard to violations of section 5 of COTPA and by not initiating prosecution for violations of section 5 even though it had lawfully notified u/s 25 a "Steering Committee" to initiate action.
- iii. Whether the Union Ministry of Health and Family Welfare acted lawfully by first forming a "Steering Committee" to look into serious violations of COTPA and then negate its responsibility and the legal guidelines by not calling the meeting of the "Steering Committee" and by not providing the necessary resources to the "Steering Committee" to function.
- iv. Whether the respondent can act in a manner so as to defeat the objectives and the spirit of a parliamentary law.
- v. Whether it was correct for the Union Ministry of Health to play to the galleries by announcing the "Steering Committee" and widely publicizing it; but actually do nothing to further the objective of the law.

10. That the petitioner has not filed any such Writ petition in this Hon'ble Court or Supreme Court of India.
11. That the matter is of vital general importance affecting the general public and the entire country and requires intervention of this Hon'ble Court to direct the respondents to strictly follow the legislative intent of COTPA and the formation of the "Steering Committee" in its letter and spirit.
12. That it is a fit case in which this Hon'ble Court may be pleased to intervene and issue the necessary directions for carrying out all the provisions of Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 in its letter and spirit and for specifically taking cognizance of violations of Section 5 by the big companies and otherwise.
13. That there is no other effective and efficacious remedy available to the petitioner except approaching this Hon'ble Court under Article 226/227 of the Constitution of India.

RELIEF SOUGHT

It is, therefore, respectfully prayed, that an Order, Writ or direction in the nature of Writ of Mandamus or any other appropriate Writ be issued directing the respondent to make the notified "Steering Committee" operational and immediately allocate the necessary infrastructure and resources for the functioning of the "Steering Committee;"

And

Writ, order or direction in the nature of Writ of Mandamus be issued, directing the Union Ministry for Health, respondent no. 1 to include in its agenda for the "Steering Committee," all the complaints by any member of the public and all the specific items for agenda forwarded by any member of the "Steering Committee" all of this be placed before the "Steering Committee" after completing the necessary background work as required;

And

Writ, order or direction in the nature of Writ of Mandamus be issued, directing the Union Ministry for Health to make sure that all the identified and complained about violations of Section 5 are efficiently and without delay sent for prosecution once all or any of the present member(s) of the "Steering Committee" take cognizance of any of the violations and complaints relating to Section 5 of COTPA. The respondent also be directed to strictly adhere and implement all the provisions relating to tobacco control in the true spirit of "Framework Convention on Tobacco Control" and "Cigarette and other Tobacco Products Act 2003;"

And

Any other order, this Hon'ble Court deems fit and proper in the circumstances of this case be also made.

And

Filing of certified and fair typed copies of annexure may kindly be dispensed with, and permission to file Photostat copies be granted.

Place: Chandigarh

Date:- September 17, 2007

PETITIONER

(H C ARORA, ABHISHEK ARORA)

ADVOCATES

COUNSELS FOR THE PETITIONER

Verification:

Verified that the contents of paragraphs 1 to 8 and 10 to 13 are true and correct to my knowledge and contents of para no. 9 are believed to be true and correct on the basis of received legal advice. No part of it is false and nothing material has been concealed therein.

Chandigarh

Date:- September 17, 2007

PETITIONER

IN THE HON'BLE HIGH COURT OF PANJAB & HARYANA AT
CHANDIGARH

C.W.P. No _____ of 2007

(Public Interest Litigation)

Burning Brain Society

....Petitioner

Versus

Union of India

....Respondent

Affidavit of Hemant Goswami, S/o Sh B. M. Goswami aged about 36 years, Chairperson of Burning Brain Society, #3 Glass Office, Shivalikview Business Arcade, Sector 17-E, Chandigarh 160017.

In support of CIVIL WRIT PETITION under article 226/227

I, the above named deponent, do hereby solemnly affirm and declare as under:-

1. That the deponent has gone through the contents of the accompanying captioned writ petition and have properly & completely understood the true import & meaning thereof.
2. That the petition has been drafted as per my instructions and its contents are correct and as per my directions. The contents of paragraphs 1 to 8 and 10 to 13 are true and correct to my knowledge

and contents of para no. 9 are believed to be true and correct on the basis of received legal advice. These may kindly be read as part of this affidavit.

Place:- Chandigarh

Date:- September 17, 2007

DEPONENT

VERIFICATION:-

It is verified that the contents of para no. 1 to 2 of my above affidavit are true and correct to my knowledge, no part of it is false, and nothing material has been concealed therein.

Place:- Chandigarh

Date:-

DEPONENT

ANNEXURE P-1

THE GAZETTE OF INDIA: EXTRAORDINARY [PART II-SEC.3(i)]

MINISTRY OF HEALTH AND FAMILY WELFARE**NOTIFICATION**

New Delhi, the 17th October, 2006

G.S.R. 646(E).—In exercise of the powers conferred by Section 25 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003 read with rule 4 of the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Rules, 2004 the Central Government hereby constitutes a Steering Committee, with the following Members, to take action regarding violations of Section 5 of the said Act, namely :—

- | | |
|--|----------|
| 1. Secretary, Ministry of Health and Family Welfare, Government of India, New Delhi | Chairman |
| 2. Shri Sachin Pilot, Member of Parliament | Member |
| 3. Joint Secretary, Ministry of Information and Broadcasting, Government of India, New Delhi | Member |
| 4. Joint Secretary, Ministry of Law and Justice, Government of India, New Delhi | Member |
| 5. Joint Secretary, Department of Consumer Affairs, New Delhi | Member |
| 6. Director General, Directorate of Audio Visual Publicity, New Delhi | Member |

7. Director General, Press Information Bureau, New Delhi	Member
8. Representative of Advertising Standards Council of India,	Member
9. Representative of Press Council of India, New Delhi	Member
10. Ms. Shobha John, PATH CANADA, Mumbai	Member
11. Ms. Monica Arora, HRIDAY, New Delhi	Member
12. Shri R. Anil, Pasumai Thaayagam, Chennai	Member
13. Shri Hemant Goswami, Burning Brain Society, Chandigarh	Member
14. Dr. N. Chidambaram, Professor of Medicine Rajah Muttiah Medical College Hospital, Annamalai University	Member
15. Dr. P. C. Gupta, Healix-Sckhsarai Institute of Public Health, Navi Mumbai (Maharashtra)	Member
16. Shri D. P. Poddar, Voluntary Health Association of India, New Delhi.	Member
17. Joint Secretary (Public Health), Ministry of Health and Family Welfare, Government of India, New Delhi	Member- Convener

[F.No. H-11017/5/2004-PH]

BHAVANI THYAGARAJAN, Jt. Secy.

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ANNEXURE P-2**MOST URGENT**

HG/ST-COTPA/07/001

January 11, 2007

Ms. Bhavani Thyagrajan,

Joint Secretary Health-cum-Convener

[Steering Committee formed under Gazetted Notification No. GSR 646(E)]

Ministry of Health & Family Welfare

R.No. 343, A "Wing," Nirman Bhawan,

Maulana Azad Road, New Delhi-110011

MEETING OF THE STEERING COMMITTEE ON TOBACCO CONTROL

Madam,

This refers to the formation of the "Steering Committee" on October 17, 2006 under the Cigarette and Other Tobacco Control Act 2003 (COTPA) to take cognizance and pass orders on violations of Section 5 and other provisions of COTPA.

The undersigned who has been notified as a member of the said committee requests you to convene the first meeting of the Steering Committee at the earliest after completing the necessary administrative and legal formalities.

The meeting of the steering committee is urgently required in light of the growing violations by some tobacco corporate, traders and other persons. The committee

members (And the Ministry) have already started receiving complaints from concerned citizens. The complaints and the violation of the law by the tobacco industry need to be urgently tackled to keep the faith of the public in the MoH Steering Committee and in the process of law.

Some important items to be included in the agenda of the first meeting are suggested as a separate document annexed to this letter. It is requested that the items mentioned to be considered in the proposed agenda along with the other items to be placed in the agenda (As proposed by the other members) and the date of the first meeting be circulated immediately to all the members of the committee. Preceding the meeting, the necessary information be ordered to be arranged/compiled and the suggested necessary action (As mentioned in the suggested agenda; the accompanying document) be taken on priority. All details thereafter be placed before the "Steering Committee" for deliberation and further action.

It is suggested that the first meeting be convened before February 10, 2007.

Thanking you,

Yours cordially,

Hemant Goswami

Member, Steering Committee

Chairperson, Burning Brain Society

[GPO Box 137, General Post Office, Sector 17, Chandigarh 160 017

Telephone: +91-172-5165555, 5185600 E-Mail: hemant@burningbrain.org]

C/C:

- I. Dr Anbumani Ramadoss, Minister of Health & Family Welfare
- II. P.S. to Minister of Health & Family Welfare
- III. Minister of State for Health & Family Welfare
- IV. Secretary Health, Ministry of Health & Family Welfare
- V. All the members of the Steering Committee
- VI. WHO – TFI Program Officer

**PROPOSED ITEMS FOR THE AGENDA OF THE MEETING OF THE STEERING
COMMITTEE ON TOBACCO CONTROL**

ITEM NO 1:

To decide on the frequency of meetings of the “Steering Committee” and the mode in which day-to-day redress of the complaint received under Section 5 of the Cigarette and Other Tobacco Control Act 2003 (COTPA) shall be handled. To deliberate regarding development of a redress and action mechanism so that action on complaint/acts of violation can be taken within 48 hours of the violation. To discuss and deliberate regarding the manner in which the members of the Steering Committee may take suo-motu cognizance of the violations or act on complaints and the manner in which the notice to tobacco companies or other persons violating the provisions relating to advertising are issued. To discuss and deliberate if tele-conferencing, video-conferencing and web-conferencing meeting shall be considered valid meetings after reducing the minutes of all such meeting in writing. To discuss and deliberate on the minimum office infrastructure, dedicated staff and other office paraphernalia required for effective functioning of the Steering Committee and handling of complaints received regarding Section 5 violation.

REQUIRED ACTION AT THE CONVENERS END: To provide and arrange for the necessary secretarial support for the meetings of the steering committee, including the first meeting of the Steering Committee. To provide and arrange for the necessary official infrastructure/support for the meetings and for the day-to-day follow up of action of the Steering Committee decisions. To seek necessary budgetary allocation and administrative support for effective and un-fettered functioning of the Steering Committee.

ITEM NO 2:

To consider and take action on the pending complaints relating to violation of Section 5 lying pending with the Ministry of Health & Family Welfare:

REQUIRED ACTION AT THE CONVENERS END: All the complaints received by the MoH regarding any matter appearing to be a violation of Section 5 be placed before the committee along with a properly indexed annexure mentioning briefly the following;

- 1) Subject matter of the complaint
- 2) Concerning (Name and address of the alleged violators)
- 3) Geographical Area/States
- 4) Whether the violation is limited to one State or more than one
- 5) Complaint made by/Information acquired from (Name, Address/Source)
- 6) Date of complaint/Information
- 7) Whether any enforcement agency/court has already taken cognizance of the violation
- 8) Action taken till date

All document (The complete correspondence and file) relating to each and every complaint be also laid before the committee.

ITEM NO 3:

To consider, take note and corrective action of the inaction by the various enforcement agencies despite specific complaint of violation of Section 5 of the “Cigarette and Other Tobacco Control Act 2003,” and the rules made there under.

REQUIRED ACTION AT THE CONVENERS END: All the information (Received through regular mail, e-mail or available through newspaper reports) available with the MoH on inaction by the enforcement agencies or such case where the enforcement agency has not taken cognizance of the violation of Section 5 be compiled, properly tabulated (As mentioned at the agenda item 2; above) be placed before the Steering Committee for consideration.

ITEM NO 4:

To deliberate, consider and take action on the continuing violation of provisions of Section 5 by the tobacco company M/s Godfrey Phillips India Ltd (GPI).

GPI continues to use the trade name and brand “Godfrey Phillips” (Used in relation with tobacco product) for sponsorships and brand building.

REQUIRED ACTION AT THE CONVENERS END: All the information (Received through regular mail, e-mail or available through newspaper reports) available with the MoH with regard to M/S Godfrey Phillips India Ltd. be placed before the Steering Committee. The complaints and information available regarding the sponsorship and promotion of “Bravery Awards” and “Blood Donation” exercise in the brand name of “Godfrey Phillips” be placed before the Steering Committee. Information be sought from the “Registrar of Trade Marks, Mumbai” regarding the category of registration of the word and combination of words “Godfrey Phillips” in the trade mark registry.

ITEM NO 5:

To deliberate, consider and take action for the continuing violation of provisions of Section 5 by the tobacco company M/s ITC Ltd.

ITC is using the trade name and brand "WILLS" and "JOHN PLAYER," (Which are otherwise in use as brands for the tobacco products "Cigarette") on non-tobacco products and thereby using these brand-names and trade-marks for advertising, sponsorships and brand building.

REQUIRED ACTION AT THE CONVENERS END: All the information (Received through regular mail, e-mail or available through newspaper reports, etc.) available with the MoH with regard to M/S ITC Ltd. be placed before the Steering Committee. The complaints and information available regarding the use, sponsorship and promotion of "WILLS" and "JOHN PLAYER" trade and brand name be placed before the Steering Committee. Information be sought from the "Registrar of Trade Marks, Mumbai" regarding the category of registration of the word and combination of words "WILLS," "JOHN PLAYER" and "ITC" in the trade mark registry.

ITEM NO 6:

To deliberate, consider and take action for the use of the combination of the word "ITC" by the tobacco company M/s ITC Ltd on it's non-tobacco products, especially those meant for children, like "Candies," "Notebooks" and "Greeting Cards."

ITC is using the trade name and brand "ITC" (Which is otherwise in use as in relation to tobacco products "Cigarette") on non-tobacco products and thereby using the umbrella brand and trade-mark ITC for advertising, sponsorships and brand building.

REQUIRED ACTION AT THE CONVENERS END: Information be sought from the "Registrar of Trade Marks, Mumbai" regarding the category of registration of the word and combination of words "ITC" in the trade mark registry.

ITEM NO 7:

To deliberate, consider and take action for the use of the brand/trade names “Pan Parag,” “Manikchand,” “501 Pataka” and such other tobacco product brands on other non-tobacco edible and non-edible products and thereby circumvention of the law by advertising these non-tobacco products bearing the same brand name.

REQUIRED ACTION AT THE CONVENERS END: All the information (Received through regular mail, e-mail or available through newspaper reports, etc.) available with the MoH with regard to such like violation be placed before the Steering Committee. Complete financial statements, audited balance sheet with specific break-up of expenses of advertisements on non-tobacco products and the sale and profit (Of all such advertised products) be sought from all such tobacco companies in a time-bound manner. Information be also sought from the “Registrar of Trade Marks, Mumbai” regarding the category of registration of these brand-names.

ITEM NO 8:

To deliberate, consider and take action for the use of the brand/trade names of tobacco product trade-name/brands on children Kites.

REQUIRED ACTION AT THE CONVENERS END: All the information/complaint (Received through regular mail, e-mail or available through newspaper reports, etc.) available with the MoH with regard to such like violation and the action taken by MoH till date on these complaints be placed before the Steering Committee.

ITEM NO 9:

To deliberate, consider and take action regarding the continuing violation by certain movie producers and production house with regard to promotion of tobacco consumption and tobacco products through motion pictures.

REQUIRED ACTION AT THE CONVENERS END: To place all the information/complaint available with the MoH in this regard.

ITEM NO 10:

To decide the next date of the meeting of the Steering Committee and to deliberate on any other matter which the members of the "Steering Committee" may decide. It is proposed that the meetings be conducted at least once every fortnight and a system be devised to handle the complaints/acts of violations in-between meetings on day-to-day basis. System be evolved to reach all geographic areas of the country.