

Supreme Court declines to stay HC ruling on tobacco pictorial warning

TNN | Dec 23, 2017, 04:29 IST

NEW DELHI: The Supreme Court declined on Friday to stay the Karnataka High Court ruling reducing the size of pictorial warning on packets of cigarette, gutka and other tobacco products to 40% from present 85% as the December 15 HC judgement is not available in public domain yet.

Two petitions, one by NGO 'Health for Millions' and the other by activist Umesh Narain through senior advocates Anand Grover and advocate Aishwarya Bhati, requested the vacation bench of Chief Justice Dipak Misra and Justice Sanjay Kishan Kaul for a stay on the HC ruling even without the availability of the HC judgment as it seriously hurts public health and right to life of citizens.

But appearing for companies manufacturing tobacco products, senior advocates Vikas Singh and Sajan Poovayya said the SC needed to examine the issue in detail as the HC had struck down the 2014 Rules mandating 85% pictorial warning under Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act (2003) as unconstitutional.

The bench agreed that the issue requires detailed consideration for the purpose of grant of interim relief and requested the HC to upload the December 15 judgement on its official website.

The SC posted the matter for hearing on January 8 and added a caveat that the tobacco products manufacturers would not claim equity because of this postponement of hearing.

In a significant ruling, the HC had struck down the 2014 Rules mandating that 85% of the principal display area on packets of tobacco products be covered by specified health warnings.

A HC bench of Justices B S Patil and B V Nagarathna said the new stipulation under the Cigarettes and Other Tobacco Products (Packaging and Labelling) Amendment Rules, 2014, was unconstitutional. It ordered that the 2008 Rule mandating the warnings to cover 40% of the packet should replace the existing one.

Source: <https://timesofindia.indiatimes.com/india/supreme-court-declines-to-stay-hc-ruling-on-tobacco-pictorial-warning/articleshow/62215787.cms>