
(2002) 07 AHC CK 0065

In the Allahabad High Court

Case No : Crim. Miscellaneous Writ Petition No. 3654 of 2002

Rajendra Kumar Gupta and Others.

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

Date of Decision : 18-07-2002

Acts Referred:

Constitution of India, 1950 — Article 21
Penal Code, 1860 (IPC) — Section 272, 273, 274
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Penal Code, 1860 (IPC) — Section 272, 273, 274

Citation : (2004) 2 UPLBEC 1116

Hon'ble Judges : M. Katju, J;D.R. Chaudhary, J

Bench : Division Bench

Judgement

M. Katju, J.—Learned Government Counsel may file counter affidavit within one month.

2. Until further orders, we stay the arrest of the Petitioners in case crime No.289 of 2002, u/s 272, 273, 274 IPC an 7/116 of P.P. Act P.S. Govind Nagar District Kanpur Nagar but the investigation may go on.

3. The allegations against the Petitioners are that they were making fake Pan Masala. The Learned counsel for the Petitioners has staled that the Petitioners do not manufacture Pan Masala at all and they are manufacturing industrial Kachh, which is used for industrial purpose.

4. Pan Masala and Gutkha have been clearly established by scientific tests to be hazardous to, the life of the people who consume them as they are carcinogenic (cancer causing) substances. The incidence of mouth cancer is very high in these areas where Pan Masala and Gutka are consumed. Even the school going children have started consuming these harmful things, and it is reported that two crore young people are consuming them. In our opinion the manufacturers and sellers

of Pan Masala and Gutka are merchants of death. The activity of manufacturing and sale of Gutka (by whatever name called and with whatever label) is clearly increasing the number of deaths by cancer in this country and has to be stopped immediately through the State of Uttar Pradesh. In our opinion such activities are violative of Article 21 of the Constitution of India. The State of Maharashtra has recently banned production, sale and advertisement of Pan Masala and Gutka by a notification, A similar ban has been imposed earlier by many State Governments. These ban were imposed on the basis of reports of medical experts.

5. We direct the U.P. Government to issue a similar notification forthwith without any delay.

6. We further direct that until further orders from today all manufacturers and sale of Pan Masala and Gutka etc. (by whatever they may be called or under whatever label they are sold) shall be slopped immediately, and the administration including the police will see it to that manufacture of Pan Masala and Gutka are no longer permitted any further.

7. List this case on 19th August, 2002 as part heard.

8. Let a copy of this order be sent by the Registrar General of this Hon''ble Court to the Chief Secretary, Health Secretary, Home Secretary and D.G.P. Uttar Pradesh, forthwith. A copy of this order shall also be sent to the Health Secretary, Central Government, The Chief Secretary shall communicate this order to all District Magistrates in the State who will ensure its compliance.