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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11429/2024

JAGATMITRA FOUNDATION

.....Petitioner

Through: Dr. Gaurav Aggarwal, Advocate

versus

UNION OF INDIA THROUGH MINISTRY OF
HEALTH AND FAMILY WELFARE & ORS

.....Respondents

Through: Mr. Kirtiman Singh, CGSC with Mr.
Rudra Paliwal (GP), Mr. Waize Ali
Noor, Mr. Varun Pratap Singh, Mr.
Maulick Khurana, Mr. Varun
Rajawat, Mr. Rudra Paliwal and Mr.
Ranjeev Khatana, Advocates

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER
20.08.2024

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1. Present public interest petition has been filed seeking directions to the respondents to *inter alia* take immediate and effective action against the illegal online sale of hookahs and its variants on e-commerce platforms without proper specified health warnings and establish sterner mechanisms for age verification, monitoring and regulating online sales of hookah products.
2. Learned counsel for the petitioner states that hookah smoking in public space results in second hand smoke which is a health risk for people who do not smoke, as it contains smoke from the tobacco as well as smoke



from the heat source used in the hookah. He also states that hookah smoking could lead to spread of communicable diseases as bacterial isolates are often found in hookah hoses. He further states that uncontrolled sale and promotion of tobacco products through various e-commerce platforms is in direct violation of existing legal frameworks, specifically the Cigarettes and Other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003. He submits that the same also infringes upon the public's right to health and safety under Article 21 of the Constitution of India.

3. A perusal of the paper book reveals that the petitioner has not made any representation to the respondent before approaching this Court. Accordingly, the present writ petition is disposed of with a direction to respondent nos. 1 and 2 to treat the writ petition as a representation and to decide the same and take necessary action, if required, in accordance with law within 12 weeks.

4. In the event the petitioner is aggrieved by the decision/ inaction of the respondents, the petitioner shall be at liberty to file appropriate proceedings in accordance with law.

5. This Court clarifies that it has not commented on the merits of the controversy. The rights and contentions of all the parties are left open.

ACTING CHIEF JUSTICE

TUSHAR RAO GEDELA, J

AUGUST 20, 2024/Aj